



## CABINET DECISION NOTICE

Publication Date: 22nd December 2022

At a meeting of the Cabinet held on the 21<sup>st</sup> December 2022 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 Shreeve

### **DN.67 APOLOGIES FOR ABSENCE**

Apologies for absence from Councillor S Swinburn were received for this meeting.

### **DN.68 DECLARATIONS OF INTEREST**

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

### **DN.69 TREASURY HALF YEARLY REPORT 2022/23**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Assets containing details of the treasury management arrangements, activity and performance during the 2022/23 financial year.

**RECOMMENDED TO COUNCIL – That the report be noted.**

REASONS FOR DECISION – The Council's treasury management activity is guided by CIPFA's Code of Practice on Treasury Management ("the Code"), which requires local authorities to produce annually Prudential Indicators and a Treasury Management Strategy Statement on the likely financing and investment activity. The Code also recommends that members are informed of treasury management activities at least twice a year with interim updates on performance against Prudential Indicators reported quarterly. We therefore report in

full after Quarter 2 and year end with Prudential Indicators being reported additionally after Quarters 1 and 3 in the Commissioning and Resource Report.

OTHER OPTIONS CONSIDERED – These were set out on Page 28 of the Treasury Management Strategy Statement.

## **DN.70 UPDATE ON THE BORDER CONTROL POST**

Cabinet considered a report from the Portfolio Holder for Safer and Stronger Communities providing an update on the current position in respect of the Border Control Post facility operated by Port Health as part of Regulation and Enforcement Services

**RESOLVED – That the changes to the delivery and operation of the Grimsby & Immingham Border Control Post to new facility at Unit 20, Grimsby Seafood Village, as set out in the report now submitted and the exempt Special Urgency Officer Decision Record (see DN.79), be noted.**

REASONS FOR DECISION – Whilst the national position on a replacement border control regime is yet to emerge, Cabinet support of this recommendations is sought to allow the continued delivery of a Border Control Post (BCP) which underpins a significant proportion of the local economy which provides employment in the local area.

OTHER OPTIONS CONSIDERED –

Option 1 - Putting in place arrangements to allow imports selected for physical checks to be transferred to alternate BCP as an interim solution to guarantee no disruption to trade. This would provide some reassurance to trade by maintaining current routes into Immingham and limit displacement. However, transit costs would be financially challenging for operators and not a viable long-term option. As it would be a different port health authority, it would result in loss of income for NELC of a£400-£500k a year and loss of a skilled staff group.

Option 2 - Do not intervene in the provision of BCP at all. This would be a substantial risk to the local economy, weaken the strength of the 'Place' to the seafood industry, as well as loss of cost recovery income of £400-500k a year.

## **DN.71 EXTENSION OF SUPPORTED LIVING AND HOUSING RELATED SUPPORT (HRS) FRAMEWORK**

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care to agree the proposals, supported by North East Lincolnshire's Health and Care Contracting Committee to extend this contract by one year.

## **RESOLVED –**

- 1. That the principle of the recommendation of North East Lincolnshire's Health and Care Contracting Committee to extend the Supported Living and Housing Related Support Framework by 1 year from the date of expiry be supported.**
- 2. That authority and responsibility be delegated to the Director of Adult Social Services, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care, to take all requisite action to ensure that such extension is implemented.**
- 3. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to execute any documentation arising.**

REASONS FOR DECISION – To extend the supported living and housing related support (HRS) framework by 1 year to allow to sufficient review of both services enabling change and influence over the system to support improved outcomes for people. The review will enable opportunity to create a genuine preventative service via HRS to reduce the dependence on long-term funded care and support for longer, and to implement improvements across both services to support greater independence for people within North East Lincolnshire.

## **OTHER OPTIONS CONSIDERED –**

To reprocare now in line with the original contract timeframe.

Risks:-

Given the uncertainty over the governance arrangements following the move from Clinical Commissioning Group (CCG) to the Integrated Care System (ICS, there have been delays in seeking approval via the most appropriate governance route to extend or reprocare this provision. It has therefore left little time to undertake a procurement and mobilisation of any new providers entering the market. There may still be a need to extend the framework for a short period to allow for a thorough process and sufficient timeframe for any potential engagement or TUPE transfer of staff.

To extend for a longer period i.e. a 2 year extension

Risks:-

There is a risk that extending for too long does not provide us with the timely opportunity to implement changes to a specification following the review of the service.

Opportunity:-

Enables greater time to undertake the review and procurement process, ensuring the process is not rushed and can take full account of the impact of the Social Care Reforms

**DN.72**      **DIRECTOR OF PUBLIC HEALTH ANNUAL REPORT  
2022**

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care presenting the Director of Public Health Annual Report 2022

**RESOLVED –**

- 1. That the recommendations made by the Director of Public Health within the annual report be approved.**
- 2. That the Director of Public Health’s annual report be published on the Council’s website.**
- 3. That the Director of Public Health’s annual report be widely electronically distributed and promoted.**

REASONS FOR DECISION – It is a statutory requirement under the Health and Social Care Act 2012 s 31 (6) that the local authority publishes the Director of Public Health’s annual report.

OTHER OPTIONS CONSIDERED – Members could decide not to actively promote the annual public health report; however, it is a statutory responsibility of the local authority to publish it.

**DN.73**      **PARKS TENNIS FUNDING AND OPERATION**

Cabinet considered a report from the Portfolio Holder Culture, Heritage and the Visitor Economy seeking approval to apply for grant funding and, if successful, proceed with all necessary construction and operator procurement activity, and introduce changes to the operation of tennis courts across Barrett’s Recreation Ground, Haverstoe Park, and Sussex Recreation Ground.

**RESOLVED –**

- 1. That the submission of a grant application to the Lawn Tennis Association for investment into tennis courts at Barretts Recreation Ground, Haverstoe Park, and Sussex Recreation Ground be approved, and subject to a successful grant application:**
- 2. That the Executive Director Environment, Economy, and Resources be authorised , in consultation with the Portfolio Holder for Culture, Heritage and the Visitor Economy, to ensure that all necessary actions are carried out in order to commence and approve the procurement, and thereafter tender, award and implement refurbishment works to Barretts Recreation Ground, Haverstoe Park, and Sussex Recreation Ground.**

3. **That the Executive Director Environment, Economy, and Resources be authorised in consultation with the Portfolio Holder for Culture, Heritage and the Visitor Economy to ensure that all necessary actions are carried out to appoint an operator following appropriate procurement exercises for the delivery of tennis at Barretts Recreation Ground, Haverstoe Park, and Sussex Recreation Ground that includes the implementation of a fees and charges model for parks tennis.**
4. **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.**

REASONS FOR DECISION – To enable the Council to submit a grant application to the LTA to secure external funding and subject to the application being successful, implement an operator model for the delivery of parks tennis that includes the introduction of fees & charges.

OTHER OPTIONS CONSIDERED – The alternative is to do nothing, the existing courts are in a poor condition and based on existing budget, without external grant funding, current conditions are likely to remain or deteriorate further.

**DN.74 DISPOSAL OF PROPERTY AT LESS THAN BEST CONSIDERATION – LEASEHOLD OF THE BUILDING SITED AT CLEE FIELDS (FORMER YOUTH CENTRE AND CHANGING ROOMS), LADYSMITH ROAD, GRIMSBY**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Assets seeking authority to surrender and re-grant a new 30-year full, repairing, and insuring lease of the former youth centre and changing rooms at Clee Fields, Grimsby.

**RESOLVED –**

1. **That the principle of a re-grant of a full, repairing, and insuring lease of the subject Site for a term of 30-years at a peppercorn rent (£1 per annum if demanded) to Fusion Health and Wellbeing be approved.**

2. That authority be delegated to the Executive Director of Environment, Economy and Resources, in consultation with the Portfolio Holder for Finance, Resources and Assets, 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 authorised to complete all requisite legal documentation in relation to the matters outlined above.

REASONS 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, by way of a full Business Case, has been agreed in principle which could result in the transfer of the Site by virtue of a 30-year full, repairing, and insuring lease. The new term would ensure the continuation of an existing lease on the basis that their proposal is sustainable and viable over the proposed term.

OTHER OPTIONS CONSIDERED – To do nothing would see the Group not being able to take advantage of external funding 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.

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 wider site and mitigating 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 use of the Site or to prevent any unauthorised uses of the Site which a freehold disposal would remove.

## **DN.75      REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000 UPDATE 2021/22**

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 2021/22 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 2021/2022, be noted.**

## **DN.76 REVIEW OF 16 PLUS EDUCATION TRANSPORT POLICY**

Cabinet considered a report from the Portfolio Holder for Children and Education on the work being undertaken in relation to the provision of children's transport within the wider review of community transport.

### **RESOLVED –**

- 1. That the content of this report be noted.**
- 2. That the implementation of option 3 as set out in the closed appendix of this report, with the introduction of sub-option 2 (b) as articulated in that appendix, be approved.**
- 3. That authority be delegated to the Director of Children's Services, in consultation with the Portfolio Holder for Children and Education, to take all actions as may arise in connection with such implementation.**

REASONS FOR DECISION – To ensure children and young people are supported appropriately to access their education setting, whilst preparing them for adulthood and developing skills of independence.

### **OTHER OPTIONS CONSIDERED –**

1. All the charging options considered have been included in the report.
2. An invest to save, fleet model option has also been discussed by the project team. The Council owns and operates 6 wheelchair access buses within the overall vehicle fleet. There is the potential to expand the education transport fleet to include several cars, or people carriers. However, this would need significant investment and links with the charging options of full costs recovery, or contribution to travel costs.

## **DN.77 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.78 REVIEW OF 16 PLUS EDUCATION TRANSPORT POLICY**

Cabinet considered the closed appendix referred to at item DN.76.

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

**DN.79 UPDATE ON THE BORDER CONTROL POST**

Cabinet considered the closed appendix referred to at item DN.70.

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