

Minutes

Cabinet

Tuesday, 10 September 2024



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Date of publication: 19 September 2024

Call in expiry (last day for call-in): 26 September 2024

The Leader: Councillor Ashley Baxter (Chairman)

The Deputy Leader: Councillor Paul Stokes (Vice-Chairman)

Cabinet Members present

Councillor Rhys Baker, Cabinet Member for Environment and Waste

Councillor Richard Cleaver, Cabinet Member for Property and Public Engagement

Councillor Phil Dilks, Cabinet Member for Planning

Councillor Philip Knowles, Cabinet Member for Corporate Governance and Licensing

Councillor Virginia Moran, Cabinet Member for Housing

Councillor Rhea Rayside, Cabinet Member for People and Communities

Non-Cabinet Members present

Councillor Phil Gadd

Councillor Tim Harrison

Councillor Ian Selby

Officers

Karen Bradford, Chief Executive

Richard Wyles, Deputy Chief Executive and Section 151 Officer

Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

Karen Whitfield, Assistant Director – Leisure, Culture and Place

Ayeisha Kirkham, Head of Public Protection

Chris Prime, Communications Manager

Gyles Teasdale, Head of Property and ICT

James Welbourn, Democratic Services Manager (Deputy Monitoring Officer)

Patrick Astill, Communications Officer

Peter Harrison, Environmental Protection Officer

Also present

Andy Goldsborough, Legal Services Lincolnshire

27. Apologies for absence

No apologies were received.

28. Minutes of the previous meeting

The minutes of the meeting held on 9 July 2024 were agreed as a correct record.

29. Disclosure of Interests

Councillor Philip Knowles declared an 'other registrable interest' as a member of the LeisureSK Ltd. Board. He would leave the Council Chamber for item 33 – Conclusion of Leisure Options Appraisal.

30. Public Spaces Protection Orders

Purpose of report

To give consideration to the approval of Public Space Protection Orders (PSPOs) in South Kesteven, in relation to dog fouling, the requirement for dogs to be placed on leads, alcohol control in designated places of the district and the exclusion of dogs from enclosed children's play areas.

Decision

Cabinet:

- 1. Notes the results of the public consultation on Public Spaces Protection Orders undertaken by the Council.**
- 2. Approves the Public Spaces Protection Order for the District of South Kesteven relating to dog fouling, for a 3-year period, unless discharged or varied.**
- 3. Approves the Public Spaces Protection Order for the District of South Kesteven relating to the requirement for dogs to be placed on leads by order of an Officer, for a 3-year period, unless discharged or varied.**
- 4. Approves the Public Spaces Protection Order relating to alcohol control in designated and specified areas, as outlined in the draft Order, for a 3-year period, unless discharged or varied.**
- 5. Approves the Public Spaces Protection Order excluding dogs from enclosed children's play areas within the District of South Kesteven, for a 3-year period, unless discharged or varied.**
- 6. Approves an immediate consultation with statutory consultees for Public Space Protection Orders concerning a recommended maximum number of dogs on leads per person.**

- 7. Delegates authority to senior officers to explore opportunities for widening the number of individuals able to issue enforcement notices, enabling volunteers to the Council to be trained to undertake enforcement activities.**
- 8. Agrees to the use of dog leads which were of a safe length, rather than a defined length of one metre, as determined by officers.**

Alternative options considered and rejected

Cabinet could have agreed not to put the new Orders in place; this would have restricted the ability to enforce against the matters covered by the proposed Order.

Cabinet may have determined that the legal test had not been met in some or all of the Orders, in which case the Order(s) would not have been approved.

If changes to the draft orders had been proposed, further consultation may have been necessary.

Reasons for decision

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced Public Space Protection Orders (PSPOs) to address nuisance behaviour. They were intended to help ensure that the law-abiding majority could use public spaces safe from anti-social behaviour. They also ensured an effective mechanism was available to deal with issues detailed in the Orders.

Cabinet had previously reviewed extensions to PSPOs in October 2023; these Orders had been processed as new PSPOs and were recommended for a 3-year period but could be amended if necessary.

A total of 91 responses were received to the consultation on this issue. This consultation was received by stakeholders including:

- Any individual or body from those who lived in, worked in or visited the restricted areas who wished to make representation
- The Police; including the Chief Officer of Lincolnshire Police and the local policing body. This included the Neighbourhood Policing Team for the district
- Lincolnshire Police and Crime Commissioner
- Parish, town, district and county councillors across the district
- Other community representatives. These included resident associations, local businesses, any commissioned service providers and other relevant interest groups

The following points were raised during debate:

- It was well known that, during previous three years, there had been a very low number of prosecutions. It was argued that, without enforcement, the work involved in preparing PSPOs would be wasted. One reason for the lack of enforcement was the very low number of officers available to carry out

enforcement; this issue had the potential to be addressed through the budgeting process, either through recruiting staff or engaging existing staff.

- Some Local Authorities had PSPOs in place to prohibit dog walkers exercising more than 6 dogs on leads simultaneously. This could be added as a question in a new consultation.
- Previous experience of enforcement within the district had included officers in Market Deeping being present for 'educational purposes'. This approach had not led to any prosecutions.
- Enforcement rates would improve if evidence could be provided of dog fouling. This would include evidence of the offence taking place, rather than the results of the offence.
- When considering potential PSPOs, the work had to be evidence-led in order to ensure people were not unfairly targeted. Thus far, public consultation did not present sufficient evidence that people walking several dogs at once were causing a particular issue.
- When patrols, signage and good manners failed to discourage bad behaviours, there were opportunities to apply sanctions. The 2014 Act gave the opportunity to award a Fixed Penalty Notice to those that breached PSPOs. The courts had introduced a faster process for prosecution called 'summary justice', allowing prosecution within 28 days.
- There was no caselaw definition of the term 'reasonable excuse' in relation to dropping litter.
- Volunteers had previously been authorised for similar enforcement work; however, they would require a clear training package from the Council in order to be authorised. From the District Council's perspective, the term 'volunteers' would include officers or individuals of Town or Parish Councils.
- Training to enforce against PSPOs would need to ensure volunteers were aware of the law, firm and able to avoid confrontation.
- PSPOs related to a specific issue, and enforcement must be proportionate, and evidence based. Variations could be made to PSPOs and relatively swiftly if necessary.

31. Maintenance Strategy (Corporate Property Assets)

Purpose of report

The report set out the proposals for a Maintenance Strategy in respect of General Fund Corporate Property Assets. The Strategy would establish the approach the Council would adopt for ongoing investment in its corporate property estate.

Decision

Cabinet approves the Maintenance Strategy and supporting Action Plan.

Alternative options considered and rejected

The Maintenance Strategy was required in order to provide a consistent framework for prioritising maintenance spend on the Council's General Fund property assets.

Reasons for decision

The Maintenance Strategy was the Council's preferred approach to manage its property portfolio.

Comprehensive condition surveys were being carried out across the property portfolio. These had revealed the scale of investment required to bring buildings to modern standards and a good state of repair. The investment programme would take many years to implement.

Criteria used within Maintenance Strategy for properties were summarised as:

- Alignment to Corporate Plan priorities
- Health and Safety and other statutory responsibilities
- Condition rating

The property portfolio was subject to a continuous review across the short-, medium- and long-term, with condition surveys taking place on a 5-yearly schedule. This aligned with the Asset Management Strategy and would identify any obsolete or surplus buildings. The Council would monitor progress of this work through Key Performance Indicators (KPIs).

The following points were highlighted during debate:

- Condition surveys had been carried out on all corporate assets in accordance with the Action Plan. There was a legal implication for surveys on leased properties because some leases had become obsolete on repair terms with tenants.
- Completed condition surveys were being uploaded to the Council's electronic asset management system. This piece of work was expected to take around a month to complete. The information would be used to generate a work programme for the buildings concerned.
- Maintenance of existing buildings would likely have a positive impact on the Council's ambition to reduce its carbon emissions.
- Positive work had taken place to date on the Council's corporate assets. For example Welham Street Car Park in Grantham had been recently been refurbished in order that it would be safe for years to come; repairs to the roof at Bourne Leisure Centre had been completed with minimal interruption to service or customers.
- The Finance and Economic Overview and Scrutiny Committee had recommended the Maintenance Strategy be approved without amendment.
- The list of assets attached as Appendix A would be updated as and when handovers or sales had taken place. The toilets at South Street, Bourne were to be removed from the list as the ownership had recently been transferred to the Town Council.

32. Finance Update Report: April – July

Purpose of report

To present the Council's year end forecast for the financial year 2024/25 as at the end of July. The report covered the General Fund Revenue Budget, the Housing Revenue Account Budget, and the Capital Programmes for the General Fund and Housing Revenue Account.

Decision

Cabinet:

- 1. Reviewed and noted the forecast 2024/25 outturn position for the General Fund and HRA Revenue and Capital budgets and identifies any variances that might require action or further investigation.**
- 2. Accepts the additional grant income totalling £268k and approves the increase of the Homelessness expenditure and income budgets to reflect the receipt of these additional monies.**

Alternative options considered and rejected

This was a monitoring report, therefore there were no other options considered.

Reasons for decision

Members should be kept updated on the financial position of the Authority, because effective budget management was critical to ensuring financial resources were targeted towards the Council's priorities. Monitoring enabled early identification of variations against the plan and facilitated timely corrective action.

This report provided an overview of the forecast 2024/25 financial position for the Council and focused on the position as at the end of July 2024.

The same report would be presented to the Finance and Economic Overview and Scrutiny meeting held on 17 September 2024, and any comments or observations from that Committee would be welcomed.

Currently, the Council received an annual financial settlement from central government. It was hoped this would change in future years to enable officers more time to provide a balanced budget for the February meeting of Full Council.

No specific issues had been identified within the update report, but the increase in available budget for homelessness was welcomed.

33. Conclusion of Leisure Options Appraisal

Note: Councillor Philip Knowles left the Council Chamber for the duration of this item.

Purpose of report

To determine the future delivery model for the Council's leisure service following the conclusion of the leisure options appraisal.

Decision

That Cabinet:

- 1. Approves the Council entering into a new leisure delivery contract with LeisureSK Ltd. for a maximum of ten years from 1 April 2025.**
- 2. Terminates the current contract with LeisureSK Ltd. by giving the required six months' notice effective from 30 September 2024.**
- 3. Approves a new operating model for the delivery of the leisure services, based on an agency model with LeisureSK Ltd. acting as an agent for the Council in respect of the leisure services only.**
- 4. Requests that appropriate governance arrangements are established to oversee the future contract arrangement between the Council and LeisureSK Ltd in order to provide the Council with a suitable level of control and assurance.**
- 5. Explores the opportunity to expedite the transition to the new arrangement to ensure best value for money.**

Alternative options considered and rejected

This report provided information on the findings of the options appraisal which had been undertaken to determine the future delivery model of the Council's leisure service.

Reasons for decision

The leisure options appraisal had identified an option to enter an agency arrangement with LeisureSK Ltd. This option allowed the Council to benefit from the most tax efficient arrangement available and provided a significant level of savings on an ongoing financial basis.

A contract duration of ten years allowed LeisureSK Ltd to plan its activity and financial projections over a longer period of time. To protect the Council's interests an early termination of a longer-term contract would still be possible with the provision of six months' notice.

An earlier termination of the current contract arrangements and the move to an agency arrangement enabled the Council to maximise savings in financial year 2025/26 rather than waiting until the expiry of the current contract on 31 December 2025.

In order to provide an appropriate level of assurance and control over the operation and financial performance of LeisureSK Ltd, it was agreed to review and enhance the governance arrangements

Resolution number 5 was added at the request of the Culture and Leisure Overview and Scrutiny Committee following debate at the meeting held on 3 September 2024.

The Council had received tax advice from HMRC, who had confirmed the proposed agency contract would be legally compliant. The agency model was being explored by other groups nationally.

The options contained within the report had been considered by two separate meetings of the Culture and Leisure Overview and Scrutiny Committee, and ultimately endorsed prior to discussion at Cabinet.

Cabinet thanked officers involved in the preparation of the report, particularly the Assistant Director: Leisure, Culture and Place.

34. Key and Non-Key Decisions taken under Delegated Powers

Note: Councillor Philip Knowles returned to the Council Chamber.

The decisions taken under delegated powers were noted.

35. Cabinet's Forward Plan

The Forward Plan was noted.

36. Any Other Business

Councillor Rayside made a comment regarding 'zombie knives'. There was a national movement to try and ban them in various areas. Councillor Rayside had been investigating the potential cost and merit of bringing the 'Knife Angel' sculpture to the district. While this was not yet practical, Cllr Rayside was able to report that the ownership of 'zombie-knives' had recently been banned in Lincolnshire and an 'amnesty' was in place.

The meeting closed at 11:18am.