

MINUTES

CABINET
THURSDAY, 4 OCTOBER 2018



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

THE LEADER: Councillor Matthew Lee (Chairman)
THE DEPUTY LEADER: Councillor Kelham Cooke

CABINET MEMBERS PRESENT

Councillor Helen Goral
Councillor Dr Peter Moseley
Councillor Nick Neilson
Councillor Nick Robins
Councillor Jacky Smith
Councillor Adam Stokes

NON-CABINET MEMBERS PRESENT

Councillor Bob Sampson
Councillor Linda Wootten
Councillor Ray Wootten

OFFICERS

Chief Executive (Aidan Rave)
Strategic Director, Resources (Debbie Muddimer)
Assistant Chief Executive, Transformation & Change (Lee Sirdifield)
Assistant Director, Commercial & Operational (Ian Yates)
Assistant Director, Growth (Jane McDaid)
Assistant Director, Housing (Harry Rai)
Assistant Director Resources (Richard Wyles)
Head of Communications (Adrian Smith)
InvestSK (Steve Bowyer)
Principal Democracy Officer (Jo Toomey)
Legal Executive (Mandy Braithwaite)

CO33. MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2018

The Leader announced that there were a number of minor amendments that needed to be made to the draft minutes of the meeting held on 6 September 2018. Cabinet Members agreed to these amendments being made outside the meeting and the minutes being resubmitted for approval at Cabinet's next meeting on 1 November 2018.

CO34. DISCLOSURE OF INTERESTS (IF ANY)

No interests were disclosed.

CO35. *HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND THE EQUALITY ACT 2010

Decision

The Cabinet agrees to implement the provisions of Section 165, 166 and 167 of the Equality Act 2010 and that the draft policy as set out at Appendix E of report number CSL/131 is adopted and included in the Hackney Carriage and Private Hire Licensing Policy.

Considerations/Reasons for Decision

1. Report number CSL/131 of the Cabinet Member for Environment
2. Sections 165, 166 and 167, together with other relevant provisions of the Equality Act 2010
3. South Kesteven District Council's Hackney Carriage and Private Hire Licensing Policy
4. The letter of notification to drivers, proprietors and operators
5. The equality analysis attached as Appendix D to report number CSL/131
6. The draft Medical Exemption Policy attached as Appendix E to report number CSL/131
7. Comments made by the Licensing Committee at its meeting on 7 September 2018
8. Comments made by the Environment Overview and Scrutiny Committee at its meeting on 11 September 2018

Other options considered and assessed

The Council could determine not to implement the provisions of the Act.

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The Cabinet Member for Environment presented report CSL131, advising Members that while the adoption of Sections 165, 166 and 167 of the Equality Act 2010 was at Councils' discretion the introduction of these Sections of the Act was seen as an opportunity. Their adoption would provide a service to vulnerable members of the community by ensuring that people with disabilities could not be refused access to adapted vehicles, nor could they be charged an inflated rate.

The Cabinet Member for Environment stated that there were currently 6 adapted vehicles in operation within the district. Cabinet Members noted that operators with adapted vehicles would be listed on the Council's website. Drivers of adapted vehicles did not have the discretion to choose whether they were included on the listings; the only way in which a vehicle could be excluded was by applying for, and being granted, an exemption.

Cabinet Members agreed the recommendations in the report.

CO36. *GROUNDS MAINTENANCE COMPANY

Decision

- 1. Cabinet approves the incorporation of the Environment SK companies (limited by shares) utilising Model articles of association**
- 2. Cabinet approves the appointment of the following as Directors of Environment SK Ltd and Environment SK Commercial Services Ltd**
 - Cabinet Member for Environment – Councillor Dr. Peter Moseley (Chairman)**
 - Assistant Director Commercial and Operational – Ian Yates**
 - Strategic Advisor (Housing Led Regeneration) – Tracey Blackwell**
- 3. Cabinet approves the appointment of a Non-Executive Director to the Board of Environment SK Commercial Services Ltd**

Considerations/Reasons for Decision

1. Report number ENV703 of the Cabinet Member for Environment
2. The Council's Corporate Strategy and its emphasis on commercialism
3. The Council's current grounds maintenance contract with Glendale which expires at the end of February 2019
4. A review of service delivery options by the Environment Overview and Scrutiny Committee
5. The decision made by Cabinet on 12 July 2018 to deliver the service through a company that is wholly owned by South Kesteven District Council and subsequent decision by Council on 26 July 2018 to make changes to the Council's 2018/19 budget framework
6. New arrangements would require input from a range of the Council's support services, for which Service Level Agreements were being prepared
7. New performance measures would be considered when the service is reviewed during the 2019/20 financial year
8. Section 1 of the Localism Act 2011
9. A company limited by shares would allow the Council to own and control the environmental services vehicle and allocate any profits for use in the Council's wider activities
10. The group structure would separate the discrete classes of activity (core services and purely commercial activity)
11. The Companies Act 2006
12. Model Articles of Association for a company limited by shares as Appendix 1 to report number ENV703
13. Cabinet's decision on 6 September 2018 to agree a review of the governance arrangements for all of the Council's companies
14. Any commercial lending undertaken by the Council would be structured within the operating framework of the Treasury Management Strategy

15. Services provided to the company by the Council would be fully charged on a cost recovery basis
16. The Transfer of Undertakings (Protection of Employment) Regulations 1981
17. Public Contract Regulations 2018

Other options considered and assessed

The core grounds maintenance service could be delivered by establishing one company – Environment SK without the need for a separate commercial entity. The advice received to date indicates that the Council would need to be assured that commercial trading levels would not be at risk of exceeding the thresholds sets out in procurement regulations. Effectively this could limit the ambition of the company in terms of developing its commercial strategy and competing for new contracts. From the Council’s perspective this could limit the opportunities available to derive new revenue streams and therefore its ability to cross-subsidise other corporate services or invest in local priorities.

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In presenting report number ENV703, the Cabinet Member for Environment referred to recent work that had been undertaken to determine the best way for the Council to deliver its grounds maintenance service. A decision had been made that the service should be delivered in-house and arrangements needed to be in place to ensure a smooth transition on the changeover date. The primary focus was ensuring that the company was in a position to pick up the core service provided by the Council in respect of grounds maintenance; it would then develop to explore commercial opportunities. This approach was supported by other members of the Cabinet.

As speed was a priority, the formation of the company had been based around Model Articles of Association with a view to them being developed in light of the governance review of company arrangements and any other future developments. Reference was made to a provision that allowed the Directors to appointment a Chairman. Cabinet Members agreed that the Cabinet Member for Environment should be appointed as Chairman and that this should be incorporated within the decision. The Chairmanship of the Directors resting with the Cabinet Member for Environment could then be clarified within the Articles of Association as and when they were updated.

A number of Cabinet Members commended the speed with which this report had been produced and brought before Cabinet. Members also spoke of the opportunities presented by the formation of the company and the Council’s aim to act more commercially. Reference was made to support for the decision to bring the service in-house both from local communities and parish councils.

Some questions were asked around the transfer of staff from the existing grounds maintenance provider to the Council and measures that were being taken to ensure a seamless transfer of appropriate staff for the delivery of the service. The success of the transfer was considered dependent on good communication between the outgoing provider and the Council and it was hoped that a good agreement would be in place well in advance of the due date.

The report referred to the role of a range of support teams from across the Council. Members noted that Communications were an integral part of the project and that the Communications Team had been actively involved in meetings around the formation of the company and project planning.

Members agreed the recommendations as set out in the report subject to the clarification that the Cabinet Member for Environment should be the Chairman of Directors' meetings.

CO37. *HOUSING POLICIES (MUTUAL EXCHANGES, SUCCESSION AND ASSIGNMENT)

Decision

Cabinet approves the Mutual Exchange, Assignment and Succession Policies as appended to report number HSG134 and delegates responsibility for any further minor changes prior to publication to the Cabinet Member for Housing.

Considerations/Reasons for Decision

1. Report number HSG134 of the Cabinet Member for Housing and appended draft policies
2. Recommendations of the Communities and Wellbeing Overview and Scrutiny Committee regarding the draft policies and the proposal to charge a fee for the administration of mutual exchanges (this aspect was not supported)
3. The equality analyses attached as appendix 4 to the report
4. Provisions within the Housing Act 1996
5. South Kesteven District Council's Housing Allocations Policy

Other options considered and assessed

The original intention of the Mutual Exchange charge was to apply it to all applicants with the allowance of 'exceptional reasons' to waive it.

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In presenting report number HSG134, the Cabinet Member for Housing informed Members that the provisions covered by the three draft policies were already in use by the Council; the revised documents were designed to provide updated guidance and direction to SKDC staff and to clarify procedures for service users.

Members suggested that paragraph 4.8.3 of the draft Mutual Exchange Policy should specify the senior officer who could exercise a waiver in respect of applicants affected by extenuating circumstances; it was suggested that this could be the Housing Management Lead. The draft policy documents also indicated that they would be kept under review. Members felt that this should be set out more explicitly and suggested that the policies should be reviewed on an annual basis by the Communities Overview and Scrutiny Committee with the outcome of the review being fed back to the Cabinet. A minor amendment was also suggested in respect of

paragraph 5.2 of the draft Succession Policies and Procedures with the removal of the words 'Use and Occupation', so that the revised sentence would read:

“Whilst a succession application is being considered and the occupant is still resident in the property, the Council will grant a licence to allow the Council to collect income from the property.”

Rather than amending the policies at the meeting, it was suggested that the wording of the recommendation be adjusted to delegate responsibility to the Cabinet Member for Housing to make any minor amendments prior to the publication of the policies.

Some discussion ensued on the administrative cost of dealing with an application for the mutual exchange of a property. Cabinet Members were advised that as part of its considerations the Communities and Wellbeing Overview and Scrutiny Committee had considered whether it would be appropriate to introduce a fee to cover these costs. The consensus of the Committee was that there were some circumstances where it would not be appropriate to charge, or where potential applicants could not afford the charge, and would be prevented from moving. An analysis of cost and reward indicated that a fee did not represent good value to the customers and so the Committee recommended its removal from the policy.

Members noted that the review of these policies was part of a wider review of the way the Council manages tenancies. By taking the opportunity to streamline service delivery, tenants would enjoy greater choice and clarity. This would lead to a thorough, fundamental review of the housing service to ensure that it provides value for money and is efficient. Members were advised that the next policy that would be subject to review was the Council's allocations policy.

Cabinet Members agreed the recommendations in the report with the addition of a delegation to the Cabinet Member for Housing allowing him to make minor amendments to the policies prior to their publication.

CO38. HEALTH AND SAFETY POLICY

Decision

Cabinet approves and fully endorses its commitment to the Council's Health and Safety General Policy Statement (attached as Appendix 1 to report number ENV702)

Considerations/Reasons for Decision

1. Report number ENV702 of the Cabinet Member for Environment and the Health and Safety General Policy Statement attached as Appendix 1 to the report and the Health and Safety Policy Handbook (Appendix 2 to the report)
2. Minimum requirements set out in the Health and Safety at Work Act 1974 against which the Council has to deliver
3. The Management of health and Safety at Work Regulations 1999

4. Delivery of the Council's Corporate Strategy is underpinned by good health and safety arrangements

Other options considered and assessed

The requirements of the Health and Safety at Work Act 1974 underpin the requirement to have in place appropriate policies. No other options have therefore been considered.

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Cabinet considered report number ENV702, which was presented by the Cabinet Member for Environment. He stated that health and safety was important across the organisation and should be embedded as a core part of the Council's activities. To this end the Cabinet Member with responsibility for Human Resources stated that he would ensure that the importance of health and safety would be reiterated to all managers. Cabinet Members recognised that health and safety was the responsibility of everyone in the organisation and that it should not be about stopping people doing things, but ensuring everything that the organisation did was safe and subject to appropriate assessments.

Cabinet Members agreed the recommendations in the report.

CO39. SKDC SURVEY OF RESIDENTS 2018

Decision

Cabinet notes the contents of report number ACEX007 and agrees

1. **To undertake benchmarking with other local authorities who have followed a similar approach via the Local Government Association, so the Council can gauge its performance against other local authorities**
2. **To provide information on the services that are provided by the District and County Councils and communicate these to residents**
3. **To consider the rates of satisfaction across different Council services in order to investigate where improvements to satisfaction can be made**
4. **That the relevant Overview and Scrutiny Committees seek to undertake a more detailed analysis of any areas of concern and make recommendations back to Cabinet**

Considerations/Reasons for Decision

- Report number ACEX007 of the Cabinet Member for Growth and Communications
- A coping exercise which set out the objectives, timescale, methodology, outcomes and deliverables for the project
- The Council's desire to be able to benchmark with other authorities using data collated by the Local Government Association
- 1,466 responses received in respect of the survey

- A number of the issues that were raised by respondents were the responsibility of Lincolnshire County Council
- The statement of correction circulated in the addendum to the Cabinet papers

Other options considered and assessed

No other options were considered.

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When presenting report ACEX007, the Cabinet Member for Growth and Communications drew Members' attention to the correction statement that was circulated as part of the addendum to the Cabinet agenda. She said that she was pleased with the volume of responses; the survey had been sent to 4,000 residents selected at random and publicised via web channels. The survey return was 37%, which compared favourably to other Councils which were receiving returns of 20 to 30% and gave confidence that the responses were statistically representative of the wider district. As part of the report, the Cabinet Members was proposing a benchmarking exercise, which would test the Council's performance against other local authorities. It was also proposed that any issues of concern be referred to the relevant Overview and Scrutiny Committee for examination and for it to refer any recommendations for actions back to Cabinet.

Members noted that a large number of areas with lower satisfaction levels, including potholes, grass verges and street lighting, were the responsibility of Lincolnshire County Council; the outcomes relevant to Lincolnshire County Council would be forwarded to them. Members of the Communications Team were thanked for their work on the survey, which it was hoped would happen every two years.

Other Cabinet Members commented on the return rate, it was however, noted that return rate from the under-35 group was the lowest. A number of methodologies were used to capture information from residents in different age brackets however it was suggested that exploring wider opportunities to use emerging technologies and alternative devices could generate an even greater response across all age brackets.

Members of the Cabinet agreed the recommendations within the report.

CO40. MATTERS REFERRED TO CABINET BY THE COUNCIL OR OVERVIEW & SCRUTINY COMMITTEES

Report number LDS316 of the Leader of the Council summarised the activity of the Overview and Scrutiny Committees since the last report was presented to Cabinet on 6 September 2018.

Communities and Wellbeing Overview and Scrutiny Committee

The Chairman of the Communities and Wellbeing Overview and Scrutiny Committee referred to a recent multicultural event that he had attended in Leicester celebrating 100 years of the RAF.

He added that he had also attended a meeting with John Turner, who was due to address the Committee on the future of Grantham Hospital. In the meantime, the Chairman had agreed to update the Committee with any information shared by Mr Turner at meetings of the Lincolnshire Health Scrutiny Committee. Rather than only sharing information with Lincolnshire County Council as the top tier of local government, it was suggested that a letter be sent asking representatives from the Hospitals Trust and Clinical Commissioning Group to speak directly with South Kesteven District Council.

Finally he referred to the motion that had been passed by Council in respect of modern slavery. He had asked Detective Chief Superintendent Davison from Lincolnshire Police to talk about his experiences from working on the recent modern slavery case in Lincolnshire when he attended a future meeting of the Committee.

Culture and Visitor Economy Overview and Scrutiny Committee

The Chairman of the Culture and Visitor Economy Overview and Scrutiny Committee spoke briefly about a festival that she had attended in Coventry. Reference was also made to the success of the recent Gravity Fields Festival that had taken place in Grantham. The success of the festival was echoed by other Members who were present, together with the weight it gave to the need to develop the science strand of the Cultural Strategy.

Rural Overview and Scrutiny Committee

The Chairman of the Rural Overview and Scrutiny Committee referred to the rural engagement vehicle. It was felt that this would bring a real benefit to the local community. Contact had been made with all Councillors inviting them to commit Ward events to this year and next year's diary so that the vehicle could be booked.

CO41. ITEMS RAISED BY CABINET MEMBERS INCLUDING REPORTS ON KEY AND NON KEY DECISIONS TAKEN UNDER DELEGATED POWERS.

Report number LDS317 of the Leader of the Council informed the Cabinet that no individual Members had made decisions since the last meeting of the Cabinet was held on 6 September 2018 and prior to the publication of the agenda for this meeting.

CO42. REPRESENTATIONS RECEIVED FROM NON CABINET MEMBERS

Report number LDS318 of the Leader of the Council informed Cabinet Members that no non-Cabinet Members had submitted requests to speak prior to the publication of this Cabinet agenda.

CO43. CABINET FORWARD PLAN

Report number LDS319 of the Leader of the Council gave an indication of the items that would be presented to Cabinet over the following 12-month period. The report

also included items that were scheduled to be considered at Council meetings during the municipal year.

CO44. CLOSE OF MEETING

The meeting was closed at 15:06.

DATE DECISIONS EFFECTIVE:

Decisions CO35, CO36, CO37, CO38 and CO39 as made on Thursday, 4 October 2018 can be implemented on Monday 15 October 2018, unless subject to call-in by the Chairman of the relevant Overview and Scrutiny Committee or any five members of the Council from any political group.