



CABINET
DECISION NOTICE

Publication Date: 30th August 2018

At a meeting of the Cabinet held on 29th August 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, Rogers, Patrick, Watson, K. Wheatley and P. Wheatley.

DN.20 **APOLOGIES FOR ABSENCE**

No apologies for absence were received for this meeting.

DN.21 **DECLARATIONS OF INTEREST**

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

DN.22 **MINUTES**

The minutes of the Cabinet meeting on 1st August 2018 were agreed as a correct record.

DN.23

CLEETHORPES REGENERATION PROGRAMME – SEA VIEW STREET

Cabinet received a report from the Portfolio Holder for Regeneration, Assets, Skills and Housing which presented the final scheme layout for public realm works in Sea View Street, Cleethorpes.

RESOLVED –

- (1) That the final scheme layout for Sea View Street be approved for implementation, as part of the Cleethorpes Regeneration Programme as laid out at Appendix 1 of the report now submitted.**
- (2) That authority be delegated to the Director of Economy and Growth, in consultation with the Portfolio Holder for Regeneration, Assets, Skills and Housing to:**
 - Tender, approve and manage the detailed aspects of the project including detailed design;**
 - Appoint contractors to undertake the works subject to a competitive process, in accordance with the Council's Corporate Procurement Regulations, and subject to the tenders being of a value within the allocated project budget.**
- (3) That authority be delegated to the Director of Economy and Growth, in conjunction with the Portfolio Holder for Regeneration, Assets, Skills and Housing, to take all actions necessary to secure the continued implementation and ultimate completion of the scheme and all ancillary issues arising, including the re-provision of 18 one hour free car parking spaces in Wardall Street car park to compensate for the reduction of 18 spaces on Sea View Street.**
- (4) That authority be delegated to the Monitoring Officer to execute all appropriate documentation arising from the above.**

REASON FOR DECISION –

The delivery of public realm works in Sea View Street will further support and enhance the growth of the visitor economy and increase investor confidence.

The proposals are supported by funding from Coastal Communities Fund (CCF) with an expectation of expenditure during 2019. Cabinet approval was required to ensure that works can commence on site in July 2019.

OTHER OPTIONS CONSIDERED –

Do nothing – this would not accord with the regeneration aspirations for Cleethorpes and would severely limit the opportunities for investment in the public realm and efforts to develop and diversify the economic role of the resort. This would also result in the Council having to return significant levels of grant funding to CCF with associated negative reputational consequences.

Development of an alternative scheme – the final layout presented in this report had been developed in accordance with the vision contained within the Grimsby and Cleethorpes Town Centres' Investment Plan 2016, with the funding criteria set by CCF and updated following feedback from extensive stakeholder and public engagement. Therefore it was not considered that there were any other options for delivering this scheme.

All works have been programmed to reduce impact wherever possible. Any delays to the scheduled start dates could impact on the delivery of the CCF Programme taking into account the associated funding deadlines.

DN.24

ESTABLISH A NORTH EAST LINCOLNSHIRE RECOVERY COMMUNITY

Cabinet received a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care which sought authority to establish a new Recovery Community for North East Lincolnshire.

RESOLVED –

- (1) That the procurement of a provider who will establish and run a North East Lincolnshire Recovery Community at a total cost of £150,000 over three years, be approved.**
- (2) That authority be delegated to the Director of Health and Wellbeing in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care to award the contract for a North East Lincolnshire Recovery Community upon completion of the procurement exercise.**
- (3) That the Monitoring Officer be authorised to execute all appropriate documentation arising.**

REASON FOR DECISION –

It is our ambition to commission a Provider who will establish and develop an open access, accessible drug and alcohol recovery community within

North East Lincolnshire. Every year around 170 people end treatment from local service providers for drugs and alcohol related addictions on the basis that they have become drug/alcohol free. Maintaining that status can be a challenging proposition for people with an addiction and success will often depend upon strengthening other aspects of their lives and building up their resilience. Evidence from elsewhere suggests that success is more likely if those in recovery have access to a supportive environment and peers in a similar situation.

Substance misuse recovery communities have been established in many places across Britain and there are numerous models in existence that reflect differences in need, resources and the sort of place being served. We want to establish such a community in North East Lincolnshire and would like organisations interested in running this community to set out their vision to us about what form the recovery community would take. Ultimately it will need to have a strong relationship with local providers of drug and alcohol services and with the communities that are served.

OTHER OPTIONS CONSIDERED –

To take no action and return the capital grant to Public Health England. However given the needs of people recovering from drug and alcohol addiction and the availability of the public health grant we believe that our proposed actions represent a better approach.

DN.25

QUARTER 1 FINANCE MONITORING REPORT FOR 2018/19

Cabinet received a report from Portfolio Holder for Finance, Governance and Resources which provided the latest analysis of the Council's financial position and performance at the end of the first quarter for 2018/19.

RESOLVED –

- (1) That the reported position at Quarter 1 be noted, and the Quarter 1 Finance Monitoring Report be referred to the Overview and Scrutiny Committee for consideration.**
- (2) That the revised Capital Programme included at Annex 1 of the report now submitted, be approved.**
- (3) That the allocation of additional funding to budget envelopes as detailed in Appendix 1 of the report now submitted, be approved.**
- (4) That the creation of £1M capacity fund for 2 years to support delivery of the Smarter Neighbourhoods Programme, 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 – None

DN.26

ABBAY WALK CAR PARK REFURBISHMENT

Cabinet received a report from Portfolio Holder for Environment, Transport and Energy which sought authority to invest and improve the Abbey Walk Car Park, Grimsby.

RESOLVED –

- (1) That the procurement of works to enhance the Abbey Walk Car Park, as outlined in the report now submitted, be approved.**
- (2) That authority be delegated to the Director of Economy and Growth in consultation with the Portfolio Holder for Environment, Transport and Energy to commence the procurement exercise and further to award the contract for such works.**
- (3) That the Monitoring Officer be authorised to execute all appropriate documentation arising.**
- (4) That authority be delegated to the Director for Economy and Growth in consultation with the Portfolio Holder for Environment, Transport and Energy to take all decisions arising in connection with implementation of the procured works.**

REASON FOR DECISION – The proposals outlined in this report will both ensure the structural integrity of the asset and compliance with current safety standards. This will also support local businesses and increase the usage of the car park which will benefit the local economy.

OTHER OPTIONS CONSIDERED –

Do Nothing:

If no work is undertaken the structure will eventually fail, become unsafe and will then need to be partially and then fully closed. The car park will not be fit for purpose and the Council will incur abortive costs in keeping

the structure safe. There will be a related decrease in Pay & Display income, as the car park becomes first partially then fully closed.

Reactive maintenance only:

Undertake essential repairs only to those elements of the structure as and when they fail and start to become unsafe. Although the work will be reactive, it is still envisaged that ongoing work will be required due to the age and poor structural condition of the car park and that this will still be a considerable annual cost to the Council. By undertaking reactive work only, neither the structural integrity of the car park nor the physical appearance will be addressed. Maintaining the structure in this manner will not be cost effective in the longer term.

Aesthetic works only:

Undertaking aesthetic work will improve the visual appearance of the car park, making it feel safer and more attractive to users. However this will not prevent the ongoing structural failure of the car park and will indeed render some of the aesthetic work abortive as the structure continues to deteriorate.

Structural work only:

This work is essential to arrest the structural decline of the car park and to maintain its structural integrity for future years. However this work on its own will not upgrade the structure to visually enhance the appearance of the car park, to make it safer for users and a more attractive destination for visitors, residents and shoppers who require a safe place to park their vehicle in the town centre.

DN.27

FLEET REPLACEMENT

Cabinet received a report from Portfolio Holder for Environment, Transport and Energy which sought authority to start a procurement process to replace fleet vehicles in 2018/19.

RESOLVED –

- (1) That the proposal to release the remaining, approved, capital to start a procurement process to replace fleet in 2018/19, be approved.**
- (2) 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 for fleet replacement.**
- (3) That the Director of Finance, Resource and Operations in consultation with the Portfolio Holder for Environment, Transport and Energy be authorised to award such contract.**

- (4) That the Chief Legal and Monitoring Officer be authorised to execute all requisite documentation in connection with the anticipated award.**

REASON FOR DECISION –

The current vehicles are nine years old, repairs and maintenance costs are increasing and it is no longer cost effective to keep them running.

Through joint procurement frameworks with neighbouring Authorities any replacement Heavy Goods Vehicles (HGV's) have the latest Euro VI engines to ensure cleaner fuel technology and therefore reducing CO2 emissions which falls under the Clean Vehicles Regulations 2009 and the Council's category of Sustainable Environment and the Council's commitment to reduce its carbon footprint and air quality.

Without investment for replacement vehicles 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.

OTHER OPTIONS CONSIDERED –

'Do nothing' keep existing vehicles. As mentioned previously failure to replace these vehicles will result in increased repairs and maintenance costs, fuel usage and increased downtime, which will put pressures on services to meet their statutory. This means that vehicles will continue to deteriorate given the age and mileage of the vehicles. This will require significant increases in maintenance costs and will still require investment at a later date.

- The existing vehicles will have a greater risk of breakdown, along with increased fuel costs and increased carbon footprint.
- Increased wear and tear on vehicles.

Leasing; prior to the introduction of Prudential Borrowing Regime local authorities traditionally acquired vehicles on lease since this avoided capital borrowing controls however.

- The Prudential borrowing regime allowed Councils to consider outright purchase rather than traditional leasing on an equal basis
- Benchmarking indicates that whole life costs are 1% - 16% lower (depending on vehicle type) through purchase rather than leasing based on a cost of capital of 6%. This is largely due to the fact that local authorities can borrow funds at lower interest rates than the private sector

- Leasing companies also apply onerous return conditions at the end of lease periods, e.g. excess mileage charges, end of lease damage/condition charges, expensive extension rentals etc.
- Ownership also offers greater flexibility e.g. to retain vehicles for longer or to dispose/transfer ownership if required

Replace the existing vehicles with new vehicles, looking at alternative fuelled vehicles that are more efficient and cleaner and investigate if alternative smaller vehicles can be used. This will be a short and long term gain as the maintenance budgets available will be reduced due to being new vehicles. New vehicles will also have cleaner engines, with the possibility of some having zero emissions. This supports our environmental policy

DN.28

FLEXIBLE USE OF CAPITAL RECEIPTS

Cabinet received a report from the Portfolio Holder for Finance, Governance and Resources presenting a report regarding the new legislation that allows Capital Receipts to fund transformational projects and sought approval of a new “Flexible Use of Capital Receipts Strategy”.

RECOMMENDED TO COUNCIL - That the Strategy for the Flexible Use of Capital Receipts, as set out in the report now submitted, be approved.

REASON FOR DECISION – The adoption of the Strategy will provide for greater flexibility in the management of the Council’s financial resources. More specifically, the Council will be in a position to apply capital receipts to support the acceleration of transformational projects.

OTHER OPTIONS CONSIDERED – The Council could choose not to adopt the Strategy. However this would limit the Council’s ability to undertake transformational change.

DN.29

YORKSHIRE AND HUMBER PUBLIC SERVICES NETWORK PROCUREMENT

Cabinet received a report from the Portfolio Holder for Finance, Governance and Resources which sought authority to run a procurement exercise for a replacement IT network infrastructure providing connectivity to the Public Services Network and Health Social Care Network.

RESOLVED –

- (1) **That authority be delegated to the Director of Finance, Resources and Operations in consultation with the Portfolio Holder for Finance, Governance and Resources to commence a procurement exercise for a replacement managed IT network infrastructure providing connectivity to the Public**

Services Network (PSN) and Health Social Care Network (HSCN) services, as set out in the report now submitted;

- (2) That authority be delegated to the Director of Finance, Resources and Operations in consultation with the Portfolio Holder for Finance, Governance and Resources to award such contract;**
- (3) That the Monitoring Officer be authorised to execute all documentation in connection with the award.**

REASON FOR DECISION – The following points were considered in comparing the current provider with the recommended framework provider:

- Financial – Cost reduction
- Contractual – Better SLA's, service credits, performance management
- Technical infrastructure requirements to meet future demands
- Innovation – Access to new technologies
- Regional integration options – Connecting to partners

A call-off from this regional framework will see significant benefits.

The Council will be able to implement a new network infrastructure, which will be fit for the future to enable us to continue to provide effective network services.

The Council will be able to deliver significant financial efficiencies by reducing the cost of these services, receive enhanced contract provisions such as tighter service credits and improved service levels and performance management.

The supplier has also committed to significant innovation projects and schemes across the region, which will deliver further benefits to the Council and its partners.

Regional and cross public sector integration options will become available through working with a single network provider. For example, multi tenanted buildings without duplicated infrastructure.

OTHER OPTIONS CONSIDERED –

Continue with Virgin Media out of contract. This does not make us compliant with procurement rules or deliver value for money.

Renegotiate with Virgin Media. Virgin Media unsuccessfully tendered for the regional procurement and were not deemed value for money.

Carry out a further procurement exercise on our own without regional partners. This would add delay; take up more internal resources with no guarantee of delivering further efficiencies.

DN.30

A18 SAFER ROADS FUND AWARD

Cabinet received a report from the Portfolio Holder for Environment, Transport and Energy which sought approval to receive and act as Accountable Body for the funding award from the Department of Transport.

RESOLVED –

- (1) That the proposal for the Council to act as Accountable Body be approved and the receipt of the funds from the Department of Transport be agreed in accordance with the Council's statutory responsibilities as Highways Authority.**
- (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 Holder for Environment Transport and Energy, to:**
 - finalise the terms of the Funding Agreement with the Department for Transport**
 - negotiate any related Service Level Agreements with Lincolnshire County Council or other Delivery Partners, including the contractual terms for payments of grant**
 - finalise any other legal agreements required to facilitate delivery of the project**
 - establish project governance arrangements**
 - put in place appropriate project monitoring arrangements**
 - to minimise any financial, compliance or other risks to the Council in discharging the Accountable Body function for the funds.**
- (3) That authority be delegated to the Director of Economy and Growth, in consultation with the Portfolio Holder for Environment, Transport and Energy to commence the procurement exercises for the works and to make appropriate awards.**
- (4) That the Director of Economy and Growth be authorised to ensure that all actions necessary and ancillary to the above recommendations be completed.**
- (5) That the Chief Legal and Monitoring Officer be authorised to execute all documents arising from the above.**

REASON FOR DECISION – The proposed improvements will enhance road safety on a key part of the A18 that has been identified as one of fifty high risk roads across the UK by the Road Safety Foundation in their 2016 EuroRAP report.

Securing funding from the Department for Transport Safer Roads Fund affords the opportunity to accelerate implementation of key road safety improvement measures identified in an independent report on the A18 commissioned in 2016. This report was commissioned in response to the Prevention of Future Deaths report issued by HM Coroner following an inquest into a fatal accident near Laceby roundabout in 2013.

OTHER OPTIONS CONSIDERED –

The Council could have chosen to do nothing as an alternative to securing funding from the Department for Transport to deliver the project. This would be counter to the recommendations of the independent report commissioned following the Coroner's inquest in 2016. It could also place the Council at risk of failing to exercise its statutory duties under the Road Traffic Act 1988.

The Council could also have sought to fund the package of improvements through the Borough-wide Local Transport Plan (LTP) programme. This would require the proposed improvements to be phased over a number of years to avoid a detrimental impact on other committed LTP projects. This approach, if implemented, would lead to network congestion over an extended period of time and is likely to result in increased scheme costs as this would be less efficient than delivering the works in a coherent package over a shorter timeframe.

DN.31

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.32

GRIMSBY STRATEGIC SITE ACQUISITION

Cabinet received a report from the Portfolio Holder for Regeneration, Housing, Skills and Assets on a strategic freehold site acquisition in Grimsby.

RESOLVED –

(1) That the principle of a strategic freehold site acquisition in Grimsby, as detailed in the report now submitted, be approved.

- (2) That authority be delegated to the Director of Finance, Operations and Resources in consultation with the Director of Economy and Growth and Portfolio Holder for Regeneration, Housing, Skills and Assets to put a bid forward for the freehold acquisition of the site.**
- (3) That, subject to the offer being accepted as per resolution (2) on the basis set out in the report now submitted and assurance of valuation evidence, authority be delegated to the Director of Finance, Operations and Resources in consultation with the Portfolio Holder for Regeneration, Housing, Skills and Assets to ensure that all necessary actions are carried out in order to approve the detailed terms of the purchase and complete the acquisition;**
- (4) That the Chief Legal and Monitoring Officer be authorised to execute and complete all requisite legal documentation in relation to the matters outlined above.**

REASON FOR DECISION – As set out in the report.

OTHER OPTIONS CONSIDERED – As set out in the report.