



CABINET
DECISION NOTICE

Publication Date: 28th September 2018

At a meeting of the Cabinet held on 26th September 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, K. Wheatley and P. Wheatley.

DN.33 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Rogers and Watson for this meeting.

DN.34 **DECLARATIONS OF INTEREST**

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

DN.35

MINUTES

The minutes of the Cabinet meeting on 29th August 2018 were agreed as a correct record.

DN.36

LITTER BIN REVIEW

Cabinet received a report from Portfolio Holder for Environment, Transport and Energy which provided the findings of the Litter Bin review as part of the Smarter Neighbourhood Programme and sought permission to replace and upgrade the existing suite of litter bins to the right size, design and location to suit current needs.

RESOLVED –

- (1) That the proposals set out at section 3, Option 3: To replace and upgrade the existing suite of litter bins to the right size, design and location to suit current needs and to reduce overall repair and maintenance costs of the litter bins to within existing resources, be approved.**
- (2) That authority be delegated to the Director of Finance, Operations and Resources to release the required capital from the capital programme to enable a procurement process.**
- (3) That authority be delegated to the Director of Finance, Operations and Resources in consultation with the Portfolio Holder for Environment, Transport and Energy to commence a procurement process and ultimately to award the tender and take all ancillary steps to implement Recommendation 1.**
- (4) That authority be delegated to the Chief Legal and Monitoring Officer to execute all requisite documentation in connection with the anticipated award.**
- (5) That ward members be consulted on the location of the agreed number of street litter bins within respective Wards.**
- (6) That the results of the proposed pilots be referred to the Communities Scrutiny Panel for further consideration and to make recommendations to Cabinet in the future.**
- (7) That the Director for Finance, Operations and Resources, in consultation with the Portfolio Holder for Environment, Transport and Energy be directed to develop a clear protocol to manage future requests for provision of and maintenance of new litter bins.**

REASON FOR DECISION –

The proposals outlined within the report support the Council's key financial objective to achieve efficiency savings and this will be achieved by the provision of the right design and location of litter bins that can be maintained and repaired. Approval of proposals to re-design the litter bin provision will contribute to the Council's key financial objective of financial sustainability as new bins will be easier to maintain, more vandal proof, easier to empty and so there will be an improvement in service within existing revenue budgets.

The current standard Wybone/Glasdon street and parks litter bins which are installed within built up areas have been installed for a number of years. Some of these are in a state beyond repair and can be the wrong design and size, which leads to customer complaints due to their appearance and continually being over filled.

The project proposes to upgrade and reduce the number of street litter bins from 1064 to 952. Some will be replaced with larger bin housing than currently in situ to help manage increased demand for litter bin provision in high demand areas and to empty the litter bins more efficiently. This approach has been successfully tested with 18 bins last year, with less overflow and fewer complaints.

Whilst there will be a small reduction in the number of litter bins throughout North East Lincolnshire the overall capacity (litres) for litter will be increased. This will improve the quality of the overall Street scene and will support the staff doing the work, through the better design of the litter bin.

A number of recycling bins "Recycle on the Go" will be located alongside standard street litter bins to encourage members of the public to recycle and promote recycling to aid in the authorities recycling targets.

Without investment for replacement street litter bins the Council would not be able to deliver a satisfactory service to residents, visitors and businesses in the area. The initial investment will promote financial, social and environmental benefits and supports the Council's strategic aim for a sustainable community and a Stronger Economy and Stronger Communities.

The Capital Service Statement (CSS) reference number is NELC0032. See Appendix 2. The CSS was supported by the Capital Programme Group on 26th June 2018 and was then approved by Leadership Team in June 2018, however, this level of capital funding requires approval and release by Cabinet.

The proposal for 2 pilots and the engagement with Ward members and Community groups is essential to ensure that the resources are focussed to where they are needed most and that ward members and the Community is engaged with the decision making process promoting ownership of the proposals.

OTHER OPTIONS CONSIDERED –

Option 1: 'Do nothing' keep existing bins in situ. In the past ad hoc requests for additional litter bins has meant that the provision is neither logical nor relates to need. This has been compounded by reduced budgets for repair and maintenance over at least 5 years. This means that a backlog of maintenance requirements of the current suite of litter bins has arisen and this situation will continue to deteriorate given the number, age and poor condition of the bins. This will require significant increases in maintenance costs and will still require investment at a later date.

- The existing street and parks litter bins would continuously increase workload, along with increased fuel costs and increased carbon footprint.
- Keeping the existing bins will impact on productivity.
- May result in increased sickness levels, due to manual handling using an ageing workforce.
- Wear and tear on vehicles.
- Health & Safety impact due to worn liners, causing cuts or abrasions.
- The bins will fall into a further state of disrepair leading to higher levels of dissatisfaction with the service despite increasing revenue cost.
- Therefore this option is not recommended.

Option 2: Replace the existing bins with like for like replacement. This will be a short term gain as the maintenance budgets available are not adequate to maintain the number and design of litter bins in their current location. This option does not take account of the changing footfall in the town, and does not take account of changing needs in the Streetscene. Therefore this option is not recommended.

Option 3: To replace and upgrade the existing suite of litter bins to the right size, design and location to suit current needs and to reduce overall repair and maintenance costs of the litter bins to within existing resources. This will mean a small reduction in the number of bins, but larger bin replacements so overall there will be more capacity available for litter. This option also includes

- Option 3.1: Pilot of solar compacting litter bins
- Option 3.2: Pilot of large bins at entrance and exits to a selected park

- Option 3.3: To install electronic tags to each new street litter bin to identify the asset to facilitate correct identification and monitoring
- Option 3.4: To optimise the route of the new suite of litter bins to increase efficiency and manage resources
- Option 3.5: To purchase steel wall mounted cigarette litter bins and facilitate their use by town centre businesses

This option is recommended.

DN.37

ADULT SOCIAL CARE QUARTER 1 PERFORMANCE REPORT

Cabinet received a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care which presented the first quarter adult social care performance report of 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 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; the report format is being developed to improve and extend this quarterly report and to give more context.

DN.38

ADULT SOCIAL SERVICES AND HEALTH STATUTORY COMPLAINTS REPORT 2017/2018

Cabinet received a report from the Portfolio Holder for Health, Wellbeing and Adult and Social Care which presented the adult social services and health statutory complaints annual report that provided an overview of the activity and analysis of complaints and representations for the period 1st April 2017 to 31st March 2018.

RESOLVED – That the contents of the report and the lessons learned from the adult social services and health statutory complaints annual report for 2017/2018 be received and noted.

REASON FOR DECISION – It is a requirement of the Local Authority Social Services and National Health Service Complaints (England) regulations 2009 to produce an annual report regarding all representations made about social care and health services. The

purpose of the attached report is to inform the general public, CCG officers, elected members and council officers about the effectiveness of the statutory complaints procedure and to ensure that feedback is incorporated into service improvement.

OTHER OPTIONS CONSIDERED – None

DN.39

TRAFFIC REGULATION ORDER (TRO) POLICY AND SUPPORTING DOCUMENTS: TRO GUIDANCE AND RESIDENTS PARKING SCHEME GUIDANCE

Cabinet received a report from the Portfolio Holder for Environment, Transport and Energy which sought approval for the introduction of a Traffic Regulation Order (TRO) Policy, Traffic Regulation Order Guidance and Residents Parking Guidance.

RESOLVED –

- (1) That the Traffic Regulation Order Policy appended to the report now submitted, be adopted.**
- (2) That the approach detailed in the Traffic Regulation Order Guidance document appended to the report now submitted, be approved for the implementation of new Traffic Regulation Orders.**
- (3) That the approach for the implementation of new, amended or removal of residents parking schemes as detailed in the Residents Parking Guidance document appended to the report now submitted, be approved.**
- (4) That the following recommendations of the Economy Scrutiny Panel on the guidance documents be agreed:**
 - That the abandonment of the percentage threshold for support of a traffic regulation order or a residents' parking scheme be welcomed and that the words 'in the absence of clear opposition' be added to assist in determining the level of support.
 - That every effort be made to reduce the timescale for implementation of traffic regulation orders.
 - That within the traffic regulation order guidance, issues caused by the obstruction of a turning head be given a higher priority.
 - That the Traffic Regulation Order Forward Programme be reviewed to ensure that there were no restrictions on approval of schemes due to timing.
 - That clarification be provided on the treatment of motorcycles within resident parking schemes. The Portfolio Holder agreed in principle to further consider the treatment of motorcycles within resident parking schemes.

- **That clarification be provided on the rules applied for financial viability of parking schemes. The Portfolio Holder acknowledged that diminishing participants would impact on viability and would have any such issues referred back to him to consider on a case by case basis.**

REASON FOR DECISION – The Traffic Regulation Order Policy and supporting documents appended to this report have been developed to set out clear aims and objectives with regard to the introduction of TRO's for parking restrictions and other potential TRO initiatives in the future.

OTHER OPTIONS CONSIDERED – Do nothing. This approach would not be consistent with the adopted Parking Strategy and would likely make the management of the TRO process more complex for both the Council and applicants alike.

DN.40

INTRODUCTION OF CIVIL PENALTY NOTICES FOR HOUSING ACT OFFENCES

Cabinet received a report from the Portfolio Holder for Regeneration, Assets, Skills and Housing on the introduction of civil penalty notices for Housing Act offences.

RESOLVED –

- (1) That the proposed Civil Penalties Policy for offences under the Housing Act 2004 and Housing and Planning Act 2016, be adopted.**
- (2) That authority be delegated to the Director of Economy and Growth, in conjunction with the Chief Legal and Monitoring Officer, to put in place the necessary measures to implement the Civil Penalties Policy, alongside the Council's general enforcement policy; and to ensure all actions necessary and ancillary thereto be completed.**

REASON FOR DECISION – Adoption of the Civil Penalties Policy will provide the Council with an alternative to prosecution for offences under the Housing Act 2004 and Housing and Planning Act 2016. Implemented alongside existing powers of prosecution, the imposition of civil penalties for relevant offences will remove the financial benefit to landlords from offending; help to deter landlords from committing offences; and support the Council's wider efforts to improve the management of the private rented housing stock.

OTHER OPTIONS CONSIDERED – The Council could determine not to adopt the civil penalties policy. This would reduce the range of intervention measures available to the Council in seeking to improve the management of the private sector housing stock across the Borough.

A decision not to adopt the policy could leave the Council open to reputational risk by failing to adopt an approach that has been set out in legislation, endorsed by Government and adopted by a number of other local authorities. The 'do nothing' option would not deter landlords from committing housing offences.

DN.41

MICROSOFT ENTERPRISE AGREEMENT

Cabinet received a report from the Portfolio Holder for Finance, Governance and Resources which sought approval to invest in a renewed Microsoft Enterprise Agreement.

RESOLVED –

- (1) That authority be delegated to the Director of Finance, Operations and Resources in consultation with the Portfolio Holder for Finance, Governance and Resources to commence a procurement exercise to renew our Microsoft Windows Enterprise agreement.**
- (2) That authority be delegated to the Director of Finance, Operations and Resources in consultation with the Portfolio Holder for Finance, Governance and Resources to award such contract.**
- (3) That authority be delegated to the Monitoring Officer to execute all documentation in connection with the award.**

REASON FOR DECISION – The recommendations of this report will allow for the procurement to be commenced for Microsoft EA and for an award decision to be made. This will allow time to complete the procurement and award the new contract in time for the current contracts end date.

Failure to ensure the Council maintains a licensed Microsoft EA could result in a situation where key infrastructure technologies are unsupported and insecure. Any inability to allow collaboration within systems could result in system unavailability, leading to the Council being unable to deliver key front line services and statutory requirements. The Council would also be at risk of failure to comply with security requirements from central government, leading to unstable or at worst unavailable connectivity to central government departments and the Public Services Network. This will cause reputational damage to the Council.

OTHER OPTIONS CONSIDERED – A number of options were considered in relation to the future Microsoft Licensing arrangements. These were:

Do nothing - this option is considered not a viable option as it is necessary to remain in-license with our Microsoft EA. Our EA enables the council to update and maintain the ICT software and server infrastructure. The Council would lose the use of ICT and cease to operate as a modern functioning council if it did not take action in response to the ceasing of the current support.

Replace the estate with an alternative products and infrastructure sets, E.g. Google Cloud Platform and G Suite, Amazon Web Services (AWS) etc. There are alternative solutions to Microsoft technology, such as Google and Apple for Business, although the cost of change is likely to be prohibitive. And the time required to make the change to another solution is likely to take several years

Undertake a full EU Procurement – this option is not considered to offer the same discounts as are available via the CCS Framework. It would also require significant Legal support to develop the terms and conditions.

DN.42

DOG FOULING AND LITTERING

Cabinet received a report from the Portfolio Holder for Safer and Stronger Communities which provided an update on progress and recommended a number of key decisions required in order to partner with Doncaster Metropolitan Borough Council.

RESOLVED –

- (1) That the necessary powers in relation to the enforcement of dog fouling and littering under the Environmental Protection Act 1990, Anti-Social Behaviour, Crime and Policing Act 2014, Clean Neighbourhoods and Environment Act 2005, and Health Act 2006, be delegated to Doncaster Metropolitan Borough Council.**
- (2) That the necessary enforcement powers in relation to Public Space Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014 in relation to Alcohol related anti-social behaviour, be delegated to Doncaster Metropolitan Borough Council.**
- (3) That the fixed penalty tariff for dog fouling and littering be increased from £50 to £100.**
- (4) That authority be delegated to the Chief Legal and Monitoring Officer, in consultation with the Director of Finance, Resources and Operations and the Portfolio Holder for Safer and Stronger Communities, to enter into a Service Level Agreement with Doncaster Metropolitan Borough Council to enable the delivery of the delegated enforcement powers for a period of two years, with the addition of three optional extension years.**

- (5) That authority be delegated the Director of Finance, Resources and Operations to complete any further actions necessary to implement and support the delegation of functions to Doncaster Metropolitan Borough Council.**

REASON FOR DECISION –

Cabinets support of these recommendations, will allow the Council to delegate the function to the most appropriate partner, to work towards delivering three key themes of work:-

- Changing behaviour through smarter communications and key messages to prevent unacceptable behaviour
- Smarter intelligence led activity, targeting areas of concern
- Robust enforcement to further support changes in behaviour

OTHER OPTIONS CONSIDERED – None