



## **CABINET DECISION NOTICE**

Publication Date: 11<sup>th</sup> February 2021

At the meeting of the Cabinet held on the 10<sup>th</sup> February 2021 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, Lindley, Proctor, Shepherd, Shreeve and S. Swinburn.

### **DN.86 APOLOGIES FOR ABSENCE**

There were no apologies for absence for this meeting.

### **DN.87 DECLARATIONS OF INTEREST**

There were no declarations of interests made from Members with regards to items on the agenda.

### **DN.88 MINUTES**

The minutes of the Cabinet meeting on 13th January 2021, and the special Cabinet meeting on the 20th January 2021 were agreed as a correct record.

### **DN.89 KENT STREET MUGA AND SKATEBOARD / BMX PARK AT 41 KENT STREET, GRIMSBY, DN32 7DJ**

Cabinet considered a report from the Deputy Leader and Portfolio Holder for Finance, Resources and Assets following the scrutiny consideration of the call in heard by the Economy Scrutiny Panel on the 12th January in relation to the above.

**RESOLVED –**

- 1. That the recommendation from the Economy Scrutiny Panel of 12th January 2021 (see section 7) be acknowledged and whilst**

**implementing recommendation 2 below, authority be delegated to officers to engage with the skateboard / BMX community, to explore reasonable options and assisting, supporting and signposting the Group to enable access to any available grant funding for relocating the skateboard / BMX park, with a further report back to Cabinet once options have been fully appraised;**

- 2. That the original cabinet decision of 9th December 2020 with the completion of a full, repairing, and insuring lease of the subject Site for a term of 99 years at a peppercorn rent (£1 per annum if demanded) to Corinthians Complex Community Interest Company (CIC), be reaffirmed;**
- 3. That authority be delegated to the Executive Director of Environment, Economy and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets, authority to:**
  - 3.1 reasonably explore all opportunities as outlined in this report with a view to assisting, supporting and signposting the skateboard and BMX communities to enable them to access any available grant funding and for them to become self-sufficient; and**
  - 3.2 settle all terms and ensure that all necessary actions are carried out to complete the lease disposal at Recommendation 2.**
- 4. That the Monitoring Officer be authorised to complete and execute all requisite legal documentation in relation to the matters outlined above.**

REASONS FOR DECISION - The Scrutiny recommendation (Recommendation 1 above) asks Cabinet to give some assurance that any new provision for a skateboard/ BMX facility will be in place before the skateboarding and BMX community are asked to relocate from the current skateboard/BMX park. Therefore it is recommended Cabinet acknowledges the scrutiny recommendation as well as continues to implement the original recommendation for a transfer, by way of a lease, of the Site.

OTHER OPTIONS CONSIDERED – See Cabinet report of the 9th December 2020.

To delay the lease of the Site to the Corinthians Group would result in the potential loss of investment and use of the MUGA site. Should the Corinthians Group have no choice but to withdraw from the potential lease, the facility will be left vacant and continue to deteriorate in condition, resulting in an increase in vandalism, anti-social behaviour and a negative effect to the street scene resulting in rising costs to the Council. This is not considered a viable option.

## **DN.90 2020/21 QUARTER 3 FINANCE MONITORING REPORT**

Cabinet considered a report from the Deputy Leader and Portfolio Holder for Finance, Resources and Assets presenting the key information and analysis of the Council's financial position and performance at the end of the third Quarter of the 2020/21 financial year.

### **RESOLVED –**

1. That the reported position at Quarter 3, the uncertainties related to the impacts of COVID-19 and its potential longer term implications and the various actions being taken to bring spending back in line with budget, be noted.
2. That the Financial Monitoring Report be referred to Scrutiny for consideration.
3. That the revised Capital Programme included at Annex 1 of the report now submitted be noted.

REASONS FOR DECISION - The report is important in informing Cabinet on the financial position and performance of the Council and highlighting key risks and opportunities.

OTHER OPTIONS CONSIDERED – Not applicable to monitoring report.

## **DN.91 BUDGET, FINANCE AND COMMISSIONING PLAN 2021/22 – 2023/24**

Cabinet considered a report from the Deputy Leader and Portfolio Holder for Finance, Resources and Assets presenting the Budget, Finance and Commissioning Plans 2021/22 – 2023/24 for approval to Full Council.

### **RECOMMENDED TO COUNCIL –**

1. **That the 2021/22 Budget and summary 2021/22 – 2023/24 Medium Term Financial Plan ('MTFP') contained within Appendix 1 of the report now submitted, be approved.**
2. **That the proposed 1.98% increase in Council Tax, be approved.**
3. **That the proposed 3% Adult Social Care precept in 2021/22, be approved.**
4. **That the Commissioning Briefs contained within Appendix 1 (Annex 1) of the report now submitted, be approved.**

- 5. That the Capital Investment Strategy included within Appendix 1 (Annex 3) of the report now submitted, be approved.**
- 6. That the 2021/22 - 2023/24 Capital Programme set out in Appendix 1 (Annex 2), of the report now submitted, be approved.**
- 7. That the Flexible Use of Capital Receipts Policy included within Appendix 1 (Annex 7) of the report now submitted, be approved.**
- 8. That the uncertainty relating to the impact of COVID-19 and other significant external factors, be noted and requests the Executive Director for Environment, Economy and Resources to report to Cabinet any significant variances against planning assumptions.**
- 9. That the creation of a COVID-19 reserve to mitigate against the ongoing risks associated with the pandemic, be approved.**
- 10. That the Outcomes Framework be reviewed alongside the Council's recovery plan and that a further report be brought to Cabinet and Council by June 2021.**
- 11. That the council tax hardship fund be increased by £200k in 2021, to provide additional support to those households in hardship, be approved.**
- 12. That ward funding be increased by £2.5k per ward, to provide ward councillors with additional capacity to support communities, be approved.**
- 13. That an investment of up to £90k per annum in revenue, supported by a programme of capital investment (to include consideration of anti social behaviour deterrents) which would be developed to undertake a programme of investment in the 53 play parks across the borough, in support of the health and well being of our residents and to recognise the value placed in our parks and open spaces, be approved.**
- 14. That a revenue investment of up to £80k per annum in the Green agenda, to vastly improve our approach to environmental sustainability, including access to external funding, be approved.**
- 15. That the resolutions 11 – 14 above, be funded from a reduction in reserves, be approved.**

REASONS FOR DECISION - The Council must determine how it is to operate within the forecast financial resources over the medium term. To comply with its legal obligations, the Council must set a balanced budget for 2021/22 and provide a realistic financial forecast for the medium-term financial planning period.

## OTHER OPTIONS CONSIDERED –

Option appraisals have been undertaken in setting the budget.

A range of options have been considered when considering service delivery within defined financial resources to support the delivery of a balanced budget in 2021/22.

## **DN.92 ADULT SOCIAL CARE CHARGING POLICY REVIEW**

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care presenting the outcome of a review and consultation on the Adult Social Care charging Policy and seeking recommendations for approval.

### **RESOLVED –**

- 1. That the implementation of a revised adult social care charging policy that incorporates measures to ensure that fee levels catch up and keep up with cost increases (indexation), be supported and further supports a principle of full cost recovery.**
- 2. That the proposals relating to disability related expenditure (DRE) be adopted from April 2021.**
- 3. That the proposal relating to the administration fee for arranging care, for those who can afford it, over a two-year period, commencing April 2021, be adopted.**
- 4. That authority be delegated to the Director of Adult Social Care in consultation with the Portfolio Holder for Health, Wellbeing and Social Care to implement resolutions 1 to 3 above.**
- 5. That the proposals in respect of the minimum income guarantee (MIG) are not adopted.**
- 6. That the proposal relating to respite (short stay in a care or nursing home) charging be subject to further consideration, with a view to implementing a revised approach to respite charging from April 2022.**

### **REASONS FOR DECISION –**

Cabinet must decide:

- which of the options consulted upon should, or should not, form part of a revised Policy

- whether implementation of any change should be immediate (from 1st April 2021), or phased in over a period
- either on the basis of the Recommendations, or otherwise.

Cabinet must make these decisions because:

- It is required to consider the Policy periodically
- It has conducted a consultation on the way in which it might revise the Policy
- Having conducted a consultation, it must now ensure that the learning from it, in conjunction with the impact assessment, it utilised to revise the Policy.

OTHER OPTIONS CONSIDERED – A wider range of proposals for increasing client contributions was originally considered and following the involvement of a Scrutiny working group, a smaller number of proposals was put forward for consultation. Following consultation, those matters that received positive support at those being recommended in this paper.

Please see Appendix D of the report now submitted for further details on previous considerations.

## **DN.93 TREASURY MANAGEMENT POLICY AND STRATEGY 2021/22**

Cabinet considered a report from the Deputy Leader and Portfolio Holder for Finance, Resources and Assets presenting the restated Treasury Policy Statement and the Treasury Management Strategy Statement.

### **RECOMMENDED TO COUNCIL –**

- 1. That the Treasury Management Policy Statement at Appendix 1 of the report now submitted, be approved.**
- 2. That the Treasury Management Strategy Statement and Prudential Indicators for 2021/22 at Appendix 2 of the report now submitted, be approved.**
- 3. That the Minimum Revenue Provision Policy Statement at Appendix 2 (annex 2) of the report now submitted, be approved.**

REASONS FOR DECISION - The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice for Treasury Management in Public Services (the CIPFA TM Code) and the Prudential Code require local authorities to approve their Treasury Management Strategy Statement and Prudential Indicators on an annual basis. This Authority requires the Strategy to be approved by full Council.

The Full Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.

Full Council holds responsibility for the implementation and regular monitoring of the organisation's treasury management policies and practices, and delegates the execution and administration of treasury management decisions to The Director of Finance, who will act in accordance with the organisation's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

OTHER OPTIONS CONSIDERED – These are set out on Page 28 of the Treasury Management Strategy Statement (Appendix 2 to report submitted).

#### **DN.94 PAY POLICY STATEMENT 2021 – 2022**

Cabinet considered a report from the Leader of the Council presenting the Pay Policy statement for 2021-22.

**RECOMMENDED TO COUNCIL – That the pay policy statement for the period 2021/22 be approved.**

REASONS FOR DECISION - To ensure compliance with legislation and recommended practice on data transparency.

OTHER OPTIONS CONSIDERED – None.

#### **DN.95 NORTH EAST LINCOLNSHIRE COUNCIL CONCESSIONARY FARES SCHEME**

Cabinet considered a report from the Portfolio Holder for Environment and Transport seeking approval of the final scheme to be effective from 1st April 2021.

**RESOLVED –**

- 1. That the continuation of the current, statutory minimum North East Lincolnshire Council Concessionary Fares Scheme (with existing non-statutory local enhancements) from 1 April 2021 to 31 March 2022, be approved.**
- 2. That the proposed reimbursement agreement at pre COVID-19 funding levels for operators as required by the Department for Transport, be approved.**
- 3. That authority be delegated to the Executive Director for Environment, Economy and Resources in consultation with the Portfolio Holder for Environment and Transport to ensure**

**that all actions necessary and ancillary to the above recommendations be completed.**

- 4. That upon the Department for Transport amending the COVID-19 Bus Service Support Grant (CBSSG), authority be delegated to the Executive Director for Environment, Economy and Resources in consultation with the Portfolio Holder for Environment and Transport to approve an amended Concessionary Fares agreement with operators.**
- 5. That authority be delegated to the Assistant Director Law, Governance and Assets to complete and execute all requisite legal documentation arising.**

REASONS FOR DECISION - Adoption of the North East Lincolnshire Concessionary Fares Scheme will ensure that the Council meets the relevant statutory requirements in relation to the operation of the national scheme and the reimbursement of eligible transport operators.

OTHER OPTIONS CONSIDERED –

The following options are available to the Council:

Do nothing – This option is not recommended. Local authorities have a duty to provide free bus travel for eligible pass holders to a statutory minimum level. Public transport operators are compensated for revenue foregone and for any net additional costs incurred as a result of operating the national scheme in accordance with criteria established by the Department of Transport (DfT).

Reimburse operators based upon alternative calculation - Should this payment be lower than the DfT guided payment, operators are likely to appeal to the Secretary of State for Transport. Operators have the right to appeal local authority concessionary fare reimbursement under section 150 (1) of the Transport Act 2000.

Reimburse the operators based upon the 2019/2020 Concessionary Fares agreement – This is the recommended option due to the DfT requesting local authorities continue to provide concessionary fare funding at pre-COVID 19 funding levels.

## **DN.96 NORTH EAST LINCOLNSHIRE ANTI-SOCIAL BEHAVIOUR STRATEGY**

Cabinet considered a report from the Portfolio Holder for Safer and Stronger Communities presenting a revised partnership Anti-Social Behaviour Strategy for approval.

**RESOLVED –**

1. **That the Partnership Anti-Social Behaviour Strategy, be approved.**
2. **That authority be delegated to the Deputy Chief Executive and Executive Director for People, Health and Care to implement the strategy and in consultation with the Portfolio Holder for Safer and Stronger Communities deal with any amendments and reviews as appropriate.**

REASONS FOR DECISION - The revised strategy, developed collaboratively with partner agencies, aims to improve the local response to ASB, provide better support to victims and further reduce ASB across the Borough.

OTHER OPTIONS CONSIDERED – In undertaking engagement and consultation with partner agencies around the development of the partnership ASB strategy all relevant options have been included in the revised strategy including latest government guidance.

## **DN.97 SCHOOL TERM DATES FOR NORTH EAST LINCOLNSHIRE'S COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS FOR THE 2022-2023 ACADEMIC YEAR**

Cabinet considered a report from the Portfolio Holder for Children, Education and Skills setting out the proposed School Year for 2022-2023 for all voluntary controlled and community schools within the local authority.

**RESOLVED – That the proposed laid out in Appendix A of the report now submitted, for voluntary controlled and community schools for the 2022–2023 academic year be approved, and authority be delegated to the Deputy Chief Executive and Executive Director for People, Health and Care to implement.**

REASONS FOR DECISION - The 1996 Education Act requires local authorities to determine school term dates annually. The proposal in Appendix A is recommended as this would ensure as much uniformity as possible with our internal own admission authority schools and academies and neighbouring local authorities. Therefore, minimising where possible internal differences and any cross boundary disruption.

OTHER OPTIONS CONSIDERED – None.

**SCHOOL ADMISSION ARRANGEMENTS FOR THE 2022-2023 ACADEMIC YEAR**

Cabinet considered a report from the Portfolio Holder for Children, Education and Skills presenting the local authority's school admission arrangements for community and voluntary controlled schools for the academic year 2022-2023.

**RESOLVED –**

- 1. That, the general admission arrangements, including published admissions numbers (PANs), for the local authority's community and voluntary controlled schools for 2022-2023 be unchanged (apart from those identified in Appendix 1 of the report now submitted) from 2021-2022.**
- 2. That no material changes be made to the local authority's co-ordinated school admission arrangements published schemes other than the updating of dates and deadlines, and that locally agreed protocols that support admission arrangements continue to be reviewed on a regular basis.**
- 3. That the Executive Director People, Health and Care continues to have delegated powers in consultation with the governing bodies of community and voluntary controlled schools to increase the published admission number of an individual year group in a school in exceptional circumstances.**
- 4. That it be noted, those schools and academies with their own admission authorities have the ability to consult and determine their own admission arrangements. Details of known proposed changes are provided at Appendix 1 of the report now submitted.**
- 5. That it be noted, with the increasing number of academies within the local authority the number of schools for which the local authority is responsible for in respect of determining admission arrangements is reduced.**

REASONS FOR DECISION - The Education (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012) requires school admission arrangements for 2022-2023 to be determined and published, after any required consultation by 28 February 2021. The recommendations above result from the statutory consultation required under legislation which took place for a minimum period of 6 weeks between 1st October 2020 and 31st January 2021.

OTHER OPTIONS CONSIDERED – Other options are regularly considered in the wide ranging consultations.

## **DN.99 REVIEW AND UPDATE OF THE RIGHTS OF WAY IMPROVEMENT PLAN**

Cabinet considered a report from the Portfolio Holder Environment and Transport seeking adoption of the Rights of Way Improvement Plan 2021-2031.

### **RESOLVED –**

- 1. That the Rights of Way Improvement Plan 2021-2031, which appears in detail at Appendix 1 of the report now submitted, be approved.**
- 2. That authority be delegated to the Executive Director for Environment, Economy and Resources with the Portfolio Holder for Environment and Transport to implement the plan.**

REASONS FOR DECISION - The Public Rights of Way Improvement Plan 2021-2031 (Rights of Way Improvement Plan 2) considers the status of the rights of way network in North East Lincolnshire, including the needs of its users, how the network could be improved to reflect changing patterns of use and the changing requirements being placed upon it. The Public Rights of Way Improvement Plan 2021-2031 provides an update to the first Rights of Way Improvement Plan published by North East Lincolnshire Council in 2007.

A public questionnaire was undertaken to determine how people use the Public Rights of Way across North East Lincolnshire. The Rights of Way Improvement Plan 2, considers and addresses the responses to the questionnaire.

### **OTHER OPTIONS CONSIDERED –**

Updating the Council's first Rights of Way Improvement Plan could have been implemented however there has been a lot of changes in legislation. The Countryside and Rights of Way Act 2000 (section 60) requires every Local Highway Authority to prepare and publish a Rights of Way Improvement Plan every ten years, either by writing a new plan or amending the previous one. This will ensure the new plan is up to date with the most recent legislation and best practice.

The preferred option, is for the Council to adopt Rights of Way Improvement Plan 2021-2031, as outlined in this report.

## **DN. 100 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.101 NORTH EAST LINCOLNSHIRE COUNCIL  
CONCESSIONARY FARES SCHEME**

Cabinet considered from the Portfolio Holder for Environment and Transport the closed appendix for item DN.95 above.

**RESOLVED – That the closed appendix be noted.**

REASONS FOR DECISION – as laid out at DN.95.

OTHER OPTIONS CONSIDERED – as laid out at DN.95