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Doncaster Council

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Tuesday, 9th January, 2018 by Cabinet.

Date notified to all Members on Monday, 15th January 2018.

The end of the call in period is 5.00 p.m. on Wednesday, 24th January 2018 and therefore, the decisions can be implemented on Thursday, 25th January, 2018.

Present:

Chair - Mayor Ros Jones (Mayor of Doncaster with responsibility for Budget and Policy Framework)

Vice-Chair - Councillor Glyn Jones (Deputy Mayor, Portfolio Holder for Housing and Equalities)

Cabinet Member for:

Councillor Nigel Ball	Public Health, Leisure and Culture
Councillor Joe Blackham	Highways, Street Scene and Trading Services
Councillor Rachael Blake	Adult Social Care
Councillor Nuala Fennelly	Children, Young People and Schools
Councillor Chris McGuinness	Communities, Voluntary Sector and the Environment
Councillor Bill Mordue	Business, Skills and Economic Development
Councillor Jane Nightingale	Customer and Corporate Services

PUBLIC MEETING – SCHEDULE OF DECISIONS

Public Questions and Statements

There were no public questions or statements made at the meeting.

Decision Record Forms from the meeting held on 12th December, 2017, were noted.

DECISION 1

1. AGENDA ITEM NUMBER AND TITLE

6. Doncaster Council Energy Supply Offer - Non-Domestic

2. DECISION TAKEN

Cabinet gave approval:-

- (1) to allow the Council to undertake an open 'OJEU compliant' tender process to recruit a suitable 'non-domestic' energy supply company partner;
- (2) to delegate the award of the contract to the successful tenderer and establish a 'white label' partnership agreement for a 'non-domestic' energy supply to the Director of Regeneration and Environment or their duly authorised representative, in consultation with the Portfolio holder for Customer, Corporate and Trading Services and the Director of Finance and Corporate Services or their duly authorised representative; and
- (3) to agree the strategic objectives of the new white label partnership for non-domestic customers as outlined in paragraph 31 of the report.

3. REASON FOR DECISION

Cabinet considered a report which sought approval to allow the Council to undertake an open 'OJEU compliant' tender process to recruit a suitable 'non-domestic' energy supply company partner via a 'white label' arrangement, which would allow more Doncaster businesses to access an energy deal (providing gas and electricity) without incurring excessive commission/fees.

It was noted that since 2010, Ofgem had been developing a major package of regulation to make the energy market simpler, clearer and fairer for consumers, including non-domestic (business) consumers.

Ofgem's Retail Market Review (RMR) identified the need to support businesses in a number of areas, including:-

- a. raising awareness of contract terms;
- b. improving the experience of switching energy supplier, and
- c. improving trust and confidence in suppliers and Third Party Intermediaries (TPI's) such as energy brokers

Although Ofgem had since made changes to the standard licence conditions to further support small businesses, there is a clear opportunity for the Council to help Doncaster businesses secure a better energy deal and benefit from the added value that could improve the efficiency of their operations.

By making available a local energy supply offer for businesses, intervention from the Council could help with preparation for imposing carbon taxes, facilitate asset investment in energy efficiency and reduce the cost of operations for those delivering services to the general public.

Councillor Blackham, Cabinet Member for Highways, Street Scene and Trading Services, welcomed the report, which he felt would be beneficial to small and medium business enterprises in Doncaster and would help to reduce costs for the Borough. Councillor Blackham hoped that in the future this offer could be extended beyond Doncaster.

Mayor Ros Jones was supportive of the proposal which would help to stimulate the economy and hoped that this would assist small to medium businesses, and would

create jobs and growth.

4. ALTERNATIVES CONSIDERED AND REJECTED

a. Do nothing –

- i. The energy market had made small improvements over the past few years with clearer pricing, contract terms and increased consumer protection, but small businesses will continue to pay more for their energy than was necessary due to the use of TPI's.
- ii. Business energy users would continue to miss out on the added value energy some energy companies could provide, such as energy efficiency advice/audits and asset investment to support reductions in energy consumption.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director Regeneration and Environment.

DECISION 2

1. AGENDA ITEM NUMBER AND TITLE

7. Shared Service Agreement with Rotherham Metropolitan Borough Council to deliver Environmental Crime Enforcement.

2. DECISION TAKEN

Cabinet:-

- (1) gave approval for the entering into a shared service agreement with Rotherham Metropolitan Borough Council to deliver on their behalf, an enhanced environmental crime and parking enforcement within Rotherham and put in place the operational arrangements necessary to efficiently deliver this service;
- (2) accepted the delegation of relevant and appropriate powers contained within the Environmental Protection Act 1990, Traffic Management Act 2004, Road Traffic Regulation Act 1984, Road Traffic Act 1991, Anti-Social Behaviour, Crime and Policing Act 2014, Clean Neighbourhoods and Environment Act 2005, and Health Act 2006, made by Rotherham MBC on the 11th December 2017, in order to deliver the required shared service within Rotherham; and
- (3) gave approval for the procurement and award of contract for a private contractor to deliver on street enforcement in Rotherham as part of this

shared service and also allow such contract to be used for on street enforcement in Doncaster, if this delivers additional financial benefit compared to the current contract extension with Kingdom Security Ltd. The contract would be a 3 year contract with the potential of two 1-year extensions to ensure it delivers best value.

3. REASON FOR DECISION

Cabinet considered a report which set out a proposal to enter into a shared service arrangement with Rotherham Metropolitan Borough Council (MBC), to deliver environmental crime and enforcement to the benefit of Doncaster and Rotherham Authorities.

In introducing the report, Councillor Chris McGuinness, Cabinet Member for Communities, Voluntary Sector and the Environment, stated that recently, there had been some coverage in the media in relation to this issue which had led to some confusion and had been described as a possible merging of Rotherham and Doncaster's enforcement processes. Councillor McGuinness emphasised that there was not to be a merger of both processes.

He explained that in 2016, the Council had entered into a contract with Kingdom Security for additional and enhanced enforcements of the service in respect of litter, smoke free zones, dog fouling, public place protection orders and fly tipping. Since that time, Kingdom Security had patrolled across 72 areas across the Borough. Councillor McGuinness pointed out that unlike many other local authorities, Doncaster retained the evaluation of evidence, the issuing of fines and hearing of appeals. Councillor McGuinness further reported that in some other authorities, they had left the entire process to the contractor.

It was further explained that Rotherham MBC had approached Doncaster with a view to looking at an enhanced service. Rotherham's Cabinet and Commissioners have agreed to enter into an enhanced service for Rotherham in partnership with Doncaster. Councillor McGuinness reiterated that the agreement was not a merging of the two authorities, but was an additional contract to cover Rotherham MBC with an external contractor, which would be tendered for.

In relation to the contract, Councillor McGuinness pointed out that it had been reported in the press that the number of offences had dropped by 20% regarding dog fouling and littering. However, he pointed out that this related to the number of complaints that had fallen by 20%. He added that to date, the number of fixed penalties had not dropped by 20% and he believed that changing people's behaviour took time. Councillor McGuinness reiterated that it was not reported penalties by individuals, but it was the complaints that had dropped.

Tracey Harwood, Head of Service, Regulation and Enforcement, was in attendance at the meeting and reported that a further decision had been made by Rotherham MBC on 11th December 2017, which will delegate the relevant and appropriate powers to Doncaster Council to enable Doncaster to arrange the provision of these services in Rotherham using a Shared Services Model. She advised that the report presented to Cabinet was to seek approval to enter into a shared agreement with Rotherham and for Doncaster, to deliver an enhanced enforcement service on Rotherham's behalf, which would provide an effective and efficient service for

Rotherham.

Cabinet agreed that the public and press be excluded from the meeting at this point of the proceedings, to enable the Cabinet to consider the contents of Appendix 1 to the report, which contained commercially sensitive exempt information, as defined in Paragraph 3 (Information relating to the financial or business affairs of any particular person, including the Authority holding that information) of Part 1 of Schedule 12A of the 1972 Act, as amended.

Cabinet discussed the commercially sensitive information within the Appendix, in relation to service costs.

Following consideration of the exempt appendix, the public and press were invited back into the meeting. The recommendations were subsequently approved.

4. ALTERNATIVES CONSIDERED AND REJECTED

Do Nothing – if the Council does nothing we can continue our current contract arrangements with Kingdom Security for a further 12-month on a contract extension at which point full procurement would be required if we wanted to continue using a private contractor.

The other option considered was to procure a new service for both Doncaster and Rotherham allowing the contractor to also process FPNs and prepare case files. This would reduce income for Doncaster Council as we are likely to have to pay the contractor more per FPN issued. This would also remove a safeguard of Doncaster Council having full discretion when to issue FPNs or not. If FPNs would be issued by a contractor in cases where evidence is not sufficient, it would damage the reputation and public perception of the Council. It is important that litter enforcement is conducted in a fair and transparent manner with the overall aim of improving the local environment and not just seen as a method of income generation. Rotherham MBC also favours working with Doncaster Council due to the extra safeguards of fair enforcement created by the Council retaining the processing side of the FPN service.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Appendix 1 to the report contained exempt information within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act, 1972, as amended.

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director Regeneration and Environment.

DECISION 3

1. AGENDA ITEM NUMBER AND TITLE

8. Get Doncaster Cycling

2. DECISION TAKEN

Cabinet:-

- (1) recognised the important role cycling can play in tackling public health and activeness in communities;
- (2) agreed outline key theme programmes of activity for formal sign off to be approved as required by the Portfolio Holder, unless further Cabinet approval is obligated;
- (3) approved the outline delivery budgets for these events and programmes and delegated the agreement of the actual budget, and the delivery of the events and programmes to either the Director of Public Health or the Director of Regeneration and Environment (as appropriate), in consultation with the Portfolio Holder for Public Health, Leisure and Culture and Highway, Street Scene, Trading Services (as appropriate) and Chief Finance Officer;
- (4) noted the establishment of internal project board and subgroups; and
- (5) gave approval to the investigation and implementation of a city style bike hire scheme for Doncaster through a concession agreement entered into with Nextbike to provide a cycle hire scheme.

3. REASON FOR DECISION

Councillor Nigel Ball, Cabinet Member for Public Health, Leisure and Culture, presented a report which provided an overview and background for current and forthcoming activity, as well as setting out the Council's aspiration to become a cycling centred Borough.

In presenting the report Councillor Ball reported that approval was sought to agree in principle a package of activity and developments which were designed to increase levels of cycling across the Borough.

Councillor Ball stated that the work was a mixture of current and planned activity, and longer-term outcomes which required increased investment and therefore obtaining external sources of funding would be a priority to develop the outcomes.

Members noted that since 2000, Doncaster had seen an overall trend of increasing numbers cycling with an average growth of 2-3%. The Sport England Active Peoples Survey had identified that 15.4% of the Borough's population cycle at least once a week, which was the highest level of activity compared against similar local authorities.

Councillor Ball reported that there were 3 themes to be delivered through this approach, which included:-

Infrastructure improvements to enable greater access to well-designed cycle routes including town centre improvements, and closed road circuit at the Dome, and consideration to be given to including cycle routes in all infrastructure developments.

Events including Tour de Yorkshire, UCI World championships and Doncaster cycle festival. These would raise awareness and engage wider audiences, with an opportunity to attract greater levels of participation of people in Doncaster.

Activity delivered through various packages including adult and family cycle training, Bikeability training in schools and promotional activity such as 'Love to Ride'.

It was noted that the Council was also in discussion with Nextbike to look to establish a cycle hire scheme within the Borough.

In concluding his presentation of the report, Councillor Ball gave his full support to the proposal, commenting that the scheme would push forward Doncaster as a biking town in future years and help to grow cycling in the Borough.

Councillor Bill Mordue, Cabinet Member for Business Skills and Economic Development, echoed Councillor Ball's comments and felt that this was a good news story for Doncaster which would bring about improvements in infrastructure, helping people to cycle for leisure and work, and health benefits for people in the Borough.

4. ALTERNATIVES CONSIDERED AND REJECTED

Do nothing

This option would reduce the impact of the cycling programme and limit progress that had already been made

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director Regeneration and Environment.

DECISION 4

1. AGENDA ITEM NUMBER AND TITLE

9. Doncaster Attendance Strategy

2. DECISION TAKEN

Cabinet:-

- (1) noted that the poor performance of schools in this area is a key issue for Team Doncaster and impacts on a multitude of associated economic and social outcomes for children and young people, and gave approval to explore the underlying reason;
- (2) agreed that priority be given to a public attendance campaign that draws attention to the scale of the problem and the social and financial costs of allowing this position to continue, whilst setting out a clear position to the community regarding the value of attending school;
- (3) endorsed the strategic actions in the Delivery Plan and to monitor the impact of this work, notably:-
 - To directly support and challenge all Doncaster schools who are performing below the National Average for attendance.
 - To offer professional development opportunities for school leaders and governors so that they are increasingly able to improve attendance in their settings; and
 - To review the work of the DMBC attendance service in order to ensure greater impact upon attendance and persistent absenteeism.

3. REASON FOR DECISION

Councillor Nuala Fennelly, Cabinet Member for Children, Young People and Schools, introduced a report which set out an Attendance Strategy and associated Delivery Plan for the improvement of attendance and persistent absence at school level.

This was the Learning and Opportunities Children and Young People response to the request for a report that investigated the scale of the issue and how it linked with the Doncaster Children and Young Peoples Plan 2017-2021 and the Social Mobility Opportunity Area, enabling teams to maximise their skills and expertise on delivering improved outcomes to children and young people.

In welcoming the report, Councillor Fennelly commented that building on the evidence of the Children and Young People Partnerships, the Education and Skills Commission, had highlighted that children should attend school and that partnerships should be strengthened. In addition, a collective responsibility was required to ensure that children attended school every day, because when they

didn't attend they were missing out on education. She spoke of the need for parents to take responsibility to ensure that their children attended school and stated that the Delivery Plan would help parents to understand the importance of why their children needed to attend school. Councillor Fennelly hoped that everyone would work in partnership to achieve improved outcomes for children and young people.

Damian Allen, Director of People, was in attendance at the meeting and reported that the Council did recognise that those children that didn't attend school regularly did not attain achievable outcomes. He pointed out that there was a direct relationship with achievable outcomes and explained that children who were persistently absent, who had attended school for less than 90%, which represented half a day a week, had a significant effect on the outcomes with over 90% of students in this category failing to achieve 5 A*- C at GCSE.

In light of this, the Director of People reported that the local authority was to give priority to a public attendance campaign to raise awareness amongst schools to encourage good attendance and the benefits of attending school. The Director of People explained the challenges in achieving such outcomes due to problems of absenteeism at secondary level, which was a result of the management of attendance which may not be a priority to some schools. Therefore, the Council had put in place an Improvement Strategy. The Director of People explained that where there was a cause for concern for absenteeism in relation to local authority maintained schools where the local authority had statutory powers, the local authority would write directly to those schools. In relation to schools in the Borough that the local authority did not have statutory powers, i.e. secondary Academies, the local authority through the Director of People, was able to highlight concerns by speaking to both the Academies directly and writing to the Regional Schools Commissioner. Additionally, issues could be escalated to the Regional Schools Commissioner at a regional level. Also, the local authority was able to impose sanctions by referring the matter to Ofsted, to carry out an unannounced Section 8 inspection. However it was noted that this was only done in exceptional circumstances.

The Director of People advised that the Strategy was taking a partnership approach because the local authority wanted schools to engage positively. He reported that the Council was also looking at the Social Mobility Opportunity Area Delivery Plan and was expecting an announcement from the Government, which would provide additional support. He added that absenteeism was a major priority for the local authority and that the Council's dedicated Attendance Strategy would enable the Council to have a focus to drive forward the priorities, as detailed within the report.

Mayor Ros Jones welcomed the Council's partnership approach to work responsibly with schools to improve pupil attendance, ensuring that children were given the best start in life as possible.

4. ALTERNATIVES CONSIDERED AND REJECTED

There were no alternative options considered.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Damian Allen, Director of People.

Signed.....Chair/Decision Maker