



CABINET DECISION NOTICE

Publication Date: 7th August 2020

At the meeting of the Cabinet held on 5th August 2020 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, Fenty, Lindley, Procter, Shepherd, Shreeve and S. Swinburn.

DN.20 APOLOGIES FOR ABSENCE

There were no apologies for absence from this meeting.

DN.21 DECLARATIONS OF INTEREST

Councillor Swinburn declared a prejudicial interest in item DN.26 as a member of Immingham Town Council and left the meeting for this item.

DN.22 MINUTES

The minutes of the special Cabinet meeting on 29th June, 2020 were agreed as a correct record.

DN.23 TREASURY OUTTURN REPORT 2019-20

Cabinet considered a report from the Portfolio Holder for Finance and Resources detailing the treasury management arrangements, activity and performance during 2019-20.

RECOMMENDED TO COUNCIL – That the treasury management outturn report for 2019/20 be approved.

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. We therefore report after Quarter 2 and year end.

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

DN.24 2020/21 QUARTER 1 FINANCE MONITORING REPORT

Cabinet considered a report from the Portfolio Holder for Finance and Resources providing key information and analysis of the Council's financial position and performance at the end of Quarter 1 of the 2020/21 financial year.

RESOLVED –

- 1. That the reported position at Quarter 1 and the various actions being taken to bring spending back in line with the 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 approved.**

REASONS FOR DECISION – The report is important in identifying to cabinet both successes, to note progress, and areas of forecast revenue overspend and amendment to the capital programme where actions need to be taken. The area of focus commentary highlights the achievement of any milestones or potential risks affecting the delivery of outcomes.

OTHER OPTIONS CONSIDERED – N/A.

DN.25 CHILDREN'S SOCIAL CARE STATUTORY COMPLAINTS AND COMPLIMENTS ANNUAL REPORT 2019/20

Cabinet considered a report from the Portfolio Holder for Children, Education and Young People providing an overview of the activity and analysis of complaints and compliments for the period 1st April 2019 to 31st March 2020.

RESOLVED –

- 1. That the Children's Social Care Statutory Complaints and Compliments Annual Report for 2019/20 be noted.**

2. That the Children’s Social Care Statutory Complaints and Compliments Annual Report for 2019/20 be referred to the Children and Lifelong Learning Scrutiny Panel for their consideration.

REASONS FOR DECISION – It is a requirement of The Children Act 1989 Representation Procedure (England) Regulations 2006 to produce an annual report regarding the representations made about social care statutory services. The purpose of the attached report is to inform the general public, elected members and Council officers about the effectiveness of the statutory complaints procedure.

OTHER OPTIONS CONSIDERED – It is a statutory requirement that an annual report is completed for these complaints and the activities undertaken in responding to the complaints follows current guidance. The current approach is set out in the attached report.

DN.26 DISPOSAL OF PROPERTY AT LESS THAN BEST CONSIDERATION – LEASE DISPOSAL OF IMMINGHAM PLAYING FIELDS

Cabinet considered a report from the Portfolio Holder for Regeneration, Skills and Housing seeking authority to dispose, by way of a lease, the subject site Immingham Playing Fields.

RESOLVED –

- 1. That the principle of a full, repairing, and insuring lease of the subject site for a term of 125 years at a peppercorn rent (£1 per annum if demanded) to Immingham Town Council (the “ITC”), be approved.**
- 2. That authority be delegated to the Director of Resources and Governance in consultation with the Portfolio Holder for Regeneration, Skills and Housing, to settle all heads of terms and ensure that all necessary actions are carried out to complete the lease disposal.**
- 3. That authority be delegated to the Chief Legal and Monitoring Officer to complete and execute all requisite legal documentation in relation to the matters outlined above.**

REASONS FOR DECISION – A proposal has been received from the Immingham Town Council (ITC) which has been considered as part of the Council’s approach to Community Asset Transfers (CAT). The proposal has been agreed in principle which could result in the transfer of the subject site to the ITC by virtue of a 125-year full, repairing, and insuring lease. The lease would enable the asset to transfer to the ITC on the basis that their proposal is sustainable and viable over the term, including the obligations to manage and operate the site as playing pitches with ancillary pavilion facilities, as outlined through a detailed Business Case and to continue to contribute to the Borough’s Playing Pitch Strategy.

OTHER OPTIONS CONSIDERED –

To do nothing would see the Site continue to be under-utilised and would not enable the ITC to take a more proactive role in managing the Site and seeking to improve it. The condition of the building would continue to deteriorate attracting Anti-Social Behaviour and all the repair and maintenance obligations and cost would rest with the Council. This would result in a negative impact to the community. The ITC have presented a robust Business Case which demonstrates extensive social return on investment which requires a longer-term lease in support of the proposal and will result in a full use of the Site. It is not considered a viable option to improve the maintenance activities or fully manage the Site as is currently and the Council risk unnecessary and negative publicity as well as potentially being wholly liable for the Site, together with all future associated expenditure including any missed opportunity of investment into or expansion of the potential use and activities.

The freehold disposal of the site has not been considered at this time. A leasehold arrangement is more relevant given the use needs to continue for sport provision and as such ensures the Council retains an element of control. This is also in respect of mitigating risk in maintaining the Site and in the event the proposal is no longer viable, which impacts on the on-going use of the Site, the Council could take action to seek alternative use of the site and prevent any unauthorised uses, which a freehold disposal would remove.

DN.27 REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000 UPDATE 2019/20

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 2019/20 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 2019/2020, be noted.

REASONS FOR DECISION – Not a key decision, not applicable.

OTHER OPTIONS CONSIDERED – Not a key decision, not applicable.

DN.28 COVID 19 RESPONSE – ADULT SOCIAL CARE PROVIDER SUSTAINABILITY PROPOSALS PHASE 2

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care providing an update on the use of the phase 1 funding and proposes new support arrangements.

RESOLVED –

1. That the proposals in relation to phase 2 of provider sustainability for the second quarter of 2020/21 (to 13th September 2020), to be implemented by the Director of Adult Services on a payment period by payment period basis and commencing from payment period 4 (22nd June 2020), be adopted.
2. That authority be delegated to the Director of Adult Services and the Director of Resources and Governance to review and adjust such arrangements on a monthly basis subject to a financial limit of £600,000 to the end of payment period 6 (13th September 2020).
3. That a formal recommendation be made to the North East Lincolnshire Clinical Commissioning Group to adopt an equivalent approach in respect of NHS funded residential, nursing, continuing health care (CHC) and supported living placements.

REASONS FOR DECISION – At the height of the COVID epidemic, councils were urged by the government to ensure that social care businesses were supported to continue to operate safely throughout the pandemic. This was to ensure safe and effective care to residents within the care system as well as to ensure that availability of services did not adversely impact on the health system. Efficient flow through the hospital enabled treatment beds to remain available for COVID patients. Financial assistance was provided to sustain social care providers, enabling them to meet the additional costs of COVID and associated business risks. Following an initial offer of support during quarter 1 2020/21, a further decision is now required to consider future and on going financial support to the social care sector.

OTHER OPTIONS CONSIDERED – In developing these proposals, consideration has been given to national advice and to the practice which has been shared by other councils operating within the region.

DN.29 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.30 SHARED SERVICES REVIEW

Cabinet considered a report from the Portfolio Holder for Finance and Resources on a review of our shared support services arrangements with North Lincolnshire Council, which makes a series of recommendations to either further explore opportunities to improve on or amend current arrangements.

RESOLVED –

- 1. That the recommendations set out within Appendix 1 of the report now submitted, be approved including a review of the governance arrangements relating to shared services acknowledging that such review may result in changes to the Councils constitution.**
- 2. That authority be delegated to the Director of Resources and Governance to implement any further actions resulting from the review, in consultation with the Portfolio Holder for Finance and Resources and the Chief Legal and Monitoring Officer.**
- 3. That authority be delegated to the Chief Legal and Monitoring Officer to implement any actions relating to changes to the legal agreement and governance arrangements arising from this review including bringing a report before Full Council in the event of any required constitutional change.**

REASONS FOR DECISION – Shared Services for support services came into effect in 2016. Since then both Councils have realised a range of efficiencies in financial and process terms. At the same time, we have learned much about the best way to “share” services with our neighbours. It is also good practise to continuously review our arrangements for delivering these functions and services to ensure that they remain fit for purpose and deliver efficiency and effectiveness. It is also important to ensure that our shared service arrangements meet the strategic and operational needs of both partners

OTHER OPTIONS CONSIDERED –

Do nothing – this option is not considered effective and is unlikely to realise further opportunities to improve efficiency and performance, nor is it likely to support either council’s strategic or operational objectives.

End the current arrangement – this option is not considered appropriate at this time, should recommendations to end current arrangements across service areas be made, these will be considered as part of the continued review.