



CABINET
DECISION NOTICE

Publication Date: 27th November 2017

At a meeting of the Cabinet held on 22nd November 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 Hyldon-King, Patrick, Watson and P. Wheatley

DN.67 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bolton and James for this meeting.

DN.68 **DECLARATIONS OF INTEREST**

Councillor Oxby declared a personal interest in item DN.71 as his wife works for NAViGO and as a member of NAViGO himself. Councillor Hyldon-King declared a personal interest in item DN.71 as a member of NAViGO and Councillor Wheatley declared a personal interest as a member of the CCG.

DN.69 **MINUTES**

The minutes of the Cabinet meeting on the 25th October 2017 were approved as a correct record.

DN.70 **2017/18 MID YEAR (QUARTER 2) FINANCIAL MONITORING**

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism providing key information and analysis of the Council's financial position and performance at the end of quarter 2.

RESOLVED -

- (1) That the Quarter 2 Finance Monitoring Report be referred to Scrutiny for consideration.**
- (2) That the changes to the Capital Programme detailed in Appendix 1, of the report now submitted, be approved.**
- (3) That the revised Capital Programme included at Annex 1 of the report now submitted, be approved.**

REASON FOR DECISION - The report is important in identifying to cabinet both successes, to note progress, and areas of forecast revenue overspend and amendment to the capital programme where actions need to be taken. The area of focus commentary highlights the achievement of any milestones or potential risks affecting the delivery of outcomes.

OTHER OPTIONS CONSIDERED – N/A

DN.71 **DISPOSAL OF PROPERTY AT LESS THAN BEST CONSIDERATION – LEASE DISPOSAL OF THE FLORAL HALL AND CAFÉ, PEOPLES PARK, GRIMSBY**

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism seeking authority to dispose, by way of 25 year lease, the Floral Hall and Café at People's Park, Grimsby.

RESOLVED –

- (1) That, subject to approval of the Charity Commission, the granting of leases to Tukes of the subject facilities (Floral Hall and Café, Peoples Park) for a term of 25 years at a peppercorn rent (£1 per annum if demanded), be approved.**
- (2) That authority be delegated to the Director of Finance, Resources and Operations, in consultation with the Portfolio**

Holder for Finance, Community Assets, Governance and Tourism, the responsibility to ensure that all necessary actions be carried out in order to complete and approve the detailed terms of the disposals.

(3) That the Chief Legal Officer be authorised to complete all requisite legal documentation in relation to the matters outlined above.

REASONS FOR DECISION - A proposal has been received by Tukes which has been considered as part of the Council's approach to Community Asset Transfers (CAT). A proposal has been agreed in principle which could result in the transfer of the facilities to Tukes by virtue of 25 year leases, subject to Public notice and approval from the Charity Commission. The leases would continue to support the current management operation of the facilities by Tukes and ensure the proposal remains sustainable in the long term and ensure there is no cost associated with the operation of the facilities to the Council.

OTHER OPTIONS CONSIDERED - To do nothing would see the current management activities continue with restrictions for the organisation resulting in a limited offer and inflexibility in meeting the demands of users and the wider public. This will result in a negative impact to both the organisation and community. As Tukes have presented a robust case to tailor the management of the facilities to this demand and offer extensive social return on investment to ensure a longer term lease to support continued use of the facilities. The Council risk unnecessary and negative publicity as well as potentially being wholly liable for the facilities, together with all future associated expenditure without the opportunity to invest or expand the current use and activities therefore it is not considered a viable option to continue to operate the facility as currently.

A freehold disposal is not a an option as the Park is held on Trust to the Council who continue to be accountable and must uphold the terms of the original conveyance and gift of the land for the benefit of the general public.

DN.72

LOCAL GROWTH FUND 3 – IMPROVEMENT WORKS TO TOWN HALL SQUARE, RIVERHEAD SQUARE, ST JAMES SQUARE AND FREDERICK WARD WAY

Cabinet considered a report from the Portfolio Holder for Regeneration, Assets, Skills and Housing seeking approval for the Council to act as Accountable Body for and receive Local Growth Funding.

RESOLVED –

(1) That the proposal for the Council to act as Accountable Body for the Local Growth Fund grant be approved and agrees the receipt of these funds.

- (2) That the Director of Economy and Growth in conjunction with the Portfolio Holder for Regeneration, Assets, Skills and Housing, and in consultation with the Chief Legal Officer be authorised by Cabinet to:**
- a. Negotiate and finalise appropriate legal agreements between the Council and Humber LEP.**
 - b. Undertake public consultation on the proposals for St James House/St James Square.**
 - c. Undertake the procurement of capital activities required to deliver the programme activity in accordance with Council's Corporate Procurement Regulations.**
 - d. Put in place appropriate monitoring arrangements for the grant.**
- (3) To minimise any financial, compliance or other risks to the Council in discharging the Accountable Body function for the funds.**
- (4) That authority be delegated to the Director of Economy and Growth in conjunction with the Portfolio Holder for Regeneration, Assets, Skills and Housing, and in consultation with the Chief Legal Officer to ensure that all actions necessary and ancillary thereto be completed.**

REASONS FOR DECISION – The delivery of the £4.132m programme of capital works will unlock potential for significant private sector investment in the town centre enabling it to become a prosperous and distinctive location, as well as supporting the wider socio-economic growth potential.

Funding approval from the Humber LEP for the 'Unlocking the Potential' programme is expected in early November 2017, with an expectation of some expenditure during the 2017/18 financial year. Cabinet approval is required to ensure that the programme can commence delivery in early 2018.

OTHER OPTIONS CONSIDERED –

The Council could have chosen to do nothing as an alternative to taking the role of Accountable Body for the programme. This option has not been pursued because the programme would not proceed in the event that the Council did not take responsibility for managing the funds.

If the programme did not proceed this would result in reputational damage for the Council in its efforts to promote Grimsby Town Centre as

an investment location and would also impact on the Council's reputation with the Humber LEP.

DN.73

CLEETHORPES SEAFRONT TOWNSCAPE HERITAGE PROJECT

Cabinet considered a report from Portfolio Holder for Regeneration, Assets, Skills and Housing seeking approval for the Council to act as Accountable Body for, and receive Townscape Heritage funding.

RESOLVED –

- (1) That the proposal for the Council to act as Accountable Body for the Heritage Lottery Fund grant be approved and agrees to take receipt of the funds.**
- (2) That the Director of Economy and Growth in consultation with the Chief Legal Officer, Director of Finance, Operations and Resources and the Portfolio Holder for Regeneration, Assets, Skills and Housing is authorised to:**
 - a) Negotiate and finalise appropriate legal agreements between the Council and Heritage Lottery Fund;**
 - b) Finalise the project appraisal, approval and claims processes for the award of grants to third party property owners;**
 - c) Finalise appropriate legal agreements between the Council and third party property owners awarded grants through the Town Heritage programme, including the arrangements and contractual terms for the payment of grant monies to such recipients in accordance with the grant conditions and the monitoring of grants thereafter;**
 - d) Establish the proposed governance arrangements detailed in the report now submitted;**
 - e) Undertake the procurement of capital and revenue activities required to deliver the Town Heritage programme, in accordance with the Council's Corporate Procurement Regulations;**
 - f) To minimise any financial, compliance or other risks to the Council in discharging the Accountable Body function for the funds.**

- (3) That the Director of Economy and Growth be authorised in consultation with the Chief Legal Officer, Director of Finance, Operations and Resources and Portfolio Holder for Regeneration, Assets, Skills and Housing to ensure that all actions necessary and ancillary thereto be completed.**

REASONS FOR DECISION – Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to formulate and publish proposals for the preservation and enhancement of Conservation Areas and the Townscape Heritage programme will facilitate this. The Town Heritage programme will support the conservation and economic re-use of heritage assets within the Cleethorpes Central Seafront Conservation Area. The provision of grant support to property owners will de-risk and stimulate private investment in the restoration and re-use of historic properties in the Town Heritage area.

The Town Heritage programme will create new opportunities for residents and visitors to access and appreciate the area's heritage, contributing to the area's 'sense of place'. It will also encourage the development of heritage construction skills and enhance the long-term maintenance of the area's heritage assets.

The Town Heritage programme forms part of a wider initiative to support the economic regeneration of Cleethorpes, complementing the successful bid for Coastal Communities Funding announced earlier in 2017.

OTHER OPTIONS CONSIDERED – The Council could have chosen to do nothing as an alternative to taking on the role of Accountable Body for the project. This option has not been pursued because the Town Heritage programme would not proceed in the event that the Council did not take responsibility for managing the funds.

If the Town Heritage programme did not proceed this would result in reputational damage for the Council with local business/property owners and with Heritage Lottery Fund. This option would also result in heritage assets within the CCSCA remaining 'at risk.'

DN.74

THE DELIVERY OF THE TOGETHER FOR CHILDHOOD PROGRAMME

Cabinet considered a report from the Portfolio Holder for Children and Young People seeking support on the development of the Together for Childhood programme.

RESOLVED –

- (1) That in principle, the further development of the Together for Childhood programme, be supported.**

- (2) That an update on the Together for Childhood Programme be brought back to Cabinet after six months of this decision.
- (3) That the Together for Childhood report be referred to the Children and Life-Long Learning Scrutiny Panel for further consideration.

REASONS FOR DECISION –

To enable the Together for Childhood partnership and programme to progress and deliver the outcomes as aligned to outcomes framework and identified needs.

OTHER OPTIONS CONSIDERED –

This programme is an immense opportunity to improve outcomes for the Children and Young people most in need in North East Lincolnshire. Doing nothing is not a realistic option as this would not enable Council officers to make the most of the opportunities that place-based partnership working can bring and may damage the Council's reputation with key strategic partners. All research conducted prior to the commencement of this project by the Local Authority and its partners indicated that that an integrated, collaborative approach would bring potential significant reductions in demand and present opportunities for shared services and pooled budgets.

Significant and on-going evaluation throughout the life of the programme will inform any review or change of direction.

DN.75

URGENT BUSINESS - AWARD OF THE INTEGRATED SUBSTANCE MISUSE SERVICE PROVISION WITHIN NORTH EAST LINCOLNSHIRE

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care to authorise the award of the contract to provide an integrated substance misuse service within North East Lincolnshire.

This was deemed urgent to meet the mobilization deadline for the new contract of 1st January 2018 which gives a new provider 3 months for TUPE of staff.

This was considered under the Special Urgency provision and is therefore exempt from call-in.

RESOLVED –

- (1) That the awarding of the contract to the provider, as detailed in the closed appendix A, to the report now submitted, be approved.

- (2) That authority be delegated to the Chief Legal Officer to complete all requisite legal documentation in relation to the matters outlined above.**

REASONS FOR DECISION –

The decision of cabinet at the May 2017 Cabinet meeting in respect of the procurement of integrated substance misuse service provision within North East Lincolnshire was:

- (1) That a Preliminary Market Consultation activity as described in the report now submitted, be approved to allow early engagement of the market and to inform the procurement specification.
- (2) That the procurement of an integrated substance misuse service to be undertaken, be approved.
- (3) That a further report be submitted to Cabinet by way of update once all tenders have been evaluated with a view to making the following recommendations:
 - That authority be delegated to the Director of Health and Wellbeing in consultation with the Portfolio Holder for Health, and Wellbeing to award the contract for a new consolidated substance misuse service upon completion of the procurement exercise.
 - That the Monitoring Officer be authorised to complete all requisite legal documentation in relation to the matters outlined above.

North East Lincolnshire Council commissions drug and alcohol service provision within the borough, so that residents are able to access appropriate evidence based services for treatment and recovery of drug and alcohol related health problems. To ensure the borough has a fit for purpose service, a comprehensive substance misuse needs assessment has been completed by the Council, which included engaging with service users, partners, stakeholders and the community. The findings of the assessment informed a new service model and specification, and will also inform a drug and alcohol strategy and improvement plan for the area.

The integrated service model was presented to the market through a Preliminary Market Consultation (PMC), to test the model's deliverability and prepare the market prior to the procurement being published. The response to the PMC was positive.

The procurement process involves eight stages:

1. Pre-procurement considerations
2. Pre-procurement preparation
3. Preliminary Market Consultation

4. Procurement Scoping and Preparation
5. Procurement - Market Stage
6. Evaluation
7. Award
8. Mobilisation

Stages 1 to 6 have been completed within a timeline that allows, upon award, for a sufficient mobilisation period for these complex services, including any Transfer of Undertakings (Protection of Employment) Regulations (TUPE) staff and resulting in a successful bidder being selected.

OTHER OPTIONS CONSIDERED – Non award of the contract. A compliant bid has been received and evaluated in line with procurement regulations. If the council ceased commissioning the integrated substance misuse service, the community would have limited access to support, advice, guidance and treatment, therefore ‘non award of the contract’ would be a huge risk to the community.

DN.76

TRANSPORT FOR THE NORTH NOMINATIONS

Cabinet considered a request to appoint an Elected Member to the Transport for the North’s Members Board. This matter was considered urgent due to the deadline for nominations of 11th December 2017.

RESOLVED - That Councillor Watson be appointed as this Council’s representative on the Transport for the North’s Members Board.

REASON FOR DECISION – This was not a key decision but was classed as an executive appointment to ensure that the Council was represented on this significant body.

OTHER OPTIONS CONSIDERED – none.