



CABINET DECISION NOTICE

Publication Date: 4th August, 2017

At a meeting of the Cabinet held on 2nd August, 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 Bolton, Hyldon-King, James Patrick, Watson and P. Wheatley

DN.16 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received for this meeting.

DN.17 **DECLARATIONS OF INTEREST**

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

DN.18 **MINUTES**

The minutes of the Cabinet meeting on the 28th June 2017 were approved as a correct record.

DN.19

LEASE DISPOSAL OF THE ICE RINK, PART OF GRIMSBY LEISURE CENTRE

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism seeking authority to dispose by way of a lease the Ice Rink facility at Grimsby Leisure Centre.

RESOLVED –

- (1) That the Grimsby Ice Rink Community Group (the “Group”) be granted a lease of the subject site at peppercorn rent (£1 per annum if demanded) subject to receipt of a specialist valuation.**
- (2) That in order to complete recommendation 1 above, the Council undertake a specialist valuation on the facility in order to complete the ‘less than best consideration’ report to be agreed under delegated authority as per recommendation 3 below;**
- (3) 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.**
- (4) That the Monitoring Officer be authorised to complete all requisite legal documentation in relation to the matters outlined in the points above.**

REASONS FOR DECISION – In February 2017 Full Council agreed to a 6 month period to enable the Grimsby Ice Rink Community Group to work through the Community Asset Transfer (CAT) approach. A revised Business Case proposal has been agreed in principle. This decision would result in the transfer of the Ice Rink facility to the Group under a lease. The transfer would result in no further cost to the Council subject to completion by the 28 August 2017 otherwise the Council would be required to close and decommission the facility.

OTHER OPTIONS CONSIDERED –

To do nothing would see the current management activities cease within w/c 28 August 2017 and the facility decommissioned and the area managed as a void. This will result in a negative impact to the community with the withdrawal of an Ice Rink facility. The area would still result in costs to the Council as it is part of a wider building. As the Group have presented a robust case to take over the management of the facility, it is not considered a viable option to close the facility as the Council risk unnecessary negative publicity as well as being wholly liable for the site, together with all future associated expenditure without the opportunity to invest or expand the current use and activities.

A freehold disposal is not considered appropriate as the area comprising this facility is only part of the building. There is a need to support the proposal by way of a lease to ensure the use of the site continues for the subject period as long as the condition and use of the wider site remains present. Should any part of the site become vacant and unused in future, the Council retains an element of control in respect to future action to prevent any continued or unauthorised uses.

DN.20

SPEECH AND LANGUAGE THERAPY PROVISION

Cabinet considered a report from the Portfolio Holder for Children and Young People seeking authority to procure and award a new contract for Speech and Language Therapy.

RESOLVED –

- (1) That the procurement of a Speech and Language Therapy service be approved.**
- (2) That authority be delegated to the Director of Prevention and Early Help in consultation with the Portfolio Holder for Children and Young People to award the contract.**
- (3) That authority be delegated to the Monitoring Officer to complete all legal documentation in connection with the award.**

REASONS FOR DECISION – Speech and Language services which are commissioned by North East Lincolnshire Council are due to end on 31st March 2018 therefore this report is to authorise the procurement and award through delegated powers, a contract for Speech and Language Therapy.

OTHER OPTIONS CONSIDERED –

Joint commissioning approach with North Lincolnshire Council (NLC) and North Lincolnshire Care Commissioning Group (NLCCG).

This option was explored but both NELC and NLC concluded that the timing, models of delivery, and the differing education/schools environments in both boroughs, meant there was little opportunity or common ground on which to base a joint commissioning at this point.

However, we remain in contact with NLC and NLCCG for future exercises when co-commissioning may prove viable.

Joint commissioning and procurement with NELCCG

Discussions with NELCCG have established that whilst NELCCG are not in a position to undertake a joint procurement with NELC at this point in time, they are able to work with NELC on the other commissioning aspects.

Providing the Service in-house

This option was considered and discarded at a very early stage, and not developed further, as it would require NELC to transfer Northern Lincolnshire and Goole Hospital (NLAG) staff into NELC. NLAG staff's employment terms and conditions would pose a prohibitive risk and cost to the Authority rendering it an uneconomic option. Furthermore, it was established that such a move would also impact negatively on the provider NLAG, particularly affecting their cross boundary provision and block contract setup.

Cease the service

This option is not feasible as both statute and the Council's Early Prevention and Intervention strategy and outcomes agenda require that speech and language services are commissioned and put in place.

DN.21

RE-COMMISSIONING OF HEALTHWATCH AND COMPLAINTS ADVOCACY SERVICES FOR NORTH EAST LINCOLNSHIRE COUNCIL

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care seeking authorisation to procure new Healthwatch and complaints advocacy services.

RESOLVED –

- (1) That the procurement of local Healthwatch and independent complaints advocacy services be approved to be undertaken.**
- (2) That authority be delegated to the Director of Adult Services and Health Improvement, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care to award the new contract.**
- (3) That the Monitoring Officer be authorised to complete legal documentation in connection with the award.**

REASONS FOR DECISION –

Local Healthwatch

Local Healthwatch is a statutory requirement on North East Lincolnshire Council (NELC) under the Health and Social Care Act 2012. Healthwatch

exists in two distinct forms, local Healthwatch at a local level and Healthwatch England at a national level. NELC have the responsibility for commissioning an effective local Healthwatch able to carry out its statutory functions.

The Healthwatch board is made up of local volunteers with a genuine interest in health and social care, and by a group of 'healthwatchers' (trained community volunteers), and are supported administratively by the service provider.

Independent complaints advocacy service

Independent complaints advocacy is a statutory requirement on NELC under the Health and Social Care Act 2012. Within North East Lincolnshire, the independent complaints advocacy service works in partnership with local Healthwatch and provides independent, confidential, client centred, flexible complaints advocacy support that empowers anyone who wishes to resolve a complaint about health and/or social care in North East Lincolnshire.

This service must be delivered by trained and qualified advocates (minimum requirement of City & Guilds Level 3 certificate in independent advocacy or equivalent).

Undertaking and completing the procurement process during both of the current contracts final year will allow a sufficient mobilisation period for these services, including any Transfer of Undertakings (Protection of Employment) Regulations (TUPE) staff and data transfer processes needed to enable new services to be launched on 1st April 2018.

OTHER OPTIONS CONSIDERED –

Do not procure replacement services. Local Healthwatch and independent complaints advocacy services are provided as part of the council's responsibility under the Health and Social Care Act 2012.

There are no further provisions for extension for either service.

Re-commissioning both services with North Lincolnshire Council (NLC):

- The project team explored the option of procuring both services with NLC. However, the procurement team has advised that the services should remain as separate lots bespoke to each local authority area.

Healthwatch

NELC and NLC will go out to the market together to procure this service, one procurement process with separate contracts awarded.

Independent complaints advocacy service

As NLC are the commissioner of adult social care services they took the decision to integrate their independent advocacy service into a larger advocacy service, e.g. mental health advocacy and general complaints for both adults and children. This is not an option for NELC as health and social care services are commissioned by the North East Lincolnshire Clinical Commissioning Group. This type of organisation is precluded from the commissioning and delivery of these services as detailed in paragraph 1.1.1 and legislation. Therefore, NELC will include the procurement of this service as a separate lot within the same procurement process described above for Healthwatch.

Given this, and the requirements for each local Healthwatch to be geographically specific and able to respond to local resident's needs, views and experiences, it was agreed by the project team that this option was not available in this instance, and therefore there would be no benefit in approaching other local authorities further afield.

Healthwatch North East Lincolnshire to become a social enterprise/community interest company (CIC):

- The project team explored this option with the Healthwatch chair and Board, which confirmed that the current provider is not in a position to become a Social Enterprise or CIC. There may be a desire to explore this in the future. The project team agreed this would be included as an option within a new service specification for the service to become a social enterprise or CIC over the duration of the new contract with the assistance of the service provider.

Award of these contracts constitutes a key decision. However, in terms of the approval to award, time is of the essence and needs to be made as soon as possible following the completion of the evaluation. The governance timescales for approval to award cabinet decision, would delay the award and potentially lead to a break in service provision.

DN.22

SKILLS ACTION PLAN

Cabinet considered a report from the Portfolio Holder for Regeneration, Assets, Skills and Housing on the Skills Action Plan.

RESOLVED –

- (1) That the approach of a Skills Action Plan be endorsed and indicative approval be given to the adoption of the plan subject to any changes post consultation and engagement.**
- (2) That authority be delegated to the Portfolio Holder for Regeneration, Assets, Skills and Housing and to the Deputy Chief Executive to agree the final Skills Action Plan post consultation unless there are any material changes which in the opinion of the Deputy Chief Executive will need to be agreed by Cabinet.**

- (3) That the Skills Action Plan be circulated to the Humber Local Enterprise Partnership and the Lincolnshire Local Enterprise Partnership for their information.**

REASONS FOR DECISION – To ensure that people in North East Lincolnshire have access to and undertake the right learning and develop the right skills aligned to the ‘place’ enabling them to move into local work or progress within their chosen career whatever their ambition, level of ability or their stage of life.

OTHER OPTIONS CONSIDERED – The Skills Action Plan has been based on local engagement with schools, learning providers, learners and employers. It includes elements of best practice from other areas of the country and in the development of the action plan we have looked at a range of options that will lead to a higher skilled community able to thrive in a modern, regularly changing economy. The actions within the plan will be regularly reviewed to ensure that our ambitions are being achieved and will be adapted when and if necessary to ensure that our skills offer meets the needs of our place.

DN.23

CHANGE OF USE OF OPEN SPACE AT TRINITY ROAD FOR FUTURE CEMETERY EXPANSION FOR CLEETHORPES CEMETERY

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism seeking authority to change the use of the Trinity Road Open Space for the future expansion of the Cleethorpes Cemetery.

RESOLVED –

- (1) That the use of the site known as Trinity Open Space for future cemetery expansion be agreed, resulting in an application for planning consent to change the use of part of the site and segregate an area for this purpose.**
- (2) That the Director of Finance, Operations and Resources 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 approve the detailed terms outlined in point (1) above.**
- (3) That the Monitoring Officer be authorised to complete all requisite legal documentation in relation to the matters outlined in points 1 and 2 above.**

REASONS FOR DECISION – Additional Cemetery expansion was previously proposed on the site of the former playing fields at Lindsey Lower School. However, that site would benefit from a capital receipt from disposal and would allow an increased number of Housing units to be

developed if the whole site were to be disposed of. As such, an area of the site known as Trinity Open Space – which may include the whole site at a future point in time - has been identified to offer this solution. The subject site is also directly located adjacent to the current cemetery.

OTHER OPTIONS CONSIDERED –

To do nothing is not considered a viable option as the Council are required to maintain sufficient cemetery provision.

To continue with the proposed site at the former Lindsey Lower Playing Fields would result in the site demise and density for proposed housing potentially resulting in the scheme being unviable. Similarly, the Council is expecting a certain level of capital receipt from the disposal of this land which is to be used in support of the Education project at the former Matthew Humberstone Lower School site. Because of these points, it is not viable to retain part of the site for cemetery use.

DN.24

ENERGY COMPANY OBLIGATION – FLEXIBLE ELIGIBILITY - STATEMENT OF INTENT

Cabinet considered a report from the Portfolio Holder for Regeneration, Assets, Skills and Housing and the Portfolio Holder for Energy and Environment providing the background behind the Energy Company obligation flexible benefits scheme and eligibility criteria used.

RESOLVED – It is recommended that Cabinet approve the proposed statement of intent, so that residents can access funding to help reduce the impact of fuel poverty for those on low incomes and suffering from high fuel costs or diagnosed with a medical condition that is made worse living in a cold home.

REASONS FOR DECISION – The approval of the statement of intent will enable the Council to deliver the Energy Company Obligation, Flexible Benefits Scheme in the borough, providing additional funding to benefit vulnerable residents.

OTHER OPTIONS CONSIDERED –

Option 1- To do nothing

To do nothing would reduce significantly the amount of funding and residents, we will be able to assist through this scheme.

Option 2- Cabinet approves the Statement of Intent

Approving the scheme will enable the council to increase delivery of energy efficiency measures in the borough, thereby reducing the impact of fuel poverty.

Option 3 –Cabinet approve the Statement of Intent with minor amendments

The statement of intent has been drafted in line with Government guidance. It targets those areas in the borough where it is evidenced that there are high levels of fuel poverty. Vulnerable residents who have a medical condition, impacted by living in a cold home, have also been considered. Other schemes are available for vulnerable residents in the rest of the borough. The scheme closes in September 2018.

DN.25

DYNAMIC PURCHASING SYSTEM FOR APPRENTICESHIPS

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism on the Dynamic Purchasing System for Apprenticeships.

RESOLVED –

- (1) That the request to commence a procurement process to establish a Dynamic Purchasing System for apprenticeship training, be approved.**
- (2) That authority be delegated to the Director of Finance, Operations and Resources to award individual contracts within the Dynamic Purchasing System.**

REASONS FOR DECISION – The recommendation of this report will allow for the commencement of a procurement exercise to establish a Dynamic Purchasing System for apprenticeship training.

OTHER OPTIONS CONSIDERED –

Procuring apprenticeship providers on a one-off basis every time. Due to the potential aggregation of spend on common types of apprenticeships, over time just doing one-offs would put the Council at risk of challenge, due to exceeding the value thresholds stated in the Public Contract Regulation and Contract Procedure Rules.

Establishing a framework of apprenticeship providers. The Council can only access apprenticeship providers who are registered with the Education and Skills Funding Agency, and new providers can be approved at any time. A framework would restrict the Council to contracting with those providers who successfully got onto it when it was established, meaning no new providers could get on to the framework for the rest of its life, therefore limiting the market available to the Council.

DN.26

FOOTPATH 72 – ELECTRICITY SUBSTATION

Cabinet received and noted the signed Officer Decision Notice relating to the re-siting of the electricity substation to make way for footpath 72.

RESOLVED – That the Officer Decision Notice relating to the re-siting of the electricity substation to make way for footpath 72, be noted.

REASONS FOR DECISION – N/A

OTHER OPTIONS CONSIDERED – N/A

DN.27 **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 5 of Schedule 12A of the Local Government Act 1972 (as amended).

DN.28 **DECLARATIONS OF INTEREST**

Councillors Patrick, James, P. Wheatley and Bolton all declared a personal interest in DN.29 as members of the Unite trade union.

Councillor Hyldon-King declared a personal interest in DN.29 as a member of the GMB trade union.

Councillor Oxby declared a personal interest in DN.29 as a member of Unison trade union.

DN.29 **CHANGES TO EMPLOYEE TERMS AND CONDITIONS OF EMPLOYMENT**

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism presenting the latest proposed changes to employee terms and condition of employment.

RESOLVED –

- (1) That the request to enter into the respective process for changing employee terms and conditions, be approved.**
- (2) That authority be delegated to the Director of Finance, Resources and Operations, in consultation with the Chief Executive, Leader of the Council and Portfolio Holder for Finance, Community Assets, Governance and Tourism, to conclude the process and sign appropriate agreements to change employee terms and conditions in all phases as shown in tables 2 and 3, as laid out in the report now submitted.**

REASONS FOR DECISION – The recommendation of this report will allow for changes to employee terms and conditions to be made.

OTHER OPTIONS CONSIDERED –

Do nothing. This option is not viable as the Council is required to reduce its spend on staffing costs and be within the budget envelope of the medium term financial plan.

Revert back to original proposals. This option would not be preferred as this may endanger the positive and open relationships with the trade unions that have enabled us to reach this position.

Change the final proposals. This option has been considered over the last 6 months with feedback from staff and trade unions and is not preferred as it does not achieve the required savings. The final proposals have been arrived at after due consideration and discussion with the trade unions and it is felt that these are achievable through the collective bargaining arrangements.