



CABINET DECISION NOTICE

Publication Date: 25th October 2018

At a meeting of the Cabinet held on 24th October 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 Bolton, Hyldon-King, Patrick, Rogers, Watson, K. Wheatley and P. Wheatley.

DN.43 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received for this meeting.

DN.44 **DECLARATIONS OF INTEREST**

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

DN.45 **MINUTES**

The minutes of the Cabinet meeting on 26th September 2018 were agreed as a correct record.

DN.46

NORTH EAST LINCOLNSHIRE COUNCIL HIGHWAY INSPECTION AND MAINTENANCE POLICY

Cabinet received a report from the Portfolio Holder for Environment, Transport and Energy which presented the updated policy for adoption following changes in line with national guidance.

RESOLVED –

- (1) That the Council's policy for Highway Inspection and Maintenance be amended to incorporate the changes as set out in the report now submitted.**
- (2) That authority be delegated to the Director of Economy and Growth in consultation with the Portfolio Holder for Environment, Transport and Energy to make any further minor amendments to the policy.**

REASON FOR DECISION – To ensure the Council is working in accordance with the new code of practice, 'Well Managed Highway Infrastructure – Code of Practice - 2016'.

OTHER OPTIONS CONSIDERED –

Do Nothing – To continue with existing policy. The councils existing Highway Inspection and Maintenance policy already utilises a risk based approach. However, the new code of practice recommends that 'investigation' levels are used rather than 'intervention' levels, and the degree of risk should be more clearly documented. Which places more emphasis on the on-site risk assessment in determining response times to highway defects.

DN.47

BULKY WASTE COLLECTIONS

Cabinet received a report from the Portfolio Holder for Environment, Transport and Energy which presented a business case for the development of a new bulky waste collection service.

RESOLVED –

- (1) That the service approach and the charges as set out in the Bulky Waste Collection Services Business Case OPTION 6b of the report now submitted; to review and redesign the service**

requirements to offer a new improved Bulky Waste Collection Service, incorporating a new on-line booking service and introducing an improved charging structure, be approved.

(2) That subject to the approval of recommendation 1 above, a further report be brought back to cabinet within 24 months from the period of service implementation, to review and present options for cabinet to consider, in respect of impact and effectiveness of the new kerbside Bulky Waste Collection Service to allow cabinet to affect any necessary changes to new kerbside Bulky Waste Collection Service following this period of review.

(3) That authority be delegated to the Director of Finance, Operations and Resources to make any necessary changes required to implement a new Bulky Waste Collection Service.

REASON FOR DECISION – The existing bulky waste service does not meet the needs of the community and the high incidence of fly-tipped bulky waste has been increasing in recent years, both locally and nationally. Investment into a fit for purpose bulky waste collection service will improve residents' satisfaction with the waste service, offer a sustainable option to residents and is expected to support the council to reduce the volume of fly-tipped bulky waste across the borough.

Preventing fly-tipping by offering an attractive alternative to residents will improve the quality of the local environment and reduce the current level of reactive work which is diverting resources from programmed street cleansing work. This, combined with the recently adopted more robust approach to enforcement of this type of environmental crime, is expected to encourage residents to use the legitimate disposal route.

Furthermore, the introduction of alternate week collections for recyclable and residual waste has increased recycling performance and reduced the amount of residual waste going through the NEWLINCS plant. This released capacity presents an opportunity for NELC to get better value from the NEWLINCS contract; however, it also presents a risk. If tonnage falls below a certain threshold this increases the price per tonne by moving to a higher banding in the payment schedule of the contract (depending on overall waste volumes).

Presenting more waste to the plant from a kerbside Bulky Waste Collection Service to fill some of the identified capacity, will enable the authority to avoid the cost of disposal of some fly-tipping, reduce the risk of a price per tonne increase and potentially recover the cost of operating the new Bulky Waste Collection Service through the new proposed charging mechanism in order to make a commercially viable service.

OTHER OPTIONS CONSIDERED –

- (1) Do nothing – continue with existing service delivery and charging structure.
- (2) Cease delivering a kerbside bulky waste collection service.
- (3) Kerbside bulky waste collection service to be delivered by a suitable partner.
- (4) Continue with the current kerbside bulky waste collection service with either a revised charging structure or a free service.
- (5) Deliver a redesigned kerbside bulky waste collection service with dedicated resource and with different charging options or a free service.
- (6) Deliver a redesigned bulky waste collection service with dedicated resource and incorporating a new on-line booking service with either a revised pricing structure or with a free service.

Option 5 and 6 include a dedicated team of 2 Full Time Equivalent operatives to deliver the redesigned bulky waste collection service. A vehicle with a tail lift would be used to deliver the service to reduce health and safety risks to staff related with manual handling.

Option 6 also includes an in-house designed on-line booking system allowing customers to select a day for collection and payment for the service.

DN.48

DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT 2018

Cabinet received a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care which presented the latest annual report from the Director of Public Health that focused on vulnerable communities in North East Lincolnshire.

RESOLVED –

- (1) That the recommendations made by the Director of Public Health within the report, be approved.**
- (2) That it be agreed for North East Lincolnshire Council to formally publish the Director of Public Health's annual report.**
- (3) That the Director of Public Health's annual report be electronically distributed and promoted, with only a small number of hard copies produced.**
- (4) That, in line with the Council resolution of 20th September 2018, the annual report be shared with the government, with a call on them to conduct their own assessment of levels and the wider social impact of period poverty.**

REASON 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.49

**DISPOSAL OF PROPERTY AT LESS THAN BEST CONSIDERATION
– LEASE DISPOSAL OF THE KNOLL, KNOLL STREET,
CLEETHORPES**

Cabinet received a report from the Director of Resources and Governance which sought authority to dispose by way of a repairing and insuring lease the named property above.

RESOLVED –

- (1) That subject to appropriate valuation advice, the principle of granting an internal repairing and insuring lease of the subject site for a term of 25 years at a peppercorn rent (£1 per annum if demanded) to Armed Forces Major Events Team-North East Lincolnshire, Community Interest Company (“AFMET”), be approved.**
- (2) That the Director of Resources and Governance instructs a valuation on the site in order to complete the ‘less than best consideration’ report to be agreed under delegated authority as per Recommendation 3 below;**
- (3) That responsibility be delegated to the Director of Resources and Governance and Portfolio Holder for Regeneration, Housing, Skills and Assets to agree the valuation advice and ensure that all necessary actions are carried out in order to complete and approve the detailed terms of the lease disposal;**
- (4) That authority be delegated to the Chief Legal and Monitoring Officer to complete all requisite legal documentation in relation to the matters outlined above.**

REASON FOR DECISION – A proposal has been received by AFMET which has been considered as part of the Council’s approach to Community Asset Transfer (CAT). The proposal has been agreed in principle which could result in the transfer of the subject site to AFMET by virtue of a 25 year internal repair and insure lease. The lease would enable the expansion of the current management and operation of the premises by AFMET who have demonstrated, through a detailed Business Case, that their proposal is sustainable and viable over the

term. As the lease does not include the exterior of the building, there could be future costs to be met by the Council associated with the upkeep of the building. However, negotiation in relation to a service charge mechanism whereby the Tenants could be liable for a certain level of maintenance to keep the exterior (and roof etc.) in good repair is to be undertaken and any future level of investment will be subject to Council resources and negotiation with AFMET.

OTHER OPTIONS CONSIDERED –

- (1) To do nothing would see the management activities continue at the current level resulting in restrictions for the Group, a limited offer and inflexibility in meeting the demands as set out in the Business Case. This would result in a negative impact to both the Group and community. AFMET have presented a robust Business Case which demonstrates extensive social return on investment which requires a longer term lease in support of the proposal and result in continued use of the site. It is not considered a viable option to continue to operate the site as is currently as the Council risk unnecessary and negative publicity as well as potentially being wholly liable for the site, together with all future associated expenditure including any missed opportunity of investment into or expansion of the current use and activities.
- (2) The freehold disposal of the site has not been considered at this time. A leasehold arrangement is more relevant given the original gift of the site and the Grade II Listed status and ensures the Council retains an element of control. This is in respect of mitigating risk in maintaining the condition of the building and in the event the proposal is no longer viable which impacts on the on-going use of the building. This would enable the Council to take action to seek alternative use of the site and prevent any unauthorised uses, which a freehold disposal would remove.

DN.50

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

DN.51

ADDITIONAL LOOKED AFTER CHILDREN PROVISION

Cabinet received a joint report from the Portfolio Holder Children, Young People and Education and the Portfolio Holder for Regeneration, Housing, Skills and Assets which presented a new approach to help

accommodate the increased numbers of looked after children in North East Lincolnshire.

RESOLVED –

- (1) That the release of capital monies by the Corporate Commercial Capital Programme Board to commence a procurement to appoint an Alternative Provision provider of education for looked after children, be approved.**
- (2) That the use of the identified site to provide alternative educational provision for looked after children, be approved.**
- (3) That authority be delegated to the Director of Children’s Services in consultation with the Portfolio Holder for Children, Young People and Education to award the contract arising from Resolution 1 above.**
- (4) That authority be delegated to the Director of Resources and Governance in consultation with the Portfolio Holder for Regeneration, Housing, Skills and Assets to acquire additional property assets and to take all decisions in connection with the proposed use of the identified site as set out in the report now submitted.**
- (5) That authority be delegated to the Chief Legal and Monitoring Officer to sign all documentation arising.**

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

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