



CABINET
DECISION NOTICE

Publication Date: 12th April 2019

At a meeting of the Cabinet held on 10th April 2019 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, Patrick, Rogers, K. Wheatley and P. Wheatley.

DN.124 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received for this meeting.

DN.125 **DECLARATIONS OF INTEREST**

There were no declarations of interest made with regard to any items on the agenda for this meeting.

DN.126 **MINUTES**

The minutes of the Cabinet meeting on 11th March 2019 were agreed as a correct record.

DN.127

AGENCY WORKER CONTRACT

Cabinet considered a report from the Portfolio Holder for Finance, Governance and Resources which sought approval for the commencement of a procurement exercise for the provision of Temporary Agency Workers.

RESOLVED –

- (1) That the commencement of a procurement exercise for the provision of Temporary Agency Workers, be approved.**
- (2) That authority be delegated to the Director of Resources and Governance in consultation with the Portfolio Holder for Finance, Governance and Resources to deal with all matters leading to and including the award of the contract for the provision of Temporary Agency Workers.**
- (3) That authority be delegated to the Chief Legal and Monitoring Officer to complete and execute all legal documentation in connection with the award.**

REASON FOR DECISION – The decision allows the Council to commence a procurement exercise for the provision of Temporary Agency Workers, and for the Council to award a contract before the 30th November 2019, allowing for continuity of service.

OTHER OPTIONS CONSIDERED –

- Do nothing. This option would leave the Council with no contract in place, and non-compliant with the requirements of the Public Contract Regulations 2015.
- Contract directly with each agency. This would be resource intensive with contracts and invoices from many agencies. The Council would have no control over the fees the agency charge or be able to set standard fees across all job categories.
- The council set's up its own recruitment company. This option has previously been explored, but was not considered to be commercially viable, given the comparatively low expenditure on agency when compared to other successful examples such as City of Wolverhampton's YOO Recruit.

DN.128

FIXED PENALTY NOTICE LEVELS FOR ENVIRONMENTAL ENFORCEMENT

Cabinet considered a report from the Portfolio Holder for Safer and Stronger Communities which set out recommendations for Regulatory Services in relation setting the authority's fixed penalty levels for both environmental and trading standards matters.

RESOLVED –

- (1) That the fixed penalty notice fine levels and civil penalty notice fine levels, as set out in Appendix 1 of the report now submitted, be approved.**
- (2) That Regulatory Services be approved to conduct a periodic review of these tariffs including any new fixed penalty or civil penalty amounts introduced by legislation and that authority be delegated to the Portfolio Holder for Safer and Stronger Communities, to approve these charges.**
- (3) That the implementation of a communication plan, involving the Council's communication team to help raise awareness within the community and help manage the public's perception, be approved.**

REASON FOR DECISION – The proposal allows Regulatory Services to use a range of Fixed Penalty Notices (FPNs) and Civil Penalty Notices (CPNs), which would extend the sanctions available as an alternative to prosecution in matters of certain environmental crime and other matters and where legislation permits their use.

OTHER OPTIONS CONSIDERED – No others options were considered. Legislation provides powers to local authority officers to issue fixed penalty notices and civil penalty notices within a range of areas. This report updates these tariffs and will provide officers additional options when tackling regulatory crime and allows lower level crime in the borough to be tackled more effectively.

DN.129

ACCOUNTABLE BODY STATUS FOR GREATER GRIMSBY HERITAGE ACTION ZONE AND KASBAH – PARTNERSHIP SCHEME IN CONSERVATION AREAS GRANT PROGRAMME

Cabinet considered a report from the Portfolio Holder for Regeneration, Housing, Skills and Assets which sought approval for the council to act as accountable body for the Heritage Action Zone programme for Grimsby Town Centre and the related Partnership Scheme in Conservation Areas programme for the Port of Grimsby.

RESOLVED –

- (1) That the proposal for the Council to act as Accountable Body for the Heritage Action Zone revenue funding, the Partnership Scheme in Conservation Areas (PSiCA) capital funding and to take receipt of the funds, be agreed.**

- (2) That authority be delegated to the Director of Economy and Growth in consultation with the Portfolio Holder for Regeneration, Skills, Assets and Housing (and Chief Legal and Monitoring Officer where appropriate) to:**
- a) Negotiate and finalise appropriate legal agreements between the Council and Historic England, and funding agreements with ENGIE and Associated British Ports.**
 - b) Finalise the project appraisal, approval and claims processes for the award of PSiCA grants to third party property owners.**
 - c) Finalise appropriate legal agreements between the Council and third party property owners awarded grants through the PSiCA programme, subject to assurance on State Aid compliance, and 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) Seek and implement further external funding where appropriate to support delivery of Heritage Action Zone objectives.**
- (3) That authority be delegated to the Director of Economy and Growth in consultation with the Portfolio Holder for Regeneration, Skills, Assets and Housing to ensure that all ancillary actions are completed.**

REASON 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 PSiCA will facilitate this. The HAZ and PSiCA programmes will support the conservation and economic re-use of heritage assets within the Kasbah Conservation Area and elsewhere in Grimsby Town Centre. The provision of grant support to property owners/tenants will de-risk and stimulate private investment in the restoration and re-use of historic properties in the area.

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

OTHER OPTIONS CONSIDERED –

- The Council could have chosen to do nothing as an alternative to taking on the role of Accountable Body for the HAZ and PSiCA programmes. This option has not been pursued because neither would proceed in the event that the Council did not take responsibility for managing the funds.
- If the PSiCA programme did not proceed this would potentially result in reputational damage for the Council with local business/property owners and with Historic England. This option could also result in heritage assets within the Kasbah Conservation Area remaining 'at risk.'

DN.130

ICT REPLACEMENT AND REFURBISHMENT

Cabinet considered a report from the Portfolio Holder for Finance, Governance and Resources which sought approval to support a 3 year programme of refresh for the councils ICT hardware environment.

RESOLVED –

- (1) That the capital funding to support the ICT refurbishment and replacement project, be approved.**
- (2) That authority be delegated to the Director of Resources and Governance in consultation with the Portfolio Holder for Finance, Governance and Resources to commence procurement exercises associated with the ICT Refurbishment and Refresh programme.**
- (3) That authority be delegated to the Director of Resources and Governance in consultation with the Portfolio Holder for Finance, Governance and Resources to deal with all matters up to and including the award of such contracts.**
- (4) That authority be delegated to the Chief Legal and Monitoring Officer to execute all documentation in connection with the awards.**

REASON FOR DECISION – To ensure that the Council's ICT hardware environment is robust, secure and supportable whilst remaining fit for purpose. To seek approval to commence relevant procurements

OTHER OPTIONS CONSIDERED –

- Do nothing; The ICT infrastructure would become unsupported / un-maintained and unable to cope with the loads placed upon it, both in terms of processing, storage capacity, backup and server infrastructure estate. We would lose our CoCo status, and the

ability to deliver the Revenue and Benefits system along with any future application that will be delivered through this channel. Our Microsoft estate would become un-supported and non-patchable leaving the Council vulnerable to both internal and external attacks. If the ICT infrastructure was to remain in its current state, the Council would run the risk of losing some key applications; HR and Payroll systems, Children Services systems, Blue Badges, digital inclusion, the move to delivering on line where we can (e.g. information, advice and guidance), children's health (digital), all finance systems, Email, the ability to store, audit, log, record, retain and report on any information, Internet, all Communication methods both internal and external, etc.

- Upgrade and refresh internal capability over a three year period.
- Extension of the 5 year refresh; the programme for the refresh of laptop and PC devices runs over a 5 year period. We have considered extending this to "Sweat the assets" over a longer period but this option is not considered viable due to the pace that the industry moves and also due to incompatibility within patchable software like Windows, the Office suite and 3rd party provided software with devices that are over a certain age.

DN.131

ADVANCED ENGINEERING UNIT, STALLINGBOROUGH

Cabinet considered a report from the Portfolio Holder Regeneration, Housing, Skills and Assets which sought authority to accept grant funding, if successful, from the Humber Local Enterprise Partnership (LEP) to enable the provision of an advanced engineering and manufacturing unit on the Stallingborough Enterprise Zone.

RESOLVED –

- (1) That authority be delegated to the Director of Economy and Growth, in conjunction with the Portfolio Holder for Regeneration, Skills and Assets to accept the offer of grant funding, if received, from the Humber LEP grant programme to enable the construction of an Advanced Engineering unit on the Stallingborough Enterprise Zone and to finalise the terms of the funding agreements with the Humber LEP.**
- (2) That authority be delegated to the Chief Legal and Monitoring Officer to complete and execute all documents arising.**

REASON FOR DECISION – North East Lincolnshire remains subject to property market failure within the industrial sector and the lack of advanced factory provision has impacted on the area's ability to attract further inward investment. There is a significant gap between development costs and values and as a result, speculative builds by developers are currently not viable. To address this the Council is

proposing to design and build a bespoke unit on the Stallingborough site but the project cannot go ahead without grant aid.

OTHER OPTIONS CONSIDERED – The Council could chose to do nothing as an alternative to securing funding from the Humber LEP to deliver the project. It is clear however that without the public monies provided by the grant funding, the gap in the development case for the new build would not be bridged and the build would be unlikely to take place.

DN.132

ROUGH SLEEPING WORKING GROUP FINDINGS REPORT

Cabinet considered a report from the Portfolio Holder for Regeneration, Housing, Skills and Assets responding to the findings of the Rough Sleeping Working Group as referred to Cabinet by the Communities Scrutiny Panel.

RESOLVED –

- (1) That the recommendations of the Rough Sleeping Working Group be received and noted as set out in paragraph 1.1 of the report now submitted.**
- (2) That the Director of Adult Services compile a detailed business case and financial information with regard to recommendations 5, 9 and 11 of the Rough Sleeping Working Group, and urge officers to enter into appropriate engagement with Engie and Lincolnshire Housing Partnership.**
- (3) That the Director of Adult Services report back to Cabinet within 3 months with an update on progress against the Rough Sleeping Working Group's recommendations.**

REASON FOR DECISION – The working group process allows elected members in NEL to consider key issues in detail and to make recommendations to cabinet for improvements to services or changes to policy in order to improve outcomes for local residents. The working group identified rough sleeping as a growing problem in NEL at a time when there is less money available to meet the council' statutory duties to prevent homelessness or fulfil its duties to those finding themselves unintentionally homeless. The proposed recommendations, along with the recent findings from the adult services review will enable better management of resources and will help to improve the user experience of the services.

OTHER OPTIONS CONSIDERED – Not applicable.

DN.133 **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 paragraphs 3 and 4 of Schedule 12A of the Local Government Act 1972 (as amended).

DN.134 **ROUGH SLEEPING WORKING GROUP FINDINGS REPORT**

Cabinet considered the closed appendix (the findings report) to the report from Portfolio Holder for Regeneration, Housing, Skills and Assets as referred to at DN.132 above.

RESOLVED –

- (1) That the closed appendix be received, noting that, in referring it to Cabinet, the Communities Scrutiny Panel had agreed to remove recommendation 7 of the findings report.**
- (2) That the decision made at DN.132 above, be reaffirmed.**

REASON FOR DECISION – As detailed at DN.132

OTHER OPTIONS CONSIDERED – As detailed at DN.132

DN.135 **LIFELONG LEARNING**

Cabinet considered a report from Portfolio Holder for Regeneration, Housing, Skills and Assets on future options for lifelong learning services.

RESOLVED –

- (1) That authority be delegated to the Director of Children’s Services in consultation with the Portfolio Holder for Regeneration, Housing, Skills and Assets to review direct delivery of Lifelong Learning and implement any option they agree.**
- (2) That authority be delegated to the Director of Children’s Services in consultation with the Portfolio Holder for Regeneration, Housing, Skills and Assets to deal with all ancillary matters arising.**

REASON FOR DECISION – As noted within the report now submitted.

OTHER OPTIONS CONSIDERED – As noted within the report now submitted.