

Minutes of a meeting of the **CABINET** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Tuesday, 15 January 2013 at 6.30 pm.

PRESENT

C N Worth (Deputy Leader, in the Chair)

P S Przyszlak  
M G Chandler

R Gambba-Jones  
H R Johnson

C J Lawton  
G J Taylor

Junior Portfolio Holders: R Grocock and A R Woolf

Apologies for absence were received from or on behalf of Councillors G A Porter, together with Chief Executive

In Attendance: Councillor B Alcock (Chairman Performance Monitoring Panel) and Councillor A M Newton (Independent Group Leader), the Deputy Chief Executive, the Assistant Director Democratic Services, the Assistant Director Finance (151), the Assistant Director Commissioning, the Interim Environmental Services Manager, the Revenues & Benefits Manager, the Public Protection Manager, the Environmental Protection Manager, the Planning Manager, the Housing Manager, the Property Asset Manager and the Member Services Officer.

Community Representatives: Reginald William George Boot (Parish Councils), Harry Drury (Chamber of Commerce) and Jim Tyner (Lincolnshire Police)

47. **MINUTES**

The minutes of the meeting held on 20 November 2012 were signed by the Leader as a correct record.

48. **MEMBERS' INTERESTS**

No interests were declared.

49. **QUESTIONS RAISED BY THE PUBLIC UNDER CABINET PROCEDURE RULE 2.4.**

In accordance with Cabinet Procedure Rule 2.4, the following question was asked:

With regard to proposed plans by Peterborough Renewable Energy Ltd (PREL) for a Biomass Gasifier/Incinerator to be built in Sutton Bridge, could the Cabinet address concerns over the type of fuel to be burned?

The Deputy Leader of the Council advised that questions could only be put to Cabinet where it would make decisions on the issues. This question related to a planning application which would be determined by the Planning Committee and was therefore not a Cabinet function.

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The Planning Manager advised that he had spoken to Mr Lay and Mr Titmarsh prior to the Cabinet meeting and had advised that the planning application was a current, live application and that the Planning Team would be happy to consider any questions and issues they may have.

50. **MATTERS SUBJECT TO CALL-IN**

There were no matters subject to call-in.

51. **MATTERS ARISING FROM THE POLICY DEVELOPMENT AND PERFORMANCE MONITORING PANELS**

Budget Scrutiny

Consideration was given to the report of the Assistant Director Democratic Services and the Chairman of the Performance Monitoring Panel which reported on recommendations made at the joint meeting of the Performance Monitoring Panel and the Policy Development Panel with regard to Budget Scrutiny.

At the meeting, members had discussed a number of areas with officers, which resulted in the following decisions:

- That the Panel request that the proposed increase in car parking charges not proceed; and
- That, as a matter of priority, the Authority commence consideration of how to deal with future budget shortfalls, in line with the suggestions made by the Business Development Manager.

The Deputy Leader and Portfolio Holder for Strategic Finance and Democratic Services stated that where the Panels had suggested that income streams be cut, future recommendations should provide ideas as to where the shortfall could be met. He also advised that, with regard to car parks, the introduction of the Civilian Parking Enforcement may increase car park usage which could have an effect on any future charging considerations.

With regard to the recommendation on future budget shortfalls, the Deputy Leader of the Council and Portfolio Holder for Localism and Big Society agreed that future budgeting had to be looked at as there would be intensive pressure on the Council's finances over a number of years. The Chairman of the Performance Monitoring Panel added that some unpopular decisions may be required, but despite that, the Council should be open with the public.

**DECISION:**

That the Cabinet consider the recommendations made at the annual Budget Scrutiny meeting when agreeing the proposed budget.

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*(Other options considered:*

- *To accept and take forward some or none of the recommendations made at the joint meeting of the Performance Monitoring and Policy Development Panels.*

*Reasons for decision:*

- *The Performance Monitoring and Policy Development Panels, as part of their scrutiny of the budget, had raised the issues as areas of concern in respect of the Budget for the forthcoming year and for future years.)*

52. **REFUSE AND RECYCLING EFFICIENCY IMPROVEMENTS AND RISK MITIGATION MEASURES**

Consideration was given to the report of the Portfolio Holder for Waste Management, Green Spaces and Operational Planning and the Director of Commissioning which sought approval for implementation of a number of measures and actions designed to achieve efficiencies in the refuse and recycling collections service and mitigate against existing and potential risks the Council was currently exposed to.

The Portfolio Holder for Waste Management, Green Spaces and Operational Planning advised that the main issues to be addressed were regarding pay equalisation and Health and Safety issues. He also suggested that if members wished to ask any questions or required any clarity on issues raised within the report, that they be raised immediately, prior to its consideration at full Council.

**RECOMMENDED TO FULL COUNCIL:**

- a) That, as from 1 June 2013, the number of refuse and recycling collection rounds be reduced from 13 to 12;
- b) That Bank Holiday Monday collections no longer be brought forward to the Saturday prior to the Bank Holiday but that collections due in that week were slipped a day. The revised arrangements to commence 1 June 2013;
- c) That the health and safety risks presented at the depot by the movement of vehicles be addressed by: -
  1. Either securing suitable temporary parking arrangements in the vicinity of the West Marsh Road depot or, if these were not obtainable, moving 6 of the refuse and recycling collection vehicles and their associated workforce to Holbeach depot and undertaking the following improvements to that depot:
    - (i) Bollards and speed humps together with some resurfacing;
    - (ii) Asbestos removal; and
    - (iii) Internal office modifications/refurbishment and decoration.
  2. Undertaking Improvement works at the West Marsh Road depot including:
    - (i) Automatic barrier entry gate;
    - (ii) Pedestrian barriers; and
    - (iii) Line painting, ancillary marking and signage.

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d) That the:

- (i) Staff pay and conditions be equalised in line with the report;
- (ii) Head of Paid Service negotiate the details; and
- (iii) Pay protection period be extended until parity was achieved.

*(Other options considered:*

- *Do nothing. Given the health and safety hazards, and the potential equal pay claims, explained in the report, the 'Do nothing' option would carry significant risks for the Council;*
- *To proceed with all or most of the proposals except the changes to Bank Holiday Monday collections. This would result in further staff and vehicle costs having to be employed and therefore the estimated cost reductions detailed in the report not being realised; and*
- *To proceed with all or most of the proposals except the equalisation of the pay and conditions. The inequity amongst the workforce and potential for equal pay claims would remain but financial savings from the round reductions in 2014/15 on-wards would accrue to the Council.*

*Reasons for decision:*

- *To provide for improved efficiencies in the refuse and recycling collections service and mitigate against existing and potential risks the Council was currently exposed to.)*

(The Interim Environmental Services Manager left the meeting at 6.48 pm, following discussion of the above item.)

## 53. **Q2 PERFORMANCE REPORT**

Consideration was given to the report of the Portfolio Holder for Internal Services Performance and Business Development and the Assistant Director Democratic Services, which provided members with a report on the Performance of the Council and the Priorities set out in the Corporate Plan 2011 – 2015.

The Portfolio Holder for Internal Services, Performance and Business Development advised that a Programme Board had been established which would challenge reasons why criteria was not met and would assist in finding solutions to address the situation. Relevant Managers and Portfolio Holders would be included in the Programme Board where their areas were not meeting the criteria.

The Chairman of the Performance Monitoring Panel advised that the Panel had also considered the Performance Report and attention had been drawn to Lincolnshire Procurement's good performance. As a large part of this performance was due to a new contract, it should be clarified where the majority of the work had been undertaken to ensure that the improvement was correctly attributed. The Portfolio Holder for Waste Management, Green Spaces and Operational Planning advised that the contract related to refuse disposal, and that the procurement of the contract had

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been undertaken largely by the Authority, with some assistance from Procurement Lincolnshire.

**DECISION:**

That the report and appendices be noted.

*(Other options considered:*

- *To approve the recommendations with amendments; and*
- *Not to approve the recommendations.*

*Reasons for decision:*

- *To provide a flexible platform for the monitoring and management of corporate priorities.)*

**54. LOCAL COUNCIL TAX SUPPORT SCHEME 2013/14**

Consideration was given to the report of the Deputy Leader and the Portfolio Holder for Strategic Finance and Democratic Services, the Portfolio Holder for Internal Services, Performance and Business Development and the Assistant Director of Commissioning. The report sought agreement and a recommendation to full Council that a new Local Council Tax Support Scheme be adopted and technical changes be made regarding the collection of Council Tax. Furthermore, that Cabinet be asked to determine whether an application should be made for a Transitional Grant and that the draft Local Council Tax Support scheme be amended to reflect the grant scheme criteria.

Members stated that the determination of whether to make an application for a Transitional Grant and that the draft Local Council Tax Support scheme be amended to reflect the grant scheme criteria be made by full Council together with the other two recommendations already being proposed for consideration by it.

**RECOMMENDED TO FULL COUNCIL:**

- a) That it be determined whether an application should be made for a Transitional Grant and that the draft Local Council Tax Support scheme be amended to reflect the grant scheme criteria;
- b) That the new Local Council Tax Support Scheme be agreed; and
- c) That technical changes be made to the collection of Council Tax.

*(Other options considered:*

- *In relation to Council Tax Support, do nothing. If the Council did not adopt a Local Council Tax Support scheme based on agreed local criteria then the Government's 'default scheme' would be implemented; and*
- *In relation to technical changes, do nothing. If the Council did not make technical changes to Council Tax exemptions, then the funding shortfall would have to be met by the Local Council Tax Support scheme with less support for working age claimants.*

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*Reasons for decision:*

- *There were a number of different criteria which could be used to deliver a cost neutral scheme. Other billing authorities were expected to agree some different arrangements reflecting their own local circumstances. The proposals put forward largely reflected the current policies for the award of council tax benefit but reflected the reduced level of funding available by capping the maximum award [in line with the Transitional Grant Criteria];*
- *To deliver the required saving from changes to the Council Tax scheme alone, without the Transitional Grant and with no income from technical changes to Council Tax exemptions, would lead to a reduced level of support across all working age claims; and.*
- *It would be possible for the Council to meet the shortfall in funding from the Council's budget. However, this would also create a pressure on the other major precepting authorities' budgets and the approach agreed across Lincolnshire had been to produce a scheme which was expected to be cost neutral.)*

(The Revenues and Benefits Manager left the meeting at 7.00pm, following consideration of the above item).

**55. HOUSING REVENUE ACCOUNT (HRA) DRAFT 2013 - 2014 ESTIMATES**

Consideration was given to the report of the Portfolio Holder for Strategic Finance and Democratic Services, the Housing Manager and the Assistant Director Finance (S151) which sought consideration of the draft service estimates for 2013-14 and approval of proposed rent and charges increases.

The appendices to the report outlined the draft 2013-14 revenue and capital estimates for the Housing Revenue Account, the outline capital programme through to 2017-18 and the 30 year HRA operating account.

**RECOMMENDED TO FULL COUNCIL:**

- a) That the draft Housing Revenue Account Budget for 2013-14 be approved;
- b) That the proposed average rent increase of 4.77% be approved in line with Government Rent Restructure guidance and the statutory period of notice be served on tenants;
- c) That the HRA Wardens charges, heating, water and room hire charges be approved; and
- d) That the draft Capital Programme – 2013-14 to 2017-18 be approved.

*(Other options considered:*

- *To make amendments to the base Housing Revenue Account budget, by considering alternative levels of rent increases, Wardens Service Charges and*

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*Supported Housing charges increases, revised capital investment programmes or variations to expenditure plans.*

*Reasons for decision:*

- *To comply with the Budget and Policy Framework.)*

**56. WRITE OFFS**

Consideration was given to the joint report of the Portfolio Holder for Strategic Finance and Democratic Services and the Assistant Director Finance (S151) which sought approval to write off irrecoverable debts.

Members noted that the appendices were not for publication by virtue of Paragraphs 1 (Information relating to any individual), 2 (information which was likely to reveal the identity of an individual) and 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) in Part 1 of Schedule 12a of the Local Government Act 1972. The appendices were therefore attached to the agenda as item 14, for members to consider in more depth if they wished.

**DECISION:**

That the following debts be written off:

Council Tax	£ 4,413.43
Non Domestic Rates	£ 2,217.22
Former Tenant Arrears	£16,540.40
Housing Benefit Overpayment	£ 1,451,57
<b>Total</b>	<b>£24,622,62</b>

*(Other options considered:*

- *To approve the recommendation with amendments; and*
- *Not to approve the recommendation.*

*Reasons for decision:*

- *All recovery methods available had been considered and where appropriate pursued before making the decision to write off.)*

**57. EXCLUSION OF PRESS AND PUBLIC**

**DECISION:**

To consider resolving 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 involve the likely disclosure of exempt information as defined in Paragraphs 1,2, 3 and 4 of part 1 of Schedule 12A of the Act.

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**58. WRITE OFFS - APPENDIX**

Consideration was given to the appendices relating to the joint report of the Portfolio Holder for Strategic Finance and Democratic Services and the Assistant Director Finance (S151) which sought approval to write off irrecoverable debts.

This item had been dealt with earlier in the meeting, under agenda item 11.

**59. DOG WARDEN SERVICES**

Consideration was given to the report of the Portfolio Holder for Regulatory Services and the Public Protection Manager which sought consideration of the future provision of Dog Control Services within South Holland.

**DECISION:**

- a) That a suitable vehicle and associated equipment be purchased, as described within Option 3 of the report; and
- b) That the Environmental Health Manager be authorised to terminate the current rolling contract with Pest Express for Dog Warden Services with effect from 1 April 2013.

**RECOMMENDATION TO FULL COUNCIL**

That the Establishment be increased by 1 Full Time Equivalent and the post of Dog Warden be created with effect from 1 April 2013.

*(Other options considered:*

- *Do nothing, and continue to operate with the existing supplier under an implied contract; and*
- *Re-tender the contract.*

*Reasons for decision:*

- *To ensure that a cost effective, good quality Dog Control function was provided in the future, in accordance with legal requirements, within the resources currently available to the Authority; and*
- *To make financial and efficiency savings, as detailed in the report.)*

(The Public Protection Manager and the Environmental Protection Manager left the meeting at 7.22pm, following discussion of the above item.)

**60. GYPSY AND TRAVELLER SITE**

Consideration was given to the report of the Portfolio Holder for Housing Landlord and the Housing Manager, which sought consideration of options available for providing a site as a replacement for the existing unauthorised Gypsy and Traveller site at Broad Drove, Gosberton Clough.

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**DECISION:**

- a) That delegated authority be granted to the Asset and Property Manager to enter into an Option Agreement for the conditional purchase of the site referred to as "Site B" within the report, and for any matters arising, following discussion with the Portfolio Holder for Economic Development, Commercial Assets and Strategic Planning, subject to the conditions stated in Appendix B to the report. The Option Agreement to be conditional upon Planning Permission for the site being granted;
- b) That delegated authority be granted to the Asset and Property Manager to enter into an Option Agreement for the conditional purchase of the site referred to as "Site C" within the report, and for any matters arising, following discussion with the Portfolio Holder for Economic Development, Commercial Assets and Strategic Planning, subject to the conditions stated in Appendix B to the report;
- c) That delegated authority be granted to the Housing Manager, following discussion with the Portfolio Holder for Housing Landlord, to submit a planning application for Site B to be developed as a permanent Gypsy and Traveller site, and for any matters arising;
- d) That, subject to planning permission being granted for Site B, delegated authority be granted to the Asset and Property Manager to exercise the Option Agreement and to complete the purchase of the site, and for any matters arising, following discussion with the Portfolio Holder for Economic Development, Commercial Assets and Strategic Planning, subject to the conditions stated in Appendix B to the report;
- e) That, subject to planning permission being granted for Site B, delegated authority be granted to the Housing Manager, following discussion with the Portfolio Holder for Housing Landlord, to award a works contract for the development and construction of the new site and for any matters arising, subject to the following:
  - A compliant and robust procurement process being followed for the award of the contract;
  - The accepted price for the work being within budget; and
  - The development of the site to be on a "like for like" basis, as set out in the "Development Options" section within the report.
- f) That the development proposals, as detailed within section 3.0 of the report, be adopted; and
- g) That, upon completion of the new site, Site B, the land be conveyed to the Travellers currently living on the unauthorised site at Broad Drove, Gosberton Clough, and/or with a legal interest in it, in exchange for the land they currently occupied and/or had a legal interest in at Broad Drove, Gosberton Clough. The relocation of residents to be conditional upon the legal exchange having taken place. The relocation of residents to take place during one day. Final

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arrangements to be delegated to the Housing Manager through discussion with the Portfolio Holder for Housing Landlord.

*(Other options considered:*

- *Do Nothing. The relocation of the residents from the existing unauthorised site at Broad Drove, Gosberton Clough, had been a long standing issue and remained unresolved at this time. Consequently, doing nothing was not considered to be a viable option; and*
- *To revert to the option recommended to Cabinet for approval in June 2012 (Site A) – this remained a potentially viable option which Cabinet might wish to consider.*

*Reasons for decision:*

- *To enable the Council to acquire land suitable for the development of a Gypsy and Traveller site to replace the existing unauthorised site at Broad Drove, Gosberton Clough;*
- *To enable a specification of work to be agreed prior to acquiring the land in order that all associated risks could be identified and acknowledged;*
- *To avoid the need for land acquisition by means of a Compulsory Purchase Order in order to reduce the timescales and costs involved; and*
- *To ensure sufficient budget was available for the delivery of the remaining sites.*

(The meeting ended at 7.42 pm)

(End of minutes)

These minutes are published on Friday 18 January 2013. 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 28 January 2013 (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 at least one member of the Council and complies with the requirements of Rules 15(b), (c) and (d) of the Overview and Scrutiny Procedure Rules is served on the Assistant Director Democratic Services requesting that the decision be called-in and the Assistant Director Democratic Services 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 23 January 2013.