



CABINET DECISION NOTICE

Publication Date: 8th November 2019

At a meeting of the Cabinet held on 6th November 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, Fenty, Lindley, Procter, Shepherd, Shreeve and S. Swinburn.

DN.50 **APOLOGIES FOR ABSENCE**

There were no apologies for absence from this meeting.

DN.51 **DECLARATIONS OF INTEREST**

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

DN.52 **MINUTES**

The minutes of the Cabinet meeting on 2nd October, 2019 were agreed as a correct record.

DN.53

GYPSY AND TRAVELLER DESIGNATED STOPPING PLACE

Cabinet considered a report from the Portfolio Holder for Regeneration, Skills and Housing providing an update on the latest position with the provision of a gypsy and traveller designated stopping place.

RESOLVED –

- 1. That the Director of Resources and Governance be instructed to undertake technical assessments of the following sites and refresh those where technical assessments have already been carried out:**
 - **Land of Former Nunsthorpe Youth Centre (demolished) (Wootton Road)**
 - **Land at Winchester Avenue / Torksey Drive and Toynton Road**
 - **Land under Cleethorpes Road Flyover West**
 - **Wellington Street Car Park**
 - **Garibaldi Street Car Park**

- 2. That, upon receipt of technical assessments, authority be delegated to the Director of Resources and Governance, in consultation with the Portfolio Holder for Regeneration, Skills and Housing, to commence a public consultation exercise on the said sites, subject to such assessments.**

- 3. That the Director for Resources and Governance be instructed to update Cabinet by way of a further report on the results of the consultation exercise.**

REASON FOR DECISION – Historically, local authorities have been required by 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 local authorities 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 and Traveller Needs Assessment established an identified requirement of a minimum of five (5) 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 – this would result in no provision of an adequate DSP. The Council previously commissioned a Gypsy and Traveller Accommodation Assessment in 2014 which identified a need for five (5) temporary pitches to be provided in order to meet local requirements. Policy 21 of the Local Plan therefore states that the Council will identify, deliver and maintain provision of a designated stopover site to meet the needs of transient gypsies and travellers. By not providing a site, the Council would be operating at risk with the potential for legal challenge from the planning inspector, central government and private individuals. It is therefore recommended that the Council endeavour to satisfy the need outlined in the Local Plan by providing a site.

Encourage a third party to deliver a Designated Stopover Place – following previous 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 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, 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. NELC are the first Local Authority in the region to provide a Designated Stopover Place so no equivalent provision is available in other areas. Other Local 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.54

2019/20 QUARTER 2 FINANCE MONITORING REPORT

Cabinet considered a report from the Portfolio Holder for Finance and Resources providing key information and analysis of the Council’s financial position and performance at the end of Quarter 2 of the 2019/20 financial year.

RESOLVED –

- 1. That the reported position at quarter 2 be noted, and the Finance Monitoring Report be referred to Scrutiny for consideration.**
- 2. That the revised Capital Programme, as included at Annex 1 to the report now submitted, be approved.**

REASON FOR DECISION – The report was 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 highlighted the achievement of any milestones or potential risks affecting the delivery of outcomes.

OTHER OPTIONS CONSIDERED – Not applicable.

DN.55

STRATEGIC HOUSING ACTION PLAN

Cabinet considered a report from the Portfolio Holder for Regeneration, Skills and Housing presenting the revised Strategic Housing Action Plan 2019.

RESOLVED – That the Strategic Housing Action Plan 2019 – 2021 be approved and adopted.

REASON FOR DECISION – The Strategic Housing Action Plan will work in unison with the Local Plan. It will deliver this by addressing the challenges and opportunities in North East Lincolnshire and help promote the Council's vision and opportunity for a strong economy, sustainable communities, improved learning and skills for residents, better health and wellbeing, where people feel safe and are safe in their community.

OTHER OPTIONS CONSIDERED – It was acknowledged that the social, economic and political environment, in relation to housing issues, evolve at speed and Housing Strategies can quickly become dated and require regular review. It is important that the Council continues to monitor external factors and demonstrates an understanding of local housing issues in order to continue setting the strategic direction and appropriate action plan. Publication of a Housing Strategy is no longer a statutory requirement, however, local housing issues are complex and impact socially, financially and environmentally on the lives of all local people. The Strategic Housing Action Plan provides clarity around how the Council will address housing related issues.

DN.56

HERITAGE ASSETS AT RISK

Cabinet considered a report from the Portfolio Holder for Regeneration, Skills and Housing seeking approval for capital funding to undertake essential repairs to the Former Holme Hill School/ Education Development Centre (EDC), which would see it removed from the Heritage 'At Risk' Register.

RESOLVED - That the Director of Resources and Governance be authorised to make the necessary arrangements to release the capital sum of £568,000 (spanning across the 2019-22 financial year period) to allow urgent repairs to take place at the Former Holme Hill School/ Education Development Centre (EDC) as part two of the next phase of repairs to a Council owned asset that would result in removing the asset from the Heritage 'At Risk' Register.

REASONS FOR DECISION - The Council has a statutory duty to preserve the heritage of North East Lincolnshire. There are ongoing

initiatives to tackle privately owned areas and buildings 'at risk' but it would be inappropriate for the Council to insist on the improvement of and to pursue enforcement on privately owned buildings from the Register without also having a coherent and achievable plan for its own assets. This is year two of a five year plan to remove the eight Council owned Assets from the Heritage 'At Risk' Register. Investing in the essential repairs to remove the former Holme Hill School/ Education Development Centre (EDC) from the 'At Risk' Register would also result in opportunities for further investment which would allow the building to be brought back into use and fully utilised.

OTHER OPTIONS CONSIDERED –

Do nothing - the building continues to deteriorate and costs continue to escalate, increasing the Council's liability. This would not only affect this Council owned heritage building, it would also negatively impact on privately owned heritage, as it would be perverse for the Council to pursue enforcement on private sites without having a coherent and achievable plan for its own assets. Inaction would also affect the likelihood of bringing these buildings back into use.

Wait until grant funding is available - the Council has already recently secured Heritage Lottery Funding for other projects in the Borough and to wait to secure further funding would only see the buildings deteriorate further, which would see the overall cost of repair escalate. Any delay in undertaking works to remove this asset from the 'At Risk' Register should be avoided.

DN.57

REVIEW OF FUTURE RECYCLING COLLECTION MODEL AND NORTH EAST LINCOLNSHIRE COUNCIL'S WASTE STRATEGY

Cabinet considered a report from the Portfolio Holder for Environment and Transport outlining the options open to the Council relating to a local Waste Strategy and domestic recycling collection model, the risks and benefits for each option and the recommended approach by the service.

RESOLVED –

- 1. That, having regard to the consistency framework for recycling collections in England due to be published by the Department for Environment, Food and Rural Affairs (DEFRA) in early 2020 and being supplemental to the published Resources and Waste Strategy, a final decision on a local strategy and new waste collection model be deferred.**
- 2. That, in the meantime, authority be delegated to the Director for Economy and Growth, in consultation with the Portfolio Holder for Environment and Transport, to commence a consultation exercise on a new local municipal waste strategy and extend this consultation to also gain residents views on future priorities for domestic recycling collections.**

- 3. That the Director for Economy and Growth be instructed to report to Cabinet by April 2020 (or such other time as the Portfolio Holder for Environment and Transport may instruct dependent upon publication dates) with a full options appraisal in light of all published guidance and framework documentation in connection with the DEFRA Resources and Waste Strategy together with the findings from the consultation process for future domestic recycling provision.**

REASON FOR DECISION – To defer a decision until Spring 2020 would:

- allow time for the service to gain a clearer picture of any government requirements relating to the National DEFRA Waste & Resources Strategy,
- allow time for the service to explore the possibility of new burdens funding that could be made available as a result of the new DEFRA Strategy,
- allow time to consult on public priorities for collections at the same time as consultation on our municipal waste strategy.
- ultimately ensure the Council puts forward an offer for waste collection for residents that is carefully considered and based upon local need and government expectations.

OTHER OPTIONS CONSIDERED –

To make a full decision on a new waste collection model and local strategy in November 2019. This would allow for the purchase of new waste collection vehicles in 2019 for implementation of a new waste collection model in December 2020. This would, however, leave the Council at risk of opting for a model that may not be compatible with the final DEFRA strategy, miss the opportunity for new burdens funding and would not allow time for consultation before the development of a local strategy.

To make a partial decision on a new waste collection model in November 2019. To make a decision on the type of vehicle purchased would allow for implementation of a new model in December 2020, resolving issues with the ageing fleet sooner. The choice of one certain type of vehicle would, however, limit the Council to delivery of a restricted list of delivery models at a later date. A summary of the WRAP models were shown in Appendix A of the report, grouped by the type of vehicle that is required.

To take a decision in principle on a 3 stream collection model. This would allow for vehicles to be ordered sooner and also allow time for the Council to take account of the national picture, undertake consultation before development of a local strategy and implementation of a new waste collection model. A 3 stream collection model will be compliant with any future national requirement; however collections using this delivery model are not as user friendly and efficient as other some other delivery models.

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care presenting the Director of Public Health's Annual Report.

RESOLVED –

- 1. That the recommendations made by the Director of Public Health within the report be approved.**
- 2. That North East Lincolnshire Council formally publish the Director of Public Health's annual report.**
- 3. That the Director of Public Health's annual report be widely electronically distributed and promoted, with only a small number of hard copies produced.**
- 4. That the Director of Public Health Annual Report 2019 be referred to the Union Board for consideration.**

REASONS FOR DECISION - It is a statutory requirement under the Health and Social Care Act 2012 s 31 (6) that the local authority publishes the Director of Public Health's annual report.

OTHER OPTIONS CONSIDERED - Members could decide not to actively promote the annual public health report, however it is a statutory responsibility of the local authority to publish it.

DN.59

ADULT SOCIAL CARE CHARGING POLICY REVIEW

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care setting out the recommendations of the Adult Social Care Charging Policy Scrutiny Working Group and seeking approval for public consultation to be undertaken on the areas of adult social care charging recommended by the working group.

RESOLVED –

- 1. That the recommendations of the adult social care charging policy scrutiny working group be accepted.**
- 2. That the Director of Adult Services be instructed, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care, to commence a public consultation on adult social care charging as recommended by the working group and that the outcome of this consultation be reported to Cabinet in March, 2020 together with a recommended new adult social care charging policy.**

REASONS FOR DECISION - To gain community/ stakeholder led involvement on the policy to enable final decision to be shaped.

OTHER OPTIONS CONSIDERED - The deliberations of the group were set out in the report. In summary, the group decided not to propose the following possible options for consultation:

- Reconsidering the rate of rental allowance. The group proposes no change to the current approach i.e. to retain the same nationally set rate
- Recovering the full costs of care at home visits requiring two care workers. The group decided to retain the current approach i.e. charging for 100% of the first carer but only 50% of the second, rather than propose recovery of 100% of the costs of the second carer
- Reconsidering the interest charge for deferred payment agreements (DPA). The group proposes no change to the current approach i.e. continue charging interest at the maximum allowable nationally set amount (1.45% as at 1st July 2019)
- Reconsidering costs levied on creation of a DPA. The group proposes no change to the current costs for creating/ maintaining a DPA, which cover the costs to the council of providing these
- Reconsidering charging for carers. The group proposes that there should be no change to the council's approach to carers i.e. carers should not be charged for support.

DN.60

REGENERATION PARTNERSHIP REVIEW

Cabinet considered a report from the Leader of the Council outlining progress with the development and delivery of the implementation programme following the comprehensive review of the Council's Regeneration Partnership.

RESOLVED –

- 1. That the improvement plan be approved and responsibility be delegated to the Director of Economy and Growth to continue delivery of the improvement plan through appropriate governance arrangements.**
- 2. That the Director of Economy and Growth be instructed to report on progress and performance to the Economy Scrutiny Panel on a regular basis.**
- 3. That authority be delegated to the Director of Economy and Growth to negotiate and finalise any revised or additional contractual arrangements for the delivery of the Partnership in line with the improvement plan and as detailed in the report now submitted.**
- 4. That the Chief Legal and Monitoring Officer be authorised to execute all documents in connection with the above.**

REASONS FOR DECISION - The consultants highlighted a number of opportunities where the Partnership could increase operational

performance and provided a number of recommendations to consider. An implementation programme was created to take forward the recommendations and work on the improvement plan over the summer has led to changes to the Partnership strategic oversight and decision making arrangements. Delivery of the improvement plan has the potential to improve the effectiveness and efficiency of the partnership and so increase the pace and quality of delivery of key projects and services to support the Council's aims and objectives. Undertaking the improvement plan will allow the partnership to ensure that roles, responsibilities and accountabilities are clear; efficiencies are delivered and benefits realised; and that the Council is assured on the delivery of current and future projects/services and is able to make an informed choice about future service provision.

OTHER OPTIONS CONSIDERED - Do nothing. No improvement in service or programme delivery will be realised.

DN.61 **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 1, 3 and 4 of Schedule 12A of the Local Government Act 1972 (as amended).

DN.62 **REGENERATION PARTNERSHIP REVIEW**

Cabinet received the appendices to the report from the Leader of the Council outlining progress with the development and delivery of the implementation programme following the comprehensive review of the Council's Regeneration Partnership (DN.60 refers).

RESOLVED – That the appendices to the report now submitted (and the decision at DN.60) be noted.

DN.63 **RECOMMISSIONING OF THE AUTISTIC SPECTRUM CONDITIONS OUTREACH SERVICE AND THE PHYSICAL DIFFICULTY OUTREACH SERVICE**

Cabinet considered a report from the Portfolio Holder for Children, Education and Young People on the recommissioning of the Autistic Spectrum Conditions Outreach Service and the Physical Difficulty Outreach Service, provided to schools to help them to support children with special educational needs and disabilities to access education and flourish in mainstream settings.

RESOLVED – That the recommendations laid out in the report be adopted so as to provide for the recommissioning of the Autistic Spectrum Conditions Outreach Service and the Physical Difficulty Outreach Service with appropriate delegations made.

REASONS FOR DECISION –

It is a clear fit with the Council's commissioning priorities.

It enables the Council to continue to meet its statutory duties under the Children and Families Act 2014 and the SEND Code of Practice 2015 to:

- Identify all the children and young people in its area who have or may have special educational needs
- provide special educational provision that is additional to or different from that made generally for others of the same age

It ensures that commissioned SEND services are effective in delivering the best outcomes for young people. It represents the best value for money.

OTHER OPTIONS CONSIDERED – As set out in the report now submitted.