

Please note that by law this meeting can be filmed, audio-recorded, photographed or reported electronically by the use of social media by anyone attending. This does not apply to any part of the meeting that is held in private session.

Please ask for:
Alison Marston

26 September 2022

Dear Councillor

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL CABINET to be held on Tuesday 4 October 2022 at 5.00 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

Yours faithfully



Governance Service Manager

AGENDA
PART 1

1. **APOLOGIES**

2. **MINUTES**

To confirm as a correct record the Minutes of the meeting held on 6 September 2022 (previously circulated).

3. **PUBLIC QUESTION TIME AND PETITIONS**

Up to thirty minutes will be made available for questions from members of the public on issues relating to the work of the Cabinet and to receive any petitions.

4. **ACTIONS STATUS REPORT (Pages 5 - 6)**

Report of the Assistant Director (Legal and Governance) on the status of actions agreed at the last Cabinet meeting.

5. **NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 8**

6. **DECLARATIONS OF INTERESTS BY MEMBERS**

To note declarations of Members' disclosable pecuniary interests, non-

disclosable pecuniary interests and non-pecuniary interests in respect of items on the Agenda.

7. ITEM REQUIRING KEY DECISION

To consider the following item for decision in the current Forward Plan:-

- (a) Use of Better Care Fund to support the delivery of the One YMCA redevelopment at Peartree Lane, Welwyn Garden City (Forward Plan Reference FP1142) (Pages 7 - 12)

Report of the Executive Director (Place) on the use of the Better Care Fund (BCF) to support the One YMCA redevelopment at Peartree Lane, Welwyn Garden City.

8. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

9. EXCLUSION OF PRESS AND PUBLIC

The Cabinet is asked to resolve:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for Item 10 on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) and Paragraph 3 (private financial or business information) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART II

10. ANY OTHER BUSINESS OF A CONFIDENTIAL OR EXEMPT NATURE AT THE DISCRETION OF THE CHAIRMAN

Circulation: Councillors T.Kingsbury (Chairman) N.Pace
S.Boulton (Vice-Chairman) B.Sarson
S.Kasumu F.Thomson
T.Mitchinson

Corporate Management Team
Press and Public (except Part II Items)

If you require any further information about this Agenda please contact Alison Marston, Governance Services on 01707 357444 or email - democracy@welhat.gov.uk

Agenda Item 4

Part I

Main author: Alison Marston

Executive Member: Cllr Nick Pace

Not Ward Specific

WELWYN HATFIELD BOROUGH COUNCIL

CABINET – 4 OCTOBER 2022

REPORT OF THE ASSISTANT DIRECTOR (LEGAL AND GOVERNANCE)

ACTIONS STATUS REPORT

1 Executive Summary

- 1.1 In order to ensure that actions identified at meetings are completed, this report lists the actions from the last Cabinet meeting, those responsible for completing each action and its current status.

2 Recommendation(s)

- 2.1 That Members note the status of the following actions which were identified at the last Cabinet meeting on 6 September 2022:-

Minute	Action	Responsible	Status/ Date Completed
37.1	Introduction of Resident Permit Parking Schemes, and other waiting restrictions, in various roads, High Dells and Hilltop, Hatfield	Eliska Robova	Cabinet agreed to proceed with the creation of the traffic regulation orders as advertised.
39.	Outcome of Consultation with Residents on Proposal to consider Redevelopment of a Housing Scheme, Welwyn Garden City.	Rachel Sesstein	It was agreed to delegate authority to the Section 151 Officer, in consultation with the Executive Member (Planning and Resources).

During the period 26 August 2022 to 26 September 2022, the following decisions were taken by Cabinet Members exercising their individual delegated powers in accordance with paragraph 18 of the Cabinet Procedure Rules within the Constitution.

	Action	Responsible	Status / Date Completed
2022-33	Electric Vehicle Charging Points – PHASE 2 (Decision taken 31 August 2022)	Kirsten Roberts	It was agreed to change to the financial and contractual arrangement to enable EB Charging Limited to proceed with second phase of Electric Vehicle Charging points to be installed across the borough.
2022-35	Change of Morgan Sindall's Maintenance Contract Start Date (Decision taken 5 September 2022)	Ian Hancock	It was agreed for Morgan Sindall's contract start date to be brought forward to 1 October 2022.

This page is intentionally left blank

Agenda Item 7a

Part I

Main authors: Geoff Sampson

Executive Members: Cllr Fiona Thomson,
Cllr Stephen Boulton

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 4 OCTOBER 2022
REPORT OF THE EXECUTIVE DIRECTOR (PLACE)

USE OF BETTER CARE FUND TO SUPPORT THE DELIVERY OF THE ONE YMCA REDEVELOPMENT AT PEARTREE LANE, WELWYN GARDEN CITY.

1 Executive Summary

- 1.1 One YMCA have planning approval to redevelop the YMCA hostel at Peartree Lane, Welwyn Garden City to replace the current out of date hostel and to provide 104 new units of accommodation.
- 1.2 The council has been working in partnership with One YMCA, Hertfordshire County Council and Homes England, to support the delivery of this key project and is currently negotiating Heads of Terms to purchase the available land at the front of the site.
- 1.3 The hostel provides much needed supported accommodation for vulnerable adults and is in very high demand, with the majority of referrals coming from the council.
- 1.4 The cost of the redevelopment is approximately £15m and this is being funded through a significant Homes England Grant, sale of land associated with the current site, fund raising and borrowing.
- 1.5 This report recommends that the council makes a financial contribution of £300,000 via the Better Care Fund, to support the redevelopment and demonstrate its support.

2 Recommendation(s)

- 2.1 That the Cabinet agree the principle of allocating £300,000 funding from the Better Care Fund, by way of a grant, to support the delivery of the new One YMCA hostel.
- 2.2 That the Cabinet delegate authority to Executive Director (Place) and S151 Officer, in consultation with the Executive Member (Planning and Resources) and Executive Member (Housing) to agree the details of, and enter in to, a funding agreement in relation to recommendation 2.1.

3 Explanation

- 3.1 The YMCA hostel at Peartree Lane, Welwyn Garden City provides a home and support for local people who might otherwise be homeless. The continued provision of the hostel in this location is an essential element of the charity and a strategic objective of the council.
- 3.2 The existing buildings are dated and do not provide accommodation to a standard that is conducive with the charity's aims and objectives to help residents achieve their full potential, many of whom are vulnerable and have support needs.
- 3.3 One YMCA have achieved planning approval to redevelop the hostel site at Peartree Lane, in order to deliver much improved, high-quality accommodation for homeless people.

- 3.4 The project aims to deliver 104 self-contained studio rooms alongside shared kitchens, outside spaces, therapy spaces, a training kitchen and communal living rooms for residents. The scheme is designed to support the most vulnerable in our society and to encourage independence and independent living, while also providing offices for complementary charitable organisations.
- 3.5 One YMCA works closely with the council's housing options team, with a significant proportion of the current referrals to the scheme coming from the council. The team also have emergency provision within the hostel, which helps deliver part of our solution to ending rough sleeping locally.
- 3.6 The proposed hostel will provide a modern scheme where 97% of the new building will be self-contained units which will be of a higher standard and promote independent living. The new hostel will provide much needed new and improved facilities for residents and staff.
- 3.7 Hertfordshire County Council (HCC), via the Strategic Partnership Team, commission support services from One YMCA which are delivered at the Peartree hostel. It is the intention, subject to available funding and the project continuing to meet the objectives of the HCC Complex Needs Strategy, that this will continue during the decant stage and going forward once the new development is completed.
- 3.8 The cost of the redevelopment is being funded partly by One YMCA through the funds secured by the land sale at the front of the site, borrowing and fund raising and in addition by a significant grant from Homes England.
- 3.9 In June 2021 Cabinet approved a report which recommended that the council negotiate with One YMCA to purchase the land at the front of the site, in order to help facilitate the redevelopment. The council and One YMCA are currently negotiating Heads of Terms on this matter.
- 3.10 The site was sold by Welwyn Hatfield District Council to the National Council of Young Men's Christian Associations (Incorporated) on 20th December 1993 for a sum of £159,750.
- 3.11 The transfer contained a number of restrictive covenants and also an overage provision. Amongst these is a limitation on the use of part of the site to educational and social uses. Any use outside the scope of this requires a payment to the council. The development of private housing triggers this clause.
- 3.12 The clauses therefore limit the sales figure that One YMCA can obtain for the private development land unless One YMCA makes a payment to the council prior to disposal. Either of these options would result in the scheme being non-viable.
- 3.13 The council have had the sum due valued by external valuers and this was set out in the exempt report on this matter in June 2021.
- 3.14 As part of their considerations of the grant application from One YMCA, Homes England asked the council to consider what contribution it can make to support the delivery of this project; a demonstration of the strategic importance of the project by the council helps support the application for Homes England funding.
- 3.15 The Better Care fund (BCF) was set up by the government to support local systems to successfully deliver the integration of health and social care in a way that supports integrated and person-centred care, sustainability and better outcomes for people and carers. It has many aims, but the main one for the council is that it

allows it to improve the homes of our vulnerable residents to ensure that they are safe and happy in their homes, whether Private Rented or Owner Occupied.

- 3.16 The funding can be used only for the purposes of:
- a) meeting adult social care needs
 - b) reducing pressures on the NHS, including seasonal winter pressure
 - c) supporting more people to be discharged from hospital when they are ready
 - d) ensuring that the social care provider market is supported.
- 3.17 The BCF allows health and social care partners to work differently with communities to build individual and community resilience and improve health and wellbeing, being flexible in how that money can be spent by utilising new and different ways of working to ensure the most vulnerable are being supported.
- 3.18 The proposed hostel will provide a suitable environment for vulnerable people with a range of support needs and health circumstances. The aim is to provide a suitable home for a period during which the residents can be supported to move toward full independent living. The aim is to maximise independence and recovery, preventing the need for long-term services and to keep people out of both hospitals and the social care system. This ensures that they are independent in their own home for as long as possible, and it will help people to live the life they want, reducing or delaying the need for emergency and statutory services.
- 3.19 Although the BCF is a council budget, it is a requirement to ensure that the proposed expenditure aligns with the wider strategic aims of health and social care. The Director of Adult Care at HCC has been briefed on this proposal and is satisfied that the proposal is in line with the strategic objectives of this fund.
- 3.20 The council has sufficient funds to make this grant.

Implications

4 Legal Implication(s)

- 4.1 Article 3(1) of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (“the Order”) gives a local housing authority power to provide financial assistance for the purpose of improving living conditions in their area.
- 4.2 A local housing authority may provide, directly or indirectly, assistance to any person for the purpose of enabling him—
- (d) to demolish buildings comprising or including living accommodation;
 - (e) where buildings comprising or including living accommodation have been demolished, to construct buildings that comprise or include replacement living accommodation.
- 4.3 3(2) The power conferred may be exercised to assist a person to acquire living accommodation only where the authority: —
- (a) have acquired or propose to acquire (whether compulsorily or otherwise) his existing living accommodation; or
 - (b) are satisfied that the acquisition of other living accommodation would provide for that person a benefit similar to that which would be provided by the carrying out of work of any description in relation to his existing living accommodation.
- 4.4 Assistance may be provided in any form and may be unconditional or subject to conditions, including conditions as to the repayment of the assistance or of its

value (in whole or in part), or the making of a contribution towards the assisted work.

Before imposing any condition, or taking steps to enforce it, a local housing authority shall have regard to the ability of the person concerned to make that repayment or contribution.

Before a local housing authority provides assistance to any person, they shall—

- give to that person a statement in writing of the conditions (if any) to which the assistance is to be subject.
- satisfy themselves that that person has received appropriate advice or information about the extent and nature of any obligation (whether financial or otherwise) to which he will become subject in consequence of the provision of assistance.

- 4.5 A local housing authority may take any form of security in respect of the whole or part of any assistance. Where any such security is taken in the form of a charge on any property, the local housing authority may at any time reduce the priority of the charge or secure its removal.

Article 3 is subject to Section 4

Article 4 provides;

A local housing authority may not exercise the power conferred by Article 3 in any case unless—

- (a) they have adopted a policy for the provision of assistance under that article.
- (b) they have given public notice of the adoption of the policy;
- (c) they have secured that—
 - (i) a document in which the policy is set out in full is available for inspection, free of charge, at their principal office at all reasonable times; and
 - (ii) copies of a document containing a summary of the policy may be obtained by post (on payment, where a reasonable charge is made, of the amount of the charge); and
- (d) the power is exercised in that case in accordance with that policy.

Nothing in Article 3 affects any power of a local housing authority under Part 14 of the Housing Act 1985 (loans for acquisition or improvement of housing). Section.435 provides that

- 4.6 (1) A local authority may advance money to a person for the purpose of—
- (a) acquiring a house,
 - (b) constructing a house,
 - (c) converting another building into a house or acquiring another building and converting it into a house,

The authority may make advances whether or not the houses or buildings are in the authority's area.

- 4.7 Section 1 of the Localism Act 2011 confers on councils a general power of competence to do anything that an individual may do.

- 4.8 Section 111 of the Local Government Act 1972 gives councils the power to do any thing (whether or not involving the expenditure, borrowing or lending of money or

the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

5 Financial Implication(s)

- 5.1 The current budget available under the Better Care Fund is £1.908 Million. The expenditure would be able to be met from the existing budget.

6 Risk Management Implications

- 6.1 The risks related to this proposal are:
- 6.2 Failure to agree to fund the proposal could put the delivery of the project at risk, as sufficient funding may not be available. The current hostel is not fit for purpose and in time it will no longer be sustainable; as a critical provision, helping to meet the needs of vulnerable homeless people in the borough, the loss of this provision would put significant additional pressure on the council. Likelihood High; Impact High; Overall Score High.
- 6.3 There is a risk that One YMCA may not proceed with this matter. This would result in a significant amount of officer time being expended for no gain. Given how far the YMCA have progressed and how much funding they have secured this risk is felt to be minimal. Likelihood Low; Impact Medium; Overall Score Low.

7 Security and Terrorism Implication(s)

- 7.1 Homelessness or poor-quality housing can lead to individuals being vulnerable to recruitment for terrorist activities. The improved YMCA accommodation will therefore help to mitigate this risk

8 Procurement Implication(s)

- 8.1 There are no procurement implications at this stage.

9 Climate Change Implication(s)

- 9.1 The construction of any housing development will have an impact on the environment. In this instance the site is a brownfield site, and the new properties will be significantly more environmentally friendly than the existing properties. It is therefore felt that there will be a long term net gain in terms of climate change implications.

10 Human Resources Implication(s)

- 10.1 An amount of officer time will be required to progress this matter. This will be managed from existing budgets.

11 Health and Wellbeing Implication(s)

- 11.1 The improved YMCA accommodation will result in improved Health and Wellbeing for residents.

12 Communication and Engagement Implication(s)

- 12.1 The Council will need to ensure that residents are kept informed of the proposals for the site.

13 Link to Corporate Priorities

13.1 The subject of this report is linked to the Council's Corporate Priorities Quality Homes through managed growth and A sense of community where people feel safe.

14 Equality and Diversity

14.1 An Equality Impact Assessment (EqIA) was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies

Name of author	Geoff Sampson
Title	Assistant Director (Regeneration & Economic Development)
Date	21 September 2022