Cabinet
Decisions

Tuesday, 18 October 2016

DATE OF PUBLICATION

Wednesday, 19 October 2016

CALL-IN DEADLINE

4.00 p.m. Wednesday, 26 October 2016

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Compiled by the Democratic Services Division of the City Director’s Office
This booklet contains details of decisions taken by the Cabinet on Tuesday, 18 October 2016

Key Decisions will come into effect and may then be implemented after 4.00 p.m. on Wednesday, 26 October 2016, unless the call-in procedure is activated. The Notice of Decisions to be taken will have been published in advance. A "Key Decision" is one which is likely to:

a) result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates. For the purpose of this definition, expenditure or savings are deemed to be significant if they exceed £500,000;

b) be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

Decisions not falling within the above categories, or those taken under the urgency mechanisms outlined in the City Council's Constitution, are not subject to call-in but are open to scrutiny by elected members.

This booklet is produced in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Section 12 – Recording of executive decisions made at meetings, requires that a written statement is produced including the following information:

a) a record of the decision including the date it was made;

b) a record of the reasons for the decision;

c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;

d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and

e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority’s head of paid service.
CALLED-IN MATTERS

(CABINET MEETING 13/09/2016)

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<th>Call-in Deadline</th>
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RIPA POLICY

Reason for Decision
In order to ensure that the City Council is compliant with the RIPA Codes of Practice.

Options Considered
Option 1 – (recommended option) Approve the RIPA Policy and note the Council’s use of RIPA (recommended). This will ensure the Council is acting in accordance with the Codes of Practice issued by the Home Office. The benefit of formally adopting the policy is that it will give confidence to residents that any covert surveillance under RIPA is carried out in a compliant and structured manner.

Option 2 - Do nothing. However, sections 72(1) of RIPA states that we should have regard to the Codes of Practice, both of which expressly recommend that members set the Council’s RIPA Policy and note the Council’s use of RIPA.

Decision(s)
1. That Cabinet note the Council’s use of its powers under RIPA as detailed in sections 5.24 to 5.30 the report submitted.
2. That Cabinet approve the updated RIPA policy at appendix 1 of the report submitted.
3. Any costs incurred as a result of complying with the RIPA policy will be met from existing budgets.

Decision taken by: Cabinet
Contact Officer: Fiona Ledden, Assistant Director - Governance
Wards affected: All Wards
Any conflicts of interest declared and/or dispensations granted: None
653 DISTRICT HEAT NETWORK (DHN) COMMERCIAL DELIVERY (NOTICE OF DECISION REF: 653)

Reason for Decision

As set out in the Outline Business Case submitted to DCLG and as part of the City Deal proposal the Council has made a direct commitment to deliver a DHN scheme in the city.

The City Council has a strong objective to generate income, the DHN scheme is an opportunity to deliver such an approach which also provides growth and development opportunities for future low carbon and renewable energy schemes.

The City Council wishes to retain maximum value in the city to the benefit of its citizens, this decision provides maximum ability to achieve this outcome by retaining ownership of the key components of the business. Further, through this approach the city can take the opportunity to bring forward the development of optimised DHN ahead of the rest of the UK market providing additional local benefits through the establishment of a local supply chain.

Options Considered

Option 1 - Do Nothing – This would result in failure to deliver the low carbon city-wide DHN scheme in Stoke-on-Trent as agreed in the City Deal. This would also result in a piecemeal approach to delivery of renewable and low carbon energy schemes across the city resulting in a reduced benefit outcome.

Option 2 - 100% Private owned – This would result in the delivery of the scheme with minimum risk but with only a nominal return to the City Council. Experience in other local authorities demonstrates that this also removes the ability of the city to direct or require future development or investment.

Option 3 - Joint Venture (JV) with Private Sector – This would result in the delivery of the scheme with moderate risk but with a lower potential return to the Council. This would be subject to protracted negotiations and additional costs in establishing the terms of reference around the nature of the joint venture. This could also consequently result in the risks above associated with a fully private owned operation should the city not secure a deal which provides proper safeguards. The JV would however, provide under the right conditions a vehicle for wider developments and growth at scale without the need for the Council to engage in significant borrowing or development costs. This option can be revisited once the DHN and business is established and would attract more favourable terms for the Council at that point.

Option 4 – (recommended option) 100% Public owned – This would retain maximum benefit and control with the City Council. The work undertaken to date has demonstrated the ability of the Council to de-risk and secure potential investment in a ‘bankable’ project attracting strong interest from the private sector. The Council would retain full rights to develop and invest in the scheme to achieve future growth and to achieve wider local objectives. The model retains the ability to provide for future investment and partnerships from a more secure and established position.
attracting a more favourable outcome for the Council.

Decision(s)

1. **That Cabinet gives approval in principle to the commercial ownership structure proposed in option 4 to enable the delivery of energy projects in the initial phase of a city wide district heating scheme and to allow completion of the business case.**

2. **That consequently Cabinet gives approval for the existing wholly owned Stoke EnergyCo Ltd becoming the holding company with the potential to establish subsidiary companies to allow Stoke-on-Trent City Council to carry out direct investment into energy schemes.**

3. **That Cabinet approves the establishment of a new board of directors for Stoke EnergyCo Ltd initially comprising of:**
   - Cabinet Member for Greener City, Development and Leisure
   - Cabinet Member for Regeneration, Transport & Heritage
   - Director of Place, Growth & Prosperity
   - There will be no remuneration associated with these positions.

4. **That Cabinet delegates authority to the Director of Place, Growth & Prosperity in consultation with the Assistant Director (Governance) and Cabinet Members for Greener City, Development & Leisure and Regeneration, Transport & Heritage to take all necessary steps to enable Stoke EnergyCo Ltd to implement schemes and carry out activities in accordance with its business plan.**

5. **That, subject to Recommendation 1 Cabinet endorse the support to the DHN scheme by providing assurance that buildings from the City Council’s estate (public building and housing) are prioritised for connection.**

Decision taken by: Cabinet

Contact Officer: Barry Brockbank, Assistant Director - Operational Management

Wards affected: All Wards

Any conflicts of interest declared and/or dispensations granted:

None
662 COMMISSIONING OF A SEXUAL VIOLENCE ADVOCACY, COUNSELLING AND SUPPORT SERVICE (NOTICE OF DECISIONS REF: 662)

Reason for Decision

The impact of sexual violence can be significant and far reaching for both victim and those close to them. Approval to go out to tender for an appropriate service is sought. Effective commissioning of this service will support the ‘Stronger Together’ priorities and strategic objectives as identified in 1.2

Options Considered

Option 1 - To not proceed with recommendations 2.1 to 2.2. This option is not considered viable as failure to provide a service for survivors of sexual violence will:
  - Undermine efforts to protect and improve mental and physical health and wellbeing of the residents of Stoke-on-Trent.
  - Impact on how safe people and communities feel.

Option 2 – (recommended option) To proceed with recommendations 2.1 to 2.2. This option will:
  - Support ‘Stronger Together’ priorities and strategic objectives
  - Support priority 1 of The Safer City Partnership Plan: ensure people and communities in Stoke-on-Trent feel safer from the harm caused by violent crime

Decision(s)

1. That approval is given to commence a tendering process for the Provision of Sexual Violence Advocacy, Counselling and Support Services with £150,000 per year funded recurrently from the Public Health grant and £35,000 per year funded recurrently by The Safer City Partnership (funding from The Safer City Partnership is currently allocated from Locality Deal Funding provided by the Office of the Police and Crime Commissioner). The total value of the contract will be £740,000 over 4 years using a 3+1 contract.

2. That delegated authority is granted to the Director of Public Health and Adult Social Care to invite and award the contract with the successful contractor in consultation with the Cabinet Member for Health & Social Care in accordance with City Council’s Contract Procurement Rules.

Decision taken by: Cabinet

Contact Officer: Sue Scott, Strategic Manager - Support for High Risk Groups

Wards affected: All Wards

Any conflicts of interest declared and/or dispensations granted:

None
ASSURANCE OF THE ARRANGEMENTS FOR DIRECTOR OF CHILDREN’S SERVICES AND THE LEAD MEMBER FOR CHILDREN’S SERVICES

Reason for Decision
This test of assurance report fulfils the Council’s statutory duty to undertake a local test of assurance on an annual basis.

Options Considered
Not applicable – this report responds to the statutory duty to undertake an annual local test of assurance.

Decision(s)
That Cabinet confirms that assurance can be given that arrangements and controls are in place in Stoke-on-Trent to fulfil the statutory duties of the Director of Children’s Services and Lead Member for Children’s Services.

Decision taken by: Cabinet
Contact Officer: Kerry Madden, Strategic Governance and Planning Manager, Andrew Powell, Senior Partnership and Planning Officer
Wards affected: No Ward Implications
Any conflicts of interest declared and/or dispensations granted: None
ADULT SOCIAL CARE LOCAL ACCOUNT

Reason for Decision
This report is for information and to provide Cabinet Members with the opportunity to provide feedback.

Options Considered
Option 1 - To produce an Adult Social Care Local Account for 2015/16 in line with the LGA approach and good practice requirements to sector led improvement in Adult Social Care. This is also in line with Care Act statutory guidance which encourages local authorities to use Local Accounts as a way of reporting progress against their strategies for care and support, and to review these with stakeholders to support local accountability.

Option 2 - Do nothing. However if we did not produce an Adult Social Care Local Account for 2015/16 we would miss the opportunity to share performance information with the people who use services and to engage with them to receive feedback on their experiences, helping to plan improvements.

Decision(s)
That the Stoke-on-Trent Adult Social Care Local Account 2015/16 be accepted.

Decision taken by: Cabinet
Contact Officer: Bridget Cameron, Assistant Director Commissioning, Public Health and Adult Social Care, Richard Skellern, Senior Partnership and Planning Officer
Wards affected: No Ward Implications
Any conflicts of interest declared and/or dispensations granted: None
FUEL POVERTY STRATEGY 2016 - 2020 (NOTICE OF DECISIONS REF: 624)

Reason for Decision

The draft Fuel Poverty Strategy 2016 -2020 provides the framework for the achievement of a range of outcomes that will work to significantly strengthen the city’s position in relation to reducing the rate and risk of fuel poverty in the city. It will provide the strategic platform from which future investment decisions can be made and funding opportunities explored and developed.

Options Considered

Option 1 – Approve the adoption of the Fuel Poverty Strategy

Approval of the draft strategy will ensure that the Council has a formally agreed strategic approach to reducing both the rate and risk of fuel poverty in the city that is based on robust local research and following extensive consultation with strategic partners and local people.

Option 2 – Do not approve the adoption of the Fuel Poverty Strategy

Cabinet may choose not to approve the draft Fuel Poverty Strategy; however this would result in the Council not having a clear strategic approach in relation to tackling fuel poverty and striving toward the targets set out in the Fuel Poverty Strategy for England.

Decision(s)

That the Fuel Poverty Strategy be approved by Cabinet and implemented from November 2016.

Decision taken by: Cabinet

Contact Officer: Tanya Gibson, Strategic Manager - Housing Enabling, Eleanor Taylor, Enabling and Projects Officer

Wards affected: All Wards

Any conflicts of interest declared and/or dispensations granted:

None
CAR PARKING FEES - PILOT: SUPPORTING OUR LOCAL ECONOMY
(NOTICE OF DECISIONS REF: 660)

Reason for Decision
To pilot reductions in city-wide car parking charges to better support the local economy and leisure activity in our Towns which will in turn support local businesses to thrive, delivering investment in our towns and communities.

Options Considered
Option 1 - (RECOMMENDED) – Approving the recommendations is a balanced, tangible demonstration of the City Council’s commitment to respond positively to local concerns and to support local businesses and encourage the public to spend more locally.

Once the pilot period is complete, and success measured then it is the City Council’s intention that the change will be made permanent.

Option 2 - (NOT RECOMMENDED) – Should the recommendations not be approved then the City Council will continue to operate the pricing models currently in place and fail to respond to customer feedback and miss opportunities to further support our businesses and residents.

Decision(s)
Cabinet approve that until November 2017:

1. On surface level car parks\(^{(1)}\) that from 3:00pm until 7:00am on the next chargeable day a £1.00 flat rate will apply;

2. With the exception of Hanley\(^{(2)}\) all chargeable on street parking spaces from 3:00pm until 7:00am on the next chargeable day a £1.00 flat rate will apply.

3. An evening / overnight parking permit is approved for introduction in areas where on-street residential parking is under pressure.

4. An optional evening ‘top up’ car parking pass for those customers who already hold a daytime permit be introduced.

5. Existing free parking arrangements will remain unchanged by this proposal.

Notes:
\(^{(1)}\) Excluding Fenton Manor Leisure Centre, Dimensions Leisure Centre and Northwood Stadium which have dedicated car parks and customised tariffs.

\(^{(2)}\) A change to charges for on-street parking within the City Centre, is not proposed due to concerns about the impact on traffic congestion and the extensive provision of convenient surface level parking where reductions are proposed. Please note these changes do not include multi-storey car parks.
Decisions taken by: Cabinet

Contact Officer: Barry Brockbank, Assistant Director - Operational Management, Ian Tamburello, Strategic Manager - Enforcement and Operations

Wards affected: All Wards

Any conflicts of interest declared and/or dispensations granted:

None
REDEVELOPMENT OF EAST / WEST PRECINCTS

Reason for Decision
Following the recommended course of action is likely to have the greatest chance of succeeding, leading to the delivery of the scheme, a steady income for the City Council, 700 full time equivalent jobs with further contractor and supply chain job opportunities, and a vast improvement in the retail offer of the City Centre.

Options Considered
Option 1 - Do nothing – refuse to enter into an agreement with Realis Estates Limited. Given the viability challenges in delivering a scheme of this nature in the City, it is considered unlikely that any other investor would be willing to invest in the site.

Option 2 - The City Council takes on the role of developer and investor, acquiring all of the developer’s interests, any third party interests, and entering into agreements with the named retailers and others required to deliver the scheme. The cost of the Council taking on the role of developer may be beyond the Council (the last appraisal had development costs at approximately £80m), and the Council would carry all of the developer’s risk.

Option 3 - Enter into an agreement with Realis Estates Limited, as discussed in this report. The developer now appears committed to moving the scheme forward, is incurring design, agency and legal fees, and is confident to announce that two anchor tenants (M&S and Next) have committed to the scheme. Therefore, this option is considered the most appropriate course of action.

Decision(s)
1. That Cabinet delegate authority to the Director of Place, Growth and Prosperity in consultation with the Cabinet Member for Regeneration, Transport and Heritage to conclude negotiations with Realis Estates Ltd and agree a 250 year lease on land as indicated on the plan submitted (Appendix 1).

2. That Cabinet approves to the suspension of the current ground rent on the West precinct in return for the developer funding the demolition of the East precinct and remaining elements of the former bus station, and the early termination of the lease in the West precinct of the premises previously occupied by the Hanley Local Centre, as detailed within the body of the report.

3. That Cabinet agrees in principle that the City Council will use its compulsory purchase powers to acquire any third party interests within the boundary of the site (Appendix 1) that cannot be acquired through negotiation, subject to a Compulsory Purchase Order (CPO) indemnity agreement with the developer. Should it be confirmed that compulsory purchase powers are
required, a further report will be presented to Cabinet.

N.B. Councillors Bridges and James abstained from voting on this item.

Decision taken by: Cabinet

Contact Officer: Mark James, Strategic Manager - Property Management

Wards affected: Etruria and Hanley

Closed by virtue of Para(s): 3

Any conflicts of interest declared and/or dispensations granted:

None
Reason for Decision

Following the recommended course of action is likely to have the greatest chance of succeeding, leading to the delivery of the scheme, a steady income for the City Council, 50 full time equivalent jobs with further contractor and supply chain job opportunities, and a vast improvement in the tourism of the City Centre.

Options Considered

Option 1 - Do nothing – refuse to provide funding. The developer has exhausted other sources of funding and hence the development would not progress.

Option 2 - The City Council accepts a limited service offer hotel at lower initial cost, but with a higher risk the funding is not repaid.

Option 3 - Enter into an agreement with the developer and invest in the development on commercial terms (recommended).

Decision(s)

1. That Cabinet accepts grant funding from the Stoke-on-Trent and Staffordshire Local Enterprise Partnership (SSLEP) to assist in funding a full service offer hotel on Smithfield as detailed in paragraph 3.3.

2. That Cabinet gives authority to directly invest through loan funding on commercial terms as detailed in paragraph 3.4.

3. That Cabinet grants delegated authority to the Director of Place, Growth & Prosperity in consultation with the Cabinet Member for Regeneration, Transport and Heritage to conclude negotiations to secure the development and to enter into all legal agreements.

   Cabinet Recommendation to Council

4. That Cabinet requests City Council to approve a variation to the Capital Programme to accommodate this project as detailed in paragraph 3.3.

N.B. Councillors Bridges and James abstained from voting on this item.

This is an urgent decision and therefore not subject to call-in.
Decision taken by: Cabinet
Contact Officer: Joanne Tyzzer, Acting Director - Place, Growth and Prosperity
Wards affected: Etruria and Hanley
Closed by virtue of Para(s): 3

Any conflicts of interest declared and/or dispensations granted:
Councillor A Brown disclosed an interest as a Member of the Executive on the Local Enterprise Partnership Board.