



**CABINET**  
**DECISION NOTICE**

Publication Date: 20<sup>th</sup> December 2018

At a meeting of the Cabinet held on 19<sup>th</sup> December 2018 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 Hyldon-King, Patrick, Rogers, Watson, K. Wheatley and P. Wheatley.

DN.70 **APOLOGIES FOR ABSENCE**

There was an apology for absence received from Councillor Bolton for this meeting.

DN.71 **DECLARATIONS OF INTEREST**

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

DN.72 **MINUTES**

The minutes of the Cabinet meeting on 28<sup>th</sup> November 2018 were agreed as a correct record.

DN.73 **NELCCG ADULT SOCIAL CARE QUARTER 2 PERFORMANCE REPORT**

Cabinet considered a report from the Portfolio Holder Health, Wellbeing and Adult Social Care which presented the latest adult social care performance for 2018/19.

**RESOLVED – That the content of the report and issues arising be noted, and the report be referred to the Health and Adult Social Care Scrutiny Panel for their consideration.**

REASON FOR DECISION – Performance monitoring supports the council in delivering its strategic aims and provides assurance to the council about the discharge of its statutory responsibilities in respect of adult services.

OTHER OPTIONS CONSIDERED – None at this stage.

DN.74 **CULTURE AND HERITAGE FRAMEWORK**

Cabinet considered a report from the Portfolio Holder for Tourism, Heritage, Culture and Inclusive Communities which presented the Culture and Heritage Framework for adoption.

**RESOLVED –**

- (1) That the Culture and Heritage Framework be adopted.**
- (2) That authority be delegated to the Director of Health and Wellbeing and the Director of Economy and Growth, in consultation with the Portfolio Holder for Culture, Heritage, Tourism and Inclusive Communities, to plan and deliver actions as set out in the Framework.**

REASON FOR DECISION – This Framework sets out the Council's long term vision for culture and heritage across North East Lincolnshire until 2028 and builds upon past successes in these areas. It sits alongside the Council's other plans for once-in-a-generation opportunities for growth, regeneration and employment. With the Town Deal set to accelerate this growth there is a need to make sure that there is the capacity, creativity and drive to ensure that culture and heritage feature prominently in those plans. Work over the last two years has seen many ideas come forward from across partners and the wider community for imaginative ways to interpret the borough's heritage and provide new cultural events and groups. This Framework brings together those ideas and will act as a catalyst for planning future actions together.

## OTHER OPTIONS CONSIDERED –

The research that was undertaken in 2016/17 offered the opportunity of the Council producing a ‘cultural strategy’ at that time. This option was rejected because there were so many other relevant programmes emerging, as explained in section 1.2 above. There was a wish that our cultural and heritage plans complement those fully.

Not to have some kind of future plan for culture and heritage was also rejected, as these are vital aspects of the future development of the area and need to be viewed as aspects that bind our community together. They are important contributors to the future growth of the place and to personal wellbeing.

DN.75

### **SUPPLEMENTARY PLANNING DOCUMENT WIND ENERGY CONSULTATION**

Cabinet considered a report from the Portfolio Holder for Environment, Transport and Energy which sought approval to carry out a six week public consultation on the content of the draft Wind Energy Supplementary Planning Document.

**RESOLVED – That the publication of the Draft Wind Energy Supplementary Planning Document be approved, in order that the public consultation can be undertaken for a period of six weeks, commencing in January 2019.**

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 to support the adopted Local Plan whilst not a statutory duty, do provide additional guidance on policies set out in the Plan.

Undertaking public consultation is an important part of the process of preparing and adopting a Supplementary Planning Document and is required to demonstrate compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

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.76

### **PARKING STRATEGY – REVIEW OF THE CHARGING REGIME FOR PARKING, AND THE SETTING OF TARIFFS IN NORTH EAST LINCOLNSHIRE**

Cabinet considered a report from the Portfolio Holder for Environment, Transport and Energy which set out the results of a review of the charging regime for parking permits and tariffs, which included the supply and pricing of spaces for disabled users.

**RESOLVED –**

- (1) That the revised approach to the management and issue of parking permits be adopted, as set out in the report now submitted.**
- (2) That the revised approach to parking tariffs, as set out in the report now submitted, be adopted.**
- (3) That a financial review of car park revenue be undertaken in conjunction with the review of all tariffs and permit prices, on an annual basis by the Director for Economy and Growth in consultation with the Portfolio Holder for Environment, Transport and Energy.**

REASON FOR DECISION – The periodic review of off-street parking permits, tariffs and charges ensures the charging regimes are fiscally prudent and supportive of wider economic factors.

OTHER OPTIONS CONSIDERED – There are many different options the Council could lawfully follow in the management of its off-street car parks. What has been presented by ENGIE represents its best advice on the most appropriate way forward, following substantial consultation and engagement when the Parking Strategy was being developed and also, during the preparation of the attached documents.

The Council could require different options to be developed and investigated but as mentioned above, the current recommendations are the result of in depth engagement and analysis.

The Council could elect to do nothing and keep the current charging regimes in place. This is unlikely to align to the Council's priorities and could lead to car parks not being managed effectively.

DN.77

**UPDATE TO EXISTING NORTH EAST LINCOLNSHIRE COUNCIL CIVIL PARKING ENFORCEMENT PROCEDURES**

Cabinet considered a report from the Portfolio Holder for Environment, Transport and Energy which set out why there was a need to review the original Civil Parking Enforcement procedures and those key areas of the existing procedures which had been changed as a result of the review.

**RESOLVED – That the revised Civil Parking Enforcement procedures document, be adopted.**

REASON FOR DECISION – The report sets out a summary of why there is a need to review the original North East Lincolnshire Council Civil Parking Enforcement (CPE) procedures document from 2010 and those key areas of the existing procedures which have been changed as a result of the review. Updating this document will allow transparency and consistency to be demonstrated when processing Penalty Charge Notices (PCN's) arising from Civil Parking Enforcement and will enable the Council to confidently manage complaints, enquiries and requests for information received by stakeholders.

OTHER OPTIONS CONSIDERED – Given the topic, there are only two options, which are to either maintain the existing procedures or to update them. To retain the existing procedures would mean that they would continue to become increasingly out of date with the resultant position being that there is a lack of clarity on how certain parking enforcement functions are discharged.

DN.78

**MANAGEMENT, MAINTENANCE AND OPERATION OF THE MERIDIAN SHOWGROUND, DISCOVERY CENTRE, SANDPIT AND CLEETHORPES PADDLING POOL – AWARD DECISION**

Cabinet considered a report from the Portfolio Holder for Culture, Heritage, Tourism and Inclusive Communities which sought approval for the recommendations following the evaluation of bids regarding the management, maintenance and operation of the Meridian Showground, Discovery Centre (including sandpit) and paddling pool.

**RESOLVED –**

- (1) That the recommendations in respect of both Lot 1 and Lot 2, as detailed in closed Appendix A, be approved (see DN.81).**
- (2) That authority be delegated to the Director of Economy and Growth, in consultation with the Director of Finance, Resources and Operations and the Portfolio Holders for Culture, Heritage, Tourism and Inclusive Communities and Regeneration, Housing, Skills and Assets to ensure that all necessary actions in relation to the lease of assets, and the transfer of Services including staff and other resources are approved and carried out in line with resolution (1).**
- (3) That authority be delegated to the Chief Legal and Monitoring Officer to execute and complete all requisite legal documentation in relation to all matters outlined above.**

REASON FOR DECISION – Cabinet resolved at its meeting of the 12 July 2016 to undertake a Preliminary Market Consultation (PMC) exercise, in relation to the Meridian Showground. The PMC indicated that there was a market which would be willing to take over the services and a lease of the site.

The Council also received a 'Community Right to Challenge' from the market with regard to the transfer of the Services at the Discovery Centre (including sandpit) and the Cleethorpes Paddling Pool. This was rejected on the grounds that a procurement exercise of these services had already commenced. If the procurement had not commenced, the challenge may have still resulted the Council ceasing all management, maintenance and operation of the sites and transferring the staff, who are employed to operate the café and shop, to a new Provider.

Given the interest from the market, and need to achieve a level of financial savings, the Council's decision was to combine all three service areas, creating a package of leisure and tourism services which could be presented to the market with the aim being to secure a Provider(s) to take on the Services and leases of the sites. The Provider(s) would in turn become responsible for the management, maintenance and operation of the Services as well as the associated Assets.

#### OTHER OPTIONS CONSIDERED –

(1) Do Nothing – The Council has already embarked on a Procurement exercise to determine the appetite of specialist Providers which would result in the leasing of assets and a Services contract as outlined in this report.

(2) Non award of the contract(s), - Should the Council find itself in a position where bids have been received which are non-compliant, the Services would be retained in house until such time as other options have been explored. Officers would not recommend this option on receipt of a compliant bid in line with procurement regulations, as the Council would be unable realise the benefits of securing a third party Provider as resolved by Cabinet on the 15 March 2017 DN.136 – Management, maintenance and operation of the Meridian Showground, and Discovery Centre and Cleethorpes Paddling Pool.

DN.79

#### **URGENT BUSINESS - DEPARTMENT FOR TRANSPORT LOCAL HIGHWAYS MAINTENANCE FUNDING 2018/19**

Cabinet considered a report from the Portfolio Holder Environment Transport and Energy seeking approval for the Council to receive and act as Accountable Body for the highway maintenance funds of £885,000 from the Department for Transport (DfT), and to put in place the necessary delegations to enable delivery of the programme.

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 Economy Scrutiny Panel. It is therefore not subject to the call-in procedure.

**RESOLVED –**

- (1) That the proposal for the Council to receive and act as Accountable Body for the Local Highway Maintenance funds allocated by the Department for Transport, be approved.**
- (2) That authority be delegated to the Director of Economy and Growth, in conjunction with the Portfolio Holder for Environment, Transport and Energy to agree and implement the proposed programme of works for delivery as outlined in Appendix A of the report now submitted, subject to confirmation of final tender values.**
- (3) That authority be delegated to the Director of Economy and Growth, in consultation with the Portfolio Holder for Environment, Transport and Energy to undertake the related procurement exercises for the works and make appropriate contract awards.**
- (4) That authority be delegated to the Director of Economy and Growth and the Chief Legal and Monitoring Officer to ensure that all actions necessary and ancillary to the above resolutions be completed.**

REASON FOR DECISION – The allocation of additional Local Highway Maintenance funding to the Council for 2018/19 affords the opportunity to accelerate delivery of a programme of structural road repairs and large scale patching works, in locations where smaller scale interventions are inappropriate.

If the condition of the highway at these locations is not addressed in the near future it is highly likely to have a detrimental impact on travel times around the borough with disruption to highway users, through ongoing reactive maintenance intervention.

The funding presents an opportunity for the Council to accelerate delivery of a number of schemes that have been identified using established processes for investigation and prioritisation. There would be reputational issues for the Council and ENGIE in the event that it was not possible to deliver an effective local maintenance programme with the additional funding.

OTHER OPTIONS CONSIDERED – The Council could choose not to accept the Local Highway Maintenance funding from the Department for Transport. This would increase the risk of ongoing deterioration of the highway network and increase the requirement to undertake regular reactive maintenance at significant expense and resource, in those locations which have been prioritised for intervention. This option would also result in significant reputational risk to the Council, in relation to both local road users and the Department for Transport.

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

DN.81

**MANAGEMENT, MAINTENANCE AND OPERATION OF THE MERIDIAN SHOWGROUND, DISCOVERY CENTRE, SANDPIT AND CLEETHORPES PADDLING POOL – AWARD DECISION**

Cabinet considered the appendices to the report from Portfolio Holder for Culture, Heritage, Tourism and Inclusive Communities as referred to at DN.78.

**RESOLVED –**

- (1) That the contract to manage, operate and maintain Lot 1 Meridian Showground not be awarded.**
- (2) That the contract to manage, operate and maintain Lot 2 Discovery Centre (including sandpit) and paddling pool be awarded to the tenderer as set out in the report now submitted, subject to them meeting lawful TUPE requirements.**
- (3) That a further report be received in 2019, setting out the options available to the Council and providing a recommendation to Cabinet, in respect of the future management, operation and maintenance of Meridian Showground.**

REASON FOR DECISION – As laid out in the report

OTHER OPTIONS CONSIDERED – As laid out in the report

DN.82

**GRIMSBY AUDITORIUM – FUTURE OPTIONS**

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care which presented options for the future of Grimsby Auditorium.

**RESOLVED –**

- (1) That the cessation of the revenue subsidy at the end of the current triennial period March 2021, be agreed.**
- (2) That authority be delegated to the Director Health and Wellbeing in consultation with the Portfolio Holder for Adult Social Care, Health and Wellbeing to continue dialogue with the provider .**



- (3) That a further report be received in 2019 setting out an options appraisal in respect of the Auditorium, as a result of the negotiations and responses from the provider.

REASON FOR DECISION – As laid out in the report.

OTHER OPTIONS CONSIDERED – As laid out in the report.

DN.82

### **THE GREATER GRIMSBY TOWN DEAL**

Cabinet considered a report from the Portfolio Holder for Regeneration, Housing, Skills and Assets which sought approval to progress the next key phases of the Greater Grimsby Town Deal.

**RESOLVED –**

- (1) That the acceptance of the funds for the next phase of the Town Deal from the Ministry for Housing, Communities and Local Government, subject to meeting the related conditions of grant and the funding being confirmed, be approved.
- (2) That in principle the proposals for strategic land acquisition and disposal set out in Annex 1 of the report now submitted, be approved, subject to due diligence and agreement of Heads of Terms.
- (3) That authority be delegated to the Director of Economy and Growth, the Director of Governance and Resources and the Chief Legal and Monitoring Officer to ensure that all actions necessary and ancillary to the above resolutions be completed and to execute and complete all requisite legal documentation in relation to the matters outlined above.
- (4) That authority be delegated to the Chief Executive to further all key aspects of Town Deal delivery where a key decision is not required under the Constitution, in consultation with the Leader of the Council, Portfolio Holder for Regeneration, Housing, Skills and Assets, the Section 151 Officer and the Monitoring Officer.
- (5) That this report be referred to the Economy Scrutiny Panel for consideration.

REASON FOR DECISION – As laid out in the report.

OTHER OPTIONS CONSIDERED – As laid out in the report.

DN.83

### **URGENT BUSINESS - SOUTH HUMBER INDUSTRIAL INVESTMENT PROGRAMME – SOUTH HUMBER BANK LINK ROAD – TENDER AWARD**

Cabinet considered a report from the Portfolio Holder for Regeneration, Housing Skills and Assets which presented the results of a competitive tender process for the South Humber Bank Link Road Project with a recommendation to award the works contract to the tenderer who had been identified as the preferred tenderer in terms of both cost and quality.

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 Economy Scrutiny Panel. It is therefore not subject to the call-in procedure.

**RESOLVED –**

- (1) That the award of the South Humber Bank Link Road Project to the preferred tenderer as highlighted in the annex of the report now submitted, be supported.**
- (2) That authority be delegated to the Director for Economy and Growth, in consultation with the Portfolio Holder for Regeneration, Assets, Skills and Housing, to make the award and deal with all matters arising including implementation and mobilisation.**
- (3) That the Chief Legal and Monitoring Officer be authorised to execute all documentation in connection with the award.**

REASON FOR DECISION – As laid out in the report.

OTHER OPTIONS CONSIDERED – As laid out in the report.