

Cabinet

25th October 2021

PRESENT:-

Councillors D. R. Hale (Chair), H, Bridges (Deputy Chair) (from minute 50), A. Akbar, J. Black (from minute 50), D. Kirk, G. Lunn, S. McMurray, R Nicola, R. Pantelakis and P. Webster.

IN ATTENDANCE:-

I. Anderson (Director of Legal Services and Partnerships) D. Bell (Director of Finance and Transformation), M. Jones (Director of Regeneration), P. Turner (Director of Children, Young People and Family Services), J. Weldon (Director of Public Health), and L. Scholes (Senior Democratic Services Officer).

T. Harsley (Assistant Director Citysafe) – minute 49
M. Charlton (Head of Community Safety and Partnership) – minute 49
M. Toutountzi (Head of Service Access and Wellbeing) – minute 49
A. Bell (Head of Highways Infrastructure) – minute 50
D. Gibson (Street Lighting Asset Engineer)– minute 50
A. Burton (Head of Streescene) – minute 52

APOLOGIES:-

None.

Minute No.	Description/Decision	Action By/Deadline
PROCEDURAL ITEMS		
46	DECLARATIONS OF INTEREST Councillor Pantelakis declared a personal interest in minute 57 insofar as she is on the Board of Directors for Hull Culture and Leisure Limited.	
47	MINUTES OF THE MEETING HELD ON 27th SEPTEMBER 2021 Agreed – that the minutes of the meeting held on Monday, 27 th September, 2021, be taken as read and correctly recorded and be signed by the Chair.	
48	PUBLIC QUESTIONS No public questions were received.	
NON-EXEMPT ITEMS		

Key Decisions

49

DOMESTIC ABUSE NEEDS ASSESSMENT & STRATEGY

The Director of Public Health and Director of Legal Services and Partnerships submitted a joint report which outlined the key implications of the Domestic Abuse Act in relation to the legal duties placed on the local authority.

The comments of Early Support Lifelong Learning Overview and Scrutiny Commission and Health and Social Well-Being Overview and Scrutiny Commission when this matter was considered, were submitted for consideration, and were detailed at minute 55.

Members discussed the extensive consultation that had taken place and thanked officers for their work. Discussion also took place on what changes could be made under recommendation 2.6 in the report. The officer confirmed that any changes would not fundamentally change the policies, the details had not been clarified in statutory guidance yet but would continue to offer the most secure tenancy possible.

Members commented on the work being done in the City on prevention and teaching that abusive behaviour was not acceptable. The officers explained that there were a number of schemes and practices in place which dealt with prevention working with schools, colleges and universities. There needed to be consideration of financial security for victims and the impact on children and their family ties to the perpetrators.

Agreed –

- (a) That Cabinet endorse the key findings and recommendations of the recent Domestic Abuse Safe Accommodation Equality Impact Assessment/ Needs Assessment.
- (b) That Cabinet endorse the content of the draft Domestic Abuse Strategy 2021-24 for the City and subject to its finalisation into a more attractive form delegate to the Portfolio holder final approval.
- (c) That Cabinet agree proposals for deployment of “new burdens” Domestic Abuse Act 2021

(a-f) Director of Public Health and Director of Legal Services and Partnerships

MHCLG grant funding to support the commissioning of domestic abuse safe accommodation, that the Council is mandated to publish as a draft document by 25th October 2021, with a final version in place 3 months later.

- (d) That Cabinet endorse the proposal to create a Domestic Abuse Housing Hub based within the local authority.
- (e) That Cabinet endorse the proposal to detach the commissioning of domestic abuse safe accommodation and allied support services from the wider Housing Related Support Commissioning Framework and create a new framework linked to the 3 year life cycle of the Domestic Abuse Strategy, in line with Domestic Abuse Act 2021 guidance.
- (f) That Cabinet authorise the Assistant Director in conjunction with the Portfolio Holder for Neighbourhoods and Housing to make any amendments to the Council's Tenancy and Allocations Policies that may be necessary to meet the statutory requirements of the Domestic Abuse Act 2021 and any consequential statutory guidance with regards to the granting of secure "lifetime" tenancies.

Reasons for recommendation

- The Domestic Abuse Act 2021 requires Tier 1 local authorities to undertake robust needs assessments within their area and use this evidence base to develop and publish a Domestic Abuse Strategy. The strategy must outline the steps they will take to ensure that identified safe accommodation needs are met. In order to enable local authorities to commission services to meet these duties, the government has made available "new burdens" funding. Hull has received £732k in this financial year and assurances have been given that this funding is recurring in future years. Due to the value of this funding, the decision to deploy resources is a Key Decision and requires formal Member approval.
- In addition, the statutory guidance mandates the creation of a Domestic Abuse Board which

has the overarching responsibility for the implementation of the strategy. This Board was already in existence locally and a review of the original terms of reference has now been undertaken and agreed by the membership to ensure it adheres to national guidance.

- A clear theme that emerged from the recent consultation with agencies, survivors of domestic abuse and other stakeholders was that there can be inconsistency in terms of access and outcomes for people that require emergency and/or permanent rehousing through the local authority. Therefore, it is proposed that the Council builds on its well established co location arrangements between Community Safety and Neighbourhoods and Housing, who were the agencies involved in the setting up the Hull Domestic Abuse Partnership in 2004.
- By creating a dedicated domestic abuse and housing hub, all survivors, regardless of their protected characteristics seeking support with emergency accommodation, permanent rehousing or to remain safe at home with the provision of “Sanctuary Scheme” measures (additional security measures and floating support) will receive a specialist, high quality response through one clear and dedicated pathway. This service would be funded via a combination of Domestic Abuse Act “new burdens” funding and Homelessness Prevention Grant. No additional general fund contribution would be required. A benefit of the service would be to enable the accurate recording and analysis of data regarding the prevalence of domestic abuse housing needs in the City, an area that historically has proved difficult to accurately assess. The creation of this team will also enable us to demonstrate that we have considered and responded to the needs of all service users, some of whom are not currently able to access the existing commissioned provision, in line with statutory guidance. Access to local authority specialist domestic abuse services are inclusive for all survivors.
- It is recommended that the funding for

domestic abuse safe accommodation and allied support services is detached from the housing related support commissioning programme going forward. This is because the statutory guidance mandates that local authorities refresh their needs assessments and Domestic Abuse Strategies every 3 years and the requirement to provide appropriate and sufficient domestic abuse specific safe accommodation is now uniquely a legal duty to meet the needs of this cohort under Part 4 of the Domestic Abuse Act. The MHCLG have stressed the need for local authorities to commission services on a 3 year cycle, to give providers certainty. In order to appropriately resource the commissioning, contract management/monitoring and compliance arrangements associated with this function, it is recommended that a resource is made available internally, funded via Domestic Abuse Act “new burdens” grant.

- The Domestic Abuse Act includes provisions to amend the Housing Act 1985 to add that where a local authority grants a secure tenancy of a dwelling-house in England, it must grant an “old style” secure tenancy if
 - (a) The tenancy is offered to a person who is or was a tenant of some other dwelling - house under a qualifying tenancy (whether as a sole tenant or as a joint tenant), and
 - (b) The authority is satisfied that the person or member of their household or has been a victim of domestic abuse and that the new tenancy is granted in connection with that abuse.
- As at 18/08/21, the final version of statutory guidance has not been published but it may be the case that amendments are required to the Council’s Tenancy Policy and Allocations Policy, both of which reflect that the Council operates an Introductory Tenancy Scheme. This legally mandates that all new council tenants are offered an Introductory Tenancy, unless they are an existing secure tenant or an assured tenant living in social housing. It is not yet clear whether or not secure tenants whose existing tenancy has formally ended should be offered a secure tenancy without the need to

	<p>“serve” an initial 12 month period as an introductory tenant. Therefore, the recommendation is that approval is granted to make any necessary amendments to the current policies to ensure compliance with the legislative provisions and statutory guidance in force, should this prove to be necessary.</p>	
<p>50</p>	<p>STRUCTURAL TESTING OF STREET LIGHTING COLUMNS</p> <p>The Director of Regeneration submitted a report which set out the condition of the Council's street lighting assets and the reasoning as to why structural testing of lighting columns are required. The report also sought approval to undertake the testing of its lighting assets, including the appointment of specialist contractor(s) as the next phase is developing a cyclic testing regime.</p> <p>Agreed –</p> <p>(a) That the Cabinet authorises the Assistant Director Major Projects & Infrastructure in consultation with the Portfolio Holder for Economic Investment, Regeneration, Planning, Land and Property, the Director of Legal Services and Partnerships and the Director of Finance to progress the development of the street lighting structural testing regime.</p> <p>(b) That Cabinet notes that the capital expenditure required to carry out the structural testing and the replacement of the Council's street lighting assets is to be in the order of £1M.</p> <p>(c) That the Assistant Director Major Projects & Infrastructure in consultation with the Portfolio Holder for Economic Investment, Regeneration, Planning, Land and Property, the Director of Legal Services and Partnerships, and Director of Finance, be authorised to procure and subsequently appoint a contractor to undertake structural testing of street lighting assets using a competitive procurement process to be evaluated on a 60% price, 40% quality criteria and to structure the contract so as to enable Kingstown Works Limited to call off works from the contract lots as required.</p>	<p>(a) Assistant Director Major Projects & Infrastructure/ Director of Legal Services and Partnerships/ Director of Finance</p> <p>(b) Assistant Director Major Projects & Infrastructure</p> <p>(c) Assistant Director Major Projects & Infrastructure/ Director of Legal Services and Partnerships/ Director of Finance</p> <p>(d) Assistant Director Major Projects &</p>

	<p>(d) That Cabinet authorises the application of £1m capital to fund both the structural testing and, where required, the replacement of the Council's street lighting assets and the management cost arising for Kingstown Works Ltd to call off the services as required.</p> <p><u>Reasons for recommendation</u></p> <ul style="list-style-type: none"> • Under the Highways Act 1980 Section 41 local highway authorities have a statutory duty to ensure that their highways, which are maintained at public expense, "are in a safe and reliable condition". • The Council is obliged to adhere to recognised guidance with regards to the maintenance of lighting assets such as UK Roads Liaison Group <i>Well-managed highway infrastructure</i> Code of Practice and The Institute of Lighting Professionals Guidance Note 22, Asset-Management Toolkit: Minor Structures (ATOMS). Failure to comply to guidance vastly increases the Council's risk of liability and it is highly probable that in cases of claims or legal action these codes may be treated as a relevant consideration. • The codes to which the Council should adhere provide guidance and advice on the efficient, effective and economic delivery of infrastructure maintenance. They recommend the establishment of an inspection and testing regime to determine the condition of assets and the risks posed followed by the establishment of a structured, planned maintenance programme that makes better use of resources and level of service through informed decision making that enables improved risk management and targeted maintenance with planned interventions. • Presently the Council does not have a detailed inventory of the condition of its lighting assets but has followed previous guidance, as far as is practically possible, by eradicated columns deems high risk by the Codes of Practice, such as concrete and specific steel columns produced by certain manufacturers, and the use of industry accepted standards and to 	<p>Infrastructure</p>
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	<p>date has replaced in excess of 500 concrete columns however, there is now an urgent need to assess the condition of the Council's remaining stock so as to follow current guidance and mitigate any risks posed.</p>	
<p>51</p>	<p>PROVISION OF PERSONAL PROTECTION EQUIPMENT (PPE) AND WORKWEAR</p> <p>The Director of Legal Services and Partnerships submitted a report which sought approval to commence a tender process for the provision of Personal Protection Equipment (PPE) and workwear, through an open tender process.</p> <p>The comments of Finance and value for Money Overview and Scrutiny Commission when this matter was considered, were submitted for consideration, and were detailed at minute 55.</p> <p>Members discussed the need for the quality requirement to be higher and to reflect the social value details in the recommendations.</p> <p>Moved by Councillor Webster and seconded by Councillor Black –</p> <p>(a) That approval is given to carry out an open (Find a Tender) tender process for a new contract for the provision of PPE and workwear, for 2 years, commencing 1 February 2021 until 31 January 2023, with the option to extend for periods, up to 2 years.</p> <p>(b) That tenders are evaluated based on a price: quality split of 60:40 (with a commensurate increase in the proportion of quality applicable to social value) with the final value to be delegated to the Director of Legal Services and Partnerships and Director of Finance and Transformation in consultation with the Portfolio Holder for Finance.</p> <p>(c) That authority to award the contract(s) is delegated to the Assistant Director for Streetscene in consultation with the Director of</p>	<p>(a) Director of Legal Services and Partnerships</p> <p>(b) Director of Legal Services and Partnerships/Director of Finance and Transformation</p> <p>(c) Director of Legal Services and Partnerships</p>

	<p>Legal Services and Partnerships and Portfolio Holder for Corporate Services.</p> <p>Motion carried.</p> <p><u>Reasons for recommendation</u></p> <ul style="list-style-type: none"> • The current contract for PPE and workwear is due to expire on 31st January 2022 therefore a new contract needs putting into place from the 1st February 2022. • A number of threshold quality standards will need to be met by those bidders wishing to tender, particularly relating to product standards and health and safety elements; ensuring that all relevant British and European standards are met. The quality questions will then be based mainly on the organisations' service delivery and social value elements. 30% has been allocated to these quality aspects and 70% allocated to price. Bidders will be expected to bid for like for like products as per the Authority's core list of products, or equivalent alternatives. 	
52	<p>NATIONAL BUS STRATEGY – BUS SERVICE IMPROVEMENT PLAN</p> <p>The Director of Regeneration submitted a report which set out the objectives for a new Bus Services Improvement Plan in preparation for its publication on 31 October 2021.</p> <p>The comments of Infrastructure and Energy Overview and Scrutiny Commission when this matter was considered, were submitted for consideration, and were detailed at minute 55.</p> <p>The officer thanked Matthew Cranwell and Dave Skepper from Stagecoach and Ben Gilligan and Graham Thomas from EYMS who had supported the development of the strategy and thanked members of the public who has responded to the questionnaire that helped shape the objectives contained in the plan.</p> <p>Members commented that Hull deserved a good bus service a lot of work had gone into this and thanked the officers and all the partners who had been involved in it. Members also discussed on the</p>	

	<p>possibility of rapid transport from Kingswood to the City Centre and the possible use of the old railway lines.</p> <p>Agreed – That the 2021/22 BSIP shown at Appendix 1, its objectives and their phasing be approved and that the Assistant Director Streetscene be authorised to publish the BSIP on the Council’s website by 31st October 2021 in order to comply with national requirements.</p> <p><u>Reasons for recommendation</u></p> <ul style="list-style-type: none">• The objectives reflect the outcome of a public research project via the People’s Panel recently undertaken to aid the development of the BSIP. The panel figures reported for Hull have a confidence interval of 2% at a confidence level of 99% e.g. the Council can be 99% certain that the actual results fall within a +/-2% of the figures reported. This is within both corporate and industry standards.• The objectives also reflect the judgement of the bus companies and Council Officers.• They also address the aspirations set out in the National Bus Strategy.• The objectives contribute to other local and national policies and ambitions including;<ul style="list-style-type: none">○ Climate Emergency○ Active Travel○ Local Area Plan○ Accessibility○ Health and Wellbeing○ Air Quality○ Smart Cities○ Economic Strategy○ Local Transport Plan• The timeframes associated with the development of the BSIP have been extremely tight with the original intent only being issued in March 2021. Guidance and workshops followed that announcement with national guidance changing quite late in the process. Whilst this has been taxing for Officers it has been even more so for the bus companies which have had to engage in the development of a substantial number of BSIPs with different	Director of Regeneration
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	<p>Local Authorities.</p> <ul style="list-style-type: none"> • The objectives can be reviewed during each year to take account of new opportunities as they appear. The DfT themselves are not expecting significant detail for this first BSIP and want to see the direction of travel and be satisfied that the intent meets the Government’s ambitions within the National Bus Strategy. • The objectives are ambitious but achievable if Government support funding becomes available. • There is a Governance process established to oversee the BSIP and its progress. This is covered in the BSIP 	
53	<p>2021/22 CAPITAL MONITORING – SECOND FORMAL REPORT</p> <p>The Director of Finance and Transformation submitted a report which set out an updated overview of progress against budget and planned activity for the 2021/22 capital programme.</p> <p>The comments of Finance and Value for Money Overview and Scrutiny Commission when this matter was considered, were submitted for consideration, and were detailed at minute 55.</p> <p>Members discussed their concerns about the spending estimates being over enthusiastic and highlighted the cross-party support from scrutiny. Members also clarified the situation in relation to Albion Square in that the Council needed to obtain planning permission to demolish the building in order to progress the project. All options had a cost associated with them if demolition was not pursued the building would continue to need to have a significant amount of money spent on it from the revenue budget, the proposals meant that once the works were completed the costs of the project could be recouped and with minimal risk to the Council. Members also commented on the recent investment in the City’s Ice Arena and the continued commitment to ice provision in the City.</p> <p>Agreed –</p>	

- (a) Members note the monitoring information provided and specifically the increased costs, and associated funding, detailed within the Executive Summary alongside the narrative highlighting the need to constrain future programming within a limited funding envelope.
- (b) Members approve the amendments to the programme to increase the value of the Priory Way scheme by £1.5m and allocate £2.39m to the Albion Square Scheme, as summarised below as:

	£m	£m
Current Approved Programme for 2021/22 to 2023/24 (Cabinet 26/07/21)		401.837
Additional Resources:		
- External Grant Funding Confirmations	3.532	
- Spend to Save	0.056	3.588
Additional Resources to support known pressures (see section 2.5)	3.890	
Reprofiling to future years	-3.890	-
Proposed Revised Programme		405.425

- (c) Members note the forecast outturn as detailed at Appendix B and approve the revised capital programme for 2021/22 to 2023/24, incorporating the proposed amendments, as detailed at Appendix C.

Reasons for recommendation

- The recommendations are to approve the changes to the capital programme following the announcement and/or confirmation of additional external grant allocations to support specific programmes.
- Cost estimates have increased for Priory Way due to material cost increases, a requirement for piling and

(a-c) Director of Finance and Transformation

	<p>the interface with utilities and additional vehicle management signage with a consequent extension of time for delivery of the programme of works requiring a further £1.5m allocation.</p> <ul style="list-style-type: none"> • The commitment of funds to Albion Square will enable the project to progress through to design and planning consent. • Enables Members to consider the progress and delivery of the approved Capital Programme within the approved funding envelope. 	
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Non-Key Decisions

<p>54</p>	<p>REVENUE BUDGET MONITORING 2021-22 – SECOND FORMAL REPORT</p> <p>The Director of Finance and Transformation submitted a report which set out an update on the revenue budget monitoring position as at Period 5, explanations for material variances from budget, year-end projections, and the management actions being taken where appropriate.</p> <p>The comments of Finance and Value for Money Overview and Scrutiny Commission when this matter was considered, were submitted for consideration, and were detailed at minute 55.</p> <p>Members discussed the expectation that a balanced budget would be delivered and the good work of the finance officers which meant the Council was in a better position than many other local authorities. Members also commented on the potential impact of the upcoming government Spending Review especially in relation to social care.</p> <p>Agreed –</p> <p>(a) That members note the impact of the COVID 19 response in terms of projected additional costs and loss of income, which currently suggests a neutral year end position with regard to the General Fund.</p>	<p>(a-c) Director of Finance and Transformation</p>
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	<p>(b) That members note the forecast in year surplus of £0.466m for the DSG, and actions/funding required to bring the cumulative position into balance in the medium term.</p> <p>(c) That members note the forecast of an in-year surplus of £0.183m for the HRA.</p> <p><u>Reasons for recommendation</u></p> <ul style="list-style-type: none"> The Council needs to ensure that it is managing its resources effectively while ensuring that the public receive the benefits from the functions that it provides itself or commissions from other service providers. 	
55	<p>COMMENTS OF COMMITTEES AND COMMISSIONS</p> <p>The Senior Democratic Services Officer submitted comments in relation to minutes 49 and 51-54 from the Council's committees and scrutiny commissions that had considered the reports following the circulation of the agenda for this meeting.</p> <p>Agreed – That the comments be noted.</p>	
56	<p>EXCLUSION OF THE PRESS AND PUBLIC</p> <p>Agreed – that, in accordance with the provisions of Section 100(A)(4) of the Local Government Act, 1972, the public (including the Press) be excluded from the meeting for the following items of business, minute 57, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act information relating to the financial and business affairs of any particular person (including the authority holding that information an individual and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	
57	<p>HULL CULTURE AND LEISURE LTD – TASK & FINISH GROUP OUTCOMES</p>	

(Councillor Pantelakis declared a personal interest in this matter insofar as she is on the Board of Directors for Hull Culture and Leisure Limited.)

The Director of Regeneration submitted a report which provided a summary of the actions resulting from the Hull Culture and Leisure Ltd (HCAL) Task and Finish Group (and best Value Review) and sought authority to implement.

Members discussed the need for changes to be made and support the development of the relationship and contract.

Agreed –

- (a) To approve the principle of improving incentivisation and performance management within the contract and services with HCAL as set out in the Action Plan appended at Appendix 1.
- (b) To request an update on the development of any proposed changes that could affect the existing contract or agency agreement arising from the negotiations with HCAL arising from the Action Plan, at the meeting of Cabinet in February 2022.
- (c) To agree to delay the requirement to provide the annual update of HCAL's rolling 3-year Business Plan (2021/22-23/24); pending the agreed implementation of the outcomes to the Task and Finish and Best Value Review Action Plans.
- (d) To suspend for one year the provision of HCAL's 2020/21 Annual Report due to the coronavirus and impacts thereof.

(a-d) Director of Regeneration

Reasons for recommendation

- Whilst the Executive Commissioning Committee (ECC) provide the governance arrangements in relation to HCAL as a company, any actions resulting from either the Best Value Review or the Task and Finish Group, that may require an amendment to the HCAL contract, and/or agency agreement, fall within the responsibility of Cabinet.
- To enable Cabinet to ensure the required

	<p>actions are being taken and, to ensure there are visible improvements in attitude and approach to the partnership and service delivery: an update is provided in February 2022 to this committee as per the recommendation along with any delegations to the Executive Commissioning Committee.</p> <ul style="list-style-type: none"> • HCAL are committed to continue to provide a 3-year rolling Business Plan update to the ECC for consideration in October each year as part of governance arrangements. With consideration to the potential changes arising from the Action Plan (Summary at Appendix 1) and the potential impacts on HCAL's Business Plan, it is proposed that this is delayed until the resultant work programme is determined, agreed and progressed. This is essential to ensure HCAL can fully consider and embrace the changes and reframe their future offer to meet the expectations of the Council and our customers in a post Covid (recovery) context. HCAL's Business planning will also take account of any additional avenues for development which complement public health initiatives and the integrated care agenda. 	
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Start: 9.30 a.m.
Finish: 10.25 a.m.

The above Executive Decisions will come into force and may be implemented on expiry of five working days after the publication of the decisions i.e. 4th November, 2021, unless called in by the Overview and Scrutiny Management Committee.

Published – 27th October, 2021.