



**CABINET**  
**DECISION NOTICE**

Publication Date: 19<sup>th</sup> January, 2017

At a meeting of the Cabinet held on 18<sup>th</sup> January, 2017 the following matters were discussed. The decisions of Cabinet are set out below each item along with reasons for the decision and other options considered.

**PRESENT:** Councillor Oxby (in the Chair)  
Councillors Chase, Hyldon-King, Patrick, Watson and Wheatley

DN.102 **APOLOGIES FOR ABSENCE**

An apology of absence was received from Councillor James from this meeting.

DN.103 **DECLARATIONS OF INTEREST**

Councillors P Wheatley and Hyldon-King both declared a personal interest in item DN.105 as members of the civic society.

DN. 104 **MINUTES**

The minutes of the Cabinet meeting held on 21<sup>st</sup> December, 2016 were approved as a correct record.

DN.105 **JUNCTION IMPROVEMENTS**

Cabinet considered a report from the Deputy Leader and Portfolio Holder for Energy and Environment and the Portfolio Holder for Regeneration, Skills and Housing seeking approval for a programme of improvements to three major junctions on North East Lincolnshire's strategic highways network.

**RESOLVED –**

- (1) That the petitions be received.**
- (2) That the options for junction improvement presented in the report now submitted and the associated Officer recommendations be noted and that:**
  - The existing Toll Bar roundabout be removed and replaced with a signalised crossroads junction, with appropriate integrated pedestrian and cycle safety measures.**
  - the Littlecoates Road/Cambridge Road roundabout be enlarged with appropriate integrated pedestrian and cycle safety measures.**
  - The existing Nuns Corner roundabout be retained with appropriate integrated pedestrian and cycle safety measures.**
- (3) That the Director for Economy and Growth be authorised, in consultation with the Director of Finance Resources and Operations, to negotiate with the Greater Lincolnshire LEP in respect of the Local Government Fund grant to lobby that these funds continue to be secured for infrastructure investment in North East Lincolnshire.**
- (4) That the Director for Economy and Growth be authorised, in consultation with the Portfolio Holder for Energy and Environment and the Portfolio Holder for Regeneration, Skills and Housing to instruct the Council's Regeneration Partner, ENGIE to:**

- finalise the infrastructure design for each of Cabinet's preferred options;
- commence a procurement exercise for the award of contracts for the construction of each of these preferred options;
- manage the risks relating to, and arising from these preferred options prior to final tender prices being available for the works;
- oversee and monitor the construction of each scheme by the appointed contractor.

**(5) That the Director of Economy and Growth be authorised to ensure that all actions necessary and ancillary thereto be completed.**

REASONS FOR DECISION – Implementing the proposed junction improvement programme will improve the capacity of North East Lincolnshire's strategic highway network to accommodate current traffic levels and forecast traffic growth. Increasing the capacity of the strategic highway network is essential if the Council's future economic growth and housing aspirations are to be realised.

Failure to increase the capacity of all three junctions will have a significant impact on the Council's ability to deliver the spatial strategy set out in the Submitted Draft Local Plan and could result in housing and employment development on a number of strategic sites being stalled, thereby impacting upon the ambition for economic growth over the plan period. The programme will also improve provision for pedestrians and cyclists at all three junctions, improving road safety and supporting participation in cycling and walking.

OTHER OPTIONS CONSIDERED – The Council could have chosen to do nothing in respect of the proposed junction programme. This option has not been pursued because:

- not improving the capacity of the existing highway network would, if current levels of traffic growth are sustained, lead to unacceptable congestion; impact on the future adoption and delivery of the Local Plan; and place the Council at risk of failing to exercise its statutory duties under the Traffic Management Act 2004
- not implementing road safety measures could place the Council at risk of failing to exercise its statutory duties under the Road Traffic Act 1988
- failure to deliver the proposed improvement schemes could jeopardise the availability of the Local Growth Fund grant for the programme and potentially create reputational risks for the Council in respect of future bids for funding.

**THE FORMER MATTHEW HUMBERSTONE LOWER SCHOOL SITE –  
TO BECOME AN OPERATIONAL PRIMARY SCHOOL SITE**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion and Portfolio Holder for Children and Young People seeking approval to refurbish and return into use the former Matthew Humberstone Lower School, for the purpose of primary education.

**RESOLVED –**

- (1) That the agreement be given now that phase one is complete (demolition of the sports block, removal of mobiles and roof repairs), to proceed with a phase two programme of works enabling the former Matthew Humberstone Lower School to be refurbished and utilised for primary provision.**
- (2) That subject to approval of recommendation one above, and all necessary approvals resulting in the relocation of Bursar Street School, that this site be approved in principle for disposal.**
- (3) That subject to all necessary approvals being obtained, the Director of Finance, Resources and Operations in consultation with the Portfolio Holder for Finance, Resources and Inclusion be authorised to approve the detailed terms relating to the disposal of the Bursar Street site and the Matthew Humberstone Lower playing pitch site.**
- (4) That the Monitoring Officer to the Council be authorised to complete all requisite legal documentation in relation to the matters outlined in the points above.**

REASONS FOR DECISION – The Local Authority (LA) has a statutory duty to ensure sufficient provision of school pupil places for its residents. Cleethorpes is one identified area of the Borough where the birth rate growth has been significant. The Local Plan identifies pockets of land for development within this area of the Borough which may further exacerbate the primary places pressures. The former Matthew Humberstone Lower School site is already in the ownership of the Council. The site is located within a catchment area that includes Bursar Primary Academy, a 210 place provider, unable to grow and which has no playing field provision.

A decision on the future of the former Matthew Humberstone Lower site is now required to allow officers to undertake a second phase of works to refurbish the former school buildings to allow the relocation of Bursar Primary Academy and the immediate generation of an additional 105 primary pupil places which is due to meet projected capacity over the next seven years.

In addition, officers would look to use monies from negotiated section 106 contributions arising from any new housing developments within the immediate area. should pupil numbers rise as a result of the developments, any negotiated s106 contributions would be utilised for the further refurbishment or additional build projects on the site to facilitate the incumbent pupil numbers.

**OTHER OPTIONS CONSIDERED** – There are no other options within this area of the Borough which will provide the Council and the Academy Provider with the opportunity for enhanced and additional pupil population growth of this scale, without land acquisition.

To do nothing would result in the current provision being retained and providing no opportunity for enhancement or future capacity. The Council would have missed an opportunity to utilise a former school site to create primary provision within a part of the Borough subject to current and future capacity issues in respect to pupil places, and instead would have to look at alternative options with the site. Whilst there will still be a need to consider the future for the surplus Bursar site, it should be noted that this would be subject to Schedule 1A consent being obtained from the SoS which is considered to be a relatively straightforward process.

DN.107

**DISPOSAL OF PROPERTY AT LESS THAN BEST CONSIDERATION  
– LEASE OF FORMER TRIN YOUTH CENTRE, TRINITY ROAD,  
CLEETHORPES**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion seeking authority to dispose of the subject site by way of granting a lease for youth activities.

**RESOLVED –**

- (1) That the Grimsby Boxing Academy (“the group”) be granted a lease of the subject property for a term of 25 years at £100 per annum.**
- (2) That the Director of Finance, Resources and Operations, in consultation with the Portfolio Holder for Finance, Resources and Inclusion be delegated responsibility to ensure that all necessary actions are carried out in order to complete and approve the detailed terms of the disposal.**
- (3) That the Monitoring Officer be authorised to complete all requisite legal documentation in relation to the matters outlined above.**
- (4) That, until disposal is ultimately achieved, the Council continues its commitment to maintaining the property.**

REASONS FOR DECISION – The Former Trin Youth Centre was included as part of the reorganisation of the Youth Service and as a result was closed by the Council in early 2014. As a result of the outcome of tenders the lead provider proposed a use for this building and as result negotiations were underway in respect to a long lease. This opportunity is no longer an option and it has been confirmed that there is no requirement for the building – as a result, the building is surplus and required disposal. The nature of the building however could lend itself naturally to other ‘youth related’ activities. A decision taken by cabinet on the 17 February 2016 proposed to place the property on the open market to seek out any interest for this type of tenant.

OTHER OPTIONS CONSIDERED – To do nothing would see the property remain vacant and both youth and community benefit not being accessible in this area. The Council also risk continuing to be wholly liable for the property together with all future associated expenditure. It is therefore not considered a viable option.

The freehold disposal is not considered appropriate at this time as there is the requirement that the Council will continue to have the desire to enable a youth and community provision utilising this site. There is a need to support the proposal by way of a lease to ensure the use of the facility continues. Should the property become vacant and unused in future, the Council retains an element of control in respect to future action to prevent any unauthorised uses, and could if it was deemed appropriate, be in a position to progress a freehold disposal in future.

DN.108

**THE TRANSFORMATION OF SERVICES FOR CHILDREN AND YOUNG PEOPLE AGED 0-19+ YEARS**

Cabinet considered a report from the Portfolio Holder for Children and Young People on the transformation of services we deliver for children and young people, setting out our vision.

**RESOLVED –**

- (1) That the characteristics of our future way of working, to deliver outcomes for families, children and young people be approved.**
- (2) That the Council proceeds with the reshaping of provision for children and families.**
- (3) That progress on the programme be reported at regular intervals to the Children and Young People’s Scrutiny Panel, and Cabinet as required and overseen by the Children’s Partnership Board.**

REASONS FOR DECISION – To progress the Cabinet decision of February 2016 to focus on key commissioning programmes for the borough, the 0-19 programme being one of these.

OTHER OPTIONS CONSIDERED – Whilst the Prevention and Early Intervention and the Creating Strong Communities projects have had a positive impact on reducing demand to social care, services are currently configured in a way that is difficult to navigate and are not aligned to the drivers of demand. Doing nothing is not a realistic option as it will not have the required system change or be sustainable within available resource allocation.

DN.109

**A18 AECOM REPORT – FORMAL CONSIDERATION**

Cabinet considered a report from the Portfolio Holder for Energy and Environment detailing the independent review report produced by AECOM Ltd.

**RESOLVED –**

- (1) That the independent review report produced by AECOM Ltd appended to this report now submitted be considered, and thereby complete the actions required by HM Coroner.**
- (2) That it be noted, the Council's partner ENGIE, with whom the independent review was jointly commissioned, were similarly required to formally consider its output.**
- (3) That the Director of Economy and Growth be authorised to secure the necessary funding to enable ENGIE to be commissioned to undertake a detailed feasibility study examining the Composite Road Safety Scheme for the A18 more thoroughly along with the development of a detailed business case.**
- (4) That upon completion of the detailed feasibility study and business case referred to above, the Director of Economy and Growth be authorised to instruct ENGIE, in conjunction with the Portfolio Holder for Energy and Environment, to make representations to the Department for Transport and all other potential sources of transport infrastructure funding to enable the Composite Road Safety Scheme for the A18 to be delivered in whole or in part as evidenced to be the most effective and efficient.**
- (5) That the Director of Economy and Growth ensures that a final report be presented to Cabinet upon the completion of the recommendations above, and subject to consultation as**

**appropriate for major schemes having been completed, setting out the recommended delivery and funding options for implementation and delivery of any proposed scheme.**

REASONS FOR DECISION – The reasons for the first two decisions recommended to be taken is that they enable the Council, together with ENGIE, to comply with the directions of HM Coroner and the stipulations set out in his Report on the Prevention of Future Deaths.

The reason for the third decision recommended to be taken is to seek support, and specifically financial support, to enable the stretch of the A18 in question to benefit from improvements all aimed at reducing the likelihood of future tragic incidents.

Throughout the process of carrying out the actions in the Report on the Prevention of Future Deaths, HM Coroner's officers have regularly been updated on progress to enable the Cockburn family and their representatives in turn to be kept informed.

OTHER OPTIONS CONSIDERED – Do nothing. Doing nothing is not an option as that would mean that the Council and ENGIE were not acting in compliance with directions and the Prevention of Future Deaths Report issued by HM Coroner.

HM Coroner's legal powers derive from the Coroners and Justice Act 2009 (including specifically paragraph 7, Schedule 5 and in respect of Reports on the Prevention of Future Deaths from regulations 28 and 29 of the Coroners (Investigations) Regulations 2013. These Reports are circulated to the Chief Coroner and the parties must respond detailing action taken and actions proposed to be taken.

DN.110

### **DESIGNATED STOP OVER SITE**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion providing an update on progress on the identification of a suitable site to be used as a Gypsy and Traveller Designated Stopover Site.

#### **RESOLVED –**

- (1) That the progress made by officers to date in seeking a suitable 'Designated Stopover Site' for Gypsy and Travellers travelling through North East Lincolnshire be noted.**
- (2) That a further report outlining options for the provision of the 'Designated Stopover Site' for Gypsy and Travellers which will result in either one site based on 15 pitches or multiple sites based on 5 pitches, be referred to the Regeneration, Environment and Housing Scrutiny Panel for consideration prior to submission to Cabinet at the earliest opportunity.**



REASONS FOR DECISION – Historically, local authorities have been required by the Government to objectively assess the need for both permanent and temporary Gypsy and Traveller sites. Where a Housing need is identified the Council should endeavour to ensure that need is met with suitable accommodation.

Changes to planning policy now require Council's to not only objectively assess and identify need, but to ensure sites are delivered to meet that need. Failure to do so would result in the new Local Plan being determined as 'unsound'.

Currently, North East Lincolnshire has two permanent but no temporary sites. The recent Gypsy & Traveller Needs Assessment established an identified requirement of a minimum of five temporary pitches. The Council has to take positive steps in delivering a temporary stopover site in order to support the adoption of the Local Plan and to reduce the instances of unauthorised encampments within North East Lincolnshire.

#### OTHER OPTIONS CONSIDERED –

Do nothing would result in no provision of an adequate DSS to enable the Police to utilise their powers to move unauthorised encampments (providing there was adequate space) reducing their occurrence, minimising costs and improving community relations. Failure to address the temporary accommodation needs of gypsies and travellers could place the local plan at risk through the examination process;

Encourage a third party to deliver a DSS – following approaches made to Social Housing Providers and other appropriate organisations all indications to date are that there are no third parties interested in delivering a DSS in the area. Reliance on this would likely result in a 'do nothing' approach as above.

Consider provision on a site in another Local Authority area this option was investigated and approaches made to Neighbouring Local Authorities, but no available / suitable site or agreement to lease could be secured. Any leasing agreement would need to ensure that space on a site was available between March and October otherwise illegal encampments in NEL could not be managed. NEL are the first Local Authority in the region to provide a Designated Stopping Site so no equivalent provision is available in other areas. Other authorities have permanent or transit sites which offer more facilities and are more costly to provide; therefore rarely have surplus availability as they will have been provided to meet the Local Authority's own local need.

DN.111

#### **EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED – That the press and public be excluded from the remainder of the meeting on the grounds that discussion of the following business was likely to disclose exempt information within**

paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

DN.112

**HUMBERSTON FITTIES – DISPOSAL OF THE SITE BY WAY OF A LEASE**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion on the process and results of a marketing exercise to dispose of the Humberston Fitties by way of a lease.

**RESOLVED –**

- (1) That the offer from the preferred bidder be approved – as outlined in section 2 of the report now submitted – and subject to recommendation 2; which will result in the disposal of the Fitties site (as per the plan outlined at Appendix One) for a fixed sum payable as a premium payment and a long leasehold interest (125 years’).**
- (2) That the matter be referred to Full Council for the matter to be debated.**
- (3) That if Full Council agree with the disposal as outlined in recommendation 1 above, the Director of Finance, Resources and Operations in consultation with the Portfolio Holder for Finance, Resources and Inclusion be authorised to approve the detailed terms relating the disposal.**
- (4) That the Monitoring Officer for the Council be authorised to complete all requisite legal documentation in relation to the matters outlined in the points above.**
- (5) That in the event that Full Council disagrees with Cabinet’s decision in relation to recommendation 1 above, the matter shall come back to Cabinet for a final decision to be made, in consideration of matters raised by Full Council.**

REASONS FOR DECISION – The Council is following up on the previous decision of cabinet of the 13 October 2014 where an in principle disposal was recommended and agreed.

The Council is following The Constitution in that any Key decision is taken by cabinet where the value and/or public and political interest in a decision is of substantial interest.

Cabinet are required to approve the recommendations outlined in this report which will result in a long lease of the subject site to a preferred bidder.

OTHER OPTIONS CONSIDERED – A total number of five bids were received and considered against price, financial sustainability, investment proposals and the social economic and environmental benefits. Details of the bids were set out in the report considered by Cabinet.

DN.113 **URGENT BUSINESS – VICTORIA MILLS**

Cabinet received and noted a report for information, confirming a decision taken under delegated powers regarding the Victoria Mills site.

**RESOLVED – That the urgent officer decision notice be noted.**

REASONS FOR DECISION – As set out in the Decision Record.

OTHER OPTIONS CONSIDERED – Not applicable