



CABINET DECISION NOTICE

Publication Date: 14th March 2024

At a meeting of Cabinet held on the 13th March 2024 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.94 APOLOGIES FOR ABSENCE

No apologies for absence were received for this meeting.

DN.95 DECLARATIONS OF INTEREST

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

DN.96 GREATER LINCOLNSHIRE DEVOLUTION

Cabinet considered a report from the Leader and Portfolio Holder for Economy, Net Zero, Skills and seeking to agree further steps to secure devolution to Greater Lincolnshire, including consideration of the results of the recent public consultation, review of the devolution proposal and a decision on further implementation including submission of the final Proposal to the Secretary of State with associated delegations.

RECOMMENDED TO COUNCIL –

That Cabinet agrees and thereafter recommends to Full Council, support of the following be approved:

- 1. That the outcomes of the public consultation attached at Appendix A be noted.**
- 2. That due regard to the response to the consultation outcomes attached at Appendix B and the updated Equality Impact Assessment attached at Appendix C.**
- 3. That the amendments that have been made to the Proposal to take account of the results of the consultation and approves the document at Appendix D as the final Proposal relating to Devolution in Greater Lincolnshire be noted.**
- 4. That the submission to the Secretary of State pursuant to section 45(1) of the Levelling Up and Regeneration Act 2023 of the final Proposal at Appendix D together with relevant associated documents proposing the establishment of a Combined County Authority for Greater Lincolnshire be approved.**
- 5. That the Chief Executive, in consultation with the Leader of the Council and the Chief Executives authority of the other constituent councils, delegated authority to take all decisions and approve all steps necessary to finalise the establishment of a Mayoral Combined County Authority for Greater Lincolnshire up to and including the giving of consent to its establishment on behalf of the Council for the purposes of section 46(1)(d) of the Levelling Up and Regeneration Act 2023.**

REASONS FOR DECISION – Upper tier councils in Greater Lincolnshire have agreed to seek a range of new powers and funding for the area through devolution. The final Proposal takes into account the consultation feedback and would progress the creation of a Combined County Authority covering Lincolnshire, North Lincolnshire and North East Lincolnshire in accordance with The Levelling-Up and Regeneration Act 2023 (the Act).

The consultation findings are supportive of the devolution ambitions that are contained within the proposal document, subject to the amendments that have been made following the consultation exercise. Whilst it is recognised that there is some challenge around the governance arrangements, it is considered that the constituent councils can be satisfied that the governance arrangements are in themselves robust and strike an appropriate balance between constituent and non-constituent members and between the appointed members of the County Combined Authority and the directly elected Mayor. They also establish a suitable framework for collaboration, transparency and accountability in the operations of the new entity.

Whilst clear concerns were expressed concerning the principle of establishing a new body or having a directly elected Mayor, both the

Combined County Authority and a directly elected Mayor are, under current government policy, a requirement for the devolution of Level 3 powers and funding to be secured for Greater Lincolnshire. Some concerns were expressed in the consultation that the levels of power and funding on offer were not sufficient to outweigh what some respondents saw as the disadvantages of the governance structure but, on balance, respondents were supportive of the benefits identified and the deal on offer to Greater Lincolnshire is significant compared with those on offer to other areas. Proceeding with the deal currently on offer also opens up opportunities for further devolution of powers and funding in future. On balance, therefore, it is considered that the benefits available from a Level 3 deal justify proceeding with the Proposal including the establishment of a Combined County Authority with a directly elected Mayor.

The Act sets out a process for achieving devolution which is triggered through the submission of a proposal and associated consultation evidence to the Secretary of State. Subject to the Secretary of State agreeing devolution to the area, constituent councils will be required at a future stage to consent to the making of Regulations establishing the Combined County Authority. Regulations will be made through a Parliamentary process requiring timely responses and decisions from constituent councils to support smooth progress. A delegation is sought to enable any further decisions to be made including finalising of the Regulations and the giving of consent to the final version in accordance with parliamentary timeline for achieving devolution.

OTHER OPTIONS CONSIDERED –

1. To agree not to submit a Proposal to the Secretary of State to establish a Mayoral Combined County Authority. This is not recommended as the process would end, the Combined County Authority could not be established, and no powers or funding would be devolved.
2. To agree to submit the original draft Proposal to the Secretary of State without amendment. This option is not recommended as the amendments to the draft Proposal reflected in the final Proposal are considered to take appropriate account of the views expressed in the consultation and recent developments.
3. To seek alternative devolution arrangements for Greater Lincolnshire. This is not recommended because the proposal sets out arrangements that would allow for Greater Lincolnshire to receive the maximum amount of devolved powers and funding (a “Level 3” deal). There is no guarantee that an alternative arrangement would be supported by the Secretary of State, and anything less than a Level 3 deal would not deliver comparable benefits.

DN.97 HOUSING STRATEGY

Cabinet considered a report from the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing seeking approval of the Housing Strategy 2023-2028.

RESOLVED -

- 1. That the adoption of the Housing Strategy for 2023-28 as set out in Appendix A to this report now submitted be approved.**
- 2. That the to the Director for Economy, Environment, and Infrastructure, in consultation with the Leader of the Council, be delegated authority to take all actions reasonably necessary to implement, administer and ensure enforcement of this policy, where necessary.**

REASONS FOR DECISION – Making the above decision will enable the Council to put in place plans, to support residents to live in a suitable home, which is safe and affordable.

OTHER OPTIONS CONSIDERED –

The Strategy is an overview setting out the priorities based on evidence from the Strategic Housing Market Needs Assessment. Other options considered included.

- 1. Do nothing:**
To do nothing would mean the Council will not address current gaps in housing provision, which could impact on budgets a few years in the future. It could also leave the Council open to not meeting its statutory duty. A strategy is required to support our current Local Plan review process.
- 2. Extend the Current Housing Strategy:**
The housing market has changed significantly since 2020, when the previous strategy was approved by Cabinet. Since then, we have seen COVID19, Brexit and increases in interest rates which have impacted directly on the housing market.

DN.98 NORTH EAST LINCOLNSHIRE ELECTRIC VEHICLE (EV) STRATEGY

Cabinet considered a report from the Portfolio Holder for Environment and Transport seeking approval to adopt the Electric Vehicle Strategy.

Cabinet considered the recommendation from Economy Scrutiny Panel at its meeting on the 27th February 2024 agreed for the EV Strategy specifically to capture the on-street parking requirements for residents in terrace or similar properties.

RESOLVED -

- 1. That the draft EV Strategy be adopted and approves its publication on the Council's website.**
- 2. That the authority be delegated to the Director of Economy, Environment and Infrastructure, in consultation with the Portfolio Holder for Environment and Transport, to:**
 - apply for and accept external grant funding that enables the delivery of the EV Strategy.**
 - procure measures to allow for the delivery of projects identified in the EV Strategy.**
 - award contracts for measures within the allocated budgets for the project and to carry out all activity to mobilise and fully implement.**
- 3. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to execute all documents in connection with the above.**
- 4. That the EV Strategy specifically captures the on-street parking requirements for residents in terrace or similar properties.**

REASONS FOR DECISION – The Government's Zero Emission Vehicle (ZEV) mandate requires a ban on the sale of new petrol/diesel cars and vans by 2035. This directly contributes to the UK's Transport Decarbonisation Plan (TDP) and wider Net Zero Carbon Strategy. To support this the North East Lincolnshire EV Strategy seeks to address barriers to EV adoption by undertaking a programme of initiatives identified in the EV Strategy including increasing the number of publicly available EV charge points across the network.

OTHER OPTIONS CONSIDERED – The option to not develop an EV Strategy was considered but disregarded. The Government strongly encourages local authorities to produce a Strategy and having a robust strategy is a requirement to access future DFT capital funding. The adoption of the strategy will also provide the blueprint by which the

Council will take future projects forward and having a strategy is considered good practice.

DN.99 LOCAL TRANSPORT FUND

Cabinet considered a report from the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing seeking approval to Acknowledge and accept the Local Transport Fund allocation for North East Lincolnshire Council of £119m to be awarded between 2025/26 and 2031/32.

RESOLVED

- 1. That the Local Transport Fund allocation for North East Lincolnshire Council of £119m to be awarded between 2025/26 and 2031/32 be accepted.**
- 2. That the Director for Economy, Environment and Infrastructure be delegated authority to begin the process of developing a 2-year plan in conjunction with Lincolnshire County Council and North Lincolnshire Council.**
- 3. That the Director for Economy, Environment and Infrastructure be instructed to update Cabinet as to progress by way of further report as appropriate.**

REASONS FOR DECISION – The Council has the opportunity to receive transformational funding to improve local transportation infrastructure across North East Lincolnshire.

OTHER OPTIONS CONSIDERED – At this stage options other than acknowledging and accepting the funding are unclear, consideration around refusing or part refusing the funding will be explored when further guidance is available.

DN.100 OUR GREEN FUTURE ANNUAL REPORT

Cabinet considered a report from the from the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing to note the annual updates for each plan as outlined in Appendices 1 to 3 and its contribution towards delivering net zero by 2030.

RESOLVED – That the annual updates for each plan as outlined in Appendices 1 to 3 and its contribution towards delivering net zero by 2030 be noted.

REASONS FOR DECISION –

The Carbon Roadmap and Natural Assets Plan was developed to support the 'Vision for Our Green Future'.

Our aspirations are 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 (NELC) 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 for NELC to not be carbon neutral by 2030 has been considered, however this would unnecessarily delay improvements to the environment for the benefit of our residents.

DN.101 SPECIAL EDUCATIONAL NEEDS, DISABILITY AND ALTERNATIVE PROVISION (SENDAP) STRATEGY , SENDAP SUFFICIENCY STRATEGY AND SENDAP JOINT COMMISSIONING STRATEGY

Cabinet considered a report from the Portfolio Holder for Children and Education seeking approval of all three strategies.

RESOLVED -

That all three strategies be approved and the Director of Children's Services in consultation with the Portfolio Holder for Children and Education be delegated authority to:

- a. Oversee the delivery of the plans and activities identified.**
- b. Carry out all ancillary activity reasonably arising from the above.**

REASONS FOR DECISION – Following the release of the new Local Area SEND Inspection framework in November 2022 and then the SENDAP green paper in March 2023, the Local Authority have reviewed and updated or rewritten three key policies:

The SENDAP strategy

The SENDAP sufficiency strategy

The SENDAP Joint Commissioning strategy

There has been regular communication with schools, professionals and families that the strategies are being developed. North East Lincolnshire Council has a statutory duty under The Education Act 1996.

Section 14(1) to ensure that it provides sufficient school places for all pupils who are resident within the authority. It has specific duties to ensure that there is sufficient provision for pupils with SEND where an Education Health and Care plan (EHCP) has determined that the provision should be met in designated specialist provision.

There are financial emerging pressures due to the lack of current and predicted places required, with NELC having to fund expensive educational places out of borough to meet shortfall of places and increasing demand. By funding local provision and entering into Service Level Agreements with local school Trusts, this will reduce the potential financial costs predicted over the next five years. It will also ensure children and young people are educated in NEL in their community full time in suitable education settings as opposed to being in external or inappropriate provision, improving the safeguarding of a vulnerable cohort of children. Education transport costs will also be reduced as a result.

We need to ensure we have evidence-based understating of our local need and strategies that are fit for purpose in our response Without this decision, the Council would be failing in our duties, and would be a criticism from any future government SENDAP inspection. Our commissioning would not be making use of resources available, and we will not be improving outcomes locally for our NEL children and young people.

OTHER OPTIONS CONSIDERED –

1. Do nothing. This option has not been recommended as it would not improve for example commissioning of local Resource Specialist Provision places leading to higher financial pressures by having to fund external provision rather than commissioning local places on school sites .Will lead to poor SENDAP inspection outcomes.
2. Option 2 approval of each strategy is the recommended option.

DN.102 GREATER LINCOLNSHIRE GROUNDWATER PROJECT

Cabinet considered a report from the Portfolio Holder for Environment and Transport seeking approval to accept the funding offer from Lincolnshire County Council made via the Defra Flood and Coastal Resilience Innovation Programme and commence the procurement of a contractor to construct a wetland at the Saltings allotments.

RESOLVED -

- 1. That the funding offer from Lincolnshire County Council made via the Defra Flood and Coastal Resilience Innovation Programme be accepted.**
- 2. That the Director for Environment, Economy, and Infrastructure, in consultation with the Portfolio Holder for Environment and Transport be authorised to commence the procurement of a contractor to construct a wetland at the Salting's allotments and thereafter award, mobilise, implement and undertake all other activity reasonably arising.**
- 3. That the Assistant Director of Law and Governance be authorised to execute all documentation arising.**

REASONS FOR DECISION –

The Council is a Lead Local Flood Authority which means it is responsible for the management of flood risk from groundwater. This is one of the statutory duties bestowed upon it by the Flood and Water Management Act 2010.

The commitment to identify appropriate groundwater flood risk management measures across Grimsby is contained in the NELC's Local Flood Risk Management Strategy. This Strategy is a statutory document required of a Lead Local Flood Authority.

The Defra Flood and Coastal Resilience Innovation Programme will fully fund the cost of the project with up to £2M available for North East Lincolnshire Council from funding held by Lincolnshire County Council.

OTHER OPTIONS CONSIDERED –

1. The Council has a statutory duty as a Lead Local Flood Authority to manage groundwater flood risk. There are measures in place to manage this risk at the Saltings but this 100% externally funded wetland scheme would lead to a big reduction in flood risk to adjacent properties, as well the other benefits to be enjoyed by residents of the Borough. Therefore, the option of doing nothing would be difficult to justify.
2. To continue to manage the abandoned part of the Saltings in the current manner will gradually become more and more unsustainable due to ever increasing vegetation and tree growth. This is making it increasingly difficult to maintain drainage channels due to access problems for plant and operatives. It is also causing annual maintenance costs to gradually increase.

DN.103 PIONEER BUSINESS PARK FURTHER COMPULSORY PURCHASE ORDER UNREGISTERED LAND

Cabinet considered a report from the Leader of the Council and Portfolio Holder for Economy, Net Zero, Skills and Housing to approve compulsory purchase order (CPO) for Pioneer Business Park

RESOLVED -

1. **That the principle of the use of CPO powers to acquire strips of unregistered land at Pioneer Business Park be approved.**
2. **That the authority be delegated to the Executive Director Place and Resources, in consultation with the Leader of the Council to finalise, make and publish the North East Lincolnshire (Stallingborough Industrial Development Site) Unregistered Land Compulsory Purchase Order 2024**
3. **That authority be delegated to the Executive Director Place and Resources, in consultation with the Leader of the Council, to make all consequential arrangements in connection with and arising from the making of the CPO including, but not limited to, the instructing of experts in connection with this matter, dealing with any objections and public inquiry, the making of General Vesting Declarations and agreeing compensation.**

REASONS FOR DECISION – To facilitate the further development of Pioneer Business Park (“PBP”).

OTHER OPTIONS CONSIDERED –

1. Do nothing - The Council could decide not to use compulsory purchase powers to acquire the unregistered strips of land.

2. It is still likely that ABP would move forward with the development of PBP, but there would be greater risks associated with that project. Although unlikely, it is possible that at some point in the future, a landowner could come forward and demonstrate an interest in the land. Without CPO powers having been utilised, they could seek an injunction to prevent those land interests being used – which would have a negative impact on the benefits that are to be brought about by the development of PBP.

DN.104 PUBLIC SECTOR DECARBONISATION SCHEME

Cabinet considered a report from the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing seeking approval to accept funding, if successful, from the Department for Energy Security and Net Zero, through the Public Sector Decarbonisation Scheme (PSDS) Phase 3c, delivered by Salix.

RESOLVED -

- 1. That the Director Environment, Economy and Infrastructure in consultation with The Leader of the Council be authorised to accept £4,821,879 grant funding in principle on behalf of the Council, if the application is successful.**
- 2. That the Director Environment, Economy and Infrastructure be authorised in consultation with the Leader of the Council to commit to match fund £657,529, if the application is successful.**
- 3. That the Director Environment, Economy and Infrastructure in consultation with The Leader of the Council be delegated the authority to accept the final grant offer and deal with all matters arising from and ancillary to the above including negotiation with the funder, implementation and award of resultant contracts and works.**
- 4. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to execute all documentation arising.**

REASONS FOR DECISION –

Accepting the funding from the Department for Energy Security and Net Zero through PSDS Phase 3c, as administered through Salix will help deliver carbon emission reduction through heat decarbonisation and energy efficiency improvements to nine Council buildings, to reduce future environmental impact and running costs of the buildings. Reducing the Council's carbon emissions will support aims and milestones set out in our

Net Zero Carbon Roadmap and work towards the Council's accelerated strategic priority of achieving net zero by 2030.

OTHER OPTIONS CONSIDERED –

1. To do nothing would mean that the Council would not complete these heat decarbonisation works and would not make carbon emissions savings on these nine buildings, which would negatively impact the progress being made to reach the accelerated strategic priority of achieving net zero by 2030.
2. Use North East Lincolnshire Council Funding – the Council could use capital funding to carry out these works, to decarbonise the heating systems of the nine buildings and carry out energy efficiency and building fabric improvements. This would affect the availability of capital funding for other projects.
3. Reject the Funding This Year and Reapply in The Coming Years – the Council could decline the funding this year and use the same application to apply for PSDS funding for the next phase. There is a risk that the criteria would change for the next phase and our projects would no longer be suitable for the grant. There is also the risk that we would not be successful with the next phase iteration of the grant. PSDS grants are highly competitive and work on a first-come-first-serve basis, without confirmation of the amount of funding available in the coming years it is likely that the next PSDS phases will be even more competitive.
4. Accept the Funding – This is the preferred option, delivering the scheme outlined in the report. This is the preferred option as this would deliver substantial decarbonisation improvements and future energy savings for the Local Authority, without the requirement of using local funding.

DN.105

WRITE OFF OF UNCOLLECTABLE NATIONAL NON DOMESTIC RATES DEBTS

Cabinet considered a report from the from the Portfolio Holder for Finance, Resources and Assets seeking approval to write off uncollectable National Non-Domestic Rates Debts as detailed in the report now submitted.

RESOLVED -

- 1. That the write off of the uncollectable National Non-Domestic Rates outlined within Appendix A as set out in the report now submitted be approved.**
- 2. That the Executive Director Place and Resources be instructed to formally write off the sum of £117,421.33.**

REASONS 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 considered in the 2023/24 NNDR estimates. The Council’s bad debt provision has already been adjusted to reflect these debts.

DN.106 WRITE OFF OF UNCOLLECTABLE COUNCIL TAX DEBTS

Cabinet considered a report from the from the Portfolio Holder for Finance, Resources and Assets seeking approval to write off uncollectable Council Tax debts as detailed in the report now submitted and closed appendix.

RESOLVED -

- 1. That the write off of the uncollectable Council Tax outlined within Appendix A of the report now submitted be approved.**
- 2. That the Executive Director Place and Resources be instructed to formally write off the sum of £59,509,07**

REASONS FOR DECISION – The Council’s Financial Procedure Rules require Cabinet approval to write off debts of over £50k. In the case recommended, the individual has been adjudged bankrupt and there is no reasonable prospect of recovery.

OTHER OPTIONS CONSIDERED – If Cabinet does not agree to approve write off of these debts, they will remain within the Council Tax 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 considered. The Council's bad debt provision has already been adjusted to reflect these debts.

DN.107 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.108 WRITE OFF OF UNCOLLECTABLE COUNCIL TAX DEBTS

Cabinet considered the closed appendix in relation to the above.

RESOLVED –That appendix to the report, pursuant to the decision at DN.106 above, be noted.

DN.109 LINCOLNSHIRE HOUSING PARTNERSHIP GROUNDS MAINTENANCE CONTRACT

Cabinet considered a report from the Portfolio Holder for Environment and Transport in relation to the above.

RESOLVED –

- 1. That the delivery of grounds maintenance services for an initial 6-month period on behalf of Lincolnshire Housing Partnership be approved.**
- 2. That the Council explore opportunities for delivery of a longer-term integrated approach to grounds maintenance within North East Lincolnshire.**
- 3. That the Director of Economy, Environment, and Infrastructure in consultation with the Portfolio Holder for Environment and Transport be delegate authority to implement.**
- 4. That the Assistant Director Law and Governance (Monitoring Officer) be delegated the authority to execute all documentation arising.**

REASONS FOR DECISION – As laid out in the report now submitted.

OTHER OPTIONS CONSIDERED - As laid out in the report now submitted.

