

<b>CABINET</b>	<i>Gloucestershire County Council</i>
<b>24 March 2021</b>	
<b>Minutes</b>	

## **PRESENT**

### **MEMBERSHIP:**

Cllr Richard Boyles	- Deputy Leader and Cabinet Member for Children's Safeguarding and Early Years
Cllr Carole Allaway Martin	- Cabinet Member for Adult Social Care Commissioning
Cllr Tim Harman	- Cabinet Member for Public Health and Communities
Cllr Mark Hawthorne MBE	- Leader of Council
Cllr Patrick Molyneux	- Cabinet Member for Economy, Education and Skills
Cllr Nigel Moor	- Cabinet Member for Environment and Planning
Cllr David Norman MBE	- Cabinet Member for Public Protection, Parking and Libraries
Cllr Vernon Smith	- Cabinet Member for Highways and Flood
Cllr Lynden Stowe	- Cabinet Member for Finance and Change
Cllr Kathy Williams	- Cabinet Member for Adult Social Care (Delivery)

### **1. Apologies**

No apologies

### **2. Minutes**

The minutes of the meeting on 27 January 2021 were agreed as a correct record.

### **3. Declarations of Interest**

No declarations of interest were made at the meeting.

### **4. Questions at Cabinet Meetings**

A total of 6 public questions and 5 member questions were submitted for consideration in advance of the meeting.

The following supplementary questions were asked at the meeting.

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Public Question 1 - Molly Scott Cato commented that the proposals seemed very speculative and asked how sure the Cabinet Member was that the bid would be successful.

Cllr Nigel Moor replied that this was a groundbreaking proposal for renewable energy, making a carbon free contribution to a greener future. He stated that the bid was ambitious and provided a firm base on which to pursue this further.

Member Question 2 - Cllr John Cordwell asked how the Road Safety Liaison Groups fit into the structure proposed within the recommendations of the report.

Cllr Dave Norman replied that the way forward was in listening to people who were passionate about road safety. Some areas of the County had been very proactive in providing input and from others there had been nothing. He would be looking to engage with a wider range of people going forward and would also speak to the Councillor regarding his thoughts.

## **5. Proposed nomination for open call for a community to host a world first fusion power plant and associated opportunities**

Cllr Nigel Moor, Cabinet Member for Environment and Planning, and Cllr Patrick Molyneux, Cabinet Member for Economy, Education and Skills sought Cabinet endorsement of a bid nominating the former nuclear energy production and new build sites at Berkeley and Oldbury to host a world first fusion power plant and associated innovation centre and business park as part of the UK Atomic Energy Authority STEP programme.

This exciting opportunity could generate numerous socio-economic benefits to the both the county and the wider region. This was in addition to the environmental benefits of demonstrating the potential for Fusion power to provide clean green energy with no carbon emissions.

The STEP (Spherical Tokamak for Energy Production) project was an ambitious 21 year programme to deliver a net energy prototype fusion power plant by 2040 with the aim to enable the delivery of a UK-led global fleet of fusion plants in the second half of this century.

The site nomination process would be highly competitive, but the joint Berkeley/Oldbury submission was considered a strong contender with a number of advantages namely: the sites were licenced nuclear sites that sat next to a plentiful supply of sea water, with good access to existing nuclear specialist supply chains. Early discussions with the Site Stakeholder Groups for the existing Magnox stations were very supportive.

Cabinet Members outlined how exciting the opportunity was and members thanked the Nuclear Southwest Partnership and officers of the County Council for pulling the bid together.

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Cabinet noted the Equality Impact Assessment, in particular the potential future job creation opportunities. If the bid proceeded to the next phase then due consideration and a review of the EIA would need to happen.

Having considered all of the information, Cabinet noted the report and,

**RESOLVED to:**

Endorse the submission by the Western Gateway (and Partners) of a bid nomination to the UK Atomic Energy Agency for the former nuclear energy production and new build sites at Berkeley and Oldbury to host a world first fusion power plant and associated innovation centre and business park as part of the STEP programme.

**6. M5 J10 Infrastructure Recovery Strategy Progress Report**

Cllr Nigel Moor, Cabinet Member for Environment and Planning, sought Cabinet approval to adopt an Infrastructure Recovery Strategy to recover monies from development sites benefitting from publicly funded infrastructure improvements, such as M5 Junction 10. The report detailed feedback received from a public consultation into the IRS and sought approval to draft a consultation report, revise the IRS accordingly and agree next steps.

The Homes England HIF award for the Council was circa £250m, awarded on a funding agreement basis. The fund award was a recoverable grant, whereby the Council was required to use all reasonable but commercially prudent endeavours to secure recovery of the funding award from developer/third parties.

The Infrastructure Recovery Strategy (IRS) would provide the mechanism to recover funds from third parties primarily through 106 of the Town and Country Planning Act 1990 (as amended). The IRS would initially recover against developments in proximity to M5 J10 and those that would benefit from the improvements. Over time the IRS would provide the basis for recovering against other future development sites that benefited from publicly funded infrastructure. Recovered funds would be retained by GCC for an agreed period and recycled to deliver infrastructure elsewhere in the county to unlock or accelerate additional future growth.

The IRS would be implemented by external specialists alongside GCC officers. The external specialists would be procured using an appropriate method.

The IRS document would be reviewed and revised in-line with consultation feedback.

Adopting an IRS would afford greater weight when negotiating a recovery fee. Without it, the risk of unsuccessful negotiations and GCC suffering a significant loss of potential recoverable funds increased. This in turn could impact upon further growth delivery in the county.

Cabinet noted the Equality Impact Assessment received alongside the report.

Having considered all of the information, Cabinet noted the report and,

**RESOLVED to:**

Delegate authority to the Executive Director of Environment, Economy and Infrastructure to:

1. Progress with the development of an Infrastructure Recovery Strategy, taking account of the responses received to the public consultation held between 28<sup>th</sup> January and 11<sup>th</sup> March 2021.
2. Conduct a competitive procurement process in respect of a 2 years contract for the provision of advisors to support the delivery and implementation of an IRS and award such contract to the preferred tenderer.

**7. M5 Junction 9 & A46 Progress Report**

Cllr Nigel Moor, Cabinet Member for Environment and Planning, sought Cabinet approval to delegate authority to the Executive Director for Economy, Environment and Infrastructure to procure three areas of work which included professional services, legal advisors and estate management to work towards delivering the M5 Junction 9 and A46 (Ashchurch) Transport Scheme. In addition he sought to obtain approval to spend a further £5 million, at risk, on the Outline Business Case (OBC) for M5 Junction 9/A46 (Ashchurch) Transport Scheme in addition to the £3 million already approved by Cabinet on 17<sup>th</sup> June 2020. The OBC could unlock a potential funding package of up to £300 million for the County.

The A46 was one of the country's most important trade routes – the Trans Midlands Trade Corridor - operating at a national, regional and local level. It ran for 155 miles from here in Gloucestershire across to Lincolnshire. It was home to 5.5 million people and 2.9 million jobs, with an economic output of £115 billion – almost 10% of the entire English economy. By 2041, the economic potential would have increased by 600,000 new residents, 150,000 new jobs and 250,000 new homes.

The aim of the scheme was to improve north-south connectivity for long distance traffic and Heavy Goods Vehicles (HGVs) travelling between Gloucestershire, Wales and South-West to the West Midlands, East Midlands, Lincolnshire and up to Yorkshire and beyond. The A46 could, if it were better developed, provide direct access for business to the A1, M1 and M6 and was critical for supporting future economic growth through the corridor and in our region

One member acknowledged that the A46 Partnership had been running for a number of years. The scheme would help solve long standing traffic issues at this key location on the A46 corridor. The Leader outlined that this demonstrated inward investment into the County and a reflection of the growth agenda.

Cabinet noted the Equality Impact Assessment and the changes due to be made to it and the planned actions.

Having considered all of the information, Cabinet noted the report and,

**RESOLVED to:**

1. Agree to allocate approximately £1,000,000 claimed as historical costs from the M5 Junction 10 Improvements Scheme, towards completing the Outline Business Case (OBC) for M5 Junction 9/A46 (Ashchurch) Transport Scheme.
2. Agree the use of approximately £2,000,000 in 2021/2022 from the county council transport planning base budget for business case funding to be used specifically for the M5 Junction 9/A46 (Ashchurch) Transport Scheme.
3. Note that a request will be made as part of the year end process to carry forward the underspend from the county council transport planning base budget for business case funding for the use of expenditure against the OBC for M5 Junction 9/A46 (Ashchurch) Transport Scheme.
4. Delegate authority to the Executive Director of Economy, Environment and Infrastructure to procure;
  - the work (OBC delivery) under our Professional Services contract and
  - estate management services under the ESPO 2700 Estates Management Professional Services framework
5. Delegate authority to the Executive Director of Economy, Environment and Infrastructure to commission legal advisors to support the scheme development under our EM lawshare agreement.

**8. Road Safety Cabinet Panel Report**

Cllr Dave Norman introduced the report and thanked officers and members for contributing to the contents. He explained that a more coordinated approach to road safety was required. HMIC had been critical in the inspection of GFRS stating that there was a need to show a collaborative approach to road safety. A senate approach was proposed as a way forward, led by the County Council and Chaired by the Cabinet Member. The forum was an engagement vehicle to bring forward concerns and requests and engage with partners.

He stated that any proposals on this must be data led and that he was looking for Cabinet to support the recommendations within the report and for more detail to be put forward to the next administration to progress.

Cabinet agreed with the recommendations outlined in the report on page 63.

## **9. Proposed adoption of the Gloucestershire Local Development Guide 2021**

Cllr Nigel Moor, Cabinet Member for Environment and Planning, sought Cabinet approval to obtain authorisation to adopt the revised and refreshed Local Development Guide document for Gloucestershire

The current, adopted LDG was almost four years old and required an update to reflect changes in both local and national policies and guidance. This included the introduction of Community Infrastructure Levy (CIL) in five of the 6 Local Planning Authorities (LPAs) in Gloucestershire. The purpose of the LDG was to provide information to LPAs, developers and all stakeholders on the types of infrastructure, which Gloucestershire County Council was responsible for and may seek developer contributions towards. Not having an updated guide may impact the county council's ability to secure developer contributions for any necessary infrastructure or services required to mitigate the impacts of a development.

It was explained that while the LDG was neither a Development Plan Document nor a Supplementary Planning Document, it was a material consideration in the determining of planning applications.

It was noted that the LDG was subject to a targeted public consultation. Acting upon the consultation feedback, the LDG has been significantly amended taking account of feedback from consultees and accompanies this Cabinet report. It was therefore recommended that Cabinet adopted the LDG as set out in Appendix 1 as Council Guidance.

Cabinet Members were satisfied that this was a document that would hold the County Council in good stead going forward and contribute to delivering key infrastructure.

Cabinet noted the Equality Impact Assessment that had been undertaken.

Having considered all of the information, Cabinet noted the report and,

### **RESOLVED to:**

Adopt the Local Development Guide as set out in Appendix A as Council Guidance.

## **10. Gloucestershire School Places Strategy (SPS) 2021 - 2026 and Implementation Plan**

Cllr Patrick Molyneux, Cabinet Member for Economy, Education and Skills sought Cabinet approval of the updated Gloucestershire School Places Strategy (SPS) 2021 - 2026 and its Implementation Plan. The Implementation Plan would in turn inform future school capital programme priorities.

The County Council, like all local authorities, had a statutory duty to ensure sufficient local school places were provided for all children and young people of

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statutory school age in its area. It was a commissioner of places rather than being a direct provider. The link to the Council Strategy (2019-2022) was to work with schools to ensure children had access to a good quality of education that prepares them for adulthood, all of which will be supported through the SPS.

Whilst approving the decision did not commit any capital funding directly, the updated Implementation Plan would be used to inform the future school capital programme basic need priorities. The school capital programme and individual schemes will be considered as part of the MTFs programme of work in the next financial year.

The Leader commented that this demonstrated the commitment to continue to invest in this area and that there were exciting plans ahead.

Having considered all of the information, Cabinet noted the report and,

**RESOLVED to:**

Approve the Gloucestershire School Places Strategy (SPS) 2021 - 2026 and its Implementation Plan.

**11. Children & Families Capital Programme Update**

Cllr Patrick Molyneux, Cabinet Member for Economy, Education and Skills, sought Cabinet approval for the changes to the previously approved Children and Families Capital Programme.

Full Council had approved the Children & Families Capital Programme for 2020/21 on the 12<sup>th</sup> February 2020. The schemes represented part of the ongoing commitment to investing £100 million into new schools, improving buildings and expanding facilities at schools across Gloucestershire. The Council was committed to ensuring the right provision and facilities were available for all children and young people including those with Special Educational Needs and Disabilities. The scheme to improve Alternative Provision was providing dedicated primary facilities in the Gloucester and Forest of Dean area.

The application seeking a Judicial Review of the planning application for a school at Leckhampton had been withdrawn, allowing the development to proceed.

Cabinet Members fully supported the report and outlined the importance on this for education and for contributing to the Council's aim for carbon neutrality.

Having considered all of the information, Cabinet noted the report and,

**RESOLVED to:**

Approve the changes to the Children & Families Capital Programme as set out in the report:

1. A new scheme to provide a primary provision for Gloucester and Forest Alternative Provision service, funded by the transfer of £0.150 million from the approved Basic Need provision.
2. A new scheme for the provision of fixed furniture and equipment for the new Great Oldbury Primary Academy, funded by £0.350 million from the approved Basic Need Provision
3. A new scheme for the provision of an additional 30 reception places for September 2021 at Bishop's Cleeve Primary Academy, funded by £0.225 million S106 developer contribution.
4. An addition of £0.030 million developer S106 contribution for Farmors School.
5. An addition of £0.116 million developer S106 contribution for Cirencester Kingshill School.
6. An addition of £0.013 million developer S106 contribution for Mitton Manor Primary School.
7. An addition of £0.106 million developer S106 contributions for Chipping Campden School.
8. An addition of £0.041 million academy schools contribution to various products.
9. An addition of £6.774 million Basic Need Grant to the Children & Families Capital Programme.

**12. Banded Funding for SEND and EHCP**

Cllr Richard Boyles, Deputy Leader of the Council and Cabinet Member for Children's Safeguarding and Early Years and Cllr Patrick Molyneux, Cabinet Member for Economy, Education and Skills sought Cabinet approval for the implementation of Banded Funding.

The Banded Funding model was proposed to be implemented across the education system in Gloucestershire from September 2021. The key features of the new model were that all education providers would operate using the same banded funding model linked to a clear set of banding criteria. In addition funding would not be linked to the statutory process, but to the needs of the child identified by a clear set of descriptors. If a child or young person's needs could be met by funding a MyPlan+ the Council would be able to do so.

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The banding system provided consistency across all schools and settings with the exception of independent special schools and colleges. This means that no matter where a child learns, they would get the support they needed. It provided opportunities for settings to offer more flexible, creative, meaningful and relevant support options in a timely manner. Support could be tailored to an individual child's needs or to a group of children with similar needs. The model offered a transparent methodology to families, schools and practitioners.

Cabinet Members commented that this was an example of how to use resources for best effect.

An Equalities Impact Assessment had been completed and provided within the paperwork.

Having considered all of the information, Cabinet noted the report and,

**RESOLVED:**

1. That Cabinet approves the proposal for implementation of Banded Funding, and;
2. That implementation of Banded Funding is applied to all new cases.
3. That implementation of Banded Funding is applied to existing EHCP cases when they are evaluated at the annual review, and migrate to the new model.

**13. Financial Monitoring Report 2020/21**

Cabinet Member for Finance and Change, Cllr Lynden Stowe, gave an update on the year-end forecasts for the County Council's Revenue and Capital Budgets 2020/21

The forecast revenue year end position as at end February 2021 (Period 11) was a £1.790 million underspend all of which is non Covid-19 related. This was an improvement of the position reported to Cabinet in January of £1.730 million overspend as a result of the review of spending plans and reserves mentioned in previous Cabinet reports..

It was proposed that the underspend would be allocated in the following way:

- £1 million to creation of a "Gloucestershire Restart Fund"
- £220k addition to Electric Vehicle Infrastructure Fund
- £10k per councillor increase for Highways Local for 2021/22 (£530k in total) – this means that each Councillor will receive a £30k allocation for Highways Local in 2021/22.

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The exact value of the proposed transfers would only be known at the end of the financial year and any transfer would need to be approved by Cabinet as part of the year end process.

A balanced position is forecast in relation to Covid-19 expenditure and income.

The forecast year end Cabinet position was £123.527 million, this was giving in year forecast overspend of £39k.

In total an additional £4.166 million increase in the capital programme recommended for approval in the report. The majority of this related to an additional £3.515 million of Highway Maintenance Funding for 21/22, which was announced after the Council budget papers were published.

Members noted the stability of the financial position of the Council and the opportunities going forward. They endorsed the areas for additional spend outlining the positive impact on helping Gloucestershire's recovery following the pandemic. One member outlined the significant highways investment and flood alleviation work.

Cabinet Members thanked the officers for their support.

Having considered all of the information, Cabinet noted the report and,

**RESOLVED to:**

1. Note the forecast revenue year end position based on actual expenditure as at the end of January 2021 and February 2021 (Period 11) forecasts for the 2020/21 financial year including Covid-19 forecast is an underspend of £1.790 million all of which relates to non Covid-19 expenditure, as we are forecasting a balanced position in relation to Covid-19 expenditure and income.
2. Note the forecast capital year end position as at the end of January 2021 of £123.566 million against the current budget of £123.527 million.
3. Approve the £4.166 million increase to the capital programme as outlined in section B of the report.

**14. Tender and Award of Materials Recycling, Reuse and Recovery Services under the Dynamic Purchasing System for Household Recycling Centres**

Cllr Nigel Moor, Cabinet Member for Environment and Planning sought Cabinet approval to conduct a competitive procurement process in respect of up to 28 proposed new Household Recycling Centre (HRC) materials recycling, reuse and recovery services contracts under the council's existing HRC Dynamic Purchasing System (DPS) and to award such contracts following the completion of such process.

In 2016 Cabinet gave approval to appoint a teckal company, Ubico Ltd, to operate the Household Recycling Centre (HRC) service. In support of this, it became necessary to bring in house the functions of recycling, reuse and recovery of materials (materials offtake) collected at the HRCs. Subsequently, in January 2017 a Dynamic Purchasing System (DPS) was established under which the County Council has since let up to 28 separate contracts for the offtake of these various materials.

In July 2020 Cabinet approved the continuation of HRC operations with Ubico for a period of 5 years with an option to extend up to a further two years. In support of this decision, there is now a requirement to establish new contracts for materials offtake to commence on 1<sup>st</sup> April 2022 following expiry of the current contractual arrangements. The letting of new materials offtake contracts under the existing DPS would provide an opportunity to continue an effective HRC operational service with a range of experienced providers. It would also ensure competition existed between a number of key suppliers in respect of core materials. The duration of these contracts would be synchronised with the duration of the new Ubico operational contract. Depending upon the material type, these contracts would either generate income or operate at a net cost.

It was anticipated that income levels of between £400k-£500k per year would be generated, with income from the sale of metals making up around half of this. Expenditure on contracts for which a disposal cost was paid was estimated to be around £800k per year, with the cost of the wood recovery contract making up around 60% of this. The net impact of all contracts combined was an overall estimated cost of around £340k per year.

The Leader thanked Cllr Nigel Moor for his service on Cabinet noting that this was his last item.

Having considered all of the information, Cabinet noted the report and,

**RESOLVED to:**

Delegate authority to the Executive Director of Economy, Environment and Infrastructure, in consultation with the Cabinet Member for Environment and Planning to:

1. Use the council's existing HRC DPS to conduct a competitive procurement process in respect of the supply of up to 28 contracts for the provision of recycling, reuse and recovery services as described in paragraph 1.4 of this report. The proposed contracts shall continue for an initial period commencing on 1<sup>st</sup> April 2022 and ending 6<sup>th</sup> August 2026 and include an option to extend their terms for a further period of not more than two years.
2. Award such contracts to the preferred tenderers;
3. Determine whether to exercise the option to extend such contracts for a

further period of not more than two years on the expiry of their initial terms.

#### **15. Mental Health Accommodation Based Support**

Cllr Carole Allaway Martin, Cabinet Member for Adult Social Care Commissioning , sought Cabinet approval for an extension of the arrangements and deadlines set out in the commissioning strategy project for individuals requiring mental health supported accommodation services that were originally approved by the Cabinet in July 2020. This was due to the operational difficulties caused by Covid-19. Such services are currently provided by Gloucestershire Health and Care NHS Foundation Trust] (“GHCNHSFT”) under subcontracts with 13 placement providers on NHS National Standard Sub-Contract terms. The Council’s contract with GHCNHSFT for such services would expire on 31st March 2021.

Supportive accommodation provided a safe place for the most vulnerable. Cabinet Members noted that this was a challenging year for staff and members thanked them for their work in handling the challenges brought by the Covid-19 pandemic.

Cabinet noted the details within the Equality Impact Assessment.

Having considered all of the information, Cabinet noted the report and,

#### **RESOLVED to:**

Delegate authority to the Executive Director of Adult Social Care and Public Health to direct award to the incumbent supplier (namely GHCNHSFT) a 12 month contract commencing 1<sup>st</sup> April 2021 for the supply of mental health supported accommodation services on grounds that the contract award is strictly necessary for the purpose of ensuring the health and welfare of service users on the basis described in paragraphs 6 and 7 below and for reasons of extreme urgency given that the recommissioning timeline for such services has been substantially impacted by Covid-19, with service providers and Individuals who receive this service unable to fully respond to any consultation and engagement on the subject of appointing replacement providers. The proposed short-term contract award will provide the council with an opportunity to consult/engage as described in paragraphs 33 to 36.

#### **16. Schedule of Proposed Disposals and Acquisitions and amendments to Disposals Policy**

Cllr Lynden Stowe sought approval for the schedule of disposals proposed to meet the three year capital receipts target of £33m up to 2020/21. Cabinet were being asked to approve the two schedules within the exempt appendices. Appendix A had been approved in October 2020 and confirmation was required by Cabinet that those sites not yet disposed on remained surplus to requirements and Appendix B

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was a new schedule recommended by Property Board as being surplus to requirements.

Cabinet were also asked to approve the amendment to the Policy for the Disposal of Property Appendix C to including reference to relevant legislation for disposal of school land and areas of open space to reflect current practice

In line with the Property Acquisitions Policy, Cabinet were asked to note acquisition of property to provide supported living accommodation

Prior to the discussion, members were advised that, should Cabinet wish to discuss the contents of the exempt information reported at Appendix A and Appendix B of the report, consideration would need to be given as to whether the press and public should be excluded from the meeting in accordance with Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Cabinet agreed to consider this item without having to refer to the exempt information.

Having considered all of the information, Cabinet noted the report and,

**RESOLVED to:**

1. Confirm that those sites described at Appendix A (Exempt) which have previously been declared surplus by Cabinet in October 2020 and not yet disposed of, continue to be declared surplus to requirements.
2. Declare the sites listed on the proposed Schedule of Disposals Appendix B (Exempt) surplus to the Council's land and property requirements.
3. Delegate authority to the Assistant Director – Asset Management and Property Services to dispose of these sites in consultation with the Cabinet Member for Finance and Change and Council's Chief Financial Officer.
4. Approve amendment of the Policy for the Disposal of Property Appendix C to include reference to the relevant legislation requiring approval for the disposal of school land and the requirement to publish a notice of the intention to sell open space.
5. in line with the Property Acquisition Policy, notes acquisition of a property to provide supported living accommodation.

**17. Changes to Gloucestershire County Council's Constitution by the Monitoring Officer**

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Cabinet noted the changes made to the Constitution by the Monitoring Officer relating to The Scheme of Delegation set out in Part 3 of Section 5 of the Constitution.

**Leader of Council**

Meeting concluded at 11.20 am