



CABINET

DECISION NOTICE

Publication Date: 1st September, 2017

At a meeting of the Cabinet held on 30th 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 Watson (in the Chair)
Councillors Bolton, Hyldon-King, James, Patrick and P. Wheatley

DN.30 APOLOGIES FOR ABSENCE

There was an apology for absence received from Councillor Oxby for this meeting.

DN.31 DECLARATIONS OF INTEREST

Councillor Watson declared personal interest in item DN.37 as a substitute member of Rail North Association Leaders Committee and a member of ASLEF Retired Section.

DN.32

MINUTES

The minutes of the Special Cabinet on 31st July and Cabinet meeting on the 2nd August 2017 were approved as a correct record.

DN.33

SMARTER NEIGHBOURHOOD SERVICES REVIEW

Cabinet received a petition from residents regarding the frequency of waste collections.

Cabinet considered a joint report from the Portfolio Holder for Energy and Environment and the Portfolio Holder for Stronger Communities and Public Protection seeking approval for the implementation of a new waste and recycling service based on the ambition to deliver the outcomes of improved recycling rates, improved productivity and to set firm foundations for future improvements in recycling performance.

RESOLVED –

- (1) **That the petition be received.**
- (2) **That the adoption of Option 1, for the kerbside collection service as set out in Appendix A to the report now submitted, be approved and that it be agreed to introduce alternate weekly collections for residual household waste from November 2017, noting the estimated financial savings against the current service of approximately £430K per annum. This recommendation is in line with the Scrutiny Panel recommendations and retains existing vehicles and containers.**
- (3) **That authority be delegated to the Director of Finance, Operations and Resources in consultation with the Portfolio Holder for Energy and Environment to make the necessary arrangements to implement Option 1 and make changes to the service as set out in Section 1 of the report now submitted (with associated staffing structures, compliance team introduction, workforce planning and the development of a commercial waste round).**
- (4) **That subject to annual review, the provision of up to three recycling containers per year, per household, free of charge to a maximum of 5 in total per household, be agreed in order to mitigate the impact of the changes on larger families.**
- (5) **That the communication planning and the development of an appropriate enforcement process be referred to the Community Scrutiny Panel.**
- (6) **That a further report be brought back to Cabinet in 2018 detailing longer term proposals to improve recycling**

performance at North East Lincolnshire Council, particularly in regard to providing improved recycling services for those who want to access it.

REASONS FOR DECISION – In order to create a sustainable future the Council, when setting its Budget, Outcomes Framework and Commissioning Plan 2017/18 – 2019/20, has adopted a commissioning approach to achieve agreed priorities and outcomes and secure the best deal for North East Lincolnshire and its communities.

The Smarter Neighbourhoods Programme is delivering a programme of works to optimise resources, understand and predict demand and areas of high need and redesign services in a way that makes the most significant difference to our communities.

The Weekly Collection Support Scheme committed to maintain weekly collections of residual waste until November 2017. The loss of grant in December 2016 introduced an annual budget pressure of £870,000 from 2017/18 onwards. Changes in the recycling market has meant a reduction in income achieved for the Council from the sale of collected recycled materials. Given the reduced level of funding for the Council and the new budget envelope set for Neighbourhood Services, the current level of service is unaffordable.

Legislation requires an increase in recycling rates to 50% by 2020. The impact on recycling rates of the introduction of Alternate Week Collections (AWCs) in North East Lincolnshire has been modelled by WRAP (Waste Resources Action Programme) consultants. If AWCs were to be introduced, it is estimated to achieve an increase in recycling of up to 10.6% at the kerbside or 2,800 tonnes additional per annum and a reduction in residual waste of 8,800 tonnes per annum. Whilst this does not fully achieve the required improvement, it is a significant step in the right direction and further investment in recycling could lead to further improvements, should budget become available to do this in the future.

Public consultation conducted earlier this year said a clear “no” to three weekly refuse collections and a reduction in size of refuse container at this time and highlighted which households will be most impacted by the change to AWCs. In recognition of the impact additional support will be provided to households most heavily impacted as set out in section 1.13.

Garden Waste take up has not been impacted by the introduction of a small increase to the charge in April 2017. It is proposed to maintain the charge at current levels in 2018/19, but the charge will be reviewed in future years.

OTHER OPTIONS CONSIDERED –

Keep the existing waste and recycling collection

To continue with the existing waste and recycling collection service is unaffordable and does not drive improvement of recycling performance.

Statutory targets require the Council to take action to increase the percentage of household waste that is recycled to at least 50% by 2020 and this will not be achieved without implementing recommendations as detailed in the report.

Option 2 and Option 3

Although both of these options improved recycling performance, neither Option 2 nor 3 achieved the required level of savings. In addition Option 3 introduces a smaller residual waste bin which was rejected by the public consultation without other improvements such as food waste collections.

Co-mingled recycling in a bin

The Council has a duty to collect waste paper, metal, plastic or glass by way of separate collection to facilitate or improve waste recovery and where this collection method is technically, environmentally and economically practicable (TEEP). As the Council is currently meeting this duty it would be difficult to justify a change to the method of co-mingled collection.

It is understood that a co-mingled collection is attractive to service users as it is convenient and easy to use and was notably mentioned in the public consultation. For North East Lincolnshire, the extra costs associated with a co-mingled recycling collection make it unaffordable within the budget available. There will be additional processing costs to separate the co-mingled material and no income will be achieved from the sale of collected material, currently achieving approx. £300k per annum.

The constraints within the existing (energy from waste) disposal contract, additional processing costs of the mixed recycling and loss of income mean that the co-mingled option could cost the Council an additional £500k in revenue, in addition to the capital costs of new bins. Finally, there is higher risk of unacceptable contamination levels if and when householders dispose of residual waste in the recycling bin. This could lead to a higher proportion of rejected loads which in turn reduces recycling rates and increases costs. Due to the reasons stated this option is not considered viable unless recycling markets recover significantly or there is a change in the current contract.

DN.34

QUARTER 1 RESOURCE MONITORING REPORT

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 the first quarter of 2017/18.

RESOLVED –

- (1) That the Quarter 1 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.

REASONS 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.35

2016/17 TREASURY MANAGEMENT OUTTURN REPORT

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism detailing the treasury management arrangements, activity and performance during 2016/17.

RECOMMENDED TO COUNCIL – That the Treasury Management Outturn report for 2016/17 be approved.

REASONS FOR DECISION – The Council's treasury management activity is underpinned by CIPFA's Code of Practice on Treasury Management ("the Code"), which requires local authorities to produce annually Prudential Indicators and a Treasury Management Strategy Statement on the likely financing and investment activity. The Code also recommends that members are informed of treasury management activities at least twice a year.

OTHER OPTIONS CONSIDERED – The appendix attached details how the composition of counterparties utilised for investments changed over the course of the year as the risk environment altered as a consequence of the EU Referendum.

Temporary short-term borrowing was taken from other local authorities in preference to PWLB. This allowed loan terms to be matched to immediate cash flow need and at a lower rate than would have been available via PWLB. Future decisions will continue to be taken after a review of other options available to us (primarily Public Works Loan Board (PWLB)) in order to determine the best option in terms of value and fit with our projected short-term needs.

DN.36

GYPSY AND TRAVELLER – DESIGNATED STOPOVER SITE

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism providing an update on the latest position of finding a site.

RESOLVED –

(1) That the current position outlined in this report in seeking a suitable 'Designated Stopover Site' for Gypsy & Travellers travelling through North East Lincolnshire, be noted.

- (2) That the preferred site at Orwell/Nacton Street Car Park, as recommended by Scrutiny be rejected following the advice of Planning officers, outlined in section 1.11 of the report now submitted.**
- (3) That the commencement of a consultation exercise to outline options for potential 'Designated Stopover Site' for Gypsy and Travellers which will result in either one site, based on space for 15 pitches or multiple sites each based on space for 5 pitches, be approved.**
- (4) That a further report be submitted to Cabinet by way of an update following such consultation exercise.**

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.37

TRANSPORT FOR THE NORTH – INCORPORATION AS A SUB-NATIONAL TRANSPORT BODY

Cabinet considered a report from the Portfolio Holder for Energy and Environment seeking consent to formally establish Transport for the North as a sub-National Transport Body under section 102E of the Local Transport Act 2008.

RESOLVED –

- (1) That the report be referred to Scrutiny for an update on key developments in sub-national strategic transport governance arrangements.**
- (2) That consent be given to the making of Regulations by the Secretary of State under section 102E of the Local Transport Act 2008 to establish Transport for the North as a Sub-National Transport Body.**
- (3) That the proposed transfer of Rail North Limited to Transport for the North, be approved in principle, to take effect once the new Regulations come into force.**
- (4) That the signing of a new Rail Franchise Management Agreement with Transport for the North, replicating as far as possible the current Rail North Limited Members Agreement be approved, in principle and to take effect once the new Regulations come into force.**
- (5) That the continuation of current levels of funding support for Rail North Limited be approved, following transfer of Rail North Limited to Transport for the North.**
- (6) That authority be delegated to the Director of Economy and Growth, in conjunction with the Monitoring Officer and Portfolio Holder for Energy and Environment, to**

- **Liaise with Transport for the North and the Department for Transport to inform the final content of the Regulations**
- **Negotiate and finalise the terms of the new Transport for the North Constitution with Transport for the North and the Department for Transport**
- **Negotiate and finalise the terms of any other necessary legal agreements between the Council and Transport for the North**
- **Negotiate appropriate agreements with Transport for the North for it to exercise any powers, once granted, on a concurrent basis with the Council.**

(7) That authority be delegated to the Director of Economy and Growth to ensure that all actions necessary and ancillary thereto be completed.

REASONS FOR DECISION – Providing consent for the Secretary of State to make Regulations to establish Transport for the North as a statutory body will increase the Council's influence over major road/rail investment decisions by the Government. It will also improve the coordination of transport activity and investment across the North of England and provide the platform for Local Authorities, Combined Authorities and Local Enterprise Partnerships to engage on a collective basis with Government.

Establishing Transport for the North as a statutory body is an important first step in longer-term plans for devolution of transport powers from Government. This will strengthen the Council's ability to influence transport investment that will in turn support efforts to accelerate economic and housing growth across the Borough and to bring forward delivery of strategic projects identified in the approved Local Plan and Economic Strategy.

OTHER OPTIONS CONSIDERED – The Council could have chosen not to resign as a Constituent Authority of Transport for the North as a result of the proposed change in status of the organisation. This option has not been pursued because:

This would significantly reduce the Council's influence over major road/rail investment decisions, result in the loss of its role in the management of the TransPennine Express/Northern Rail franchises and reduce opportunities for collaboration on projects of regional scale/significance

The strategic relationships developed with Government, rail franchisees and other key stakeholders would be significantly damaged, with related reputational risk to the Council.

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism providing the scope for the new digital programme 2017.

RESOLVED – That the report be received and the scope and cost of the Enabling Digital Transformation as set out in the Summary Capital Service Statement, be agreed.

REASONS FOR DECISION – To enable the Digital Programme to progress and deliver the outcomes as specified in the business case.

OTHER OPTIONS CONSIDERED – Significant consultation has taken place across the Leadership Team in understanding that the organisation is at a pivotal decision point about how we take forward our ambitions.

Do nothing: Consideration with Leadership was given to the impact of not making the recommended investment and rejected with the key impacts being:

- Difficulty in reducing duplication
- Needing to retain more administration function
- Not being able to transact simple requests in an automated way and needing human intervention and therefore resources
- Lack of intelligence to predict demand and therefore an inability to reshape services
- Key commissioning programmes needing digital solutions and no expertise or capacity in the organisation to drive the change
- Lack of automation leading to an inability to use our resources in a targeted way
- Substantively not meeting the expectations of our residents, businesses and members
- Unable to enhance and improve our multi agency working arrangements and information sharing causing serious risks in our desired delivery models

DN.39

THE FUTURE OF STATUTORY LIBRARY SERVICES IN NORTH EAST LINCOLNSHIRE

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care seeking approval to reduce the current practices of library services.

RESOLVED –

(1) That authority be delegated to the Director of Health and Wellbeing to plan with Lincs Inspire for a reduction in opening hours of the statutory library service, commencing delivery from April 2018, to meet the required budget envelope.

- (2) That, to run concurrently with staff consultation on opening hours, Lincs Inspire engage with service users to seek views on the most appropriate changes to opening hours.**
- (3) That work progresses (through consultations and otherwise) to identify options for the future direction of the statutory library service which will be brought back to Cabinet in due course.**

REASONS FOR DECISION – The statutory library service needs to run within the new budget available from 2018/19 and so adjustments to current practices need to be planned in order for that to happen. A reduction in opening hours will generate operational efficiencies to fit this budget envelope. This will allow time for an in-depth review of further efficiency opportunities for the service in the future.

OTHER OPTIONS CONSIDERED – At this stage changing opening hours is the only viable option to enable the service to operate within the budget envelope within the timeframe. It is seen as the choice least likely to curtail future options. Those options will be explored in full in the coming months, with consultation undertaken as appropriate.

DN.40

SCHEDULE OF PROPOSED MAIN MODIFICATIONS TO THE SUBMISSION LOCAL PLAN CONSULTATION

Cabinet received a report from the Portfolio Holder for Energy and Environment and the Portfolio Holder for Regeneration, Assets, Skills and Housing seeking approval to publish the Schedule of Proposed Main Modifications to allow for representations.

RESOLVED –

- (1) That the publication of the Schedule of Proposed Main Modifications (2017), be published so that public consultation can be undertaken over a period of six weeks commencing as soon as practicably possible, and a report containing the results of that consultation be brought back to Cabinet soon thereafter.**
- (2) Approve the updated Sustainability Appraisal (2017) and Habitats Regulations Assessment (2017) to be published alongside the Schedule of Main Modifications (2017).**

REASONS FOR DECISION – The Council has a statutory duty, as a local planning authority, to prepare and maintain an up to date ‘Development Plan’ or ‘Local Plan’. Undertaking public consultation is an important and integral element of the Plan’s preparation.

The Planning Inspector appointed to carry out the examination into the soundness of the Local Plan has recommended that the Council carry out a public consultation on the main modifications to the local plan identified during the examination process.

OTHER OPTIONS CONSIDERED – The Council could choose not to accept the Inspector’s recommendations to consult on the proposed main modifications. However, this would leave the Planning Inspector with no choice other than to find the Local Plan unsound. Resulting in the Council being left with no adopted Local Plan and open to more speculative applications for development. Therefore no other options have been considered.