

CABINET DECISION NOTICES FOR THE MEETING HELD ON WEDNESDAY, 16 JANUARY 2019

**Decision Notice Publication Date:
Friday, 18 January 2019**

**Call-in period:
Monday, 21 January 2019 to Friday, 25 January 2019**

**Implementation Date:
Monday, 28 January 2019**

(For clarity, where an item is 'to be noted', 'received' or 'recommended to Council' this is deemed not to be a formal Executive decision and so the call-in provisions will not apply)

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OPEN CABINET DECISION NOTICE

Cabinet Area	Housing
Title of Report	Delegation of Powers under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
Report Reference	REP1952

Purpose of Report

The Government has introduced Regulations to penalise landlords who rent out properties that are the worst performing in terms of energy efficiency. The report outlines the content of the Regulations and seeks delegation to enforce these Regulations using compliance and penalty notices as described in the Regulations as part of a balanced enforcement vs educational approach.

Options Considered

Not enforcing the Regulations, is an option but this would preclude the authority from a relatively simple penalty procedure to provide redress for landlords who have failed to consider the consequences of tenants having to occupy cold and energy inefficient properties.

Reasons for Decision

To enable the Authority to properly enforce the legislation to penalise landlords who unlawfully let properties that are substandard or apply for false exemptions as part of the holistic approach to improving housing conditions.

CABINET DECISIONS:

1. That the authority to issue penalty notices in accordance with the Regulations be delegated to the Principal Environmental Health Officer (Housing).
2. That the authority to issue Compliance Notices in accordance with the Regulations be delegated to Private Sector Environmental Health Officers and Technical Officers.

Declarations of Interest / Conflicts of Interest

None

Meeting Date	Wednesday, 16 January 2019
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Councillor M Bee
Leader of the Council

OPEN CABINET DECISION NOTICE

Cabinet Area	Planning and Coastal Management
Title of Report	North Corton and Corton Coastal Erosion Project Outline Business Case
Report Reference	REP1945

Purpose of Report

The report sought approval to progress the Outline Business Case for the North Corton and Corton Coastal Erosion Project, through the Scape Procurement Framework and to establish a Project Board once work was sufficiently advanced and the new Council was formed. The project was a managed realignment scheme which would allow valuable sediment to be released into the system, whilst creating an improved and safer beach for the community.

Options Considered

There are other frameworks available to deliver this work which have been carefully considered, including the Water and Environment Management framework and the Coastal Partnership East Dynamic Purchasing System framework. Scape Procure has the potential to deliver efficiencies in terms of time saved and Early Contractor Involvement. The development of the Outline Business Case is in accordance with the recommendations of the Gorleston to Lowestoft Coastal Strategy and current Shoreline Management Plan policies.

Reasons for Decision

To enable procurement of works for the timely development of the Outline Business Case for Corton in accordance with Gorleston to Lowestoft Coastal Strategy recommendations and current Shoreline Management Policy. It would also enable project governance to be established to support the appropriate development of the Outline Business Case.

CABINET DECISIONS:

1. That agreement is given to progress the Outline Business Case for Corton through the Scape Procure Framework.
2. That agreement is given to establish a Project Board once work is sufficiently advanced and the new Council has been formed.

Declarations of Interest / Conflicts of Interest

None

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Leader of the Council

OPEN CABINET DECISION NOTICE

Cabinet Area	Operational Partnerships
Title of Report	Proposed New East Suffolk Off-Street Parking Places Order
Report Reference	REP1953

Purpose of Report

In anticipation of the adoption of civil parking enforcement (CPE) and the creation of a single new authority (East Suffolk) it is desirable to produce a single new off-street parking places Order and associated single tariff structure. The proposed new tariff structure was approved at November Cabinet. This report sets out the proposed new East Suffolk off-street 'parent' order and seeks approval to formally advertise and carry out the Statutory Consultation process required by the provisions of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Options Considered

Not to adopt the proposed New East Suffolk Off-Street Parking Places Order. This was rejected as not being in the best interests of the Council.

Reasons for Decision

A single car park Order accords with the Business Plan objective of "further alignment and integration across the public sector". It will be simpler to understand and easier and cheaper to administer.

CABINET DECISIONS:

1. That the draft Order in Appendix A to the report be approved.
2. That the Statement of Reasons are approved.
3. That the Head of Legal and Democratic Services be authorised and instructed to carry out the necessary legal and administrative processes in advertising and making the Traffic Order to implement Cabinet's recommendations.

Declarations of Interest / Conflicts of Interest

None

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OPEN CABINET DECISION NOTICE

Cabinet Area	Operational Partnerships
Title of Report	Proposed New Parking Petitions Procedure
Report Reference	REP1954

Purpose of Report

The Department for Communities and Local Government (DCLG) has produced statutory guidance to local authorities under section 18 of the Traffic Management Act 2004 requiring them to set policies for petitions challenging parking policies. The statutory guidance recognises that local authorities should have policies for petitioning about council run services but requires specific and additional policies and procedures to be published with respect to parking policies. The current Suffolk Coastal and Waveney petitions procedure does not make specific reference to petitions about parking policies and they need to be amended and provisions incorporated into the new East Suffolk petitions procedures to comply with the statutory instrument. This report makes recommendations on the provisions and procedures for adoption to ensure compliance with the statutory instrument.

Options Considered

Not to approve the Proposed New Parking Petitions Procedure. This was rejected, as the Council is required to be compliant with statutory instrument.

Reasons for Decision

To ensure the Council has policy and procedures in place to be compliant with the statutory instrument.

CABINET DECISIONS:

1. That the Council's minimum number of signatories for a valid petition (50) is generally applicable to parking petitions except that the signature threshold can be reduced to 10%-20% of frontagers in areas of low population or where the issue is localised.
2. That the Councils existing information criteria for petitions applies to parking petitions.
3. That the management of parking petitions will follow the process set out in paragraph 1.6 of this report.
4. That the timeframe for a review is set at twelve months.
5. That the criterion for inappropriate petitions set out in paragraph 1.8 and 1.9 is adopted.
6. That the Councils criterion for vexatious petitions also applies to parking petitions.
7. That the Head of Legal Services is instructed to immediately implement these recommendations in the current Council petition procedures and incorporate them in the petitions protocols for East Suffolk.

Declarations of Interest / Conflicts of Interest	None
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**Councillor M Bee
Leader of the Council**

OPEN CABINET DECISION NOTICE FOR EXEMPT ITEM

Cabinet Area	Leader of the Council
Title of Report	Proposed Amendment to the Incremental Scales for Heads of Service and Above (Exempt Report)
Report Reference	REP1950

Purpose of Report	
To consider amending the incremental scales for Heads of Service and above following a review and benchmarking exercise with equivalent councils.	
Options Considered	
<ol style="list-style-type: none"> 1. Do nothing 2. Undertake a full salary Review 3. Amend the Incremental Scales 	
Reasons for Decision	
To respond to the growing disparity between the salaries paid to senior staff and the salaries being paid elsewhere.	
CABINET DECISION:	
That the proposed amendments to the incremental scales for senior management posts and above be approved.	
Declarations of Interest / Conflicts of Interest	Yes. The senior officers directly affected by this report left the meeting for the consideration of this item.

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OPEN CABINET DECISION NOTICE FOR EXEMPT ITEM

Cabinet Area	Resources
Title of Report	Event Management Processes on Council Owned land (Exempt Report)
Report Reference	REP1959

Purpose of Report	
To seek approval for the principles of event management on Council land, which will be used for the new East Suffolk Council.	
Options Considered	
Not to update the principles of event management. This was rejected as not being in the best interests of the Council.	
Reasons for Decision	
The driving force for streamlining is to ensure that the Council is provided with reassurance that legislative requirements are carried out and that events on Council land are safe, well organised, coordinated and successful.	
CABINET DECISION:	
That the principles of the event management process going forward, detailed within this paper, be approved.	
Declarations of Interest / Conflicts of Interest	None

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OPEN CABINET DECISION NOTICE FOR EXEMPT ITEM

Cabinet Area	Resources
Title of Report	Redevelopment of Chalets 1-58 at Jubilee Parade South, Lowestoft (Exempt Report)
Report Reference	REP1743

Purpose of Report

The Cabinet previously granted approval to demolish the existing Jubilee Parade concrete beach chalets and undertake structural work to the retaining sea wall. The Cabinet are asked to give approval to wait until a full appraisal of the alternative options has been undertaken and to receive a further report in due course.

Options Considered

All other options have been considered and it is recommended that a full appraisal of the alternative options be brought back to Cabinet in due course.

Reasons for Decision

A full appraisal of the alternative options for the site is required, prior to any further decisions being made.

CABINET DECISIONS:

1. That the original project be rejected on viability grounds.
2. That the Cabinet awaits a full appraisal of the alternative options, as detailed in this report.

Declarations of Interest / Conflicts of Interest

None

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OPEN CABINET DECISION NOTICE FOR EXEMPT ITEM

Cabinet Area	Housing
Title of Report	Procurement of Asbestos Management Surveys to the Retained Housing Stock (Exempt Report)
Report Reference	REP1965

<p>Purpose of Report</p> <p>To seek authority to undertake a full OJEU procurement exercise (or utilise a compliant OJEU framework) to appoint a new asbestos management contractor, in accordance with contract procedure rules and European Union (EU) procurement legislation.</p>	
<p>Options Considered</p> <p>As a landlord service there is a duty placed upon the Council to manage asbestos (regulation 4 Control of asbestos regulations 2012). To therefore remain compliant, no alternative options are available other than carrying out surveys. Procuring this service externally via a specialist contractor requires OJEU procurement compliance.</p>	
<p>Reasons for Decision</p> <p>To allow the Council to meet it's statutory and legal obligations in respect of maintaining homes in safe order, and provide good quality homes through the improvement programmes for our tenants.</p>	
<p>CABINET DECISION:</p> <p>That the procurement of the contract be approved, and Delegated Authority be granted to the Head of Housing (or Strategic Director whilst the position remains vacant), in consultation with the Head of Legal and Democratic Services, to award a contract for the provision of asbestos management surveys, for the sum as discussed at the meeting, to be procured in line with the Council's Contract Procedure Rules (including EU procurement requirements) and subject to terms that protect the Council's interests.</p>	
<p>Declarations of Interest / Conflicts of Interest</p>	None

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OPEN CABINET DECISION NOTICE FOR EXEMPT ITEM

Cabinet Area	Housing
Title of Report	Asbestos Removals Contract (Exempt Report)
Report Reference	REP1966

Purpose of Report	
To seek authority to undertake a full OJEU procurement exercise (or utilise a compliant OJEU framework) to appoint a new asbestos removal contractor in accordance with contract procedure rules and European Union (EU) procurement legislation.	
Options Considered	
As a landlord service there is a duty placed upon the Council to manage asbestos (regulation 4 Control of asbestos regulations 2012). Removing asbestos containing products that will be disturbed at the point of refurbishment is essential to allow works to progress. Ceasing improvement and maintenance programmes is unrealistic and would fail the duty to maintain homes in safe order. Therefore no other reasonable alternative options are available.	
Reasons for Decision	
To allow the Council to meet it's statutory and legal obligations in respect of maintaining homes in safe order, and provide good quality homes through the improvement programmes for our tenants.	
CABINET DECISION:	
That the procurement of the asbestos removal contract be approved, and Delegated Authority be granted to the Head of Housing (or Strategic Director whilst the position remains vacant), in consultation with the Head of Legal and Democratic Services, to award a contract for the provision of asbestos removals, for the sum as discussed at the meeting, to be procured in line with the Council's Contract Procedure Rules (including EU procurement requirements) and subject to terms that protect the Council's interests.	
Declarations of Interest / Conflicts of Interest	None

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OPEN CABINET DECISION NOTICE FOR EXEMPT ITEM

Cabinet Area	Housing
Title of Report	Electrical Supplies Contract (Exempt Report)
Report Reference	REP1967

Purpose of Report	
To seek authority to undertake a full OJEU procurement exercise (or utilise a compliant OJEU framework) to appoint a new electrical component supplier in accordance with contract procedure rules and European Union (EU) procurement legislation.	
Options Considered	
To undertake necessary works is essential. No other compliant options for procurement are available, and ceasing essential programmes such as testing and rewiring is not an option.	
Reasons for Decision	
To allow the Council to meet it's statutory and legal obligations in respect of maintaining homes in safe order, and provide good quality homes through the improvement programmes for our tenants.	
CABINET DECISION:	
That the procurement of the contract be approved, and Delegated Authority be granted to the Head of Housing (or Strategic Director whilst the position remains vacant), in consultation with the Head of Legal and Democratic Services, to award a contract for the supply of electrical goods, for the sum as discussed at the meeting, to be procured in line with the Council's Contract Procedure Rules (including EU procurement requirements) and subject to terms that protect the Council's interests.	
Declarations of Interest / Conflicts of Interest	None

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OPEN CABINET DECISION NOTICE FOR EXEMPT ITEM

Cabinet Area	Housing
Title of Report	Cleveland Road Supported Housing Scheme Lease Agreement (Exempt Report)
Report Reference	REP1939

Purpose of Report	
To seek approval to enter into a direct lease agreement with a third party for the provision of Housing and Support Services at Cleveland Road.	
Options Considered	
All other options were considered and they were rejected as not being in the best interests of the Council.	
Reasons for Decision	
The proposed scheme offers the Council a good return on its financial investment and enables the social uplift of a currently deprived area of Lowestoft. This development will be fundamental in contributing to the delivery of a number of the Council's key priorities, as set out in the East Suffolk Business Plan.	
CABINET DECISIONS:	
<ol style="list-style-type: none"> 1. That the decision to enter into a direct lease agreement with a Third Party for the provision of Housing and Support Services at Cleveland Road be approved. 2. That Delegated Authority be granted to the Strategic Director, in consultation with the Cabinet Member for Housing, the Head of Legal and Democratic Services and the Chief Finance Officer, to enter into all necessary contracts / agreements on terms that best protects the Council's interest. 	
Declarations of Interest / Conflicts of Interest	None

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