



CABINET  
DECISION NOTICE

Publication Date: 14<sup>th</sup> February 2019

At a meeting of the Cabinet held on 13<sup>th</sup> February 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 Oxby (in the Chair)  
Councillors Bolton, Hyldon-King, Patrick, Rogers, Watson, K. Wheatley and P. Wheatley.

DN.93 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received for this meeting.

DN.94 **DECLARATIONS OF INTEREST**

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

DN.95 **MINUTES**

The minutes of the Cabinet meeting on 16<sup>th</sup> January 2019 were agreed as a correct record.

DN.96

**BUDGET, FINANCE AND COMMISSIONING PLAN 2019/20 – 2021/22  
POST SETTLEMENT**

Cabinet received a report from the Portfolio Holder for Finance, Governance and Resources which presented in detail how the Council plans to deliver its agreed financial strategy over the next three years.

**RECOMMENDED TO COUNCIL –**

- (1) That the 2019/20 Budget and summary 2019/20 – 2021/22 Medium Term Financial Plan contained within appendix 1 of the report now submitted, including the development of two business cases; one focussed on supporting Events and tourism across the Borough and one focussed on further developing our approach to Compliance, be approved.**
- (2) That the proposed 2.98% increase in Council Tax, be approved.**
- (3) That the summary outcomes framework, key commissioning priorities and commissioning briefs, be approved.**
- (4) That the Capital investment strategy (and associated prudential indicators) included within annex 3 of the report now submitted, be approved**
- (5) That the 2019/20 – 2021/22 capital investment programme set out in annex 2 of the report now submitted, be approved.**
- (6) That the planned reserves position as set out in appendix 1 of the report now submitted, be approved.**
- (7) That the uncertainty and increased risk relating to the introduction of 75% business rate retention and Fair Funding reform be noted and the Director of Resources and Governance reports back to Cabinet in respect of any material or significant variances against planning assumptions.**

REASON FOR DECISION – The Council must determine how it is to operate within the forecast financial resources over the next three financial years. To comply with its legal obligations, the Council must set a balanced budget for 2019/20 and provide a realistic financial forecast for the remainder of the medium term financial planning period 2020/21 – 2021/22.

OTHER OPTIONS CONSIDERED – Option appraisal has been undertaken in setting both the revenue and capital budgets. A range of options will be considered when considering service delivery within

defined financial resources to support the delivery of a balanced budget in 2019/20.

DN.97

### **TREASURY MANAGEMENT STRATEGY**

Cabinet received a report from the Portfolio Holder for Finance, Governance and Resources which presented the restated Treasury Policy Statement and the Treasury Management Strategy Statement.

**RECOMMENDED TO COUNCIL – That the report and its contents, detailed below be approved:**

- **the Treasury Management Policy Statement at appendix 1 of the report now submitted;**
- **the Treasury Management Strategy Statement and Prudential Indicators for 2019/20 at appendix 2 of the report now submitted;**  
**and**
- **the Minimum Revenue Provision Policy Statement at Annex 2 of Appendix 2 of the report now submitted.**

REASON FOR DECISION – The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice for Treasury Management in Public Services (the CIPFA TM Code) and the Prudential Code require local authorities to approve their Treasury Management Strategy Statement and Prudential Indicators on an annual basis. This Authority requires the Strategy to be approved by full Council.

OTHER OPTIONS CONSIDERED – As laid out in the report.

DN.98

### **ADULT SOCIAL CARE SELECT COMMITTEE FINDINGS REPORT**

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care which summarised and responded to the findings of the Adult Social Care Select Committee.

**RESOLVED – That the recommendations of the Adult Social Care Select Committee as laid out in appendix 1, be agreed.**

REASON FOR DECISION – The select committee 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 adult social care select committee has highlighted significant resource issues for adult social care, but careful management and improvements to efficiency and effectiveness will enable the council to discharge its statutory duties within the resources it has available. 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 – Members will be aware of the adult services review which has recently concluded. This has been a wider

review of services than that of the select committee. A full action plan will be developed taking into account the findings of the select committee as well as the adult services review.

DN.99

**PROCUREMENT OF DEMAND RESPONSIVE BUS SERVICE – PHONE N RIDE**

Cabinet considered a report from the Portfolio Holder for Environment, Transport and Energy which set out future options for the delivery of the Phone 'n' Ride demand responsive community transport initiative.

**RESOLVED –**

- (1) That the continuation of the Phone 'n' Ride service be approved in principle and the options for future delivery of the service be considered.**
- (2) That subject to the outcome of resolution 1 above, authority be delegated to the Director of Economy and Growth, in consultation with the Portfolio Holder for Environment, Transport and Energy to commence the related procurement exercise for a Phone 'n' Ride service for a period of 2 years from July 2019, with the option to extend the contract for delivery of the service for a further 1 year in accordance with the Public Contract Regulations 2015, and to make an appropriate contract award within the available budget.**
- (3) That authority be delegated to the Director of Economy and Growth, in conjunction with the Chief Legal and Monitoring Officer, to complete any legal agreements required.**
- (4) That authority be delegated to the Director of Economy and Growth, in conjunction with the Portfolio Holder for Environment, Transport and Energy to undertake a full review of options for future delivery of the service.**
- (5) That authority be delegated to the Director of Economy and Growth and Chief Legal and Monitoring Officer to ensure that all actions necessary and ancillary thereto, including execution of all documents, are completed.**

REASON FOR DECISION – The Council's current delivery partner for Phone n Ride has given notice that it plans to cease delivery of the service in July 2019. As a result of this decision the Council is required to consider options for the future delivery of the service in order to satisfy its statutory duties under Section 63 of the 1985 Transport Act. It is proposed to appoint a new delivery partner for a two year contract period, with the potential for a further one year extension, to afford the opportunity for the Council and ENGIE to undertake a full review of future delivery options for the service.

OTHER OPTIONS CONSIDERED – The end of the current contract with Go Plant Fleet Services provides an opportunity to evaluate the delivery of the demand responsive transport service in North East Lincolnshire. A number of options could be considered by the Council in relation to future delivery of the service:

- 1) Withdrawal of the service at the end of current contract July 2019. This option is not recommended as it would reduce access to employment and key local services for residents in rural communities or those without access to regular public transport services. This option is contrary to the policies set out in the Council's adopted Local Transport Plan (LTP) and could, if implemented, place the Council at risk of failing to discharge its duty under the 1985 Act. There are also likely to be significant negative reputational impacts should this option be actioned.
- 2) Move towards a "not for profit" or social enterprise operating model. Delivery of the service could operate on a not-for-profit model through third party social enterprise. Although this approach could take some time to become established and achieve a sustainable business model, it could facilitate access to sources of funding that are not currently available to the Council. Ongoing funding support through the concessionary fares budget and potentially other resources would be required. Significant further work is required to develop and test the business case for Option 2 and to gauge the interest/capability of potential operators.

However, section 22 of the Bus Services Act 2017 – which received Royal Assent on 27 April 2017 – states that a local transport authority "may not, in the exercise of any of its powers, form a company for the purposes of providing a local service". In effect, this prevents any local transport authority in England from forming a new municipal bus company although existing operations are unaffected.

- 3) Tender for new commercial operator with current service specification. This option retains the current operating model and as such would not result in any changes for the public in terms of service provision, in the immediate future. It retains current capacity and would enable other operational models to be investigated, but is unlikely to realise longer term efficiencies or innovation in service delivery.
- 4) Tender for new commercial operator with a revised specification. The revision in specification would be influenced by undertaking a pre-market consultation whereby potential bidders would be invited to discuss various options for service delivery (for example operating part of the service on a fixed route basis or other potential service innovations). This option provides the opportunity for third party operators to innovate in service delivery and may enable service provision to continue within existing budget provision. This is the recommended option.

DN.100

**SCHOOL TERM DATES FOR NORTH EAST LINCOLNSHIRE'S COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS FOR THE 2020 – 2021 ACADEMIC YEAR**

Cabinet received a report from the Portfolio Holder for Children, Young People and Education which set out the proposed School Year for 2020-2021 for all voluntary controlled and community schools within the local authority.

**RESOLVED – That the proposed dates as laid out in appendix 1 of the report now submitted, for voluntary controlled and community schools for the 2020 – 2021 academic year, be approved.**

REASON FOR DECISION – The 1996 Education Act requires local authorities to determine school term dates annually. The proposal in Appendix A is recommended as this would ensure as much uniformity as possible with our internal own admission authority schools and academies and neighbouring local authorities. Therefore, minimising where possible internal differences and any cross boundary disruption.

OTHER OPTIONS CONSIDERED – None

DN.101

**SCHOOL ADMISSION ARRANGEMENTS FOR THE 2020-2021 ACADEMIC YEAR**

Cabinet received a report from the Portfolio Holder for Children, Young People and Education which presented the local authority's school admission arrangements for community and voluntary controlled schools for the academic year 2020-2021.

**RESOLVED –**

- (1) That, the general admission arrangements, including published admissions numbers (PANs), for the local authority's community and voluntary controlled schools for 2020-2021 be unchanged from 2019–2020.**
- (2) That no material changes be made to the local authority's co-ordinated school admission arrangements published schemes other than the updating of dates and deadlines, and that locally agreed protocols that support admission arrangements continue to be reviewed on a regular basis.**
- (3) That the Director of Children's Services continues to have delegated powers in consultation with the governing bodies of community and voluntary controlled schools to increase the published admission number of an individual year group in a school in exceptional circumstances.**

- (4) That it be noted that those schools / academies that are their own admission authorities have the ability to consult and determine their own admission arrangements. Details of known proposed changes are provided at Appendix 1 of the report now submitted.**
- (5) That it be noted with the increasing number of academies within the local authority the number of schools for which the local authority is responsible for in respect of determining admission arrangements is reduced.**

REASON FOR DECISION – The Education (Determination of Admission Regulations 1999) requires school admission arrangements for 2020-2021 to be determined and published, after any required consultation by 28 February 2019. The recommendations above result from the statutory consultation required under legislation

OTHER OPTIONS CONSIDERED – Other options are regularly considered in the wide ranging consultations.

DN.102

### **TRANSLATION AND INTERPRETING SERVICES**

Cabinet considered a report from the Portfolio Holder for Finance, Governance and Resources on the procurement of a contract for translation and interpretation services.

#### **RESOLVED –**

- (1) That the procurement of a translation and interpreting service, 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 award the translation and interpreting service.**
- (3) That authority be delegated to the Chief Legal and Monitoring Officer to complete all legal documentation in connection with the award.**

REASON FOR DECISION – The Authority needs access to translation and interpreting services to enable Authority officers to communicate with the local community. Authority officers need a quality, responsive service which provides value for money. Procuring the new service allows the Authority to specify the quality expectations, the needs of our local community and ensure accessibility for its officers.

#### **OTHER OPTIONS CONSIDERED –**

- 1) Do nothing - this is not an option as the current process is to purchase translation and interpretation on an ad-hoc basis.

- 2) Joint procurement – a joint procurement has been explored and North East Lincolnshire Clinical Commissioning Group and Engie will be included within this procurement. North Lincolnshire Council has also been approached but they have not decided yet if they wish to be part of this procurement.
- 3) Internal Translators – there are staff members who work for the Authority who are fluent in other languages. It is hoped that these staff members can be identified and provide translation services to all areas of the Authority to reduce the volume and spend on external translators. This is a long term goal and will be explored by the Commissioning and Strategic Support Unit following the procurement.
- 4) Cease the service – this is not a feasible option, the Authority has a duty to communicate to its residents and this includes translating verbal and written communication.

DN.103

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

DN.104

### **PROPOSED IMPROVEMENTS TO BEREAVEMENT SERVICES**

Cabinet considered a report from the Portfolio Holder for Environment, Transport and Energy which set out proposed improvements to Bereavement Services.

**RESOLVED –**

- (1) That the proposals for improvements to Bereavement Services be agreed.**
- (2) That authority be delegated to the Chief Operating Officer in consultation with the Portfolio Holder for Environment, Transport and Energy to implement the proposals on a phased approach and deal with all necessary actions ancillary or incidental to implementation.**
- (3) That authority be delegated to the Chief Legal and Monitoring Officer to settle, complete and execute all appropriate documentation to facilitate the above.**
- (4) That within 12 months a report by way of update is brought before Cabinet.**

REASON FOR DECISION – As laid out in the report.



OTHER OPTIONS CONSIDERED – As laid out in the report.

DN.105

**COMMERCIAL WASTE COLLECTION SERVICE**

Cabinet considered a report from the Portfolio Holder for Environment, Transport and Energy on the development of a commercial waste collection service.

**RESOLVED –**

- (1) That the establishment of a Council operated commercial waste collection service, to collect commercial waste from Council owned or controlled properties, be approved.**
- (2) That authority be delegated to the Council’s Chief Operating Officer in consultation with the Portfolio Holder for Environment, Transport and Energy to deal with all necessary actions ancillary to or arising from Resolution 1 above.**
- (3) That authority be delegated to the Chief Legal and Monitoring Officer to settle, complete and execute all appropriate documentation arising.**
- (4) That authority be delegated to the Council’s Chief Operating Officer in consultation with the Portfolio Holder for Environment, Transport and Energy to undertake the necessary steps to pilot a Council operated commercial waste collection service to other businesses once demand, operational and financial viability is reviewed and approved by them.**
- (5) That a further report be received by March 2020 detailing:**
  - the findings of the Council operating a commercial waste collection service to Council properties**
  - the results of any commercial waste collection service piloted to local businesses**
  - the implications for the Council of the 2018 DEFRA Resource & Waste Strategy in respect of commercial waste collection and our waste disposal arrangements.**

REASON FOR DECISION – As laid out in the report.

OTHER OPTIONS CONSIDERED – As laid out in the report.

DN.106

**URGENT BUSINESS – LEEDS CITY COUNCIL & ORS V BARCLAYS BANK PLC**

Cabinet considered a report from the Portfolio Holder for Finance, Governance and Resources seeking approval to continue with proceedings against Barclays Bank PLC.

This item was considered under the Special Urgency requirements as set out in the Council's Constitution, and with the agreement of the Chair of the Overview and Scrutiny Panel. It is therefore not subject to the call-in procedure.

**RESOLVED –**

- (1) That the report be noted and the continuance of litigation supported.**
- (2) That subject to both internal and external legal advice, authority be delegated to the Director of Resources and Governance in consultation with the Leader of the Council and Portfolio Holder for Finance, Governance and Resources to commit funding in furtherance of the litigation.**
- (3) That authority be delegated to the Director of Resources and Governance in consultation with the Leader of the Council and Portfolio Holder for Finance, Governance and Resources to negotiate, settle and complete terms for after the event insurance on such terms as thought fit.**
- (4) That the Director for Resources and Governance periodically updates Cabinet as to progress.**

REASON FOR DECISION – As laid out in the report.

OTHER OPTIONS CONSIDERED – As laid out in the report.