



CABINET
DECISION NOTICE

Publication Date: 26th October, 2017

At a meeting of the Cabinet held on 25th October, 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 Watson (in the Chair)
Councillors Bolton, Hyldon-King, James and Patrick

DN.54. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Oxby and P. Wheatley for this meeting.

DN.55 **DECLARATIONS OF INTEREST**

There were no declarations of interest in any items on the agenda for this meeting.

DN.56 **MINUTES**

The minutes of the Cabinet meeting on the 27th September 2017 were approved as a correct record.

DN.57

SUBSTATION WALTHAM, FOOTPATH 72 REPRESENTATIONS

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism seeking authority to dispose of an area of land to accommodate the relocation of an electrical sub-station which is obstructing a public right of way known as Footpath 72. This item was deferred to this meeting at the Cabinet meeting held on 27th September, 2017 to allow further examination of the petition.

RESOLVED –

- (1) That subject to there being no suitable alternative site in the vicinity to the reasonable satisfaction of the Portfolio Holder for Finance, Community Assets, Governance and Tourism upon receipt of professional advice it is recommended;**
 - I. That Northern Powergrid be granted a lease of the subject site for a term of 60 years at peppercorn rent (£1 per annum if demanded).**
 - II. That the Director of Finance, Resources and Operations, in consultation with the Portfolio Holder for Finance, Community Assets, Governance and Tourism be delegated responsibility to ensure that all necessary actions are carried out in order to complete and approve the detailed terms of the disposal.**
 - III. That the Chief Legal Officer be authorised to complete all requisite legal documentation in relation to the matters outlined above.**

REASONS FOR DECISION - The subject site is currently left to open space following the development of the adjacent housing estate. Due to an existing substation obstructing a public right of way (Footpath 72) the Council must take steps to remove any obstruction. In consultation with Northern Powergrid, the subject site has been identified as a potential location to build a new sub-station. Further to a Public Notice process of advertising this proposal, representation from local resident and a petition has been received.

OTHER OPTIONS CONSIDERED - To not grant the lease would mean that another solution to the relocation of the substation from the route of Footpath 72 would have to be found. The Council would need to work with Northern Powergrid to find an alternative solution, and deal with continued pressure to ensure that the legal line of Footpath 72 can be walked

ENVIRONMENTAL COMPLIANCE IN THE COMMUNITY

Cabinet considered a joint report from the Portfolio Holder for Energy and Environment and the Portfolio Holder for Safer Communities and Public Protection making recommendations to reshape a number of key areas of service including stray dogs, fly-tipping, noise nuisance, litter and dog fouling.

RESOLVED –

- (1) That the adoption of the enforcement process as set out in Appendix A of the report now submitted, for waste compliance issues, be approved.**
- (2) That the consideration of the available options on litter and dog fouling enforcement be referred to the Communities Scrutiny Panel and a further report be brought back to Cabinet in due course.**
- (3) That the amended service level for management of stray dogs and noise nuisance as set out in Section 2 of the report now submitted be agreed and that authority be delegated to the Director of Finance, Operations and Resources in consultation with the Portfolio Holder for Safer Communities and Public Protection to make the necessary arrangements for future service delivery following expiry of our current contract in March 2018.**
- (4) That the tariffs for fixed penalty notice fines be reviewed and approves including a more robust payment method to reinforce behaviour change.**

REASONS FOR DECISION – The Smarter Neighbourhood Services Project seeks to reshape the service and deliver the outcome of a sustainable community. Work to refocus resource on priority areas means that the Council must consider new ways of delivering services which encourage the community to take responsibility and support behaviour change.

The changes to the waste and recycling service mean that householders will need to change their recycling habits and reduce the amount of waste they produce and dispose of. The Council must refocus on supporting this behaviour change and will establish a new team to raise awareness, educate, help and assist our community to cope with the changes. This means that the way some services are delivered will need to change to release the capacity required to undertake this work.

The recent public consultation on neighbourhood services and waste collection showed strong support for a zero tolerance approach to fly-

tipping, litter and dog fouling and some support for the commissioning of this function to a third party.

Members and the public have raised their concerns about the level of fly-tipping, littering and dog fouling in the area and the Council wishes to explore options in relation to the potential to procure a third party provider for the enforcement of this anti-social behaviour. This option could offer an opportunity to realise increased focus on enforcement and releases capacity to assist with community education and engagement on recycling and waste minimisation.

It is proposed that domestic noise complaints will be dealt with in the same way as commercial noise complaints. The adoption of an amended approach to the investigation of statutory domestic noise nuisance will allow smarter service delivery and will release capacity for the higher priority work. The amended approach will focus on self-help and education however, robust evidence based enforcement will improve long term outcomes.

OTHER OPTIONS CONSIDERED –

Keep the existing services.

To continue with the existing service does not enable the Council to meet demand from new areas of priority such as littering, dog fouling and fly tipping and the support required for the new waste and recycling service without using additional resources. This is unaffordable.

An alternative enforcement process.

Any alternative enforcement process will not have been developed in consultation with the scrutiny group. The proposed option, however, will be reviewed and improved according to performance and customer experience.

DN.59

DISPOSAL OF COUNCIL OWNED VEHICLES AND ASSETS

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism seeking to commence a procurement exercise for the disposal of Council owned vehicles and assets.

RESOLVED –

(1) That the Director of Finance, Resource and Operations in consultation with the Portfolio Holder for Finance, Community Assets, Governance and Tourism be authorised to commence a procurement exercise for the disposal of assets as set out in the report now submitted.

(2) That the Director of Finance, Resource and Operations in consultation with the Portfolio Holder for Finance, Community

Assets, Governance and Tourism be authorised to award such contract.

(3) That the Monitoring Officer be authorised to execute all documentation in connection with the award.

REASONS FOR DECISION – The decision allows the Council to procure a new single auctioneer vehicle disposal contract to replace the expiring framework.

OTHER OPTIONS CONSIDERED – Do nothing. The current framework would end in December 2017 and all vehicles would be either left to devalue or be sold ad hoc through auctioneers. If vehicles are sold ad hoc, the Council has no control of the additional fees it may be charged or those charged to buyers.

Procure a new framework. This is a large piece of work, both to create the framework and to run further competitions for the low number of auctions we require per year. The single auctioneer will allow single vehicles to be disposed of quickly, a framework requires vehicles to be held until there is a group available.

DN.60

REVIEW OF THE HOUSING ASSISTANCE POLICY

Cabinet considered a joint report from the Portfolio Holder for Regeneration, Assets, Skills and Housing and the Portfolio Holder Energy and Environment for seeking approval of the revised Housing Assistance Policy.

RESOLVED – That the amendments to the Housing Assistance Policy be approved, adopted and the Policy be subject to annual review by Cabinet.

REASONS FOR DECISION – If the recommended amendments are approved, the Council would thereby enable residents to access funding and discretionary funding to help vulnerable residents to carry out essential repairs to their home. It will also enable disabled residents to access discretionary funding, to complement the existing mandatory funding.

OTHER OPTIONS CONSIDERED –

Option 1- To do nothing;

The revised policy has been developed, taking into consideration situations or barriers that have been experienced over the last few years of the current policy. For example; we are unable to offer loan support to help owner occupiers top-up mandatory grant schemes, or the current relocation scheme does not support residents moving into more suitable social housing. Council can continue to provide funding through the existing policy. There is a risk as building costs increase, there is no provision or support for homeowner's top-up mandatory grant assistance.

Also, there is no provision to support end of life care by providing fast track assistance.

Option 2 – Stop Discretionary Financial Support;

The Council have a statutory duty to remedy category one hazards. Removing category one hazards, which are detrimental to the health of the occupant can reduce secondary health costs. For example; someone living in a cold home is more likely to trip or fall, resulting in a visit to either the doctors or hospital.

The most common hazard removed through grant or loan funding in previous years has been “excess cold”. Works have usually included repair or replacing a boiler, repairs to windows or roofs. All contribute to making the home easier to heat and reducing fuel poverty. Reducing fuel poverty is one of the Council’s main outcomes.

Energy Repayment Loans enable eligible residents to top-up external funding through the Energy Company Obligation (ECO). ECO is a government scheme, funded through energy providers. The financial assistance contributes towards works to improve a home and make it warmer. This can be insulation or draft proofing. Removing discretionary assistance will mean residents can maximise the opportunity to take advantage of this funding.

Removing discretionary funding will also prevent owner occupiers, who are ineligible for mandatory funding, who are unable to finance the cost of the works independently, from accessing funding. This could result in the clients condition deteriorating, which could lead to additional medical or care costs being incurred.

The End of Life scheme enables clients to be more comfortable in their own home and reduces the need for moving into care.

Option Three – Approve the revised Housing Assistance Policy;

To approve the revised Housing Assistance Policy means that the Council can offer mandatory and discretionary funding, to maximise repayable schemes, providing financial assistance to help residents access funding to enable independent living, carry out repairs to remove hazardous living conditions and reduce fuel poverty.

DN.61

REVIEW OF PUBLIC SPACE PROTECTION ORDERS

Cabinet considered a report from the Portfolio Holder for Safer Communities and Public Protection detailing the outcome of a review of the Public Space Protection Orders and seeking approval their continuation.

RESOLVED –

- (1) That the continuation of the 7 ward based Public Space Protection Orders areas in West Marsh, East Marsh, Park, Heneage, Sidney Sussex, Croft Baker and South, be approved.**
- (2) That the current £100 penalty to be paid within 14 days of issue in the form of a fixed penalty notice (FPN) for failing to comply with a Public Space Protection Orders, with the amount to be reduced to £75 if the FPN is paid in full within 8 days from the time of issue, be approved.**
- (3) That a wider intelligence led, Placed Based approach moving forward, which will seek to vary, replace or introduce new Public Space Protection Orders in defined geographical areas covering a wider range of prohibitions where evidentially appropriate, be supported.**

REASONS FOR DECISION – Approving the continuation of the 7 ward based PSPO areas enables the Council and Police to deal with alcohol influenced anti-social behaviour (ASB) within the areas of highest concern, whilst at the same time providing scope for developing a Smarter Neighbourhoods intelligence led “Placed Based” approach to the use of PSPOs encompassing a wider range of prohibitions and conditions moving forward.

OTHER OPTIONS CONSIDERED –

The creation of new PSPO areas to correspond with existing Cumulative Impact Zone (CIZ) areas – This option was considered which would significantly reduce the geographical coverage of PSPOs across the borough with a focus on the high demand areas which have a larger concentration of licensed premises. This would incur costs of removing existing signage across the existing PSPO areas, but could allow for more targeted enforcement around alcohol.

This option was discounted as it was felt that as part of intelligence led Placed Based approach, it would make more sense when creating new PSPO areas to consider and include wider prohibitions and conditions based on the issues of that area.

Discharging existing PSPOs – Whilst this option was considered, it was felt prudent to continue with existing ward based PSPO areas whilst an intelligence led Place Based approach was developed. This new approach will inevitably lead to the potential for varying, replacing or introducing new PSPOs but allows for enforcement activity in relation to alcohol related anti-social behaviour in the public place to remain in the meantime.

Cabinet considered a joint report from the Portfolio Holder for Regeneration, Assets, Skills and Housing and the Portfolio Holder for Finance, Community Assets, Governance and Tourism on the procurement of the Capital Works Frameworks and an approved list of contractors for Strategic Housing Plumbing and Heating.

RESOLVED –

- (1) That authority be delegated to the Director of Economy and Growth to release an EU-compliant procurement process for the Capital Works Frameworks (through ENGIE).**
- (2) That upon completion of the process, the award of the contracts to the successful provider(s) be delegated to the Director of Finance, Resources and Operations in consultation with the Director of Economy and Growth and the Portfolio Holder for Regeneration, Assets, Skills and Housing and the Portfolio Holder for Finance, Community Assets, Governance and Tourism.**
- (3) That authority be given to the Monitoring Officer to complete all requisite legal documentation in relation to the matters outlined above.**
- (4) That a report be brought back to Cabinet in 12 months' time providing a review on the awarded contract and its effectiveness vis a vis the local supply chain.**

REASONS FOR DECISION – The Council is required to demonstrate value for money in the procurement of capital works under the Public Contracts Regulations 2015. Within the bounds of this legislation, the Council is seeking to maximise opportunities to realise wider social value.

OTHER OPTIONS CONSIDERED –

A decision could be made not to implement further contracting arrangements, although the Council this would potentially reduce value for money opportunities that come by aggregating demand.

E-Auctions are best suited to commodity and service based contracts. They are also difficult to design for works requirements and therefore this option is not recommended.

The Council could access Government framework arrangements such as the Yorbuild2 Construction Frameworks for Yorkshire and Humber. However Government frameworks do not necessarily consider local supply chain development and there is an associated cost per project to access the call-off arrangements. Therefore this option is not recommended.

DN.65

EUROPARC BUS SERVICE

Cabinet considered a report from Portfolio Holder for Energy and Environment reviewing the existing subsidy costs of the 1, 2 and 20 Europarc bus service and providing options for future.

RESOLVED – That the item be deferred to the meeting on the 22nd November 2017.

REASONS FOR DECISION – Cabinet felt that further information was required around the usage data specifically at weekends and any alternative provisions which could be explored. It was also requested that a copy of the tender be shared with Cabinet.

OTHER OPTIONS CONSIDERED – Not applicable.

DN.66

SPECIAL URGENCY – DESIGNATION OF A NEW CONSERVATION AREA AT ‘THE KASBAH’, PORT OF GRIMSBY

Cabinet considered a report from Portfolio Holder for Energy and Environment reviewing the existing subsidy costs of the Designation of a new Conservation Area at ‘The Kasbah’, Port of Grimsby.

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

RESOLVED –

- (1) That the proposal to designate a Conservation Area for the Kasbah area, based on the supporting evidence contained in the accompanying Statement of Support now submitted, be approved.**
- (2) That authority be delegated to the Director of Economy and Growth in consultation with the Portfolio Holder with for Regeneration, Assets, Skills and Housing to deal with all formalities in connection with the implementation and the monitoring of the operation of the Conservation Area; to undertake any further consultation on the proposals as required; and to identify and secure all appropriate funding and grant opportunities to enhance the area whilst working proactively with ABP to secure the conservation and re-use of the heritage assets within the Kasbah.**

REASONS FOR DECISION – The Council has a duty to keep under review and consider designation of areas of special architectural or historic interest under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 71 of the 1990 Act also requires the Council to formulate and publish proposals for the preservation and enhancement of Conservation Areas.

The designation of the proposed Conservation Area in the Kasbah will enhance the conservation and economic re-use of heritage assets in the Kasbah, supporting the delivery of the Council's Stronger Economy objective and the heritage policies and proposals set out in the Local Plan, Economic Strategy and Greater Grimsby Town Deal.

Securing Conservation Area status will unlock opportunities to access grant funding from Historic England, Heritage Lottery Fund and other partners to de-risk investment by the landowner, ABP. It will ensure that heritage assets, whether listed or unlisted, are valued and given appropriate weight in planning decisions, and create new opportunities for residents and visitors to access and appreciate the area's heritage, contributing to the area's 'sense of place'.

OTHER OPTIONS CONSIDERED –

The Council could have chosen to do nothing as an alternative to proposing the designation of the Conservation Area. This option has not been pursued because it would:

- place the Council at risk of failing to exercise its duties under the Planning (Listed Buildings and Conservation Areas) Act 1990
- leave the Kasbah at risk of further loss of historic fabric whilst failing to increase the level of planning control over development in the area
- significantly reduce the opportunity to attract external funding to support the economic re-use of heritage assets in the area,
- reduce opportunities for residents and visitors to access and appreciate the area's heritage.