EAST RIDING OF YORKSHIRE COUNCIL

THE CABINET

19 MARCH 2024

PRESENT: Councillors Dewhirst (in the Chair), Aitken, Hammond, Jefferson, G McMaster, Tucker, West and Wilkinson.

Councillor Healy was in attendance as an observer.

Public - 1

The Cabinet meeting was held at County Hall, Beverley and was live streamed on YouTube.

61/24 DECLARATIONS OF PECUNIARY, NON-PECUNIARY AND PREJUDICIAL INTERESTS - Councillor Wilkinson declared non-pecuniary interests in minute 73/24 insofar as he had business dealings with one of the tendering organisations.

62/24 MINUTES - Resolved - That the minutes of the meeting of The Cabinet held on 27 February 2024 be approved and signed as a correct record.

63/24 MINUTES OF OVERVIEW AND SCRUTINY COMMITTEE AND SUB-COMMITTEES - Resolved - That the minutes of the Overview and Scrutiny Sub-Committees be received:

- Children and Young People of 7 February 2024
- Health Care and Wellbeing of 13 February 2024

64/24 EAST RIDING OF YORKSHIRE COUNCIL REFRESH OF MODERN SLAVERY POLICY - The Executive Director of Adult Social Care and Health submitted a report as follows:

The Council's existing Modern Slavery Policy was due to be revised. The revised Policy had been developed to assist a wide range of Council services and officers. The Policy set out the key role that the Council played in tackling modern slavery and demonstrated how the Council would meet its responsibilities. It also sets out the links between the Policy and other relevant policies and identified the potential outcomes and impacts as a result of implementation. The Council had worked closely with partner organisations in developing the Policy.

There had been significant changes to relevant legislation since the Policy had last been revised. A delivery group would be established to ensure that the Policy could be fully realised if approved by full Council. The group would use the Local Government Association's Modern Slavery Maturity Matrix to help identify areas for development. As well as training staff on how to identify people affected by modern slavery, the Policy would also help to provide assurance that the Council's own supply chains were not fuelling modern slavery.

The Cabinet was keen to ensure that that the delivery group and subsequent cyclical reporting on modern slavery would have a sufficient focus on children and young people affected by this issue and that Council services and partner organisations relating to adult and children's social care would work closely together. The Cabinet also sought reassurance that the delivery group would prioritise the timely rollout of training for both Members and officers. Noting the

results of the equality analysis, The Cabinet requested that it be updated to account for care leavers as the Council had resolved that care experience should be treated as having a protected characteristic with regard to policies and procedures.

Recommended to Council - (a) That the revised Modern Slavery Policy be approved;

(b) that a Member Champion be appointed for the issue of modern slavery, and

(c) that the equality analysis be updated to account particularly for care leavers and care experience.

65/24 CARER'S LEAVE AND SUPPORT POLICY AND PROCEDURE - The Executive Director of Corporate Resources submitted a report as follows:

The Carer's Leave Act 2023 was due to come into effect on 6 April 2024. The Act introduced a 'day-one right' of one week's unpaid leave per year for employees who were providing or arranging care for a dependant with a long-term care need. The draft Carer's Leave and Support Policy and Procedure had been written to signpost employees and managers to what support was available and advised of the procedure to follow to request and authorise leave.

Recommended to Council - (a) That the Carer's Leave and Support Policy and Procedure be approved, and

(b) that authority be delegated to the Executive Director of Corporate Resources, in consultation with the relevant portfolio holder to make minor amendments to the text of the policy and procedure.

66/24 BEVERLEY PARK AND RIDE SCHEME - The Interim Chief Executive submitted a report as follows:

The report set out the background to the proposed park and ride (P&R) scheme. The Cabinet was asked to consider whether the scheme offered value for money given the changes in anticipated demand, travel patterns and increased financial pressures since it had first been conceived, and whether it supported the establishment of a P&R in the light of the potential costs it could incur.

However, the report did not consider land use or the allocation of a budget in the event that the scheme was supported. Both were outside The Cabinet's terms of reference. The matter of the land use (and Section 106 agreement) was non-executive function that would be considered by the Council's planning function, and, at the appropriate time, any necessary budget would be identified in the financial plan considered by the Cabinet and ultimately agreed by full Council.

Since the P&R scheme was conceived around 20 years previously, the demand for parking in the town centre had changed. Key factors affecting demand included:

- the construction of a 500-space multistorey car park as part of the Flemingate development, increasing the number of spaces locally by around 60 percent at the time;
- the demand for parking from Council employees had dropped significantly. Prior to the Covid-19 pandemic, around 1,500 members of staff used to work in Beverley every weekday. This had dropped to an average of 630, not all of whom would stay in Beverley for more than a few hours at a time;

- issuance of public car parking tickets, while significantly lower during the pandemic, seemed to have stabilised at around 10 percent lower than pre-pandemic;
- East Riding College had established an agreement with Flemingate for the supply of car parking for staff and students;
- surveys from July 2023 indicated that there was a high number of spare parking spaces across all of Beverley's town centre car parks, with a daily average of 545 spare parking spaces. The minimum number of unoccupied spaces during the period was 140;
- the proposed site was located to the south of Beverley, meaning that potential users arriving from other directions would not necessarily benefit from any time saving;
- while the cost of building the P&R would be met by the developer through the Section 106 agreement, the cost of the buses and of running the service would rest with whichever organisation operated it, with the Council expected to subsidise operations even if it was not the operator;
- the Council had approached local potential operators, which had indicated that they would not be willing to operate the P&R;
- the cost of purchasing the (minimum) three buses to operate the P&R would be around £540,000, and more still (around £1m) for electric buses to fit with the Council's climate objectives;
- on a pricing model of around £6 per day-ticket, it would cost the Council around £315,000 per annum to operate the P&R;
- while this model could be modified by changing the price of car parking in the town centre or the cost of using the P&R, The Cabinet considered that any subsidy did not represent value for money or essential spend when the parking needs of Beverley were already being exceeded by the provisions available.

Resolved - That the Beverley park and ride scheme be considered not to represent value for money in the light of the changes in anticipated demand, travel patterns and increased financial pressures since it was first conceived, and that its development therefore not be supported.

67/24 DISPOSAL OF SURPLUS PROPERTY AND LAND - The Interim Chief submitted a report that detailed six properties which were no longer required for operational purposes and for consideration as surplus to the requirements of the Council.

Resolved - That the properties listed below be formally declared surplus to the requirements of the Council so that, at the point they become vacant, each property be sold on terms to be agreed and approved by the Executive Director of Planning and Economic Regeneration:

(i) The former Skirlaugh Offices, A165, Skirlaugh, HU11 5HN, as shown for identification purposes at Appendix 1 of the report, Drawing Number CAB0226A;

(ii) The Beverley Customer Service Centre, 7 Cross Street, Beverley.HU17 6TB, as shown for identification purposes at Appendix 2 of the report, Drawing Number CAB0227A;

(iii) Walkergate House, Beverley, HU179BP**,** as shown for identification purposes at Appendix 3 of the report, Drawing Number CAB0228A;

(iv) Manor Road, Beverley, HU177BZ. as shown for identification purposes at Appendix 4 of the report, Drawing Number CAB229A;

(v) Former Small Business Centre, Beverley, HU17 0LF, as shown for identification purposes at Appendix 5 of the report, Drawing Number CAB231A, and

(vi) 65 & 71 Keldgate, Beverley, HU17 8HU as shown for identification purposes at Appendix 5 of the report, Drawing Number CAB235A.

68/24 REVENUE AND CAPITAL BUDGET MONITORING 2023-24 - The Executive Director of Corporate Resources submitted a report as follows:

Revenue Budget

The Council's overall General Fund budget was projected to outturn with a £1.6m overspend; an increase of £1.1m from the previously reported position. General Fund services were projected to overspend by £19.0m, which had reduced to £1.6m by underspends on whole-organisation budgets and through the approved use of reserves. The overspend was largely focussed within adult's and children's social care and related to a significant demand for services at levels higher than budgeted for, combined with the impact on costs of inflation remaining higher for longer than forecast as well as a significant underachievement of savings. Since the projections in the 2024-25 budget had been prepared, the 2023-24 financial position had continued to deteriorate. This needed to be carefully considered to determine the impact on the 2024-25 budget and, if necessary, to identify mitigating actions to prevent overspending.

The 2023-24 budget included £19.3m of required savings measures. The latest risk assessment indicated that the Council was currently on track to deliver 64 percent of the savings; a shortfall of £7.0m.

The Schools Budget, funded by the Department for Education (DfE), was projected to outturn with a net overspend of £12.4m, which largely related to insufficient funding to support education services for pupils with high needs. Consequently, the cumulative funding deficit on the Dedicated Schools Grant reserve was projected to reach £23.2m by the end of the financial year. This deficit balance was subject to oversight by the Department for Education (DfE) through the Council's deficit management plan which included agreed measures to manage and clear the deficit.

Housing Revenue Account

The Housing Revenue Account (HRA) was projected to outturn with an overspend of £3.0m. The projected overspend was mainly due to repairs and maintenance works delivered by the Housing Maintenance Unit (£3.8m) and Building Design feasibility works (£0.9m), offset by an underspend of £1.7m against the HRA revenue contribution to the capital programme. The outturn overspend on the HRA would be funded from HRA general earmarked reserve.

Capital Budget

The forecast spending profile of the capital programme had required further re-profiling of a net £26.2m of planned expenditure from 2023-24 into future years along with a request for a net decrease to the capital programme of £13.2m (1.7%).

The forecast outturn on the capital programme for 2023-24 was £107.2m, with the overall programme for 2023-24 and later years forecast to be £764.2m.

Resolved - (a) That a £0.3m transfer of budget from the safeguarding adults staffing budget to the deprivation of liberty safeguards (DoLS) budget to fund external assessors, with effect from 1 April 2024 be approved;

(b) that the following supplementary budget requests for 2023-24 be approved:

(i) £0.6m to Legal and Democratic Services, funded by the Election reserve;
(ii) £0.3m for additional costs associated with posts to help support the Housing Revenue Account, fully funded by income from the Housing Revenue Account;
(iii) £0.4m for the Agile Project fully funded from the Digital and Agile Reserve;

(c) that the amendments to capital scheme budgets be approved to align with forecast variances over £0.250m, identified in Appendices 13 and 14 of the report, and

Recommended to Council - (d) that the findings of the Homes England Compliance Audit report, as set out in paragraph 4.8 of the report, be acknowledged.

69/24 AGREEMENT TO ALLOCATE SECTION 106 CONTRIBUTIONS – OUTDOOR PLAY SPACE - The Interim Chief Executive and Executive Director of Communities and Environment submitted a joint report as follows:

Development had been carried out pursuant to several major planning applications for housing in the Driffield and Rural, and Pocklington Provincial wards. The developers had met the relevant payment thresholds for off-site outdoor sports provision.

Extensive research and consultations had been completed with the relevant local organisations to identify the best spend of this funding to meet the outdoor sport and recreation needs of these expanding populations.

The Cabinet's approval was sought to allocate a total of £319,821.22 to two separate organisations: one each in Driffield and Pocklington.

Resolved - (a) That £200,000 of Section 106 funding be allocated for a new clubhouse/changing facility for Great Driffield Football Club, and

(b) that £119,821.22 of Section 106 funding be allocated for improvements to the changing facility and outdoor training pitch at Pocklington Sports and Football Club.

70/24 FORWARD PLAN OF KEY DECISIONS - APRIL TO SEPTEMBER 2024 - The Executive Director of Corporate Resources submitted a report updating on the Forward Plan of Key Decisions confirming that the Council had previously approved a Forward Plan of Key Decisions. The Local Government Act 2022 required this to be a rolling four-month plan, which must be updated on a monthly basis, however, the Council operates a six-month plan.

The previous Forward Plan of Key Decisions had been reviewed and updated and the revised Forward Plan of Key Decisions had been attached as Appendix 2 of the report.

Appendix 1 of the report summarised the revisions made to the Forward Plan of Key Decisions since it was last approved.

Resolved - That the Forward Plan of Key Decisions for the period April to September 2024 (Appendix 2 of the report) be approved.

71/24 EXCLUSION OF THE PRESS AND PUBLIC - Resolved - That the press and public be excluded from the meeting for the consideration of minutes 72/24 to 78/24 on the basis that

they involved the likely disclosure of exempt information as described in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

In making its decision The Cabinet confirmed that having regard to all the circumstances, it was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

72/24 CONTRACT: E1258 HOWDEN RELIEF ROAD (HRR) - The Executive Director of Communities and Environment submitted a report seeking The Cabinet's approval to award the contract for the construction of the Howden Relief Road scheme.

This report provides information and seeks approval on the proposed procurement process in respect of the Howden Relief Road (Contract No E1258) scheme in Howden. This scheme will create a 1.8km long highway connecting Thorpe Road with Station Road which alleviates congestion and road safety concerns in central Howden and unlocks development land for the mixed use HOW-G Masterplan development and strengthens confidence for existing business in a programme of planned expansion.

The report seeks delegated authority for the Executive Director of Communities and Environment, within the parameters set out in this report.

Award of the contract is anticipated to be August 2024 with works commencing on site October 2024 for an anticipated 28 months, with completion spring 2027.

Resolved - (a) That the procurement process and options set out in the report, including the use of the YORcivil Major Works framework and the contract to include a Price/Quality split of (70%/30%) and include the Optional Clause X1 Price Adjustment for Inflation, be approved, and

(b) that authority be delegated to the Executive Director of Communities and Environment, in consultation with the relevant portfolio holder, to exercise the Council's contractual options and to award and manage a contract to the most appropriate tenderer to a value anticipated to be in line with the Capital Programme XX9053.

73/24 CONTRACT NO 55274 TERM SERVICE CONTRACT FOR THE INSTALLATION OF REPLACEMENT UPVC WINDOWS IN COUNCIL OWNED DWELLINGS - The Executive Director of Communities and Environment submitted a report seeking The Cabinet's approval to award a contract for the installation of replacement UPVC windows in Council owned dwellings.

Resolved - That the most economically advantageous tender to specification for the installation of replacement UPVC windows in Council owned dwellings be approved.

74/24 CONTRACT NO. 808-24 MAINTENANCE OF CCTV EQUIPMENT - The Executive Director of Communities and Environment submitted a report seeking The Cabinet's approval to award a contract for the maintenance of CCTV equipment.

Resolved - That the most economically advantageous tender to specification for the maintenance of CCTV equipment be approved.

75/24 CONTRACT 2445-24 – SUPPLY OF ONE WHEELED PAVING MACHINE - The Executive Director of Communities and Environment submitted a report seeking The Cabinet's approval to award a contract for the supply of a wheeled paving machine.

Resolved - That the most economically advantageous tender to specification for the supply of a wheeled paving machine be approved.

76/24 CONTRACT 2205-24 TO SUPPLY TRANSLATION AND INTERPRETATION SERVICE - The Executive Director of Communities and Environment submitted a report seeking The Cabinet's approval to award a contract for the supply of translation and interpretation services.

Resolved - That the most economically advantageous tender to specification for the supply of translation and interpretation services be approved.

77/24 2448-24 DETECTION MANAGEMENT RESPONSE SYSTEM - The Executive Director of Communities and Environment submitted a report seeking The Cabinet's approval to award a contract for the supply of a management detection response system (MDR) system.

Resolved - That the most economically advantageous tender to specification for the supply of a management detection response system (MDR) system for the period 1 April 2024 to 31 March 2029 be approved.

78/24 2190-24 NETAPP FILER AND DATA STORAGE SOLUTION - The Executive Director of Communities and Environment submitted a report seeking The Cabinet's approval to award a contract for the supply of data storage hardware and associated services.

Resolved - That the most economically advantageous tender to specification for the supply of data storage hardware and associated services for the period 1 April 2024 to 31 August 2029 be approved.