



CABINET DECISION NOTICE

Publication Date: 9th March 2023

At a meeting of the Cabinet held on the 8th March 2023 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, Furneaux, Harness, Shepherd, and S. Swinburn.

DN.106 APOLOGIES FOR ABSENCE

Apologies for absence were received for this meeting from Councillor Shreeve.

DN.107 DECLARATIONS OF INTEREST

Councillor S Swinburn declared a pecuniary interest in DN.113 as a member of Immingham Town Council.

DN.108 MINUTES

The minutes of the Cabinet meetings on the 15th February 2023 and 22nd February 2023 were agreed as a correct record

DN.109 INTRODUCTION OF A PUBLIC SPACE PROTECTION ORDER

Cabinet considered a report from the from the Portfolio Holder for Safer and Stronger Communities which proposed that ten prohibitions were introduced in North East Lincolnshire into a Resort and Parks and Open Spaces Public Space Protection Order.

RESOLVED –

- 1. That the introduction of the PSPO and the prohibitions as defined for 3 years from implementation be approved, with the following provisos:**
 - i) that in respect of metal detecting the Prohibition Wording shall be “To prohibit, without prior approval, the use of any device designed or adapted for detecting or locating any metal or mineral on any council land including council-owned parks and open spaces, beaches, SSSI area and the seafront”.**
 - ii) that the prohibition wording in respect of Chinese Lanterns shall be “To prohibit the deliberate or intentional release of any Sky lanterns, Chinese lanterns and helium balloons or anything carrying an open flame with the exception of organised firework displays held by or with formal written consent of the council on council owned parks, open spaces including the beach and the seafront.”**
- 2. That the Director of Economy, Environment and Infrastructure, in consultation with the Portfolio Holder for Safer and Stronger Communities, be authorised to approve all future renewals, variations and extensions to this PSPO, where evidence supports the application.**
- 3. 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 anti-social behaviour be delegated to the City of Doncaster Council.**
- 4. That the Monitoring Officer be authorised to execute all legal documentation in connection with this PSPO.**

REASON FOR DECISION –

Approving the proposed PSPO will enable the Council and Police to deal more effectively with reoccurring unreasonable anti-social behaviour (ASB) within our identified public spaces.

The anti-social activities are having a negative and detrimental effect on our resort, parks and open spaces, affecting residents and visitors/tourists to the area who are engaging in normal or leisure activities individually or as a family.

OTHER OPTIONS CONSIDERED –

Option 1 – Introduce this PSPO in full

This notes the lack of majority public support to introduce prohibitions around Metal Detecting however accepts there is a need to introduce that prohibition considering the council's Habitat Management Plan and other factors. Therefore, all prohibitions would be implemented. (Recommended)

Option 2 – Not to Introduce this PSPO

It is felt that without a PSPO in place, the likelihood of changing behaviour around these activities would be very limited. (Not Recommended)

Option 3 - Introduce this PSPO in part

To introduce all of the prohibitions listed except for the prohibition around Metal Detecting given a lack of majority public support and accepting the risks against the councils Habitat Management Plan and other factors (Not recommended)

Option 4 – Introduce a selection of prohibitions only
To introduce only selected prohibitions (Not recommended)

DN.110 OUR GREEN FUTURE ANNUAL REPORT

Cabinet considered a report from the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing setting out the council's aspirations and progress in relation to the following three strategies, North East Lincolnshire Council's Waste Management Strategy (2020), North East Lincolnshire Council's Carbon Roadmap (2021) and the North East Lincolnshire Council's Natural Assets Plan (2021)

RESOLVED - That the annual updates for each plan as outlined in Appendices 1 to 3 of the report now submitted and their contribution towards delivering net zero by 2030 be noted.

REASON FOR DECISION –

A decision followed to develop both a Carbon Roadmap and Natural Assets Plan, with an overarching document with the 'Vision for Our Green Future'.

This overarching document outlines our four main plans for 'Our Green Future' and our aspirations for North East Lincolnshire to be:

- A thriving low carbon economy powered by sustainable energy
- A circular economy, where businesses and residents reject the throw-away society, reducing, re-using and recycling.

- A place where residents live in energy efficient, healthy homes and where it is enjoyable, accessible, and affordable for everyone to travel sustainably every day.
- A nature rich place, where wildlife abounds, and everyone has access to clean air and inspiring green and open spaces to protect health and enhance lives.

North East Lincolnshire Council has set out its vision to become Carbon net Zero by 2030, this report and the escalation of the target will ensure that we: -

- Place environmental impact at heart of decision making and procurement.
- Transition our fleet to sustainable fuels.
- Energy Efficient Street Lighting.
- Energy Efficient Public Buildings.
- Encourage staff behaviour change and a green culture.

OTHER OPTIONS CONSIDERED – The option to retain the current target of becoming carbon neutral by 2040 has previously been considered, however this would unnecessarily delay improvements to the environment for the benefit of our residents.

DN.111 LOCAL TRANSPORT PLAN DELIVERY PLAN (2023-26)

Cabinet considered a report from the Portfolio Holder for Environment and Transport seeking approval of the proposed Local Transport Plan (LTP) Delivery Plan including the LTP capital programme for 2023/24 – 2025/26.

RESOLVED –

- 1. That the proposed LTP Delivery Plan (Appendix 1 of the report now submitted) including the LTP capital programme for 2023/24 – 2025/26 be approved.**
- 2. That the Director for Economy, Environment and Infrastructure, in consultation with the Portfolio Holder for Environment and Transport, be authorised to:**
 - **finalise the terms of the funding arrangement with the Department for Transport (DfT) and receive funds.**
 - **establish programme governance arrangements including the approval of any project variations, commence any related procurement exercises to deliver projects within the programme in accordance with the Public Contract Regulations 2015 and to make appropriate contract awards.**
 - **implement appropriate monitoring arrangements including receipt of a monthly update on programme progress.**

- 3. That the Director for Economy, Environment and Infrastructure, in consultation with the Portfolio Holder for Environment and Transport, be authorised to receive any additional in year grant funding and allocate spend accordingly through the LTP programme and to deal with all ancillary matters arising.**
- 4. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to settle, complete and execute all documentation arising from the above.**
- 5. That authority be delegated to the Director for Economy, Environment and Infrastructure, in consultation with the Portfolio Holder for Environment and Transport, to approve all further LTP Delivery Plans in subsequent years.**

REASON FOR DECISION – For the DfT grant funding to be received by the Council and for the 2023/24 LTP capital programme to be delivered within the necessary timescales and to the requirements outlined by the DfT.

OTHER OPTIONS CONSIDERED –

When developing the annual LTP programme, programme managers consider a wide range of potential schemes, considering the likely impact on the LTP challenges as well as other criteria specific to individual programme areas. In doing so, they develop a comprehensive list of schemes that address our responsibilities as a local highway authority and support the delivery of the Council's Local Plan and other key strategies. There is flexibility within the programme to consider changes to the list of schemes to be delivered within the year where there is an appropriate level of priority or urgency to the proposed scheme. Where amendments are necessary, they will be subject to support by the Operations Director (Equans) and the Assistant Director for Housing and Infrastructure (NELC), prior seeking the Portfolio Holders approval.

DN.112 ENFORCEMENT REVIEW

Cabinet considered a report from the Portfolio Holder for Safer and Stronger Communities which presented progress on the recommendations arising from the Enforcement Review undertaken on behalf of the Communities Scrutiny Panel in 2020.

RESOLVED –

- 1. That the progress on implementation of the scrutiny recommendations be noted.**
- 2. That a zero-tolerance approach to parking enforcement be introduced and work be undertaken with the Portfolio Holder for**

Environment and Transport to review the Council's Civil Enforcement Procedure and agree an implementation date.

- 3. That any further consideration of integration between litter and parking enforcement be postponed until June 2025, aligning to contract end dates for current contracts.**
- 4. That the current contract with Doncaster Council and their delegation of enforcement powers to undertake environmental patrols be extended for a further 2 years with a possible two further 1-year extensions, therefore being a 2 + 1 + 1 contract extension and that a full review to inform future service arrangements be undertaken in June 2025.**
- 5. That the Director for Economy, Environment and Infrastructure, in consultation with the Portfolio Holder for Safer and Stronger Communities, be authorised to award any contract extensions or variations.**

REASON FOR DECISION – Approving the decisions will allow the council and partners Equans to deal more effectively with parking issues across the borough. By extending the current litter enforcement arrangements, the Council will continue to deliver effective and cost neutral litter and dog enforcement, until such point a wider review is possible.

OTHER OPTIONS CONSIDERED –

Option 1 - Create a cohesive Parking/Litter/Dog Enforcement Team

Cease Doncaster contract and vary the Equans contract to bring combined litter/dog patrols and parking enforcement including a combined PCN/FPN processing service back into the council. This would involve TUPE of staff and variations which are not contractually deliverable. (Not Recommended)

Option 2 – Continue with current arrangements

Extend existing contract in place with Doncaster/LA support and retain parking enforcement within Equans and review at the end of the Equans partnership contract in June 2025 (Recommended)

Option 3 - Create a cohesive Parking/Litter/Dog Enforcement Team

Cease Doncaster contract and partner with Equans to deliver combined litter/dog patrols and parking enforcement, including a combined PCN/FPN processing service. Due to the current organisation of staff within Equans this would require a staff restructure to provide adequate management arrangements, which is unlikely to deliver value for money. (Not Recommended)

DN.113 DISPOSAL OF PROPERTY AT LESS THAN BEST CONSIDERATION – LEASEHOLD OF THE PAVILION, PLAYING FIELDS AND PLAY AREAS AT ROVAL DRIVE, IMMINGHAM.

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Assets seeking authority to surrender an existing lease of the Pavilion and regrant a new 125-year full, repairing, and insuring lease, of the subject Site, namely the Pavilion, Playing Fields and Play Areas at Roval Drive, Immingham.

RESOLVED –

- 1. That the principle of a regrant of a full, repairing, and insuring lease of the subject Site for a term of 125-years at a peppercorn rent (£1 per annum if demanded) to Immingham Town Council be approved.**
- 2. That the Executive Director of Place and Resources, in consultation with the Portfolio Holder for Finance, Resources and Assets, be delegated the responsibility to ensure that all necessary actions are carried out in order to approve and complete the detailed terms of the disposal.**
- 3. That Assistant Director Law and Governance (Monitoring Officer) be delegated authorisation to complete all requisite legal documentation in relation to the matters outlined above.**

REASON FOR DECISION – A proposal has been received from the Group which has been considered as part of the Council's approach to Community Asset Transfers (CAT). The proposal has been agreed in principle which could result in the transfer of the Site by virtue of a 125-year full, repairing, and insuring lease. The new lease would ensure the Group are able to continue to manage the Site on the current basis, albeit for the wider Site, and remain sustainable and viable over the proposed term.

OTHER OPTIONS CONSIDERED –

- 1) To do nothing would see the Group not being able to take advantage of local management opportunities. This would result in the Site not being invested in and improved and the Group unable to develop their current proposals as well as seek future funding opportunities to improve and maintain the Site for the benefit of the residents and community.
- 2) The freehold disposal of the Site has not been considered at this time. This is in respect of the Council's continued interest in the use of the Site and mitigating any risk in the event the Group are unable to

continue with maintaining the Site. In such circumstances where the proposal is no longer viable, which impacts on the on-going use of the Site, the Council could take action to seek an alternative management of the Site or to prevent any unauthorised uses of the Site which a freehold disposal would remove.

DN.114 WRITE OFF OF UNCOLLECTABLE NATIONAL NON-DOMESTIC RATES DEBTS.

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Assets seeking approval to write off uncollectable National Non-Domestic Rates (Business Rates) debts as write-off of individual debts.

RESOLVED – That the write off of the uncollectable National Non-Domestic Rates outlined within Appendix A of the report now submitted be approved and that the Executive Director Place and Resources be authorised to formally write off the sum of £262,221.03.

REASON FOR DECISION – The Council's Financial Procedure Rules require Cabinet approval to write off debts of over £50k. In each of the cases recommended for write off, the company has ceased trading. Where appropriate, claims have been sought via the liquidators.

OTHER OPTIONS CONSIDERED – If Cabinet does not agree to approve write off of these debts, they will remain within the NNDR system with little or no prospect of collection. A review of outstanding debts is necessary for North East Lincolnshire Council to ensure effective management of outstanding debt. The amounts in the report are recommended for write off in accordance with prudent accounting methods and have already been taken into account in the 2022/23 NNDR estimates. The Council's bad debt provision has already been adjusted to reflect these debts.

DN.115 ALEXANDRA DOCK DEVELOPMENT

Cabinet considered a report from the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing outlining an aspiration for the regeneration of the Alexandra Dock area within Grimsby Town Centre and seeking approval to progress the proposals further.

RESOLVED -

- 1. That the proposals for the regeneration of the Alexandra Dock area be noted.**
- 2. That the Executive Director for Place and Resources, in consultation with the Leader of the Council, be delegated the authority to appoint specialist property and regeneration**

advisers to progress the technical studies required to progress plans for the Alexandra Dock area.

- 3. That the submission of a Brown Field Land Release submission to the Department for Levelling Up, Housing, and Communities (DLUHC) by the Executive Director Place and Resources be approved.**
- 4. That the Executive Director for Place and Resources, in consultation with the Leader of the Council, be delegated the authority to commence the procurement of a development partner to work with the Council or other such developer, having regard to any conditionality or recommendation of associated central government funder, and thereafter to award, mobilise and arrange for implementation.**
- 5. That the Executive Director for Place and Resources, in consultation with the Leader of the Council, be authorised to:**
 - a. Accept any successful funding awards from DLUHC, Homes England or any other body in connection with the development.**
 - b. Defrayal of the grants within the terms of any conditionality.**
 - c. Undertake all ancillary activity reasonably arising in support and implementation of the above recommendations.**
- 6. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to execute and complete all requisite legal documentation in relation to the matters outlined above.**

REASON FOR DECISION – To enable the Council to progress to the next phase of works related to the project.

OTHER OPTIONS CONSIDERED –

1. Do Nothing - The Council could choose to not progress any redevelopment of Alexandra Dock. However, this would mean the loss of £7.8m of Towns Fund grant from the area and mean that the potential regeneration of Alexandra Dock would not be achieved, including the aspiration contained within the Grimsby Town Centre masterplan of incorporating the town's waterfront as a key element of the town centre.

2. Only Deliver the First Phase – The Council has funding secured to deliver the first phase housing element at Garth Lane, as outlined in paragraphs 1.7-1.9 of the report. This would deliver a high-quality scheme and with additional funding, an ultra-low carbon exemplar development for the region. However, early-stage investigations have highlighted that this element could provide a catalytic effect on

regenerating the wider Alexandra Dock area and achieving the aspirations of the Grimsby Town Centre Masterplan for the area.

3. Proceeding with the plans outlined in paragraphs 1.5-1.11 of the report will deliver a transformational impact that aligns with the aspirations of the Grimsby Town Centre Masterplan.

DN.116 SCHOOL IMMUNISATION FUNDING

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care seeking endorsement to sign up to the NHS England contract and accept associated funding for the School Based Immunisation Programme commencing 1st September 2023.

RESOLVED -

- 1. That the sign up of the new contract be endorsed and the Director of Public Health be authorised to accept the funding allocation as per the contract and criteria for delivery**
- 2. That the Director of Public Health, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care and the Portfolio Holder for Children and Education, be delegated the responsibility for delivery and implementation of the programme.**
- 3. That the Assistant Director for Law and Governance (Monitoring Officer) be authorised to execute all legal documentation arising.**

REASON FOR DECISION – The World Health Organization (WHO) says “The 2 public health interventions that have had the greatest impact on the world’s health are clean water and vaccines”.

Vaccination is the most important thing we can do to protect ourselves and our children against ill health and prevent up to 3 million deaths worldwide every year.

The School Based Immunisation Team have been successfully delivering vaccinations to children in North East Lincolnshire for 14 years. In 2017 the team was commended by Care Quality Commission (CQC) on the programme in its entirety, including uptake levels and a programme of safe clinical delivery.

Positive uptake across North East Lincolnshire for the School Based Immunisation Programme is built on well-established and effective working partnerships with a range of partners, as well as listening to the voice of families and children. The new NHS England contract has been designed to enable longer term planning of this service and accepting this contract would secure the Council’s ability to continue protecting the health of as many children as possible and the wider community.

OTHER OPTIONS CONSIDERED –

Option One – do not bid

- There was a risk that no other provider submitted a bid, or that another provider wouldn't deliver to the same levels as the current service, risking a drop in vaccination uptake levels.
- The current team not continuing with the service would mean that the substantive staff would transfer to any new provider under TUPE, but the casual staff may not be employed by any new provider. This would also lead to a loss in revenue from the wider School Nursing Team and interoperability of services across the two teams.

Option Two – submit a bid

- This presented an opportunity to continue to deliver a well-established service with one of the best levels of uptake in the region, based on well-developed good relationships with schools and other Child health services. Continued revenue into the school nursing team and resilience/interoperability of the team.
- This supported the stability of the current School Based Immunisation Team as well as the School Nursing Team.

Option Three - Submit a hybrid bid with another provider

- This option was complex, as it would likely require additional work to understand any legal requirements as well as contractual responsibilities on multiple providers. It could also require additional work around the HR and finance elements, and contract management.

Option Two was chosen both for the minimal risks and the opportunity to maintain good relationships with schools and being able to deliver a high uptake in our area.

DN.117 PROPERTY AND LAND ASSET DISPOSALS

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Assets seeking authority for the Council to dispose of a number of property and land assets that provided a low commercial return and/or that were surplus to the Council's requirements.

RESOLVED -

- 1. That the principle of the disposal of property and land assets that either provide a low commercial return and/or are deemed surplus to the Council's requirements as set out within the report now submitted and as outlined within Appendix One, supported by the reasoning as set out in the report now submitted, be approved.**

2. That the Executive Director Place and Resources, in consultation with the Portfolio Holder for Finance, Resources and Assets, be delegated authority to dispose of the assets identified in the report now submitted at the Executive Director's discretion and on such terms as the Executive Director thinks fit, and to ensure that all necessary actions are conducted in order to approve detailed terms as appropriate, and thereafter complete such disposal.
3. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to complete and execute all requisite legal documentation in relation to the matters outlined above.

REASON FOR DECISION – There are a number of property and land assets that the Council hold which may be considered for disposal that provide a low commercial return and/ or proposed as surplus to the Council's requirements. The disposal of property and land assets across the Borough will facilitate income opportunities from capital receipts.

OTHER OPTIONS CONSIDERED –

1.To do nothing would see associated costs and obligations continue to fall to the Council for those property and land assets that provide a low commercial return, or which are or are proposed as surplus to the Council's operational portfolio. This is not considered a viable option for the Council to continue to hold such assets where there is little or no benefit in support of the Council's strategic priorities.

2.Freehold or Leasehold disposal will be considered on all potential property and land asset disposals as there may be proposed uses whereby a leasehold disposal would be more appropriate, or if the Council needs to retain a level of control of the use or future requirements of the property or land asset or its surroundings.

DN.118 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – That the press and public be requested to leave on the grounds that discussion of the following business was likely to disclose exempt information within paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

DN.119 SCHOOL IMMUNISATION FUNDING

Cabinet considered the closed appendix referred to at item DN.116.

RESOLVED - That the appendix be noted.

DN.120 PROPERTY AND LAND ASSET DISPOSALS

Cabinet considered the closed appendix referred to at item DN.117.

RESOLVED - That the appendix be noted.