



CABINET DECISION NOTICE

Publication Date: 16th February 2023

At a meeting of the Cabinet held on the 15th February 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, Shreeve and S. Swinburn.

DN.89 APOLOGIES FOR ABSENCE

No apologies for absence were received for this meeting.

DN.90 DECLARATIONS OF INTEREST

Councillor Harness declared a disclosable pecuniary interest in DN.100 as a shareholder in Total SA.

DN.91 MINUTES

The minutes of the Cabinet meetings on the 18th January and 23rd January 2023 were agreed as a correct record.

DN.92 2022/23 QUARTER THREE COUNCIL PLAN PERFORMANCE REPORT

Cabinet considered a report from the Leader of the Council and Portfolio Holder for Economy, Net Zero, Skills and Housing presenting the Council Plan Performance Report for quarter three of 2022/23.

RESOLVED –

- 1. That the content of the report in Appendix A of the report now submitted be noted.**

- 2. That the report now submitted be referred to all scrutiny panels for further consideration and challenge.**

REASONS FOR DECISION – The report is important in informing Cabinet and scrutiny panels on the performance of the council in delivering its key strategic priorities.

OTHER OPTIONS CONSIDERED – Not applicable to this performance report.

DN.93 2022/23 QUARTER THREE FINANCE MONITORING REPORT

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Assets presenting the key information and analysis of the council's position and performance against its Finance and Commissioning Plan for the third quarter of the 2022/23 year.

RESOLVED –

- 1. That the reported position and the mitigating actions being taken to bring spending down to manageable levels on a recurrent basis be noted.**
- 2. That the risks and opportunities over the forthcoming financial planning period be acknowledged.**
- 3. That the reprofiling and reprioritisation of the capital programme, as detailed in the report now submitted, be approved.**
- 4. That the report now submitted be referred to scrutiny for consideration.**

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 this monitoring report.

DN.94 A REVISED APPROACH TO ADULT SOCIAL CARE CHARGING FOR SHORT STAYS IN A CARE HOME ('RESPITE')

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care on the revised approach to adult social care charging for short term stays in a care home.

RESOLVED –

- 1. That the proposed approach to respite be adopted for implementation from 27th March 2023.**
- 2. That authority be delegated to the Director of Adult Social Services, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care, to revise the charging policy for the financial year 2023/24 and thereafter enable the Portfolio Holder for Health, Wellbeing and Adult Social Care to make minor modifications periodically as may be required in accordance with the constitutional responsibility afforded to that office.**

REASONS FOR DECISION – a revised approach was adopted as the council is required to consider the charging policy periodically, a consultation was conducted on the way in which the policy might be revised and the learning from this, in conjunction with the impact assessment, was utilised when considering whether to revise the policy.

OTHER OPTIONS CONSIDERED – A wider range of proposals for charging for respite was initially considered by scrutiny. Following discussion with scrutiny, a single proposal (the recommended option) was put forward for consultation. Further details on other options were set out at Appendix C to the report.

DN.95 DEPARTMENT FOR EDUCATION'S HOLIDAY ACTIVITIES AND FOOD GRANT

Cabinet considered a report from the Portfolio Holder for Children and Education to seek approval and acceptance of the ring-fenced Department for Education (DfE) Holiday Activities and Food (HAF) grant of £795,450 in order for the Council to co-ordinate the delivery of free holiday clubs for children in receipt of benefits-related free school meals.

RESOLVED –

- 1. That the acceptance of the DfE Holiday Activities and Food (HAF) grant of £795,450 be authorised.**
- 2. That the Director of Children's Services, in consultation with the Portfolio Holder for Children and Education, be authorised to ensure that all necessary actions are carried out in order to co-ordinate and implement the HAF programme.**
- 3. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to complete all requisite legal documentation arising.**

REASONS FOR DECISION –

This decision enables the Council to deliver the Holiday Activities and Food (HAF) programme across the borough and engage with key partners to co-ordinate planning via a steering group.

The decision enables the Council to award funding to eligible organisations in North East Lincolnshire to provide free holiday activities and food clubs for children eligible for, and in receipt of, benefits-related free school meals.

The decision enables the Council to work with Finance colleagues to monitor the indicative budget, and to provide regular updates to the DfE and the Portfolio Holder for Children, Education and Skills as required.

Without this decision, the Council would not be able to deliver the HAF programme in the Easter, summer and Christmas holidays, and children eligible for free school meals would be likely to have negative holiday experiences. Furthermore, many families in the borough would remain in food poverty.

OTHER OPTIONS CONSIDERED – Do nothing -

This option has not been recommended as it would exacerbate food poverty experienced by many families in the authority.

DN.96 SCHOOL TERM DATES FOR NORTH EAST LINCOLNSHIRE'S COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS FOR THE 2024-2025 ACADEMIC YEAR

Cabinet considered a report from the Portfolio Holder for Children and Education setting out the proposed School Year for 2024-2025 for all voluntary controlled and community schools within the local authority.

RESOLVED –

- 1. That the proposed dates for voluntary controlled and community schools for the 2024–2025 academic year, as set out in Appendix A of the report now submitted, be approved.**
- 2. That the Director for Children's Services be authorised to implement and take all reasonable steps arising, in consultation with the Portfolio Holder for Children and Education.**

REASONS FOR DECISION - The 1996 Education Act requires local authorities to determine school term dates annually. The proposal in Appendix A was 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.

DN.97 SCHOOL ADMISSION ARRANGEMENTS FOR THE 2024-2025 ACADEMIC YEAR FOR NORTH EAST LINCOLNSHIRE COUNCIL COMMUNITY SCHOOLS

Cabinet considered a report from the Portfolio Holder for Children and Education that described the local authority's school admission arrangements for community and voluntary controlled schools for the academic year 2024-2025.

RESOLVED –

- 1. That the position whereby the general admission arrangements, including published admissions numbers (PANs), for the local authority's community and voluntary controlled schools for 2024-2025 are unchanged, be supported.**
- 2. That the position that no material changes would 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 would continue to be reviewed on a regular basis, be supported.**
- 3. That authority be delegated to the Director of Children's Services, in consultation with the governing bodies of community and voluntary controlled schools and the Portfolio Holder for Children and Education, to increase the published admission number of an individual year group in a school in exceptional circumstances.**
- 4. That it be noted that those schools / academies that are their own admission authorities have the ability to consult and determine their own admission arrangements. Details of known proposed changes were provided at Appendix 1 of the report now submitted.**
- 5. That, with the increasing number of academies within the local authority, it be noted that the number of schools for which the local authority is responsible for in respect of determining admission arrangements is reduced.**

REASONS FOR DECISION – The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 requires school admission arrangements for 2024-2025 to be determined and published, after any required consultation by

15th March 2023. The recommendations above result from the statutory consultation required under legislation which took place for a minimum period of 6 weeks between 1st November 2022 and 10th December 2022.

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

DN.98 APPROVAL AND ACCEPTANCE OF THE DELIVERING BETTER VALUE IN SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) SERVICES GRANT

Cabinet considered a report from the Portfolio Holder Children and Education seeking approval and acceptance of the ring-fenced Department for Education Delivering Better Value in SEND services grant of £1,000,000.

RESOLVED –

- 1. That the acceptance of the DfE Delivering Better Value in SEND services grant of £1,000,000 be authorised.**
- 2. That the Director of Children’s Services, in consultation with the Portfolio Holder for Children and Education, be authorised to ensure that all necessary actions are carried out in order to co-ordinate and implement the Delivering Better Value programme.**
- 3. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to complete all requisite legal documentation arising.**

REASONS FOR DECISION -

This decision enables the Council to deliver the Delivering Better Value in SEND services (DBV) programme across the borough, and further engage with key partners to co-ordinate delivery via suitable governance process including Children’s leadership and education settings subject to acceptance and approval of the grant.

The decision enables the Council to provide funding and a learning programme to all schools in North East Lincolnshire to strengthen skills and inclusive practice culture. The programme will also improve multiagency data visibility, collection processes and data quality, thus strengthening performance and improvement cycles. This decision also supports delivery of the Councils education and Inclusion strategy (2022) and provides further capacity to accelerate activity.

The decision enables the Council to work with Finance colleagues to monitor the indicative budget, and to provide regular updates to the DfE

and the Portfolio Holder for Children, Education and Skills as required.

Without this decision, the Council would not be able to deliver the DBV programme over the next 2 to 3 years to strengthen our local services inclusive culture ensuring sustainable approaches and improved inclusivity in local schools for children and young people. Through participation in the programme, and the renewed LA SEND inspection framework, it has identified gaps with our data collection, analysis and performance cycle which need addressing to improve and support our understanding of service provision, quality development and assurance of services. All DBV activities will also enable the Council, with its partners, to be better prepared for future SEND services inspections which without the development could lead to an inadequate judgement and the impact that would have for the borough.

OTHER OPTIONS CONSIDERED –

Do nothing. This option was not recommended as it would not improve inclusion in mainstream settings, outcomes for children and young people, or data visibility required for service improvement cycles. It would leave NELC and its partners at risk of a poor future SEND inspection.

DN.99

EMPTY PROPERTIES - COMPULSORY PURCHASE ORDERS

Cabinet considered a report from the Leader of the Council and Portfolio Holder for Economy, Net Zero, Skills and Housing seeking authority for the Council to pursue Compulsory Purchase Order formal action to tackle three problematic empty properties, where all other informal and formal options had failed.

RESOLVED –

- 1. That the use of Compulsory Purchase Orders on 49 Bentley Street Cleethorpes, 62 Pasture Street/63-67 Willingham Street Grimsby and 168 Rutland Street, Grimsby be approved.**
- 2. That the Executive Director Place and Resources be authorised to use funding allocated within the existing Empty Homes Capital Budget to fund legal, professional and acquisition costs.**
- 3. That the Executive Director Place and Resources, in consultation with the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing, be delegated authority to commence and implement all formalities in connection with the exercise of compulsory purchase powers and all actions reasonably ancillary thereto and thereafter deal with subsequent disposal or refurbishment or other use as shall be at the Executive Director's discretion and being subject to internal governance processes with a view to bringing the**

properties back into use.

- 4. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to execute and complete all requisite legal documentation.**

REASONS FOR DECISION – The properties identified in this report have a long history of problems. The owners have either failed to engage with officers of the Council or have been unwilling to take action to bring the properties back into use. In each case it is felt that the only remaining action is to force a change of ownership and the use of CPO which affords the Council the greatest control in determining the future outcomes for the property.

OTHER OPTIONS CONSIDERED –

Purchase by Agreement – We have already attempted to voluntarily acquire the properties, however the owners of Bentley Street and Pasture Street, have failed to engage after repeated attempts. The owner of 168 Rutland Street has declined any reasonable offers. CPOs are being sought as a last resort.

Improvement Notices – Serving improvement notices through the Environmental Protection Act 1990 and Town and Country Planning Act 1990 will only improve the visual impact of the properties. As the owners have failed to engage with notices previously, we do not consider this to be a recommended cause of action. Opting for continuing with the current action would lead to further deterioration of the properties, blight the neighbourhood and continue to attract anti-social behaviour/criminal activity.

Do Nothing – To do nothing would mean that the properties continue to remain empty risking continued anti-social behaviour, criminal activity and further deterioration of the properties causing damage to neighbouring properties.

DN.100 ELECTRICITY AND GAS BASKET FRAMEWORK

Cabinet considered a report seeking approval to carry out a further call off from the existing framework to help avoid risks of additional cost increases associated with the Council trying to re-procure its energy frameworks during a period of extreme market volatility.

RESOLVED –

- 1. That authority be delegated to the Executive Director Place and Resources, in consultation with the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing, to approve a further call off from the Electricity and Gas Basket framework.**
- 2. That the Assistant Director Law and Governance (Monitoring**

Officer) be authorised to complete all legal documentation in relation to the matters outlined above.

REASONS FOR DECISION – Approving the decisions will allow the Council to put measure in place to help mitigate the increases in the costs of utilities and the pressure this provides to the Council's budgets. The decision will also assist the Council's to achieve its commitment to reducing the organisation's carbon emissions to net zero by 2030.

OTHER OPTIONS CONSIDERED –

Option 1: Do nothing until the current framework is due to be retendered

Advantages

- There are none for this option.

Disadvantages

- Decreased interest from suppliers as they are carefully considering taking on new business.
- No response from the market would lead to the basket going on to deemed rates.
- Loss of basket size/disaggregation of the basket.
- Certain financial pressure
- Loss of income from the revenue achieved from the fee that named bodies outside of the boundaries of North East Lincolnshire that is paid to the Council.
- Although Academies are free to move suppliers, independent Academies/Schools (i.e., those not within wider academy groups) will be left unsupported.

Option 2: Carry out a further call-off from the North East Lincolnshire Council Electricity and Gas Basket Framework for a further four years (2024-2028) with the same supplier.

Advantages

- Calling off in 2023 will secure the basket and will allow the maximum time for trading to ensure the best market rate.
- The supplier non-commodity rates procured through the framework will remain fixed at point where the equivalents available at market will have increased.
- Continued fee from joining named bodies outside of the boundaries of North East Lincolnshire that is paid to the Council as Framework Owner.
- The performance of the current frameworks has demonstrated continual cost avoidance on the wholesale market costs, which accounts for 45% of the overall spend. It is hoped that the new call off from the existing framework will achieve additional cost avoidance for the Council. This benefit will continue offsetting the non-commodity charges which accounts for 55% of overall spend.
- By 2027/2028 the market is predicted to return to pre-covid rates. Therefore, will be in a more favourable position to procure.

Disadvantages

- There aren't any for this option. The additional call off for 4 years is equivalent to the same contract period that would be tendered at market at the end of the current framework period.

Option 3: Go to Market and procure a new North East Lincolnshire Council Electricity and Gas Basket Framework for a further four years (2024-2028) with a potential new supplier.

Advantages

- There aren't any for this option

Disadvantages

- Reduced market as suppliers are carefully considering taking on new business. Some suppliers have withdrawn from commercial supplier due to the associated risks.
- No response from the market would lead to the basket going on to deemed rates.
- Loss of basket size/disaggregation of the basket.
- Certain financial pressure.
- Loss of income from the revenue achieved from the fee that named bodies outside of the boundaries of North East Lincolnshire that is paid to the Council.
- Although Academies are free to move suppliers, independent Academies/Schools (i.e., those not within wider academy groups) will be left unsupported

Option 4: Conclude the current framework and revert to a Pro5 arrangement.

This option terminates the current framework arrangements and reverts the Council back to the use of frameworks procured through the Pro5 purchasing organisations, e.g., Yorkshire Purchasing Organisation (YPO).

Advantages

- The Pro5 arrangements are compliant with the Public Contract Regulations 2015.
- The Council receive a small rebate from the YPO as a result of being part of their larger basket.

Disadvantages

- The current YPO framework expires March 2023. They are procuring and trading at a time when the market is at its highest.
- More onerous process of supply transfer and billing, with multiple suppliers
- A certain increase in utility spend/budget due to adopting a more risk averse trading strategy and given the current market conditions. It should be noted that the move away from the Pro5 arrangements in 2015 secured a cost saving to the Council of £470k p.a.

- Reputational damage as the commitment was made by the Council in 2015 to procure energy independently of the Pro5 arrangement.
- Although Academies are free to move suppliers, independent Academies/Schools (e.g., those not within wider academy groups) will be left unsupported.

It was recommended that Option 2 was approved for the following reasons:

Due to the current wholesale energy market environment, energy suppliers are very carefully considering their position on new business. So much so, that there are now a number of energy suppliers that have either withdrawn completely from the Industrial & Commercial markets, such as Scottish Power and British Gas Business, or have temporally suspended sales activity for new business. Some suppliers have recognised that they are better served on protecting their existing business rather than having the added risk and administrative demands of new business. Some suppliers have also been negatively affected by the challenges of staffing and recruitment following working pattern changes post Covid.