

Summary of the decisions taken at the meeting of the Cabinet held on Tuesday 19 September 2023

- 1. Date of publication of this summary: 19 September 2023
- 2. Deadline for requests for call-in (detailing reasons for doing so): 26 September 2023
- 3. Earliest date for implementation of decisions: 27 September 2023
- 4. Urgent decisions taken and not subject to the call-in procedure: N/A

Agenda Item and Recommendations	Decision
Agenda Item 2 Minutes To confirm the minutes of the meeting of Cabinet held on 11 th July 2023	RESOLVED: that the minutes of the meeting held on 11 July 2023 were agreed as an accurate record.
Agenda Item 5 Report of the People Overview and Scrutiny Committee – Scrutiny review of child and adolescent mental health and the risk of self-harm – ICB update	RESOLVED: that the Cabinet: a) Noted the update provided by the Executive Director People b) Supported regular updates being provided to the West Northamptonshire Health and Wellbeing Board on improvements in child and adolescent mental health and the risk of self-harm. c) Thanked the Chair of the Scrutiny task and Finish panel and its membership for it work to support better outcomes for children and young people. REASONS RESOLVED: The recommendations resulting from the scrutiny review are intended to contribute to the provision of effective services and support for mental health and wellbeing amongst children and young people in West Northamptonshire. This reflects the Overview and Scrutiny function's role for the development and review of policy.

 This report provides evidence of how the scrutiny review has been responded to by officers and system partners.

ALTERNATIVE ACTIONS:

The Cabinet considered how the recommendations of the People Overview and Scrutiny Committee have been responded to and if this provides assurance that suitable action has been taken forward.

Agenda Item 6 Corporate Plan Performance Report -2023-24 Q1

RESOLVED: that Cabinet:

- a) Agreed the changes to the performance metrics for 2023-24, and
- b) Noted the content of the appendix covering the first quarter of 2023-24

REASONS RESOLVED:

- It is important that the Council takes an annual view of metrics within the corporate scorecard to ensure that they remain reflective of the council's priorities. The changes proposed in the metrics this year are primarily new regulatory inspection and data collection frameworks being implemented by central government.
- The appendix provided with this report is for information purposes and discussion only, there are no direct decisions to be made following the report.

ALTERNATIVE ACTIONS:

This is a report for information and discussion and therefore there are no choices to be made, as outlined in section 6.4, consultation and discussion around metrics has occurred with cabinet members in the leadup to this report.

Agenda Item 7 Revenue Monitoring Period 4 - Financial Year 2023-24

RESOLVED: that Cabinet:

- a) Noted the forecast outturn position for 2023-24 and associated risks
- b) Noted the deliverability assessment of West Northamptonshire Council savings requirement for 2023-24 summarised in section 7 and detailed in

Appendix B

- c) Delegated authority to the Executive Director Finance in consultation with the portfolio holder for finance to apply any budget virements required to effectively manage the overall budget.
- d) Noted the Treasury Management update in Appendix C.

REASONS RESOLVED:

To update members on the financial position of the Council and ensure that the Authority complies with its financial regulations.

ALTERNATIVE ACTIONS:

The report is for information.

Agenda Item 8

Period 4 General Fund and Housing Revenue Account (HRA) Capital Monitoring Report 2023-24

RESOLVED: that Cabinet:

- a) Noted the latest capital monitoring position for the General Fund and HRA.
- b) Noted the new capital schemes and changes to the Capital Programme since the report that was considered by Cabinet in July 2023.
- c) Approved the proposed budget virements and reprofiling outlined in section 9 and detailed in Appendix B.

REASONS RESOLVED:

In order to continue to ensure sound management of the council's finances.

ALTERNATIVE ACTIONS:

The report is for information.

Agenda Item 9

Care Experienced to be seen as a Protected Characteristic

RESOLVED: that Cabinet:

- a) Agreed to 'support and treat care experienced as if it were a Protected Characteristic' until such time it becomes legislation.
- b) Recognised that care-experienced people are a group who are likely to face discrimination.
- c) Recognised that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration.
- d) Agreed 'To Adopt the Corporate Parenting Principles' until such time it

becomes legislation.

This will mean:

- Agreeing that future decisions, services, and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience alongside those who formally share a protected characteristic.
- Agreeing that in the delivery of the Public Sector Equality Duty, the Council includes care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a protected characteristic in services and employment.
- Continuing to proactively be seeking out and listening to the voices of careexperienced people when developing new policies based on their views.
- Formally calling upon other bodies to treat care experienced as a Protected Characteristic until such time as it may be introduced by legislation.
- Formally calling upon all other bodies who work closely with children in care and care leavers to adopt corporate parenting principles for children in care and care leavers until such time as it may be introduced by legislation.

REASONS RESOLVED:

- It will enable WNC to align with around 46 other Councils who have already committed to this.
- It will prevent care experienced young people from having to face some of discrimination which other protected groups may face, supporting this enables us to start to level the playing field for this group of young people.
- It supports the Councils corporate parenting responsibility and supports our Equality Policy.

ALTERNATIVE ACTIONS:

As outlined in the report, no issues or choices are set out.

Agenda Item 10

Procurement and Implementation of Education Services Case Management System

RESOLVED: that Cabinet:

- a) Agreed to proceed with the procurement of a Case Management System for Education Services in WNC, at an estimated contract cost, including licences, hosting, and annual fee costs, of approximately £280,000 per annum for two years, as outlined in Section 7.
- b) Approved the use of KCS Managed Services Businesses Solutions (Y20023)/ an appropriate framework to purchase the system to ensure compliance with the relevant procurement requirements.
- c) Delegated authority to the Lead Member for Children, Families, Education and Skills, in liaison with the Executive Director of People Services, to take any further decisions and actions required to implement the Case Management System and award contracts in relation to this.

REASONS RESOLVED:

- Enable compliance with procurement and contract procedure rules.
- The framework identified allows continuity of existing goods/services from an awarded supplier.
- Allows further time to procure and implement a long-term CMS that is fit for purpose, robust and future-proof.
- Addresses the risk in relation to timescales, as it is not feasible to conduct a full procurement and implementation plan for a replacement CMS before March 2024.
- Enables continued delivery against the Improved Life Chances council priority area.
- To ensure staff are confident and supported in the use of the CMS.
- To ensure schools and families continue to be supported with minimal disruption.

ALTERNATIVE ACTIONS:

Other alternatives considered include: To have no CMS for Education Services: This would not be a viable option that could be considered due to the delivery of statutory duties enabled by this system. To explore alternative existing systems: There are no other case management software applications in use within the Council that could be utilised to meet the requirements of Education Services.

Agenda Item 11

Proposal for Hunsbury Park SEND unit to operate in part from Chiltern Primary from October 2023

RESOLVED: that Cabinet:

- a) Approved the creation of 55 new Hunsbury Park SEND places, for children with Autistic Spectrum Conditions (ASC) of which 45 places will operate from an annex site at Chiltern primary school, Northampton and a further 10 will be created on the Hunsbury Park site.
- b) Noted the responses received during the 4-week consultation period on the proposal

REASONS RESOLVED:

- The objective of this proposal is to ensure that the Council is able to fulfil its statutory obligation of providing a sufficiency of SEND places in West Northamptonshire.
- The proposal will provide an increased number of SEND places and will help ensure that children with ASC are able to access education in a provision that is best placed to meet their individual needs.
- The proposal can be considered to benefit all West Northamptonshire primary schools as it will reduce the need for mainstream school settings to provide places to children with additional needs, where that provision is not best placed to meet a child's additional needs.
- The recommended course of action will reduce pressure on the High Needs Block (HNB) element of the Dedicated Schools Grant (DSG) via a reduction in the number of children being required to be placed in more expensive out of county and independent provisions to meet their individual needs.

ALTERNATIVE ACTIONS:

As set out in the earlier report, if this proposal is not approved, this will result in

WNC failing to fulfil its statutory obligation of providing sufficiency of SEND places in West Northamptonshire. The Council would need to work fast to secure places in the independent sector for children that required places. This would be difficult to achieve and be more expensive and further strain the High Needs Budget (HNB) and Delegated School Grant (DSG).

The additional 30 places initially, and increasing to 45 places in subsequent years, will be achieved via the refurbishment of existing classrooms to provide a modern and fit for purpose teaching and learning environment for pupil with primarily ASC. The scheme will also provide further bespoke outdoor learning facilities and dedicated specialist areas such as new hygiene rooms.

Agenda Item 12 Leisure Centre Procurement Approval

RESOLVED: that Cabinet:

- a) Approved procurement of a new leisure services contract(s) covering Daventry Leisure Centre, Moulton Leisure Centre, Daventry Sports Park, Danes Camp Leisure Centre, Mounts Baths and the Lings Forum Leisure Centre or replacement facility.
- b) Created a revenue budget of £160k for the purposes of conducting condition surveys as set out in the report.
- c) Noted the Director of Communities and Opportunities to undertake the procurement of specialist consultants for legal and other professional advice associated with the procurement as and when required.
- d) Approved a revenue budget of up to £200k for legal and other professional advice associated with the procurement.

REASONS RESOLVED:

- To ensure compliance with the Councils contract procedure rules and national procurement legislation in relation to the procurement of public contracts.
- To ensure procurement takes place in a timely manner, enabling a seamless continuation of public leisure services

- post 31 March 2026.
- To ensure the most cost-effective delivery of the Council's leisure services contracts.
- Enables alignment of leisure services contracts to the Councils corporate plan priorities.

ALTERNATIVE ACTIONS:

The Council has, broadly, four options:

- a) Procure the leisure centres currently managed by SLM and Trilogy Active
- b) Procure only the SLM leisure contract and update, review, modernise and then extend the current Trilogy Active contract
- c) Bring the operation of the leisure centres in-house.
- d) Transfer the operation of the leisure centres to a company controlled by the Council (commonly called 'Teckal' companies).

Procuring the contract(s) covering the centres currently operated by SLM and Trilogy Active leisure centres simultaneously allows the Council the greatest opportunity to maximise the benefit of procurement.

Agenda Item 13 Northampton Towns Fund – 35-45 Abington Street asbestos removal and demolition

RESOLVED: that Cabinet:

- a) Noted the update to works undertaken by Officers from April 2022 onwards.
- b) Delegated authority to the Director of Communities and Opportunities in consultation with Chief Finance Officer, the Monitoring Officer and the Cabinet Member for Economic Development, Town Centre Regeneration and Growth to enter the necessary Contracts, Warranties and Bonds for all related works for the removal of asbestos and the demolition of all the buildings required across the site.

REASONS RESOLVED:

 To allow the 35-45 Abington Street development site to deliver the objectives and strategy agreed by Cabinet on 12th April 2022 by way of providing a development partner with a site cleared of the existing buildings. To ensure the Towns Fund grant award is spent within the award timescales and for the permitted purposes.

ALTERNATIVE ACTIONS:

To approve the ability for the Council to award a contract or contracts to enable the asbestos removal from 20-28 Wood Street and 35-39 Abington Street and the demolition of 20-28 Wood Street, 35-39 Abington Street and 41-45 Abington Street. These will allow the Council to deliver to a developer a cleared site: Cushman Wakefield have identified this approach as the most economically advantageous route to attracting developer interest in the site.

Not to approve the ability for the Council to award a contract or contracts to enable the asbestos removal from 20-28 Wood Street 35-39 Abington Street and the demolition of 20-28 Wood Street, 35-39 Abington Street and 41-45 Abington Street. This would mean reviewing the whole delivery strategy for the scheme. It would also mean that the buildings will be left empty for considerably longer period with prolonged adverse impact on the street scene and encouraging further anti-social behaviour, potentially creating less interest from potential development partners, and incurring greater costs to achieve a cleared site. It would also cause significant challenge to the Council's ability to meet the date by which the grant fund must be disbursed (April 2025). MCHLG sets grant spend dates deliberately short encourage and to incentivise the rapid funded conclusion of schemes: Abington Street scheme is no exception. If the grant were not spent by the due date, there is no guarantee that the spend period would be extended.

Agenda Item 14 Sustainability Report 2022/23

RESOLVED: that Cabinet:

- Agreed to publish the Annual Sustainability Report for 2022/23
- b) Noted that the report is retrospective and is not making any new commitments

REASONS RESOLVED:

- The Council recognises the climate emergency and the importance of being transparent with residents and showcasing our sustainability achievements without green washing.
- Making the report publicly available shows accountability and reinforces the Council's commitment to the 2030 net zero target and will help set the format for work towards the 2045 target.

ALTERNATIVE ACTIONS:

This report is a factual summary of work completed during the course of the last financial year, it is therefore not deemed to be contentious as it is not making recommendations, rather reporting on progress already made.

Agenda Item 15 Assistive Technology Framework

RESOLVED: that Cabinet:

- a) Approved the establishment of a framework to allow West Northamptonshire Council to procure a range of assistive technology goods and services from appointed suppliers.
- b) Gave delegated authority to the Executive Director for Adults, Communities and Wellbeing to establish the Assistive Technology Framework to procure goods and services from appointed suppliers where not already delegated.

REASONS RESOLVED:

- To comply with procurement requirements and West Northants procurement policy.
- To enable the procurement of assistive technology equipment so that the service and their partners can continue/purchase equipment which supports people to live more independently and reduces the need for higher cost care packages.

ALTERNATIVE ACTIONS:

Not to approve the procurement/renew of the Assistive Technology Framework will lead to the service not being able to continue to develop the existing projects and create limitations of what can be done to support vulnerable people in Northamptonshire.

Approval to proceed with the procurement of an Assistive Technology Framework, will result in the service being able to continue to provide equipment to the vulnerable people of Northamptonshire and continue the development of the service.

Agenda Item 16 Joint Health and Wellbeing Strategy

RESOLVED: that Cabinet:

 a) Endorsed and supported the approval of the Draft West Northamptonshire Joint Local Health and Wellbeing Strategy by the Health and Wellbeing Board.

REASONS RESOLVED:

- The Local Authority is a key Statutory Partner on the Health and Wellbeing Board and therefore it is important that the strategy is endorsed and supported by West Northants Council through its Cabinet.
- Delivery of the Strategy underpins the authority's wellbeing responsibilities as set out in the Care Act 2014
- The Draft West Northamptonshire Joint Local Health and Wellbeing Strategy is aligned to the Corporate Plan and associated strategies.

ALTERNATIVE ACTIONS:

To ensure that local authorities build on their unique 'place' role to support the delivery of the ICB Health and Care Strategy, the Board is required to agree and deliver a Joint Local Health and Wellbeing Strategy to ensure that locally agreed ambitions and outcomes can be fully delivered in West Northamptonshire.

Agenda Item 17 Variation of The Public Spaces Protection Order (PSPO) (Dog Control and Prohibition of Smoking in Public Places) 2022

RESOLVED: that Cabinet:

a) Approved the variation to the Public Spaces Protection Order (PSPO) to also cover the Northampton area of West Northamptonshire Council administrative area and include the requirement that dogs must be on leads at all times at Upton Country Park Phase 2 and also in Northampton Town

Centre and for the varied Order to remain in force for the remaining term until October 2025. Maps showing the extent of the variation to cover the Northampton area and also Upton Country Park Phase 2 and Northampton Town Centre are appended to this report as Appendix D-J.

b) Resolved that the draft varied PSPO at Appendix C shall be made by the Council.

REASONS RESOLVED:

Without the variation:

- It is expected that incidents of dog and smoking related anti-social behaviour will increase in the locality.
- Enforcement of the anti-social behaviour is made more difficult.
- Incidents of displacement of the antisocial behaviour may increase.

The variation:

- Has been well supported in the public consultation - see Appendix A.
- Is considered an appropriate and proportionate response to dog control and smoking related issues in the locality.
- Will bring alignment of requirements and consistency for residents who live, work and visit public open spaces across the whole of West Northamptonshire.
- Will allow for consistent messaging, improve education and compliance thereby reducing incidents of anti-social behaviour in the locality.
- Takes steps towards achieving some of the councils Corporate Strategy priorities – Clean and Green, Thriving Villages and Towns and Improved Life Chances.

ALTERNATIVE ACTIONS:

The Committee could choose to accept and implement parts of the varied Order to cover Northampton.

This is not recommended due to the same issues as stated in the report. If it were then deemed that further measures need

to be introduced at a later date, this would involve undertaking another lengthy statutory consultation process followed by a lengthy implementation process, additional printing and siting of extra signage. This would be an inefficient use of resource and may damage the reputation of the Council. This may lead to an increased detrimental effect on the quality of life of those in the locality.

Agenda Item 18 The closure of Boniface House, Brixworth

RESOLVED: that Cabinet

- a) Approved the commencement of safe closure programme with immediate effect, which would support residents to move to alternative residential care accommodation within the area.
- b) Approved the commencement of formal consultation with affected staff members on their redeployment into other council services in accordance with established HR policies and processes.

REASONS RESOLVED:

The recommendations seek:

- To enable the Council to prevent Boniface House becoming both unsustainable and unsafe to the point that there is risk to the wellbeing of the care homes residents.
- To ensure that residents receive the high quality of care in a setting that is suitable and meets both their needs and the needs of future residents.
- To ensure the Council is able to deliver best use of its available adult social care budgets in meeting its statutory duties.

ALTERNATIVE ACTIONS:

No change: The utilisation of the care home would continue to decline and the service would have an increasing difficulty in providing safe staffing levels. The condition of the building is likely to result in an issue similar to the water leak which happened at Boniface in October 2022 and residents would need to be moved to alternate provision at the point of crisis.

Refurbish/develop the home: The council

could invest in the remodelling of the care home to create ensuite capacity. This level of work would however require the residents to be relocated for the duration of the redevelopment. Any redevelopment of the homes within the existing footprint would reduce the number of rooms, thus increasing the unit cost and making the Council even further out of step with its own Fair Cost of Care rate.

Safe closure programme: A programme of safe closure would involve, stopping new admissions to the service and recruitment to any staff vacancies within the home. Residents' needs would be reviewed and we would work with them and their families to identify alternative arrangements for their care. For the affected staff group we would engage the council's appropriate HR policies and undertake a process of redeployment of staff into our other care settings, with redundancy only where unavoidable. As far as possible we would seek to resettle people with the redeployed staff into Council delivered homes to support continuity of care and maintain friendship groups as far as possible.

Agenda Item 19

Health Protection Service, Food & Feed Standards Service, Spray Paint Enforcement and the Tobacco Enforcement Plans 2023-24

RESOLVED: that Cabinet:

- a) Approved the Health Protection Service Plan for the year 1 April 2023 to 31 March 2024.
- b) Approved the Food & Feed Standards Service Plan for the year 1 April 2023 to 31 March 2024.
- c) Approved the Spray Paint Enforcement Plan for 2023-24
- d) Approved the Tobacco Enforcement Plan for 2023-24

REASONS RESOLVED:

The recommendations are necessary to accord with the requirements of the Food Standards Agency and the Health & Safety Executive.

ALTERNATIVE ACTIONS:

It was not possible to produce the final versions of these plans until after 31 March 2023 because they require reports on the achievement of the previous year's plans

and data for next year, which were not available until after the year-end.

The FSA and HSE key requirements common to the plans at Appendix A and B are:

- A plan must be produced that is agreed by elected members.
- Documented policies and procedures must be provided, controlled and reviewed including enforcement policies.
- Officers must be properly qualified and authorised.
- Facilities and equipment must be made available.
- There must be procedures and capacity to fully investigate complaints and/or accidents and/or outbreaks of food poisoning.
- There must be liaison with primary authorities.
- There must be provision for advice and training for businesses.
- Databases of information must be maintained, and records kept.
- Inter-authority auditing and benchmarking must be carried out.
- There must be liaison with other authorities.
- There must be a procedure to deal with complaints about officers.
- Inspections or interventions must take place at nationally or locally determined frequencies.

The plans shown at Appendices A and B, detail the proposed implementation of these elements for West Northamptonshire Council. Local Authorities need to follow a firmly defined process in developing their Food Safety and Food & Feed Standards service plans. The FSA are very specific in what they expect to be included in an Annual Service Plan

Agenda Item 20 Procurement of WNC Security Services

RESOLVED: that Cabinet:

a) Approved the procurement of contracts for security services.

REASONS RESOLVED:

• To ensure that the Council complies

with statutory and regulatory duties.

- To ensure as far as practicable that Council properties provide a safe environment for staff and other users.
- To maximise cost-effectiveness.
- To minimise opportunities for damage of Council assets.

ALTERNATIVE ACTIONS:

The Council has a range of options in the provision of these services. As the Council's approach to sourcing develops it may be appropriate to make other proposals. However, at present there is a need to promptly secure re-provision of services and in that context the approach set out above is recommended. Options which could be considered include the following:

Option 1: Insourcing of the service. Insourcing decisions are often made to obtain control of a critical production or competency: conversely outsourcing decisions are often made to reduce 'noncore' in-house operations and to reduce some costs, typically by taking advantage of specialist providers, the ability of supplies to aggregate demand and thus produce economies of scale, competitive market forces, and by reducing employment costs. Insourcing can make sense in some cases, notably where the Council has sufficient demand to sustain a level of staffing and expertise in the services in question, and when quality of outsourced provision hard to control. However, the existing contracts for these services have generally operated well and it may be challenging to provide the same quality or reliability of service in-house.

Option 2: Disaggregation of the contracts into small lots. The current procurement strategy relies on aggregating all specific service contracts requirements into single contracts with single specialist suppliers for each field. This is in order to attract the greatest commercial interest from the market and obtain additional value and/or reduce cost through efficiency of scale and minimise the administrative burden on the

Council. This approach has previously attracted significant market interest and has provided competitive rates. A disaggregation across sites or areas would increase the time and processes requirement for administration of the contracts and is likely to increase the contract costs too, particularly for small remote sites.

Aggregation of the contracts into one or a small number of multi-service contracts. To deliver such an aggregated service is likely to require the principal provider to let a number of sub-contracts for specialisms. This would involve additional costs in the overall supplier managing the sub-suppliers. It would also limit opportunities for small and medium businesses ('SMEs') to participate.

Option 4: Use of a Council-owned or jointly-owned entity (e.g. Northamptonshire Norse Limited). These traditionally known as Teckal companies, after the ECJ case which decided exemption the in public procurement law which allows direct awards to entities controlled by a body such as the Council. This falls somewhere between the insourcing and outsourcing options, having benefits such as potential for profit generations from third parties, but without the competitive pressure of a procurement. It would take time and staff resource the Council does not currently have to pursue this approach at this time. As with in-house provision, it may be challenging to provide the same quality or reliability of service.

Option 5: Aggregation of demand across the Council's sites whilst providing lots for specific types of service. As outlined above, this would enable specialist suppliers to bid, without the overheads which come from having a large entity seeking to co-ordinate the units actually providing services. The division into specialist areas would also increase the potential for bids from small and medium businesses ('SMEs') and local suppliers.

Overall, Option 5 is the recommended way of proceeding. It is considered to be likely to optimise the response from the market and maximise the opportunities for social value from the procurement.

Agenda Item 21 Coroner's Service contractual spend

RESOLVED: that Cabinet:

 a) Approved the proposed procurement of contracts to deliver a range of services to support HM Coroner to deal with sudden, unnatural, violent, or unknown deaths

REASONS RESOLVED:

 To enable HM Coroner to carry out her statutory duties.

ALTERNATIVE ACTIONS:

The proposal is to carry out a procurement exercise to select suppliers to deliver a service between now and 2025. It is proposed to provide flexibility within the contract to terminate earlier if alternative delivery arrangements are established between now and 2025. The contract is therefore on the basis of 1 year with the potential to extend until 2025.