



## **CABINET DECISION NOTICE**

Publication Date: 22nd September 2023

At a meeting of the Cabinet held on the 20th September 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, Dawkins, Harness, Shepherd, Shreeve and S. Swinburn

### **DN.31 APOLOGIES FOR ABSENCE**

No apologies for absence were received for this meeting.

### **DN.32 DECLARATIONS OF INTEREST**

There were no declarations of interests made from Members with regard to items on the agenda for this meeting.

### **DN.33 MINUTES**

The minutes of the Cabinet meeting on the 23<sup>rd</sup> August 2023 were agreed as a correct record subject to the correction of the date of the meeting.

### **DN.34 PROCUREMENT OF THE DISABLED FACILITIES GRANT FRAMEWORK 2024 - 2028**

Cabinet considered a report from the Councillor Shreeve – Deputy Leader and Portfolio Holder for Health and Adult Social Care seeking approval to procure the renewal of the Disabled Facilities Grant (DFG) Framework.

## **RESOLVED –**

- 1. That the undertaking of a procurement exercise for the Disabled Facilities Grant Framework (through Equans) as set out in the report now submitted be approved.**
- 2. That the Director of Economy, Environment and Infrastructure in consultation with the Portfolio Holder for Finance, Resources and Assets be authorised to commence the above procurement exercise.**
- 3. That responsibility be delegated to the Director of Economy, Environment and Infrastructure in consultation with the Portfolio Holder for Finance, Resources and Assets to deal with all ancillary matters reasonably arising from and leading to the award of contracts.**
- 4. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to complete and execute all requisite legal documentation arising from the above recommendations.**

REASON FOR DECISION – The Council is required to demonstrate value for money in the procurement of capital works under the Public Contracts Regulations 2015. This legislation specially prohibits the use of local bias while undertaking procurement activities. However, as outlined below, a number of initiatives are being included as part of this exercise to actively deliver social value.

### **OTHER OPTIONS CONSIDERED**

Status Quo - A decision could be made not to implement further contracting arrangements, although the Council this would potentially reduce value for money opportunities that come by aggregating demand.

e-Auctions are best suited to commodity and service-based contracts. They are also difficult to design for works requirements and therefore this option is not recommended.

Central Purchasing Bodies - The Council could access Government framework arrangements such as the Yorbuild3 Construction Frameworks for Yorkshire and Humber. However, Government frameworks do not necessarily consider local supply chain development and there is an associated cost per project to access the call off arrangements. Therefore, this option is not recommended.

Dynamic Procurement System (DPS) -The Council could establish a DPS for the procurement of DFG works. This would have the advantage of allowing addition of new Contractors over the life of the DPS. However, the limitations of a DPS arrangement, both in terms of works lotting / categorisation and the inability to directly award urgent works, means that this procurement option is not recommended for DFG works.

## **DN.35 CAPITAL WORKS FRAMEWORK 2024 - 2028**

Cabinet received a report from the from the Portfolio Holder for Finance, Resources and Assets seeking approval to procure the renewal of the Capital Works Framework.

### **RESOLVED –**

- 1. That the undertaking of a procurement exercise for the Capital Works Framework (through Equans) as set out in the report now submitted be approved.**
- 2. That the Director of Economy, Environment and Infrastructure in consultation with the Portfolio Holder for Finance, Resources and Assets be authorised to commence the above procurement exercise.**
- 3. That the responsibility be delegated to the Director of Economy, Environment and Infrastructure in consultation with the Portfolio Holder for Finance, Resources and Assets to deal with all ancillary matters reasonably arising from and leading to the award of contracts.**
- 4. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to complete and execute all requisite legal documentation arising from the above recommendations.**

REASON FOR DECISION – The Council is required to demonstrate value for money in the procurement of capital works under the Public Contracts Regulations 2015. This legislation specially prohibits the use of local bias while undertaking procurement activities. However, as outlined below, a number of initiatives are being included as part of this exercise to actively deliver social value.

### **OTHER OPTIONS CONSIDERED –**

Status Quo - A decision could be made not to implement further contracting arrangements, although for the Council this would potentially reduce value for money opportunities that come by aggregating demand.

e-Auctions are best suited to commodity and service-based contracts. They are also difficult to design for works requirements and therefore this option is not recommended.

Central Purchasing Bodies - The Council could access Government framework arrangements such as the Yorbuild3 Construction Frameworks for Yorkshire and Humber. However, Government frameworks do not necessarily consider local supply chain development and there is an associated cost per project to access the call off arrangements. Therefore, this option is not recommended.

## **DN.36 LOCAL AUTHORITY HOUSING FUND 2**

Cabinet considered a report from the Leader, and Portfolio Holder for Economy, Net Zero, Skills and Housing seeking approval to accept the allocation of grant funding and additionally to apply for Council investment via capital borrowing of £486,000 match funding.

### **RESOLVED –**

- 1. That the Council enter into such arrangements as may be required by the Department for Levelling Up, Housing and Communities based on the prospectus for the Local Authority Housing Fund Round 2 as set out in the report now submitted be approved.**
- 2. That the Council accept the total sum of £504,000 offered to the Council by the Department for Levelling Up, Housing and Communities under the Local Authority Housing Fund 2 to deliver the programme understanding the match funding requirements as set out in the report and attached prospectus as set out in the report now submitted be approved.**
- 3. That the Council commit match funding of up to £486,000 to deliver the 9 homes. The Council will seek to maximise the Flexible Housing Fund to reduce the overall match funding required from the Council as set out in the report now submitted be approved.**
- 4. That the Assistant Chief Executive in consultation with the Portfolio Holder for Economy, Net Zero, Skills and Housing be authorised to enter into such arrangements as may be required by the Department for Levelling Up, Housing and Communities and deal with any ancillary matters reasonably arising.**
- 5. That the Assistant Chief Executive in consultation with the Portfolio Holder for Economy, Net Zero, Skills and Housing be authorised to accept the grant funding and commit the match**

**funding and deal with any ancillary matters reasonably arising.**

- 6. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to complete and execute all legal documentation arising from the above recommendations.**
- 7. That the Assistant Chief Executive in consultation with the Portfolio Holder for Economy, Net Zero, Skills and Housing be authorised to commence a procurement exercise for property conveyancing and purchasing as set out in this report.**
- 8. That the Assistant Chief Executive in consultation with the Portfolio Holder for Economy, Net Zero, Skills and Housing be authorised to award such contract and carry out all ancillary actions reasonably arising.**

REASONS FOR DECISION - To enable the Council to utilise grant funding specifically to support and enhance the future provision of our homelessness duties. In the short term (2-3 years) the predominant use would be to support Afghan family resettlement and general homelessness prevention. In the long term these properties will become part of the homelessness property portfolio once the Afghan need has been met and will be used to provide quality family properties.

The recommendations will ensure that the opportunity presented by the Local Authority Housing Fund 2 to deliver affordable housing in the borough will be fully realised and will help to relieve pressures on the council's homelessness services.

#### OTHER OPTIONS CONSIDERED –

Option 1: Decline the allocation of grant funding.

Pros: It requires no capital borrowing and incurs no financial risk.

Cons: Potential grant funding is lost to the Place which aligns with the current work happening in housing/home options, an opportunity is lost to acquire 9 properties with a 40% contribution which the council would own. Lose the opportunity to potentially reduce the number of empty homes or void social housing returning in to use.

Option 2 – Accept the initial allocation of funding.

Undertake the full proposal of 8 properties and 1 temporary accommodation property. The allocated amount of government funding is £711,000. This would require capital match funding at 60% equals £796,500 overall.

Pros: The value of grant funding received would equate to a higher valued investment/asset when the capital borrowing is repaid.

Cons: The capital borrowing costs are greater and revenue costs are not fully recovered due to the value of the properties demanding a higher rental rate greater than LHA rates and may require top up (covered by grant revenue funding).

Option 3 - Reduce the number of properties under the proposal.

Take on less properties at the same original allocation rates. This minimizes the amount of borrowing and reduces the workload and resources required.

Pros: Decreasing the number of properties also decreases the amount of borrowing. Less risk.

Cons: The remaining amount of grant allocation is lost to the Place or social housing partners.

The opportunity is lost to potentially reduce the number of empty homes or void social housing returning in to use.

Option 4 - Recalculate and reduce the amount of grant funding.

Under this option, request the grant funding of £36,000 PP meaning the 60% matching funding would be £54,000 PP – This would still fulfil the 9 properties – GF £324,000 and MF (60%) £486,000 – Plus the additional £20,000 PP to be pooled to support resource costs.

Pros: The amount of borrowing is reduced by taking a lower grant rate per property, the 9 properties can be delivered with less risk and reduces management costs.

Cons: The remaining amount of grant allocation is lost to the Place or social housing partners.

The opportunity to potentially reduce the number of empty homes or void social housing returning to use.

Option 5 - Outsource externally to a social housing provider.

The LAHF2 monies can be issued as a grant as confirmed by DLUHC. The provider could utilise existing housing stock to the value of the 60% as match funding to meet the terms of the grant or provide the investment in monetary value.

Pros: No capital borrowing and the resource and process is outsourced to an organisation already providing this.

Cons: Less control on the timescales for any potential refurbishment, maintaining the properties with repairs, resolving issues. LA loses

opportunity to end costly long leases, access to own portfolio of temporary accommodation under licence to service user, freedoms and flexibility of use and rental revenue.

## **DN.37 INVESTING IN A MODERN AND CYBER RESILIENT WEB PLATFORM**

Cabinet considered a report from the Portfolio Holder for Finance, Resources & Assets seeking approval for the required capital and revenue investment that will enable the Council to improve the security and functionality of the website ([www.nelincs.gov.uk](http://www.nelincs.gov.uk)).

### **RESOLVED –**

- 1. That the capital and revenue investment detailed in Section 5 (Financial Considerations) that is required to improve the security, accessibility, and functionality of the council website as set out in the report now submitted be approved.**
- 2. That the commencement of the procurement of relevant software solutions and resources during implementation of the project as set out in the report now submitted be approved.**
- 3. That the Executive Director, Places and Resources, in consultation with the Portfolio Holder for Finance and Resources and Assets be authorised to commence the procurement exercise with ultimate award being reserved to Cabinet .**
- 4. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to complete and execute all legal documentation arising from the above recommendations.**

REASONS FOR DECISION - The decision allows the Council to deploy the relevant technology and expertise to provide a secure and functional website.

### **OTHER OPTIONS CONSIDERED –**

An integrated digital platform that links many individual tools together, although retains a fragmented approach to service delivery models.

Migrate the Council website to mitigate imminent risks, although retain vulnerable technology unsuitable for modern digital requirements.

Do nothing. This is not practical due to the issues noted throughout this report.

**DN.38           REGULATION OF INVESTIGATORY POWERS ACT (RIPA)  
2000 UPDATE 2022/23**

Cabinet received a verbal update from the Chief Legal and Monitoring Officer on activity conducted by the Council under the Regulation of Investigatory Powers Act (RIPA) 2000 during 2022/23 as required by the Home Office Code of Practice for Covert Surveillance and Property Interference.

**RESOLVED – That the update confirming there was no RIPA activity conducted during 2022/2023, be noted.**

**DN39           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.40           INVESTING IN A MODERN AND CYBER RESILIENT WEB  
PLATFORM**

Cabinet considered an appendix to the report from the Portfolio Holder for Finance, Resources & Assets referred to at DN.37 above.

**RESOLVED – That appendix to the report, pursuant to the decision at DN.37 above, be noted.**