

Minutes of a meeting of the **CABINET** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Tuesday, 21 November 2017 at 10.00 am.

PRESENT

C N Worth (Deputy Leader)  
M G Chandler (Deputy Leader)  
A Casson

A Casson  
P E Coupland

R Gambba-Jones  
C N Johnson

C J Lawton

The Executive Director Strategy and Governance, the Executive Director Commercialisation, the Executive Director Place, the Executive Manager Governance, the Executive Manager People and Public Protection, the Environmental Services Manager, the Head of Service Revenue and Benefits, the Revenues and Recovery Team Leader and the Democratic Services Officer.

Apologies for absence were received from or on behalf of Councillors G A Porter, G J Taylor and T A Carter, together with the Citizens Advice Bureau (South Holland Citizens Advice Bureau), the Welland Seniors Forum (Welland Seniors Forum) and the Chief Executive.

In Attendance: Councillor B Alcock (Chairman, Performance Monitoring Panel), Councillor G R Aley (Chairman, Governance and Audit Committee) and Councillor A M Newton (Independent Group Leader).

27. **MINUTES**

The minutes of the Cabinet meeting held on 19 September 2017 were signed by the Deputy Leader as a correct record.

28. **DECLARATIONS OF INTEREST.**

There were no declarations of interest.

29. **QUESTIONS RAISED BY THE PUBLIC UNDER THE COUNCIL'S CONSTITUTION (STANDING ORDERS).**

No questions were raised under the Council's constitution (Standing Orders).

30. **TO CONSIDER ANY MATTERS WHICH HAVE BEEN SUBJECT TO CALL-IN.**

There were no matters subject to call-in.

31. **TO CONSIDER MATTERS ARISING FROM THE POLICY DEVELOPMENT AND PERFORMANCE MONITORING PANELS**

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There were no matters arising from the Policy Development and Performance Monitoring Panels.

32. **MEMORANDUM OF AGREEMENT BETWEEN SOUTH HOLLAND DISTRICT COUNCIL AND BRECKLAND COUNCIL**

Consideration was given to the joint report of the Portfolio Holder for Governance and Customer and the Deputy Leader, the purpose of which was to review the Memorandum of Agreement between South Holland District Council and Breckland Council.

In the past, there had been difficulties in arranging meetings of the Appointments and Disciplinary Panel. This might be overcome by having a smaller committee and a larger pool of substitutes. It was clarified that appointments to this committee would still be subject to political group balance rules.

**RECOMMENDED TO COUNCIL:**

- a) That the Memorandum of Agreement attached at Appendix 1 to the report, and as amended, be approved and recommended to Council for adoption; and
- b) That the Legal Services Manager, in consultation with the Executive Member for Governance and Customer, be instructed to amend the Terms of Reference of the Joint Appointments and Disciplinary Committee for submission to Council.

*(Other options considered:*

- *To approve in part some of the recommended amendments to the Memorandum of Agreement;*
- *Not to approve any updates to the Memorandum of Agreement;*

*Reasons for decision:*

- *The Agreement must remain robust and reflect the current operation of all shared staff and the shared management structure as amended from time to time;*
- *The Memorandum of Agreement is reviewed every two years, and the current view is now due; and*
- *Greater certainty as to the parties respective rights and liabilities will be achieved, and the risk to parties will be minimised.)*

33. **UPDATE ON THE GARDEN WASTE COLLECTION PILOT**

Consideration was given to the joint report of the Portfolio Holder for Place and the Executive Director Place which provided

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Eldred,  
Christine  
Morgan  
Sarah  
Wolstenholme-Smy

Emily  
Spicer

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members with an update on the outcome of the Garden Waste Collection trial, and sought approval to formalise this service into the base budget.

In order to remain commercial, there would inevitably be areas within the district that it could not cover. It was requested that members be provided with information on which areas would not be covered by the service.

Members commented that the report implied that the cost of the service would not rise in the future, and felt that consideration should be given to the cost of providing it in years to come. Officers confirmed that financing of the service had been carefully considered, but that this would of course be reviewed in future years.

**DECISION:**

That the report be noted and the proposals approved so far as they may be executive functions.

**RECOMMENDED TO COUNCIL:**

- a) That approval be given for the Garden Waste Collection Scheme to become a formal offered service within target areas (not all of the district);
- b) That approval be given to extend the Garden Waste Collection Scheme to two collection routes from 1 April 2018;
- c) That the purple sack garden waste disposal service is reviewed in lined with the extension of the Garden Waste Collection Scheme;
- d) That £240,000 is released from the Investment and Growth reserve in 2017/18 in order to finance the capital requirements (one vehicle and wheeled bin provision) or a second route to the garden waste collection scheme;
- e) A further £165,000 is approved as a commitment from the Investment and Growth reserve in 2021/22 in order to finance the capital requirements (replacement vehicle); and
- f) That in Year 1 (2018/19), based on the mid case scenario (Table 3, Option 2), the revenue budget is increased by up to £90,000 (net expenditure), that the funding for this initial investment is taken from the Investment and Growth Reserve, and that the revenue budgets will be reviewed and adjusted in accordance with demand during 2018/19.

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Christine  
Morgan,  
Emily  
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*(Other options considered:*

- *Formalise garden waste collection service (without extension);*
- *Do nothing;*

*Reasons for decision:*

- *The strategy for providing a formal garden waste collection service addresses a number of business objectives).*

**34. UNREASONABLY PERSISTENT COMPLAINTS AND CUSTOMER BEHAVIOUR AND VEXATIOUS REQUESTS POLICY**

Consideration was given to the report of the Portfolio Holder for Governance and Customer, which asked members to consider the draft Policy for dealing with Unreasonably Persistent Complaints and Customer Behaviour and Vexatious Requests.

The Council did not currently have a policy or a procedure to deal with unreasonable customer behaviour and complaints and vexatious requests. The purpose of the document was to define unreasonable customer behaviour, explain what was considered to be unreasonably persistent complaints and how they would be dealt with, and to define vexatious requests and how there would be dealt with.

**DECISION:**

That the proposed Policy be approved.

*(Other options considered:*

- *To approve the draft Policy subject to amendments;*
- *Not to adopt a policy and procedures.*

*Reasons for decision:*

- *To ensure that complaints and customers are dealt with in an open, fair and proportionate way; and*
- *To underline the Authority's commitment to transparency and openness).*

**35. REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY UPDATE**

Consideration was given to the report of the Portfolio Holder for Governance and Customer which sought to update the Council's RIPA Policy and Procedures in accordance with recommendations from the Office of the Surveillance Commissioner.

**DECISION:**

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- a) That the Executive Manager Governance be instructed to update the RIPA Policy and Procedures to reflect the recommendations of the Office of the Surveillance Commissioner;
- b) That the Executive Manager Governance be instructed to report annually to members on the number of RIPA authorisations and on the fitness of the Policy and Procedures; and
- c) That, in between annual reports, any activity be reported to the Portfolio Holder for Governance and Customer.

*(Other options considered:*

- *To leave the Policy and Procedures unchanged.*

*Reasons for decision:*

- *To ensure that the Council's Policy and Procedures are fit for purpose and compliant with current legal requirements and guidance).*

**36. CORPORATE HEALTH AND SAFETY POLICY 2017**

Consideration was given to the joint report of the Portfolio Holder Public Protection and the Executive Manager for People and Public Protection, which proposed a revised Health and Safety Policy and recommended its formal adoption and implementation.

**DECISION:**

That the Policy be approved and adopted.

*(Other options considered:*

- *Do nothing*

*Reasons for decision:*

- *To ensure that South Holland District Council is compliant with its statutory duties.)*

**37. QUARTER 2 2017-18 PERFORMANCE OVERVIEW**

Consideration was given to the report of the Executive Director Strategy and Governance, which provided an update on Council performance for the period 1 July 2017 to 30 September 2017.

The Quarter 2 2017/18 Performance Report, attached at Appendix A to the report, provided councillors and residents with information about how the Council was delivering its services, and how it was progressing against its Corporate Priorities.

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Stinson

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Quarter 2 saw performance improve in comparison to Quarter 1, with performance rated as 'moderate'. The following areas of concern were noted:

- Staff Turnover – Staff turnover for the quarter was 10.97%. Although well above the threshold, the figure was largely made up of leavers resulting from service reviews
- Cases prevented from homelessness per 1,000 households - Although not a targeted measure, monitoring would continue, as homelessness prevention was a key area for the Council and overall cases prevented from homelessness had seen a downwards trend over the last 4 quarters.
- Housing Voids – Overall, most of the housing void times had improved since the last quarter. However, there were some performance indicators such as key to key for general needs and contractor times for general needs which exceeded targets. These areas were being addressed.
- Business Rate in Year Collection Rate - The collection rate was currently 0.93% behind target. Changes as a result of the recent business rates revaluation, and notification by the Valuation Office Agency of two large, backdated changes to business assessment in the rating list were largely the reason for this performance. Monitoring would be undertaken and it was anticipated that the end of year target would be achieved.

**DECISION:**

That the report be noted.

*(Other options considered:*

- *Do nothing;*

*Reasons for decision:*

- *No recommendations are made. The report is presented for consideration in order that members are aware of how the Council is delivering its services and how it is progressing against its Corporate Priorities.)*

**38. DEBT MANAGEMENT - WRITE OFFS**

Consideration was given to the joint report of the Portfolio Holder for Finance and the Executive Director Commercialisation, which sought approval for the write off of uncollectable debt, and to review and agree the process for delegated approval of debt write off.

Although there was some discussion of the report in open session, it was agreed that full consideration of the item required exclusion of the press and public.

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39. **ANY OTHER ITEMS WHICH THE LEADER DECIDES ARE URGENT.**

There were no urgent items.

40. **EXCLUSION OF PRESS AND PUBLIC**

**DECISION:**

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

41. **INSOURCING OF CLEARANCE AND MAINTENANCE SERVICES - TUPE TRANSFER**

Consideration was given to the joint report of the Portfolio Holder for Place and the Executive Director Place, which sought approval for the insourcing of work areas and transfer of staff to the Council's Environmental Services Team.

Members asked that further information be provided with regard to seasonal work. The recommendations would be taken to Council for final approval.

**DECISION:**

- a) That Cabinet notes that, at a meeting of South Holland District Council on 24 May 2017, agreement was reached for a cross department review of 'Place Services';
- b) That following the Place Services review, the 'contractual arrangements set out in the report be terminated mutually;
- c) That those matters requiring a Council decision be recommended to council in accordance with the recommendation in the report.

*(Other options considered:*

- *To continue with the range of council services described within the report being outsourced to a private contractor;*

*Reasons for decision:*

- *The strategy for transferring housing void clearances, cemetery services and one-off activities as described within the report addressed a number of business requirements).*

Emily  
Spicer

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42. **WRITE OFFS**

Following exclusion of the press and public, full consideration was given to the joint report of the Portfolio Holder for Finance and the Executive Director Commercialisation, which sought approval for the write off of uncollectable debt, and to review and agree the process for delegated approval of debt write off.

Members debated a number of issues in relation to write-offs, and the following issues were raised in respect of each of the proposed recommendations:

Recommendation 1 – Amounts identified in report to be approved for write-off

- The amount of write-offs over a period of years was quoted as a single figure. Without this information being separated out into yearly figures, it was difficult to see any trends. Officers confirmed that they would provide analysis in this way in the future, in order that members could see historic trends.
- It appeared that some debts, for both Council Tax and Business Rates, had accrued over a number of years. Could these individuals and businesses be looked at sooner? Officers responded that every case was considered on its own merits, and there was no one consistent response. Members were invited to discuss individual cases with officers in more detail outside of the meeting.
- Members stated that similar questions regarding debt recovery had been raised in the past, and that members should meet with officers to discuss the various scenarios and processes that were involved in the recovery of debt. It was the responsibility of members to monitor these issues and to ultimately agree to write off debt, but more information on the processes employed by officers was required. Members were advised that there was an operational policy relating to the write-off of debt which provided this information, and that officers followed it. It was agreed that officers would arrange a workshop for members, providing the information required, giving more detailed information on 2-3 of the cases mentioned within the report, and inviting an individual from the enforcement agency used by the Council to attend and explain the processes they undertook.

Recommendation 2 – To consider options set out in section 3.7 of the report with regards to authorisation limits for the write-off of debt.

- Members were not happy to agree to passing authority for writing off of debt to a third party (Compass Point Business

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Hammond,  
Christine  
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Mark  
Woolerton

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Services) on behalf of the Authority. They wished that responsibility for agreeing to the write-off of debt remain with the Cabinet, with a steer from the Section 151 Officer, who was also asked to look at the level of delegation she had.

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**DECISION:**

- a) It was agreed that officers would arrange a workshop for members, providing the information required;
- b) That Option 3, detailed within section 3.7 of the report be agreed as the Cabinet's preferred option and that the S151 officer be asked to review the level of the financial limit:
- Existing arrangements – Debt up to £1.050, Section 151 Officer; Debt above £1,050, Cabinet.

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Christine  
Marshall,  
Mark  
Woolerton

*(Other options considered:*

- *Do nothing; or*
- *Approve the recommendations with amendments*

*Reasons for decision:*

- *All recovery methods available had been considered and where appropriate pursued before making the decision to write off.*
- *Officer time could be maximised on greatest returns, at the same time as ensuring robust procedures for debt management were in place across all revenue streams)*

(The meeting ended at 11.23 am)

(End of minutes)

These minutes are published on Friday 24 November 2017. In accordance with the Council's Constitution the DECISIONS detailed above will, unless otherwise stated, come into force and may then be implemented on Monday 4 December 2017 (i.e. after the expiry of 5 working days from the date of publication of these minutes), unless during that period a notice which is signed by either a Ward Representative (in relation to a matter in their ward) or two members of the Performance Monitoring Panel or any three members, and complies with the requirements of the Council's Constitution is served on the Executive Manager Governance requesting that the decision be called-in and the Executive Manager Governance approves the request for call-in. Where a decision is called-in it will firstly be considered by the Performance Monitoring Panel on a date to be fixed.

Any FINAL DECISIONS and any URGENT DECISIONS take effect immediately.

Any RECOMMENDATIONS TO COUNCIL detailed above will be submitted for consideration to the meeting of the full Council on Wednesday 17 January 2018.

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