



## **CABINET DECISION NOTICE**

Publication Date: 22<sup>nd</sup> July 2022

At a meeting of the Cabinet held on the 20<sup>th</sup> July 2022 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 Jackson (in the Chair)

Councillors Cracknell, Furneaux, Harness, Shreeve, Shepherd and S. Swinburn

### **DN.19 APOLOGIES FOR ABSENCE**

There were no apologies for absence received for this meeting.

### **DN.20 DECLARATIONS OF INTEREST**

There was a declaration of a personal and prejudicial interest from Councillor Shreeve for item DN.26, as a trustee of Harbour Place.

### **DN.21 MINUTES**

The minutes of the Cabinet meeting on the 15<sup>th</sup> June 2022 and the special meeting of Cabinet on 22<sup>nd</sup> June 2022 were agreed as a correct record.

### **DN.22 GYPSY AND TRAVELLER NEGOTIATED STOPPING AGREEMENTS**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Assets presenting the findings of the exploration work that has been conducted and making recommendations on a managed approach with negotiated stopping agreements.

#### **RESOLVED –**

- 1. That the findings of the exploration work that has been**

**conducted to understand how a ‘negotiated stopping agreement’ (NSA) approach could be implemented.**

- 2. That the adoption of the ‘NSA approach’ outlined within the body of this report be approved and authorises the Executive Director of Environment, Economy and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets to so implement, making any amendments or modifications as may be necessary from time to time**
- 3. That the Executive Director of Environment, Economy and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets conducts a review of the new approach in six months time (or earlier if required) to allow an understanding for the need for changes.**

REASONS FOR DECISION – The Council has undertaken a review of the Gypsy and Traveller Accommodation Assessment (GTAA) which has provided new guidance based on current evidence.

Following Cabinet’s decision in June 2021 to approve the findings from the GTAA and to delegate authority for a ‘negotiated stopping agreement’ (NSA) approach to be explored, research has been conducted to determine the best format in which the new approach can be implemented. Research included conversations with other Local Authorities that were already piloting the approach effectively.

OTHER OPTIONS CONSIDERED – Do nothing – whilst the GTAA advised that there was no requirement for any permanent or transient pitches in North East Lincolnshire, it does recommend that there was a need to consider how the needs of Gypsies and Travellers would be accommodated and managed. If the Council did not consider the recommendations, it would be operating at risk with the potential for legal challenge from the planning inspector, central government, and private individuals.

To locate a suitable site for a Designated Stopping Place (DSP) – revisit this task and work to try to locate a suitable site for a DSP; this work had been ongoing for several years without success. Several sites had been put forward and a number of consultations including a public call for sites, therefore the attempts to locate a suitable location were unlikely to be achieved. Any sites identified thus far would require significant mitigation and investment. Furthermore, the latest GTAA advised that a DSP was not required.

Encourage a third party to deliver a DSP – following previous approaches made to Social Housing Providers and other appropriate organisations, all indications to date were that there was no third parties interested in delivering a DSP 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. However, no identified 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. Other authorities have permanent or transit sites which offer more facilities and were 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.23      HOUSING DELIVERY UPDATE – FORMER MATTHEW HUMBERSTONE PLAYING FIELD AND FORMER WESTERN SCHOOL AND PLAYING FIELD SITES**

Cabinet considered a report from the Leader of the Council and the Portfolio Holder for Economy, Net Zero, Skills and Housing providing an update on Housing Delivery options for former Matthew Humberstone Playing Fields and Former Western School and Playing Fields.

### **RESOLVED –**

- 1. That Cabinet revokes the decision of 8 September 2021, to procure and enter into an agreement with a developer for the Matthew Humberstone Playing Field Site and provide above policy compliant levels of affordable housing. This change of direction was required to ensure we remain within procurement rules provide a more open process, which was more accessible for all developers, including SME's.**
- 2. That authority be delegated to the Executive Director Environment, Economy, and Resources in consultation with the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing to dispose of the Matthew Humberstone site through an open market exercise and enter into an agreement with a developer.**
- 3. That authority be delegated to the Executive Director Environment, Economy, and Resources in consultation with the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing to dispose of the Western site through a competitive dialogue process, enter negotiations with developers and enter into an agreement with a developer.**
- 4. That the Assistant Director Law, Governance and Assets (Monitoring Officer) be approved to execute and complete all requisite legal documentation.**

REASONS FOR DECISION – The Cabinet report approved on the 8 September 2021, was based on external legal advice received at the time recommending the Council dispose of the Matthew Humberstone through a procurement process. External lawyers employed to support

the Council through this process provided further advice confirming that the site could be disposed through the open market, if the Council compromised on its ask for additional affordable housing. As informal feedback from the developers suggested that there was concern a procurement process would be complex and expensive for such a small site, and that they may be put off from submitting a tender. A change of approach was required to ensure all developers had a fair opportunity to purchase the site.

Western was a much larger site and to obtain the best deal for the Council, there needed to be flexibility to negotiate the best deal. Entering a competitive dialogue procurement process with developers for the Western School and Playing Field site would provide an opportunity to secure the best deal for the site and maximise the number of affordable houses.

**OTHER OPTIONS CONSIDERED** – The Council explored the option to progress with competitive dialogue for the Matthew Humberstone site. This was deemed an unnecessary resource intensive exercise for both the Council and developers, for a small site of around 58 units. Therefore, this option was not recommended.

The Council explored the option to offer both sites through other procurement options including, Open Tender, Restricted Tender, and Two Stage Tendering, however these would be less flexible and may not obtain the best price due to its rigid structure. Therefore, this option was not recommended.

Do nothing and just allow the sites to appreciate but risk claw back from Homes England for the Accelerated Construction Funding, putting the Council at risk of significant reputational damage with professional partners and the public. Housing need would not be met. Therefore, this option was not recommended.

## **DN. 24      EDUCATION AND YOUTH OFFENDING PLATFORM**

Cabinet received a report from the Portfolio Holder for Children and Education seeking approval to commence a procurement exercise for an Education Management System.

### **RESOLVED –**

- 1. That the commencement of a procurement exercise for the Education Management System be approved.**
- 2. That delegated authority be given to the Executive Director for People, Health and Care in consultation with the Portfolio Holder for Children and Education to deal with all matters**

**leading to and including the award of the contract for the Education Management System.**

- 3. That the Assistant Director Law, Governance and Assets (Monitoring Officer) be authorised to complete and execute all legal documentation in connection with the award.**

REASONS FOR DECISION - The decision allowed the Council to commence a procurement exercise for the Education Management System and allows the Council to award the contract.

OTHER OPTIONS CONSIDERED - Procure individual applications - This option would mean continuing with our current approach to procuring and implementing applications and we would hinder the chance to integrate working practices and consolidate information in a single place.

Retain the current systems and migrate to the Cloud - This option would mean entering into a new contract with the current provider, which would leave the Council non-compliant with the requirements of the Public Contracts Regulations 2015.

Do nothing - This option would leave the Council non-compliant with the requirements of the Public Contracts Regulations 2015. It would also mean that the Council would not achieve the aims for improved service delivery.

## **DN.25 FREEHOLD DISPOSAL OF LAND AT SOUTH VIEW, HUMBERSTON**

Cabinet received a report from the Portfolio Holder for Finance, Resources and Assets seeking authority to dispose of the subject site by way of a freehold disposal via marketing on the open market.

### **RESOLVED –**

- 1. That the freehold disposal of the subject site be approved.**
- 2. That authority be delegated to the Executive Director of Environment, Economy and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets the responsibility to deal with all marketing, negotiation and completion of terms resulting in disposal.**
- 3. That the Assistant Director Law, Governance and Assets (Monitoring Officer) be delegated authorisation to complete all requisite legal documentation.**

REASONS FOR DECISION - The subject site has been left vacant for many years and within that time the site has been subject to low levels of maintenance. The Council are committed to seeing sites invested in and improved and is committed to enable suitable development opportunities within the borough, which further supports the Council's strategic priorities of 'stronger communities and stronger economy'.

OTHER OPTIONS CONSIDERED - To do nothing would see the Site remain vacant and surplus to the Council's requirements. This was not considered a viable option as the Council risk continuing to be wholly liable for the Site together with all future associated expenditure in terms of maintenance.

To dispose of the Site for less than Market Value (via the 'Less Than Best' protocol) or under a Commercial Lease arrangement were not considered the most viable options as the Site should generate interest from the opportunity to dispose of the freehold via the open market.

## **DN.26 DEPARTMENT FOR TRANSPORT ACTIVE TRAVEL (TRANCHE 3) GRANT FUNDING**

Cabinet considered a report from the Portfolio Holder for Environment and Transport seeking formal acceptance of the grant award of £264,000 from the Department for Transport.

### **RESOLVED –**

- 1. That the acceptance of the Department for Transport grant funding for the Active Travel Fund (Tranche 3) project be approved.**
- 2. That authority be delegated to the Executive Director Environment, Economy and Resources, in consultation with the Portfolio Holder for Environment and Transport to:**
  - a) finalise the terms of the funding arrangement with the Department for Transport and receive the funds.**
  - b) commence related procurement exercises to deliver projects within the programme in accordance with the Public Contract Regulations 2015, to make appropriate contract awards and oversee implementation.**

REASONS FOR DECISION - In order for the Active Travel Fund (Tranche 3) projects to be delivered within the necessary timescales and to ensure effective and transparent delivery of the projects.

OTHER OPTIONS CONSIDERED - In developing this list of schemes a number of options were considered and currently discounted due to lack of fit with grant objectives or the availability of funding.

The schemes for delivery were identified in the draft Local Cycling and Walking Infrastructure Plan (LCWIP) which provided a higher level strategic overview of the necessary cycling and walking infrastructure needed to support the growth and development aspirations identified in the Local Plan.

## **DN.27      ROUGH SLEEPER INITIATIVE 2022 – 2025**

Cabinet received a report from the Leader of the Council and Portfolio Holder for Economy, Net Zero, Skills and Housing seeking approval to continue interventions and introduce additional interventions to reduce the number of people rough sleeping, following a successful funding bid.

### **RESOLVED –**

- 1. That Cabinet support the recommendations of the Executive Director, Environment, Economy and Resources and Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing to award funding to providers for the specific initiatives detailed in Appendix B.**
- 2. That delegated authority be given to the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing to award and to ensure that all necessary actions in relation to implementation are carried out; and**
- 3. That the Assistant Director Law, Governance and Assets (Monitoring Officer) be authorised to execute and complete all requisite legal documentation.**

REASONS FOR DECISION - The decision allowed the Council to award the grant funding for the DLUHC agreed Rough Sleeper Initiatives in North East Lincolnshire to reduce the numbers of rough sleepers and prevent those who were vulnerable and with complex needs from becoming homeless.

OTHER OPTIONS CONSIDERED - Not accept funding and grant Providers to provide RSI - Not accepting the funding for rough sleeper initiatives as agreed by DLUHC could result in the delivery of rough sleeper initiatives ceasing, which would lead to a significant increase in the number of people approaching the Council for homelessness assistance, increased instances of rough sleeping and begging. We would anticipate an increase in sofa-surfing and rough sleeping across the borough. Alternatively, at a time when reducing rough sleeping is a priority for the Government, the Authority may incur additional costs in accommodating those who become homeless.

Explore options to terminate delivery of RSI programme - The Council has maintained its commitment in funding the support offered to rough sleepers and rough sleeper services. The removal of such a

programme across the Borough would create a significant increase in demand on services in the public and welfare sectors for those most in need. Removing the funding for street outreach workers would remove the frontline face to face / direct services for those residents in crisis. The funding also funds 2 Support Workers to continue to support those rough sleepers who are accommodated, so they can access support as and when they reach out in need along with additional interventions to provide increased support available during the daytime as well as via the night shelter. There are some changes to the interventions identified for 2022-2025 which focus on preventing new rough sleepers, by improving the collaborative assessments of those with mental health, physical health, social care and housing issues.

## **DN.28 HOME OFFICE SAFER STREETS 4 APPLICATION**

Cabinet received a report from the Portfolio Holder for Safer and Stronger Communities seeking approval to submit a bid to the Home Office Safer Streets 4 fund for interventions aimed at tackling neighbourhood crime, anti-social behaviour and violence, to improve the safety of public spaces.

### **RESOLVED –**

- 1. That the submission of the North East Lincolnshire Safer Streets 4 funding application and (if awarded) the receipt of £750,000 funding over an 18 month delivery period be approved.**
- 2. That delegated authority be given to the Deputy Chief Executive and Executive Director for People. Health and Care in consultation with the Portfolio Holder for Safer and Stronger Communities to implement such funding in compliance with the terms of the grant, directed to the East Marsh ward of the borough, accepting that such investment may have a wider impact.**
- 3. That the Deputy Chief Executive and Executive Director for People. Health and Care be authorised in consultation with the Portfolio Holder for Safer and Stronger Communities to deal with any ancillary matter arising.**
- 4. That the Assistant Director Law, Governance and Assets (Monitoring Officer) be authorised to execute documentation arising.**

REASONS FOR DECISION - If successful, the award of funding would enable the Council, working in partnership, to shape an appropriate response to the types of crime and behaviour the funding seeks to reduce. Although the funding (by virtue of the Home Office criteria)



would be directed within the area of one ward it was reasonably anticipated that the impact of the funding and initiatives that would permit would be felt across a wider area.

OTHER OPTIONS CONSIDERED - The option for the Council programme delivery, described above, was directed by the Humberside Police Environmental Visual Audit. The area of focus was determined by the crime data and the classifications of crime were a requisite of the funding application from the Home Office.

## **DN.29      COMPULSORY PURCHASE ORDER RELATING TO LAND AT STALLINGBOROUGH INDUSTRIAL DEVELOPMENT SITE**

Cabinet received a report from the Leader of the Council and Portfolio Holder for Economy, Net Zero, Skills and Housing seeking approval to make a compulsory purchase order relating to land at Stallingborough Industrial Development site.

### **RESOLVED –**

- 1. That the key changes to the Statement of Reasons be noted.**
- 2. That to make and publish the North East Lincolnshire (Stallingborough Interchange Development Site) Compulsory Purchase Order 2022 and to submit the Order to the Department for Levelling Up, Housing and Communities be resolved.**
- 3. That delegated authority be given to the Executive Director Environment, Economy and Resources in consultation with the Leader of the Council and Portfolio Holder for Economy, Net Zero, Skills and Housing to make all consequential arrangements in connection with and arising from the making of the 2022 Order including, but not limited to, the instructing of counsel and experts in connection with this matter, dealing with any objections and public inquiry, the making of General Vesting Declarations, the taking of any steps in connection with the stopping up or diversion of public or private rights, agreeing compensation and the conduct of litigation at the Upper Tribunal (Lands Chamber).**

REASONS FOR DECISION - This report was accompanied by a proposed draft Compulsory Purchase Order ("the 2022 Order") and Order Map ("the 2022 Plan") together with a draft Statement of Reasons for the 2022 Order.

The attached Statement of Reasons contains detailed reasoning and justification for the 2022 Order. These should be read and considered as part of this report.

The 2022 Order, if confirmed, was broadly for the same purpose as the 2021 Order and would ultimately provide compulsory purchase powers in respect of 3 plots of land which are identified both in the schedule to the 2022 Order and on the 2022 Plan. These are critical pieces of land in respect of the development of Phase 1B and Phase 2 of the development of the Stallingborough Interchange Development Site.

The 2021 Order was withdrawn following advice by Leading Counsel because of concerns that the 'No Scheme World' as defined in paragraph 7 the 2021 Statement of Reasons defined the scheme too narrowly.

Negotiations have been ongoing with the owners of Plot 1 and Plot 2, with the aim of avoiding the need for compulsory purchase of these plots. However, to date, it has not proved possible to secure an agreement, as the value of the land remains in dispute. Therefore, it is deemed necessary to resume the compulsory purchase process in relation to these plots.

Even if ultimately terms were settled for the acquisition of Plots 1 and 2, Plot 3 comprises parts of the Old Kiln Lane and Ephams Lane which were ancient tracks with no obvious owner. Therefore, the Council would need to pursue the 2022 Order to acquire this land in any event.

The acquisition of the Phase 1B and Phase 2 land will give the Council control of the development of the whole site in line with the local plan and the aspiration of the authority to attract inward investors from new industrial sectors such as advanced engineering as well as supporting local businesses who were looking to expand their existing operations.

OTHER OPTIONS CONSIDERED - Do nothing – a decision not to proceed with the CPO could allow the development to be delayed indefinitely. This would therefore impact upon the Council's ability to generate jobs and business rates through the programme. Therefore the revised 2022 Order needs to be made now.

## **DN.30      UK SHARED PROSPERITY FUND**

Cabinet received a report from the leader of the Council and Portfolio Holder for Economy, Net zero, Skills and Housing outlining the process for the development of an Investment Plan for the core UK Shared Prosperity Fund.

### **RESOLVED –**

- 1. That the submission of Investment Plan for UKSPF to the Department for Levelling Up, Housing & Communities (DLUHC) be approved.**

2. That authority be given to the Executive Director for Environment, Economy, and Resources, in consultation with the Leader of the Council, to take all actions necessary, including
  - 2.1 Acceptance of the grant funding award from the DLUHC.
  - 2.2 Defrayal of the grant and any ancillary activity in support of the above recommendations.
3. That the Assistant Director Law, Governance and Assets (Monitoring Officer) be delegated the responsibility to execute all documentation arising.

REASONS FOR DECISION - To support the submission of an Investment Plan to DLUHC for approval to access the UKSPF funding allocation by the deadline of 1st August 2022.

OTHER OPTIONS CONSIDERED - Do nothing – we could choose to not submit an Investment Plan. However, this was not a competitive process and the funds have already been allocated. Additionally, the fund replaces European funding which ends in 2023, and no other funding was expected.

## **DN. 31 EXCLUSION OF PRESS PUBLIC**

**RESOLVED – That the press and public be requested to leave 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. 32 BEREAVEMENT SERVICES PROJECT**

Cabinet received a report from the Portfolio Holder for Environment and Transport regarding the Bereavement Services project.

**RESOLVED -**

1. That the additional capital funding requirement to finalise the delivery of providing a simple funeral service be supported, with signposting to bereavement support and counselling services, with revenue being reinvested back into the service area and authority be delegated to the Executive Director for Environment, Economy and Resources to implement such scheme in consultation with the Portfolio Holder for Environment and Transport.
2. That authority be delegated to the Executive Director for Environment, Economy and Resources in consultation with the Portfolio Holder for Environment and Transport to take all ancillary action as may arise in connection with such implementation

REASONS FOR DECISION – as laid out in the report now submitted.

OTHER OPTIONS CONSIDERED – as laid out in the report now submitted

**DN. 32      ROUGH SLEEPER INITIATIVE 2022 - 2025**

Cabinet considered an appendix to the report from the Leader of the Council and Portfolio Holder for Economy, Net Zero, Skills and Housing referred to at DN.27 above.

**RESOLVED – That appendix to the report, pursuant to the decision at DN.27 above, be noted.**

REASONS FOR DECISION – As per DN.27

OTHER OPTIONS CONSIDERED – As per DN.27