



CABINET DECISION NOTICE

Publication Date: 6th June 2019

At a meeting of the Cabinet held on 5th June 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 Jackson (in the Chair)
Councillors Cracknell, Lindley, Procter, Shepherd and S. Swinburn.

DN.1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Fenty and Shreeve for this meeting.

DN.2 **DECLARATIONS OF INTEREST**

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

DN.3 **MINUTES**

The minutes of the Cabinet meeting on 10th April 2019 were noted.

DN.4

2018/19 PROVISIONAL OUTTURN REPORT

Cabinet considered a report from the Portfolio Holder for Finance and Resources providing the Council's provisional financial outturn for 2018/19.

RESOLVED –

- 1) That the Provisional Financial Outturn be noted and the report be referred to all scrutiny panels for consideration.**
- 2) That the use of the management of change reserve to address any significant variances arising from technical adjustments linked to the completion of the year end accounts, be approved.**
- 3) That the slippage requests in respect of the 2018/19 capital scheme as detailed in Annex 1 of the report now submitted, be approved.**
- 4) That the revised 2019/22 Capital Programme as detailed in Annex 1 of the report now submitted, be approved.**
- 5) That the creation of a £2M earmarked reserve for use within Children's Services to specifically address the recruitment of childcare social workers, be approved.**

REASON 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.5

NEW CHILDREN'S SAFEGUARDING ARRANGEMENTS

Cabinet considered a report from the Portfolio Holder for Children, Education and Young People seeking adoption of the draft Local Arrangements Plan in response to new national guidance for safeguarding taking effect in June 2019.

RESOLVED –

- 1) That the adoption of the Local Arrangements Plan, on behalf of North East Lincolnshire Council, be agreed and implemented from 29th June 2019 (noting that Humberside Police and the North East Lincolnshire Clinical Commissioning Group, as equal safeguarding partners, will also be adopting the Plan).**

- 2) **That authority be delegated to the Portfolio Holder for Children, Education and Young People, together with the Director of Children’s Services at their discretion, to make any necessary changes to the Plan prior to the date of publication.**
- 3) **That subsequent to adoption of the Plan, the Children and Lifelong Learning Scrutiny Panel participate in the scrutiny of the implementation of these arrangements.**

REASON FOR DECISION – There is a statutory requirement for the Council, the Clinical Commissioning Group (NELCCG) and Humberside Police to act with equal responsibility in designing and implementing new safeguarding arrangements from 29th June 2019. Publication and notification to the Secretary of State for Education is required to take place on or before that date.

OTHER OPTIONS CONSIDERED – It is not an option to keep safeguarding arrangements as they are now, as this would not meet the new statutory requirement. Throughout the work on this change, a variety of different models and structures have been discussed and tested, and those that are included in the draft Plan meet the needs of the legislation, our community and the main safeguarding partners.

DN.6

THE COUNCIL’S APPROACH TO MODERN SLAVERY

Cabinet considered a report from the Portfolio Holder for Safer and Stronger Communities setting out our Partnership approach to tackling Modern Slavery across North East Lincolnshire.

RESOLVED –

- 1) **That the report be received and the progress made to tackle Modern Slavery be acknowledged and that the Partnership Modern Slavery Strategy be approved.**
- 2) **That the Portfolio Holder for Safer and Stronger Communities with the Director of Children and Family Services be instructed to ensure that future progress is reported via the Communities Scrutiny Panel.**

REASON FOR DECISION – To provide assurance that the Council are fulfilling their statutory duties as set out in sections 43 and 52 of the Modern Slavery Act 2015.

OTHER OPTIONS CONSIDERED – This Partnership approach to tackling Modern Slavery is in line with best practice and follows the Local Government Association “Modern Slavery A Council Guide”.

DN.7

CULTURAL DEVELOPMENT FUNDING – NORTH EAST LINCOLNSHIRE’S ‘OPEN FOR CULTURE’ PROGRAMME

Cabinet considered a report from the Portfolio Holder for Tourism, Heritage and Culture seeking approval to act as Accountable Body for Cultural Development Funding and to put in place the officer delegations to deliver the scheme.

RESOLVED –

- 1) That the proposal for the Council to act as Accountable Body for the Cultural Development Fund programme be approved and the receipt of the funds from Arts Council England be agreed.**
- 2) That the Director of Health and Wellbeing, in consultation with the Portfolio Holder for Tourism, Heritage and Culture be authorised, to:**
 - a. negotiate and finalise appropriate agreements between the Council and Arts Council England and partnership/service level agreements with delivery partners in relation to the Cultural Development Fund programme.**
 - b. commence procurement exercises for capital and revenue projects to be delivered through the Cultural Development Fund programme and make appropriate awards.**
 - c. finalise project appraisal, approval, contractual terms and claims/monitoring processes for the award of small grants to creative businesses through the Cultural Development Fund programme.**
 - d. seek and implement further external funding where appropriate to support delivery of the Culture and Heritage Framework, including a Lead Strategy post, joint funded with Arts Council England.**
- 3) That the Director of Health and Wellbeing, in consultation with the Portfolio Holder for Tourism, Heritage and Culture, be authorised to ensure that all ancillary actions are completed.**
- 4) That the Chief Legal and Monitoring Officer be authorised to execute all documents in connection with the above.**

REASON FOR DECISION – Delivery of the Arts Council England-funded Cultural Development Programme, will make a significant contribution to the achievement of economic, community and health and wellbeing outcomes. The CDF programme will support the growth of a small but rapidly developing creative industries sector in North East Lincolnshire; support the diversification of Grimsby Town Centre; and create a wide range of new opportunities to participate in cultural activities.

OTHER OPTIONS CONSIDERED – The Council could choose not to put in place measures to implement the Cultural and Heritage Framework or not to accept Accountable Body status, however, this would significantly undermine its reputation with Arts Council England, the Department for Digital, Culture, Media and Sport (DDCMS) and other Government departments during an important period of delivery for the Greater Grimsby Town Deal. A ‘do nothing’ option would also generate negative reputational impacts with local stakeholders in the cultural sector who have been engaged extensively during the development of the Culture and Heritage Framework and CDF bid.

DN.8

DYNAMIC PURCHASING SYSTEM (DPS) LIST OF CONTRACTORS FOR THE PROVISION OF EDUCATION TRANSPORT SERVICE (REFRESH)

Cabinet considered a report from the Portfolio Holder for Children, Education and Young People seeking approval to review the current list of contractors for the provision of the education transport service and to seek approval for the review cycle to increase.

RESOLVED – That authority be delegated to the Director of Children’s Services, in consultation with the Portfolio Holder for Children, Education and Young People, to procure and award a new list of approved contractors for the provision of education transport services via a new Dynamic Purchasing System.

REASON FOR DECISION – To ensure that the Council complies with its statutory duties in the provision of education transport according to the policies for Home to School and Home to College Transport.

OTHER OPTIONS CONSIDERED – No other options were considered.

DN.9

ELECTRICITY AND GAS BASKET FRAMEWORK

Cabinet considered a report from the Portfolio Holder for Finance and Resources seeking approval for the re-procurement of the Council’s electricity and gas contracts.

RESOLVED –

- 1) That authority be delegated to the Director of Resources and Governance, in consultation with the Portfolio Holder for Finance and Resources, to approve the re-procurement, by ENGIE, of the Electricity and Gas Basket Framework.**
- 2) That, upon completion of the process, authority be delegated to the Director of Resources and Governance, in consultation and the Portfolio Holder for Finance and Resources, to award the contracts.**

3) That authority be delegated to the Chief Legal and Monitoring Officer to complete all legal documentation in relation to the matters outlined above.

REASON FOR DECISION –The main services agreement between the Council and ENGIE Services Ltd requires that ENGIE administer the Council’s electricity and gas supply and also procure electricity and gas on behalf of the Council as and when required. A decision is required to ensure timely completion of a compliant procurement process and to ensure that the Council can achieve and demonstrate value for money.

OTHER OPTIONS CONSIDERED –

Option 1 - Do nothing

Benefits:

- There are no benefits for this option

Challenges:

- The supply tariffs would move on to deemed rates, which would increase cost to the Council and those customers in the basket.
- The Council would be unable to demonstrate it had sought value for money.
- This option is not compliant with the requirements of the Public Contract Regulations 2015 or the Council’s Contract Procedure Rules.

Option 2 – Council procure its own energy supplies direct from the supply companies.

Benefits:

- The Council avoids paying a third party intermediary (TPI) margin for energy trading services including risk management.

Challenges:

- The Council does not have the expertise, experience or systems necessary to successfully trade in the complex electricity and gas commodity markets.
- Purchase of fixed long-term supply contracts requires payment of significant risk related premiums as part of commodity prices.

Option 3 - Conclude the current frameworks and revert back to a Pro5 arrangement.

This option terminates the current framework arrangements and reverts the Council back to the use of frameworks procured through the Pro5 purchasing organisations, i.e. Yorkshire Purchasing Organisation (YPO).

Benefits:

- Increased certainty of utility commodity costs
- The Pro5 arrangements are compliant with the Public Contract Regulations 2015.

- The Council could receive a small rebate from the Pro 5 organisation as a result of being part of a larger basket.

Challenges:

- Pro 5 organisations charge a management fee or levy for accessing their arrangements.
- More onerous process of supply transfer and billing as the Council will be limited to the payment arrangements stipulated by the Pro5 framework rather than those stipulated by its own terms and conditions.
- Potential for increase in utility spend/budget due to adopting a more risk averse trading strategy.
- Reputational damage as the commitment was made by the Council in 2015 to procure energy independently of the Pro5 arrangement
- Although Academies are free to move suppliers, independent Academies/Schools (i.e. those not within wider academy groups) will be left unsupported.

Option 4 - Focus on the re-procurement of the framework with provision for organic regional local growth (Recommended Option).

This option focused on the re-procurement of the frameworks and utility purchasing activity for the Council. It also realises the benefit of organic growth through local academies, schools and other public sector organisations on 'regional' (i.e. Lincolnshire/Yorkshire and Humber surrounding areas) as opposed to the previous 'national' framework basis. It continues the current risk based approach in offsetting increases to the non-commodity charges.

Benefits:

- Potential for growth without dedicated marketing and sales resource
- Easier to administer
- Cost avoidance still achieved
- Reputational benefit for the Council and the RenewNEL brand

Challenges:

- Additional resource from the Council to market the framework growth
- Risk of challenge for the Council promoting ENGIE services
- Risk of procurement challenge from Pro5 organisations

DN.10

CHILDREN'S SOCIAL CARE STATUTORY COMPLAINTS AND COMPLIMENTS ANNUAL REPORT 2018/19

Cabinet considered a report from the Portfolio Holder for Children, Education and Young People presenting the Children's Social Care Statutory Complaints and Compliments Annual Report for the period 1st April 2018 to 31st March 2019.

RESOLVED –

- 1) **That the Children’s Social Care Statutory Complaints and Compliments Annual Report for 2018/19 be received and accepted.**
- 2) **That the Children’s Social Care Statutory Complaints and Compliments Annual Report for 2018/19 be referred to the Children and Lifelong Learning Scrutiny Panel for their consideration.**

REASON FOR DECISION – It is a requirement of The Children Act 1989 Representation Procedure (England) Regulations 2006 to produce an annual report regarding the representations made about social care statutory services. The purpose of the attached report is to inform the general public, elected members and Council officers about the effectiveness of the statutory complaints procedure.

OTHER OPTIONS CONSIDERED – It is a statutory requirement that an annual report is completed for these complaints and the activities undertaken in responding to the complaints follows current guidance. The current approach is set out in the attached report.

DN.11

SUPPLEMENTARY PLANNING DOCUMENT WIND ENERGY ADOPTION

Cabinet considered a report from the Portfolio Holder for Environment and Transport seeking approval to adopt the ‘Wind Energy Supplementary Planning Document’ in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.

RESOLVED – That the adoption and subsequent publication of the Wind Energy Supplementary Planning Document, be approved.

REASON FOR DECISION – The Council has a statutory duty, as a local planning authority, to prepare and maintain an up to date ‘Development Plan’. The preparation of Supplementary Planning Documents that support the adopted Local Plan whilst not a statutory duty, do provide additional guidance on policies set out in the Plan.

OTHER OPTIONS CONSIDERED – The Council could do nothing and rely on national policies and guidance and the policies set out in the adopted Local Plan. However, by providing additional information to developers, landowners and communities, the Council is seeking to put in place a more comprehensive policy framework for wind energy that will support development in appropriate locations whilst ensuring related impacts are given full consideration as part of the planning process.

DN.12

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 3 of Schedule 12A of the Local Government Act 1972 (as amended).

DN.13

REGENERATION PARTNERSHIP REVIEW

Cabinet considered a report from the Leader of the Council presenting the findings and recommendations of a review of the council's Regeneration Partnership arrangements.

RESOLVED –

- 1) That the key issues and recommendations contained within Appendix 1 of the report now submitted, be noted and approved.**
- 2) That authority be delegated to the Director of Economy and Growth to commence development and delivery of an implementation programme with immediate effect.**
- 3) That the Director of Economy and Growth be instructed to verbally report progress to Cabinet on a quarterly basis.**

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

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