

Minutes



To: All Members of the Cabinet,
Chief Executive, Chief Officers

From: Legal, Democratic & Statutory Services
Ask for: Deborah Jeffery
Ext: 25563

CABINET 18 May 2020

ATTENDANCE

MEMBERS OF THE CABINET

D A Ashley, P Bibby, T L F Douris, T C Heritage, T W Hone, T R Hutchings, R M Roberts, R Sangster, J D Williams (Leader of the Council)

Upon consideration of the agenda for the Cabinet meeting on 18 May 2020 as circulated, copy annexed, conclusions were reached and are recorded below:

PART I ('OPEN') BUSINESS

1. MINUTES

- 1.1 The Minutes of the Cabinet meeting held on 20 April 2020 were confirmed as a correct record.

2. QUESTIONS FROM MEMBERS OF THE COUNCIL TO EXECUTIVE MEMBERS

- 2.1 There were no questions from Members of the Council to Executive Members.

3. PUBLIC PETITIONS

- 3.1 There were no public petitions.

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4. HERTFORDSHIRE COUNTY COUNCIL'S RESPONSE TO COVID-19

Decision

- 4.1 Cabinet noted Hertfordshire County Council's planning and response update to Covid-19.

Reasons for the decision

- 4.2 Since the publication of the report, a number of subsequent events have occurred. With regards to the national response, the Government has announced its plan to rebuild the economy and move to phase 2 of dealing with the crisis and the pandemic described as the smart controls phase; mainly to stay alert; to control the virus; in that way to save lives. In order to support that move into phase 2, there are 3 steps which the Government hopes can be achieved over the coming months; firstly, as from 13 May 2020, those that can work from home should continue to do so; however, those that do not have that capacity should contact their employer to check if there is opportunity to return to work or to work from construction sites. Secondly, as from 1 June 2020, there is a plan for children in Reception, Year 1 and Year 6 to return to Primary School; and thirdly, as from 4 July 2020, further opportunities will contribute to unblocking the lockdown.
- 4.3 Cabinet noted that as of 17 May 2020, it had been confirmed that Hertfordshire had a total of 2,711 hospitalised cases of Covid-19. Throughout that period, 784 deaths had been recorded; 206 of those deaths had occurred in care homes. With regard to testing for the virus, various mobile testing centres had been set up around Hertfordshire and 5,300 swab tests had been taken which had contributed to the efforts around the county. Cabinet noted that at the peak of the virus, 100 people were testing positive per day; however, due to the adherence of people sticking to the guidance, this had reduced to 18 per day. Cabinet also noted that the Chief Medical officer had hi-lighted another symptom of the virus being anosmia; a change/loss of smell/taste; so, this should now be taken into consideration along with the other self-isolation guidance.
- 4.4 With regard to Operation Shield, the countywide effort to ensure the extremely vulnerable can self-isolate for twelve weeks by being provided food packs and household essentials, prescriptions delivery and access to other support as necessary was working well. Since the publication of the report, there were now 41,482 names on the 'extremely vulnerable' list for the county and therefore within scope of Operation Shield. The NHS had also identified a further cohort to be added to that figure, therefore teams were working extremely hard to identify their needs.
- 4.5 The Government had earmarked additional financial support for care homes and in relation to that the infection control fund which totals £600m. The intention is for care home resilience plans to be completed by the Chief Executive of the County Council. The £600m nationally translates into £13m for Hertfordshire; the plan will be to distribute that to all care homes across the

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county; which relates to £1000 per bed to help with infection control.

- 4.6 With regards to children returning to School on 1 June 2020, Cabinet noted that the health and safety of all children and staff always came first; and were reminded that some Schools had remained open for the last 8 weeks for those children of key workers and vulnerable children. Council officers, together with colleagues from Herts for Learning and head teachers had already discussed arrangements. Head teachers were best placed to create and manage their own plans and ensure social distancing was maintained. It would also be helpful for parents and carers of children to observe social distancing of their children.
- 4.7 Highways were working within dft merging guidelines and public health to facilitate social distancing in preparation of shopping areas opening once the lockdown is lifted; details were being finalised of the first 16 sites, particularly in town centres. Cabinet noted that £11.3m confirmed Government funding had been received for this year. Plans were now in place for hedge overruns to be tidied along rural paths, together with footpaths and bridleways to allow for social distancing to be made easier. With regards to subways, work would be carried out on the drainage, decoration and LED light conversions.
- 4.8 On 11 May 2020, the Council were able to open 10 of its Household Waste Recycling Centres. The sites have been remodelled to support social distancing, with some sites being more popular than others. Residents were urged to use them for essential items only; however, each site does establish queueing times on their websites.
- 4.9 Cabinet paid tribute to all NHS staff, the military staff and all those involved during this period. Cabinet also sent condolences to all those that had lost family and friends during this difficult time.

Any alternative options considered and rejected

- 4.11 None.

**5. PROPOSALS TO EXPAND THE FOLLOWING SPECIAL SCHOOLS:
GREENSIDE, STEVENAGE; LAKESIDE, WELWYN GARDEN CITY; AND
WOODFIELD, HEMEL HEMPSTEAD**

[Forward Plan Ref: A015/20]

Decision

- 5.1 Upon each proposal being granted planning permission, that Cabinet, in relation to the proposals to enlarge the premises at Greenside, Stevenage, by 16 places; Lakeside, Welwyn Garden City by 8 places and Woodfield, Hemel Hempstead by 32 places from September 2020, approved the proposals.

Reasons for the decision

- 5.2 On 24 February 2020, Cabinet considered the outcome of the consultation on proposals to enlarge the premises of Greenside Community Special School, Stevenage, by 16 places; Lakeside Community Special School, Welwyn Garden City, by 8 places; and Woodfield Community Special School, Hemel Hempstead, by 32 places as from September 2020. The statutory notice period for those proposals ended on 30 March 2020.
- 5.3 The school expansions will enable additional school places to be made available as close as possible to the demand for them. In that way they will improve access to school places to all sectors of the communities in which they are located. School expansion schemes provide positive impacts, offering the opportunity for improved facilities for disabled access in new buildings.
- 5.5 Cabinet's decisions were reached following consideration of the Council's statutory responsibilities, the financial implications of the proposals and the outcome of the equalities impact assessments undertaken.

5.10 **Any alternative options considered and rejected**

None.

6. SUPPORTING ADULTS WITH COMPLEX NEEDS STRATEGY 2020 [Forward Plan Ref: A086/19]

Decision

- 6.1 Cabinet agreed:
- i. the Hertfordshire Supporting Adults with Complex Needs Strategy.
 - ii. to a planning period to help shape commissioning intentions in discussion with stakeholders.

Reasons for the decision

- 6.2 Housing related support (HRS) services for adults with complex needs, have been commissioned by the Council since 2003, with the purpose of enabling adults with a range of support needs to live as independently as possible in the community. These services were previously within the national Supporting People Framework and associated grant funding.
- 6.3 HRS services have developed across the county over the decade. The service provision accommodates and supports a homelessness cohort with a range of needs such as mental health, drug and alcohol dependencies, physical or ill health. Incoming referrals and assessments can originate from Hospitals,

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Police, Prisons, local District and Borough housing departments or community mental health services, and the pathways into HRS services can be disjointed. Similarly, funding sources can be equally disjointed with more than one public sector organisation investing in the same service provider to achieve the same outcomes.

- 6.4 Evidence suggests that simply having appropriate long-term accommodation does not achieve positive outcomes for those who are often the most socially isolated and excluded people within our communities. The support element for people with complex needs is vital in enabling them to sustain the accommodation and to prevent them falling out of the system.
- 6.5 To initiate a common understanding of the current Complex Needs agenda, Adult Care Services has produced a high-level Strategy; developed through engagement with service users and representatives from a variety of stakeholders who agreed the vision, strategic aims, commissioning principles and the strategic priorities based on preventing and reducing care and support needs ([Adult Care Services 15 Year Plan](#)); preventing homelessness and reducing rough sleeping (including families); and connected lives; helping to support people to remain in their homes and stay connected to communities.
- 6.6 The Strategy will inform the County Council's approach to re-designing HRS services and underpin further planning and subsequent implementation of a commissioning solution that is evidence based, consistent, fair and cost-effective in meeting the needs of people with such vulnerabilities. The services will continue to be prevention focussed, reducing the need for more costly statutory interventions.
- 6.7 In reaching its decision, Cabinet considered the financial implications; the equalities implications; and the recommendations of the Special Cabinet Panel.

Any alternative options considered and rejected

None.

7. ASSISTIVE TECHNOLOGY - COUNTY WIDE SERVICE
[Forward Plan Ref: A087/19]

Decision

- 7.1 Cabinet approved NHDC Careline to undertake this service from April 2021, with delegated authority then being passed to Adult Care Service's Chief Officer to resolve the specific arrangements to bring the expanded partnership into place, including finalising costs and the detailed partnership agreement.

Reasons for the decision

- 7.2 Adult Care Services (ACS) presently commissions two assistive technology telecare services: one provided by North Herts District Council (NHDC) called

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Careline and the other provided by Serco as part of the Council's Shared Managed Services Contract. The Careline arrangement is governed by an ongoing agreement made under Section 9 EA of the Local Government Act 2000 with NHDC, which was continued with Cabinet agreement in November 2018. The latter is a commercial arrangement that will come to an end at the end of the Serco contract.

7.3 The Assistive Technology (AT) team is in the process of mapping out the arrangements for a County-wide Assistive Technology offer to come into effect after the end of the SMS contract. The new arrangement will need to bring together the two existing telecare services and be flexible enough to be developed over time as ACS progresses further with its work on the digital AT agenda. The intention is to achieve an efficiency saving by moving to a single telecare arrangement from April 2021 onwards.

7.4 In reaching its decision, Cabinet considered the financial implications; the equalities implications; and the recommendations of the Special Cabinet Panel.

Any alternative options considered and rejected

7.5 None.

8. CHANGES TO TRANSPORT PROVISION FOR VOLUNTARY DAY SERVICES

[Forward Plan Ref: A095/19]

Decision

8.1 Cabinet approved that the new charges, as detailed in section 4 of the report, be phased in.

Reasons for the decision

8.2 The Council will move a number of voluntary sector transport arrangements that have been historically provided without charge (to either the voluntary sector organisation or to the recipients) to our Dial-a-Ride offer. This change will not impact the provision of the service, which will continue as before, but introduce a fair and consistent charge to passengers using this service.

8.3 A consultation has taken place as detailed within the report and implementation of the of the change will be phased-in over one year to mitigate the impact on people and their attendance at groups.

8.4 In reaching its decision, Cabinet considered the above, together with responses to the consultation; the financial implications; the equalities implications; and the recommendations of the Special Cabinet Panel.

Any alternative options considered and rejected

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None.

9. PROCUREMENT OF A DELIVERY VEHICLE FOR THE EMERGING URBAN EXTENSION AT BALDOCK AND PROPOSALS ON THE GOVERNANCE ARRANGEMENTS TO TAKE THE PROJECT FORWARD

[Forward Plan Ref: A005/20]

Decision

9.1 Cabinet:

1. noted the appointment of Carter Jonas and Sharpe Pritchard as the consultants to work with the Council to procure a delivery partner for the emerging urban extension at Baldock;
2. noted the procurement of the delivery vehicle will allow such services to be called upon for further large-scale property development opportunities as required; and
3. delegated to the Director of Resources, in consultation with the Executive Member for Resources and Performance:
 - (i) to approve the selection of the preferred delivery partner following the conclusion of the Official Journal of the European Union (OJEU) procurement exercise;
 - (ii) to enter into a formal contractual or corporate arrangement with the preferred delivery partner; and
 - (iii) agreed that cross-party and local Members will be invited to comment on the Official Journal of the European Union (OJEU) scheme objectives and there will be member involvement at key milestones in the OJEU procurement process.

Reasons for the decision

9.2 Cabinet noted a typo at 4.1 of the report; the figure regarding new homes should have read 3,500 new homes and not 35,000 new homes.

9.3 The emerging urban extension to the north of Baldock is a major, long term property and place shaping project, likely to include the development of 3,500 houses and 60,000sq.m of employment space. The scale and duration of the project requires private sector input into its delivery and an open market

competition is considered to be the best way forward to identify the long-term partner to work with the County Council.

- 9.4 The Council is promoting land adjacent to Baldock as an urban extension to the market town. Positive discussions have taken place with North Herts District Council and the Council has already submitted a planning application, which will be revised to take account of highway proposals.
- 9.5 Public exhibitions for the proposals have already taken place and it is anticipated the land will be allocated for development when the NHDC Local Plan is adopted late 2020. Given the County Council's desire to take a long-term position on the project and the high level of investment required for infrastructure, the identification and appointment of a delivery partner is a sensible way forward. The project will be controlled by an agreed governance system and the procurement process will ensure the long-term governance arrangements is a key part of the developer selection process.
- 9.6 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications; and the recommendations of the Special Cabinet Panel.

Any alternative options considered and rejected

- 9.7 Options detailed within the report.

10. OPTIONS FOR HERTFORDSHIRE'S RESIDUAL LOCAL AUTHORITY COLLECTED WASTE POST 2023

[Forward Plan Ref: A007/20]

Decision

- 10.1 Cabinet agreed that:

- (i) the Assistant Director, Transport, Waste & Environmental Management be authorised to commence a procurement process to put in place long-term service contracts for the treatment and disposal of residual Local Authority Collected Waste (LACW) arising in Hertfordshire;
- (ii) in light of the lack of in-county residual LACW treatment options, that the Council's LACW Spatial Strategy be updated to reflect the urgent need for an updated waste transfer station network; and
- (iii) the Assistant Director, Transport, Waste & Environmental Management, in consultation with the Chief Finance Officer and the relevant Executive Members, be authorised to proceed with the development of an Eastern Transfer Station in the financial year 2020/21.

Reasons for the decision

- 10.2 In July 2019, the Veolia ES Hertfordshire Ltd application (Veolia) for planning

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permission for the Energy Recovery Facility (ERF) at Rye House, Ratty's Lane, Hoddesdon was refused by the Secretary of State (SoS). The contract for provision of a long-term residual LACW solution for Hertfordshire between Veolia and Hertfordshire County Council was terminated in August 2019.

- 10.3 The best approach for the Council at this time is to carry out a procurement exercise and enter into contracts with service providers to put into place long term service contracts for the treatment and disposal of Hertfordshire's residual LACW, which will enable the Council to fulfil the primary statutory function for the disposal of residual LACW.
- 10.4 In reaching its decision, Cabinet considered the above, together with the financial implications; the equalities implications; and the recommendations of the Special Cabinet Panel.

Any alternative options considered and rejected

None.

11. HOUSEHOLD WASTE RECYCLING CENTRE CONTRACT UPDATE
[Forward Plan Ref: A098/19]

Discussion took place on this item in Part I.

**12. PART II ('CLOSED') AGENDA
EXCLUSION OF PRESS AND PUBLIC**

Decision

- 12.1 Cabinet then decided to move into Part II ('closed' session') and passed the decision at paragraph 12.2 below.
- 12.2 Cabinet agreed that under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item/s of business on the grounds that it/they involve/s the likely disclosure of exempt relating to the financial or business affairs of any particular person (including the Council) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 12.3 Following discussions on the Part II Report on the item referred to at 11 above and Recommendations, Cabinet moved back into Part I (open session) and considered the Part I Recommendations and reached the decisions set out at 13 below.

PART I ('OPEN') BUSINESS

13. HOUSEHOLD WASTE RECYCLING CENTRE CONTRACT UPDATE

[Forward Plan Ref: A098/19]

Decision

13.1 Cabinet:

- (i) noted the further work on alternative delivery models and risks in the Part I report and the detailed costing, terms of exit and opportunities in the Part II paper to this report;
- (ii) approved the request by Amey to exit the Agreement for the operation of the Hertfordshire HWRCs on 30 September 2020;
- (iii) approved that the services are brought back under the direct control of the Council, that is, an 'in-house' delivery option, from 1 October 2020;
- (iv) authorised the Assistant Director Transport, Waste and Environmental Management to enter into a Deed of Exit ("DoE") with Amey by 1 September 2020 at the latest, to end the current contract on 30 September 2020 subject to agreement from Amey and the fulfilment of all contractual obligations that would arise at the natural expiry date of the Agreement and otherwise comply with the DoE; and
- (v) that, subject to (iv) above, Cabinet Authorises the Assistant Director Transport, Waste and Environmental Management to approve any necessary documents to facilitate an early end of the Agreement.

13.2 Noted that officers will provide updates to Panel meetings on the progress of (ii) and (iii) above at July and September 2020 meetings.

Reasons for the decision

13.3 Household Waste Recycling Centres are provided by the Council as the Waste Disposal Authority under Section 51 of the Environmental Protection Act 1990. It is a statutory requirement to provide places within the county for use by its residents to dispose of their own household waste.

13.4 The service is currently run and operated on behalf of the authority by Amey, who were awarded an 8.5-year contract which runs until 6 March 2023. At the November 2019 meeting, Cabinet were updated on the request by Amey to exit the Agreement by early termination for the operation of the Hertfordshire HWRCs by December 2020. Cabinet agreed, that officers continue negotiations with Amey to try and facilitate a managed exit from the Agreement while ensuring the Council's interests and financial position were protected. This has included the transparent assessment of the most up to date cost pressures being

experienced by Amey, including, but not limited to, staffing numbers, wages, haulage and market costs and income for materials managed.

- 13.5 Officers have also been looking at alternative delivery options with the preference to bring the service back in-house in order to benefit in terms of flexibility giving the Council more control over the service, and its delivery both in response to future efficiencies and the changing needs and expectations of service users. A further positive is that the Council owns the freehold of a number of HWRCs and the majority of assets and therefore has a good base on which to in-source the service.
- 13.6 In reaching its decision, Cabinet considered the above, together with the information in the Part II report; the financial implications; the equalities implications; and the recommendations of the Special Cabinet Panel.

Any alternative options considered and rejected

- 13.7 As per options within the report.

QUENTIN BAKER
CHIEF LEGAL OFFICER

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