

18 September 2007

Our Ref. IG/Council/ 27.9.07
Your Ref.
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To: The Chairman and Members of North Hertfordshire District Council

You are invited to attend a

MEETING OF THE COUNCIL

to be held in the

**COUNCIL CHAMBER, COUNCIL OFFICES, GERNON
ROAD, LETCHWORTH, SG6 3JF**

on

THURSDAY, 27 SEPTEMBER 2007

at

7.30 p.m.

[PLEASE NOTE THAT THERE WILL BE A PRESENTATION TO MEMBERS FROM ELAINE HOLT, MANAGING DIRECTOR OF FIRST CAPITAL CONNECT, IMMEDIATELY PRIOR TO THE COUNCIL MEETING ON 27 SEPTEMBER 2007, COMMENCING AT 6.00pm IN THE COUNCIL CHAMBER]

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

ITEM	PAGE
1. APOLOGIES FOR ABSENCE	-
2. MINUTES To take as read and approve as a true record the Minutes of the meeting of the Council held on 28 June 2007.	-
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Council at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether the item(s) raised will be considered.	-
4. DECLARATIONS OF INTEREST To receive from Members of the Council any declarations of interest in respect of any business set out in the agenda. Members should either declare a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared. Members declaring a prejudicial interest should leave the Council Chamber and not seek to influence the decision on that particular item of business.	-
5. CHAIRMAN'S ANNOUNCEMENTS	-
6. PUBLIC PARTICIPATION To receive petitions, comments and questions from members of the public.	-
7 ITEM REFERRED FROM CABINET: 15 AUGUST 2007 PROPOSED CHANGES TO THE ORGANISATION DELIVERING THE MEALS ON WHEELS SERVICE IN NORTH HERTFORDSHIRE	 1
8. ITEM REFERRED FROM CABINET: 4 SEPTEMBER 2007 ADOPTION OF THE GENDER EQUALITY DUTY FOR THE AUTHORITY	 17
9. QUESTIONS FROM MEMBERS To consider any questions submitted by Members of the Council, in accordance with Standing Order 10.4(a).	45

10. NOTICE OF MOTIONS

47

In accordance with Standing Order 11.1, a motions has been submitted by Members in respect of the following matter:

(a) Telephone Masts

The full text of the motion is included within these agenda papers.

Future meetings of the Council have been scheduled to take place on:

Thursday, 29 November 2007

Thursday, 7 February 2008

Thursday, 28 February 2008

Thursday, 3 April 2008

COUNCIL 27 September 2007
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 7
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TITLE OF REPORT: REFERRAL FROM CABINET – 15 AUGUST 2007 – PROPOSED CHANGES TO THE ORGANISATION DELIVERING THE MEALS ON WHEELS SERVICE IN NORTH HERTFORDSHIRE

The following is an extract from the Draft Minutes of the Cabinet meeting held on 15 August 2007.

26. PROPOSED CHANGES TO THE ORGANISATION DELIVERING THE MEALS ON WHEELS SERVICE IN NORTH HERTFORDSHIRE

The Portfolio Holder for Housing & Environmental Health presented a report of the Head of Strategy & Support Services in respect of proposed changes to the Organisation delivering the Meals on Wheels Service in North Hertfordshire.

The Portfolio Holder for Housing & Environmental Health commented that, since the February 2007 Cabinet meeting, North Hertfordshire Homes had indicated that it did not wish to become part of the proposed Social Enterprise Organisation for delivery of its Lunch Club service. In addition, Stevenage Borough Council had expressed concerns about the financial modelling and sustainability of the Social Enterprise and had requested a three month delay to the “going live” date of 1 October 2007.

The Portfolio Holder for Housing & Environmental Health stated that Hertfordshire County Council wished to proceed with the project and had offered to underwrite the establishment of the Social Enterprise scheme in order to meet North Hertfordshire District Council’s deadline for transferring the service of 1 October 2007. Financially, this would require a three year tapered grant from the Council based on meal numbers, resulting in a £50,630 increase in budget for 2007/08 to a total additional cost of £94,295 over the full 36 months.

RECOMMENDED TO COUNCIL: That, in respect of the proposed transfer of the Meals on Wheels service to a Social Enterprise Organisation, the additional budget requirement set out in 6.5 of the report in order to fund Option B (three year tapered grant) be approved.

RESOLVED:

- (1) That the development of a Social Enterprise organisation to deliver a meals on wheels and lunch club service across Hertfordshire, and specifically to replace the existing Meals on Wheels service in North Hertfordshire, be supported and approved. Power to establish a Social Enterprise arises under the Local Government Act 2000 and the wellbeing powers contained therein;
- (2) That, subject to Council approval of the additional budget requirement set out at section 6.5 of the report, Option B (three year tapered grant) be approved;
- (3) That it be noted that delegated authority rests with the Strategic Director of Customer Services, in consultation with the Portfolio Holder for Housing & Environmental Health, to agree the detailed terms of transfer and costs, in line with the principles outlined in this report;

- (4) That the capital fund of £70,000 identified for New Kitchens to be used to fund the development of a new kitchens/office facility for use to deliver this service in North Hertfordshire by the new Social Enterprise organisation be made available and that this be paid to the County Council once the Social Enterprise is established;
- (5) That the other Phase 1 participants (HCC, SBC) be asked to confirm formally their agreement to the formation of a Social Enterprise organisation and the principles as outlined above, to allow the required implementation plans to be developed.

REASON FOR DECISION: To progress towards the development of a social Enterprise to deliver a meals on wheels service across Hertfordshire.

The following is the report considered by Cabinet at its meeting held on 15 August 2007.

TITLE OF REPORT: PROPOSED CHANGES TO THE ORGANISATION DELIVERING THE MEALS ON WHEELS SERVICE IN NORTH HERTFORDSHIRE

REPORT OF THE HEAD OF STRATEGY & SUPPORT SERVICES

PORTFOLIO HOLDER: COUNCILLOR BERNARD LOVEWELL

1. SUMMARY

- 1.1 To request agreement to the formation of a Social Enterprise to deliver meals on wheels across Hertfordshire and specifically within North Hertfordshire.
- 1.2 To gain approval for the use of resources, and to incur the costs arising as outlined within the body of this report in order to implement the above.
- 1.3 To transfer the North Hertfordshire community meals service to the new organisation from 1st October 2007.

2. FORWARD PLAN

- 2.1 This report contains a recommendation on a key decision that the Leader of the Council considers to be urgent. It has not been possible to notify the public by including it in the Forward Plan because of the short timescales for service transfer. The Chairman of the Scrutiny Committee has agreed that consideration of the key decision cannot be deferred.

3. BACKGROUND

- 3.1 Hertfordshire is unusual if not unique in that the delivery of the Meals On Wheels Service is undertaken individually by the district and borough councils of the county, with county council filling gaps in the provision in some areas. This has resulted in an inconsistent and patchy service, and has limited the ability to achieve economies of scale.
- 3.2 The North Hertfordshire District Council (NHDC) Community Meals Service, delivers both Meals on Wheels(MOW) and Lunch Club meals currently. The Lunch Club meals service is provided on behalf of North Hertfordshire Homes on an annual SLA basis following the housing stock transfer. Lunch Clubs are subsidised by North Hertfordshire Homes (NHH) who have indicated a desire to reduce and ideally remove its subsidy for the service. They have explored other options and providers of this service, and decided not to work in partnership with this authority on an alternative meals supply.
- 3.3 North Hertfordshire Homes (NHH) plan to redevelop the Beechridge Hostel site which houses the kitchens of the NHDC Meals Service. The service has been asked to vacate the building from 1st October 2007. The Hostel has been boarded up since it was closed to residents in April and the NHDC Meals Service has been granted a licence to occupy part of the building only until 1st October and NHH intend to proceed with demolition.
- 3.4 The need for a Hostel Meals service stopped from 1st April 2007 as Beechridge Lodge was vacated.

- 3.5 The contract to supply frozen meals which are reheated by NHDC staff for this service expires as of 1st October 2007. This contract was let following EU Regulations in 2000 and extended for a two year period allowed within the contract under sub clause 13.1 until April 2006 following a Best Value Service Review. At its December 2006 meeting Cabinet agreed to a further six month contract extension until 30th September 2007, this has been agreed with the contractor.
- 3.6 Financial modelling has shown that with the loss of the Hostel Meals and Lunch Club volumes, the cost of the remaining service increases significantly. If no action were taken the cost to NHDC for the Meals on Wheels service would increase to an estimated £205,490 per annum from the current in year budget of £97,800.
- 3.7 The existing 5 day NHDC Meals on Wheels(MOW) service enjoys 99% user satisfaction, it has a small but committed staffing team. The daily contact provided by volunteers who deliver the food, is considered by many of the service users to be as important as the meal itself. The actual 2005/06 cost per meal of £3.78 represents good value for money, based on recent market testing by other authorities, but the changes outlined above in paragraph 3.6 mean that the costs per meal are set to increase significantly.
- 3.8 If NHDC re-let the contract for this service based on the reduced volumes, utilising the methodology agreed by Cabinet in July 2005, the most cost effective way of providing this service, would be to fully outsource it. This has traditionally resulted in the loss or limited involvement of volunteers, which NHDC Members have indicated as the key reason for retention of the service at a district level.
- 3.9 All of the 400 Meals On Wheels customers have been assessed using jointly agreed criteria by HCC and NHDC and so all will continue to qualify for the service. Lunch Club users are self selecting on the whole, many may meet the criteria for MOW, but many have not been assessed, these meals are currently subsidised by NHH.
- 3.10 Whilst the statutory responsibility remains with the County Council, the meals service is commissioned and paid for predominantly by the ten district councils. The county council commissions some services to meet specific needs or fill gaps. In North Hertfordshire this has mainly been the provision of a weekend and bank holiday service, and delivery to areas not covered by the NHDC service on certain days.
- 3.11 The Hertfordshire Meals Providers Group (HMPG) was established in 2002, to bring together officers from the eleven authorities in Hertfordshire to identify opportunities for joint working to generate efficiencies and to share best practice, and to look at potential solutions to the problems identified.
- 3.12 As a result of the work of HMPG, Hertfordshire County Council successfully secured a grant of £76,000 from the East of England Centre of Excellence in Procurement to work with the district councils including NHDC to look at establishing a Community Enterprise delivery model for MOW. A Consultancy known as Mutual Advantage were asked to undertake a viability assessment and summarise the business case for the establishment of a social enterprise and its findings were summarised in the July 2006 report to this Committee.
- 3.13 At the 25th July 2006 meeting, Cabinet agreed that officers be instructed to work urgently with the relevant parties in order to identify the opportunities for joint working, possibly via a community enterprise, or other partnership

vehicle. That, as a fall back position, a letter be sent to Hertfordshire County Council advising that after 30th March 2007, NHDC will no longer be able to provide the Meals on Wheels or Lunch Club service on their behalf; and that a letter be sent to NHH to advise that as at 31st March 2007, NHDC would no longer be able to provide the Hostel meals or Lunch Club service on their behalf. Also that the service would no longer require the use of the Meals Service Offices at Peter Sell House in Hitchin, which the service rented from NHH.

- 3.14 On the 13th September Caroline Tapster, Chief Executive for Hertfordshire County Council also issued a report to the District Chief Executives setting out the County Council's position and suggesting possible options for action which was discussed at a meeting of the Hertfordshire Authorities Chief Executive group. In summary the County Council advised that they would like to work with districts to put in place an equitable, sustainable and cost effective meals service across the county. To achieve this will require change for all Hertfordshire authorities, and set out a key set of principles on which this work should be progressed.
- 3.15 A report to the October meeting of Cabinet identified that by a number of Hertfordshire Authorities working together, significant efficiencies of scale may be achieved, potentially this would allow North Hertfordshire to retain its volunteer delivery, and the expertise of the staff. However further work to ensure that financial estimates are robust and the trading formats will be acceptable to participants is urgently required, and is now underway. NHDC is requesting the agreement of a jointly developed project plan and timetable. Cabinet agreed to delegate its authority to the Strategic Director of Customer Services in conjunction with the Spokesperson for Housing Environmental Health to represent NHDC views on the constitution and trading arrangements for the new Community.
- 3.16 Report and Minute of the Dec 2006 Cabinet.

RESOLVED:

- (1) That the Council retains responsibility for the North Hertfordshire Meals On Wheels Service until at least 1st July 2007 and as a maximum until 1st October 2007;
- (2) That NHH be requested to make the Kitchens at Beechridge and Offices at Peter Sell House available for use of the service for the extension period, in addition to continuing to fund Lunch Club subsidies for the extension period;
- (3) That staff, volunteers and customers be advised of the amended time frames, subject to having full details of the changes proposed available prior to 3rd June 2007 to ensure compliance with NHDC Re-organisation Policy (12 weeks' notice);
- (4) That Officers seek assurances from all partners that all practical steps will be taken to ensure the decision to commit to the development of a Social Enterprise or to make alternative arrangements to ensure meals service continuity in North Hertfordshire from 1st October 2007 or earlier, will be in place in order to give at least 12 weeks' notice of the changes referred to in 9.3 above;
- (5) That a further contract extension be agreed to the existing frozen Meals Supply contract held by Appetito for the period up until 1st October

2007, as the existing contract is currently due to end on 31st March 2007;

- (6) That Officers be asked to write to HCC to advise that NHDC still intends to withdraw from the provision of this service, if the Social Enterprise is not a viable option, and to advise of the proposed recommendation of a three to six months deferral in our plans;
- (7) That the course of action referred to in 9.6 above will include the development of a more detailed plan and timetable, to ensure that all stakeholders can receive appropriate notice of service changes and impacts, and that service continuity can be secured;
- (8) That once the full details of the Social Enterprise plans have been developed, a further report be brought to Cabinet, to ask for agreement for the key decisions and to explain the likely impact of the proposed changes on NHDC and its residents.

3.17 At its February 2007 meeting Cabinet

The Head of Strategy & Support Services reported that Hertfordshire County Council had confirmed in writing its intention to pursue the Social Enterprise organisation approach towards delivery of the service, and that a similar response was expected shortly from Stevenage Borough Council, the other partner in Phase 1 of the proposed implementation plan.

Cabinet **RESOLVED:**

- (1) That the development of a Social Enterprise organisation to deliver a meals on wheels and lunch club service across Hertfordshire, and specifically to replace the existing Meals on Wheels service in North Hertfordshire, be approved;
- (2) That officers ensure that the Social Enterprise is asked to liaise with North Hertfordshire Homes with regards to their requirements for a Lunch Club Service for their residents;
- (3) That delegated authority be given to the Strategic Director of Customer Services, in conjunction with the Portfolio Holder for Housing & Environmental Health, to agree the detailed terms of transfer and costs, in line with the principles outlined in the report and subject to these being contained within existing budgets;
- (4) That the capital fund of £70,000 identified for New Kitchens be made available to be used to fund the development of a new kitchens/office facility which will be used initially to continue the NHDC service between 1 July and 30 September 2007, but which will then be used by the new Social Enterprise organisation;
- (5) That, as an exception to the normal charging policy, an increase in the charge for the North Hertfordshire Meals on Wheels service to £3.00 from 2 April 2007, be agreed;
- (6) That the Cabinet Portfolio Holder for Housing and Environmental Health be nominated to the Social Enterprise's Shadow Board;

- (7) That the other Phase 1 participants (HCC, SBC, NHH) be asked to confirm formally their agreement to the formation of a Social Enterprise organisation and the principles as outlined above, to allow the required implementation plans to be developed.

3.18 The Portfolio Holder for Housing & Environmental Health (previously Councillor Wren and now Councillor Lovewell) and the Shadow Portfolio Holders, Councillor Kercher and Councillor Oliver, have recognised the importance of this service to the service recipients and their families along with the volunteers and staff, and have agreed to help to ensure a smooth transition of service is achieved. Working with the remaining members of the Meals Service member review group Councillor Needham (chair of the review), Councillor Gibbs and Councillor Kirby have all agreed to use their expertise in championing this service to work alongside officers to ensure every effort is made by North Hertfordshire District Council to secure a "high quality, value for money, customer focused" meals service for its residents in line with NHDC vision.

4. THE CURRENT POSITION

4.1 Status of key Stakeholders

On Friday, 15th June 2007 a number of meetings with key stakeholders took place and the following clarification was received:-

- 4.1.1 NHH have indicated that they do not want to be part of the Social Enterprise organisation for its Lunch Club service either in its category 2 or 2.5 sheltered accommodation schemes.
- 4.1.2 SBC met with HCC and advised that they had concerns about the financial modelling and sustainability of the Social Enterprise and the amount of risk they could face and requested a three month delay in the proposed go live date currently 1st October 2007 to allow additional work. This is primarily due to the impact of the loss of NHH meals to the Social Enterprise.
- 4.1.3 HCC have indicated that the Social Enterprise is their preferred way ahead. They are continuing to look at progress on this project in the following areas:-
- HCC specifying works to new premises (However, not yet committed to the head lease)
 - Specifying the recruitment & selection process and paperwork for the CEO
 - Identifying a skilled resource to take project forward in the interim.
 - The issue of VAT being chargeable on the meals means that HCC will be the commissioning agent for the Social Enterprise.

4.2 NHDC's Position

- 4.2.1 At its meeting of the 25th July 2006 Cabinet resolved that NHDC write to Hertfordshire County Council to serve notice that as of 31st March 2007 (this was done on 7th August 2006). North Hertfordshire District Council will no longer be able to provide the Monday to Friday Meals on Wheels Service on HCC's behalf. This is due to the fact that the District Council will be losing our kitchen due to redevelopment, and as a result of our Financial Strategy which requires us to consider withdrawal from services which are the responsibility of another authority.

In our letter we did continue:- “We are aware of the importance of the day to day contact provided by the dedicated volunteers who deliver the meals on wheels in North Hertfordshire. We welcome the suggestion contained within the jointly commissioned report, A Meals On Wheels Social Enterprise for Hertfordshire, that there are opportunities to reduce unit costs, and to make savings by establishing joint County Council and District Council arrangements to commission the service externally, and also join up arrangements to administer and deliver the service, and allow North Hertfordshire residents to retain volunteer meals delivery.

We are eager to explore these opportunities and look forward to working with yourselves and the other interested authorities to explore whether such an organisation could be in place ahead of the 1st April 2007 deadline, and if so, what role North Hertfordshire District Council is required to play”.

4.2.2 Since this date NHDC has been an active contributor to the Steering group for this project lead by HCC.

4.2.3 In recognition of the aspirations of the partners and the amount of work required NHDC has also negotiated extensions to the existing arrangements and with Cabinet approval in Dec 2006 agreed to continue to extend the period it would continue to provide the service in North Hertfordshire beyond the original transfer date of the 1st April 2007 until the 30th September 2007.

This has involved:

- Incurring a substantially increased meals subsidy per MOW meal due to the scaling down and eventual cessation of the Hostel Meals service in March 2006.
- Taking on extra cost and more complex operating arrangements required from continuing to operate from an otherwise empty building (legal costs of lease, business rates etc).
- Negotiating continuation of contracts and operation with suppliers, volunteers, service users and staff.
- Working with the consultant and partners to obtain a robust and realistic financial model. This work has taken from October 2006 to June 2007. Liaising on a regular basis
- Working with the consultant to ensure that the new work patterns are achievable for staff.
- Drawing up job descriptions and the protocols for the new Social Enterprise.

In addition to the work undertaken for developing the Business Case and procedures for the Social Enterprise, which includes open book accounting to help development and challenge the financial model and significant staff and management time in helping refine the project overall.

NHDC has also agreed to fund the fit out and conversion of the kitchen and offices with £70,000 of capital initially for its own service but ultimately for the social enterprise, however this was subject to the SE being operational.

4.3 Current Status of NHDC service:

4.3.1 NHDC is committed to deliver this service until 30th September 2007. However staff, service users and their families and our volunteers all need to be given adequate notice of the changes in service ahead of this date. NHDC Restructure Policy requires a maximum of 12 week notice to be provided to staff. Given the importance of service continuity this deadline is seen as the

absolute minimum notice period where plans need to be in place for the service from 1st October 2007, week 40. Working backwards week 28 start on the 9th July 2007. With no realistic proposal of the Social Enterprise in place by this date the Portfolio Holder for Housing & Environmental Health and the Strategic Director of Customer Services agreed that staff needed to be given notice of redundancy. This was subject to no whole scale service transfer being possible as it is believed that TUPE is likely to apply to the transfer, so notice may be withdrawn during this period to ensure staff continuity of service if reasonable.

4.3.2 In addition despite our commitment to run this service until 30th September several significant risks exist to our ability to do this.

4.3.2.1 The kitchen. We have a license to use the Beechridge and NHH have indicated they will let us operate from this site until the end of September, but we have already had three break-ins since April 2007. Serious consideration is now being given to business continuity arrangements. The service had to be cancelled for one day following one of the break ins due to vandalism.

4.3.2.2 Staff. Although staff have been consulted and kept informed of the progress of this project and have not left the service, we are running very tight on staffing hours.

4.4 Options for the future:

4.4.1 Given that NHDC will no longer be able to provide a service with the loss of its kitchens on the 30th September NHDC officers have been working with HCC officers to identify both organisations preferred option for the future.

4.4.2 We understand that there are currently two options available for this service. The preferred option now needs to be agreed and progressed as a matter of urgency.

a) **NHDC to withdraw completely from the service, as per the notice given.**

b) **HCC underwrite the establishment of a SE scheme to meet NHDC deadline of transferring the service from the 1st October.**

4.5 Consideration of options:

4.5.1 **a) NHDC to withdraw completely from the service, as per the notice given.**

4.5.1.1 NHDC will no longer have financial responsibility or risk for this service, immediately achieving the aim set out in our Financial Strategy.

4.5.1.2 As NHDC is returning the service we will no longer be able to control how the service is provided to our residents.

4.5.1.3 HCC are likely to ask a contractor to deliver the Meals-on-Wheels service in North Hertfordshire. WRVS who they have a contract with in East Herts and Appetito who operate on behalf of Stevenage could both potentially provide this service. However both operators use paid drivers and so will result in significant service changes in North Hertfordshire and the loss of the much appreciated volunteers and staff.

4.5.1.4 HCC have indicated that the cost to the public purse of this alternative service is likely to be higher.

4.5.1.5 There is likely to be a high immediate increase in charge to service users as HCC meets these increased and unbudgeted costs.

4.5.2 b) HCC underwrite the establishment of a SE scheme to meet NHDC deadline of transferring the service from the 1st October.

4.5.2.1 NHDC would be required to continue to provide financial support, but as originally suggested that this support is tapered by roughly one third each year to reach zero in year four.

4.5.2.2 HCC have recognised that NHDC would not be willing to progress within the timescales available with the level of uncertainty that still remained under the previously proposed trading arrangements. They have therefore suggested that NHDC agreed to progress on the basis of a grant equivalent to a fixed subsidy level equivalent to £1.70 per hot meal in year one. That HCC take on the risks arising from any variation in the financial modeling, and the delay in participation of the other authorities, such as is currently happening with Stevenage Borough Council.

4.5.2.3 HCC have also undertaken significant planning works relating to the proposed new premises in Green Lane Letchworth for the SE. This has identified that the £70,000 capital contribution planned by NHDC will not be sufficient to undertake all of the required works. HCC have therefore asked their members for an unbudgeted sum of £100,000 to cover these additional costs, and to pay for the deficit which will arise from the delay in SBC joining the SE.

4.5.2.4 The NHDC staff would transfer under TUPE regulations to the SE.

4.5.2.5 This will allow the service of the NHDC volunteers to be retained.

4.5.2.6 HCC have indicated that this is their preferred option and so most likely to achieve service continuity for North Herts residents.

4.5.2.7 This is a long standing partnership project which has been funded by the East of England Centre of Excellence for Procurement and there is likely to be an impact on failure to progress to fruition of this project on the reputations of those participating and on the ability to work in partnership in the future.

4.6.1 Timescales and impact

4.6.1.1 NHDC will no longer be able to provide a meals on wheels service from 1st October 2007. We need to ensure that the many stakeholders of this service receive adequate notice of change. This include the 8 staff members, 200 volunteers, and 400 service users and their families. A decision as to the way ahead is now overdue.

4.6.1.2 The implications for North Hertfordshire are as follows, and are set out in more detail under section 6 of this report:-

Capital contribution to the cost of establishing northern base.
Cost of TUPE/Redundancy as appropriate
Residual overhead costs

5. LEGAL IMPLICATIONS

- 5.1 The county council has an obligation, under the Chronically Sick and Disabled persons Act 1970 to make arrangements to meet the needs of chronically sick and disabled people including, where required to meet the needs, the provision of meals whether at home or elsewhere. The definition in legislation of a “chronically sick and disabled person is “substantially and permanently handicapped people”. In addition both district and county councils have the power, under the Health Services and Public Health Act 1968, to make arrangements to provide meals in the home and elsewhere to meet the needs of the elderly.
- 5.2 HCC have taken advice relating to the funding and procurement methodology of the Social Enterprise. To ensure that the Social Enterprise can continue to provide a VAT free Meals on Wheels service it must act as an agent for HCC. It is intended that the provision of meals to the Social Enterprise will be market tested to ensure compliance with EU legislation. It is proposed that NHDC will grant aid the Social Enterprise to support its development.
- 5.3 Advice has confirmed that TUPE applies to the whole scale transfer of the meals service.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 The 2005/06 net cost (or subsidy), to the General Fund for the Meals Service was £58,000. As the meals numbers are reduced significantly due to the closure of Beechridge Lodge and the need for Hostel and Lunch Club service no longer exists the full year impact is estimated as £205,490. It would be impossible to reduce this increased level of subsidy for this service without achieving economies of scale from the operation of this service, arising from some sort of partnership or trading relationship.
- 6.2 The report into Meals on Wheels carried out by Mutual Advantage on behalf of the steering group suggests that there are opportunities to reduce unit costs, and make savings by establishing joint County Council and District Council arrangements to commission the service externally, and also join up arrangements to administer and deliver the service. Joint Procurement initiatives are inline with the National Procurement Strategy and Gershon efficiency targets. However the recent withdrawal of NHH Lunch Club figures and shift in SBC volumes from hot meals to frozen has made the projected cost per meal rise significantly.
- 6.3 The Meals Service contributes £81,820 to the Council's 2007/08 overheads and some of these costs will remain with the Council when the service is out-sourced either by whole scale transfer to HCC or to a Social Enterprise.
- 6.4 Future Service Option a) Financial Impact (Transfer service to HCC)**

This would provide an on-going annual saving of £15,000 per annum to NHDC. In addition there may be some opportunity to reduce the £81,820 per annum overheads previously assigned to this service.

This would give rise to a one off redundancy cost for staff of £59,370.60

The capital sum of £70,000 identified for the re-provision of the NHDC meals kitchen and offices will not be spent.

6.5 Future Service Option b) Financial Impact (Establish Social Enterprise to transfer service to)

Funding will be provided by each authority as an annual grant of the social enterprise broadly in line with its estimated meals take up or current net budget. The intention is that this will be a full 36 month commitment. In North Hertfordshire it will allow NHDC to move towards a fully unsubsidised service as required by the Financial Strategy after 3 years. The proposal is to provide grant funding on a tapered basis throughout this period based upon the number of meals provided and the difference between the total cost of the meal against the charge paid by the service user.

This would require a three year tapered grant based on meals numbers, in year one equivalent to £1.70 per meal subsidy of £85,301 (Based on three year tapered grant to zero in year four equal a total of £170,434. (£85,301+£56,867+28,266). This would require £50,630 increase in budget for year one to a total additional of £94,295 for this service over the full 36 months.

The budget impact of this is set out in the table below.

	2007/08	2008/09	2009/10	2010/11	Total
	£	£	£	£	£
Total Projected Costs	£160,490	£152,904	£124,387	£95,953	£533,735
Budgeted Costs	£109,860	£109,860	£109,860	£109,860	£439,440
Overspend requiring funding					
	£50,630	£43,044	£14,527	-£13,907	£94,295

HCC have recognised NHDC's concerns about future financial risk, and suggested that NHDC progress with a fixed annual grant, not the variable one as previously suggested, accepting risk relating to delays in participation of other authorities and errors in the financial modelling .

NHDC have agreed to underwrite any potential redundancy costs if the SE decide to make changes on organisational, technical or economic grounds, £25,000 has been set aside for that.

The capital sum of £70,000 identified for the re-provision of the NHDC meals kitchen and offices will need to be passed to HCC as a contribution to the higher total cost of these works once it became operational.

This option is subject to HCC gaining funding of in the region of £100,000 and agreement from its Members.

- 6.6 The future of the meals service has been included from September 2006 as a Top Risk for Cabinet to own. The most serious risk being managed is the need to ensure service continuity for the vulnerable service users and their families. Although this has been raised with HCC and contingencies have been investigated no firm plans are currently in place.
- 6.7 Service subsidies can be controlled by consideration of both costs and charges. The current NHDC charge to customers is £3.00 per meal, from the 1st April 2007 and is one of the highest in Hertfordshire. But Hertfordshire is significantly out of step with large areas of the country. Essex have last year

increased their charge per meal to £3.50 delivering the service via WRVS, several other counties also charge similar levels. The difference in NHDC grant and the meal cost could be potentially covered by increasing the charge to the customer, it is in this way and in efficiencies arising from economies of scale that will allow NHDC's annual grant to be reduced to zero after 36 months.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 The existing service is provided by a full time meals manager and kitchen supervisor in addition to 6 mainly part-time staff who cover the administration and cooking services. The cessation of the Hostel Meals Service from 1st April 2007, has result in a reduction in hours for two staff and the loss of overtime opportunities for the rest of the team.
- 7.2 The proposals for the social enterprise Phase 1 have been developed based upon retaining as many of the NHDC staff and volunteers as possible for their skills and expertise in delivering this service. The principle adopted is to try to keep changes to the minimum, however changes to the location of the kitchen, meals pick up points, staffing structure, and functions to be undertaken will inevitably impact on the staff. Consultation and workshop sessions with staff and volunteers will be used to ensure that concerns arising from these issues are identified and addressed.
- 7.3 The Meals service team have been advised of on-going discussions relating to the future of the service and have received briefings. The Council will follow its Reorganisation Policy, which will involve both group and individual consultation with staff, as the implications of proposed changes become evident.
- 7.4 Because we have now less than 12 weeks to the date of service transfer staff have been issued with notice of redundancy as from 1st October. However staff have also been advised that TUPE is likely to apply to the service transfer. This notice is expected to be withdrawn for the majority of the staff if the Social Enterprise is formed (there is likely to be just one exception based on the draft staffing structure proposed).
- 7.5 The 245 volunteers who help deliver meals-on wheels on the Council behalf have also been advised of on-going discussion about the future of the service. Briefings to this team will continue, via a newsletter and meetings. The next meeting of this group has been set for the 31st July 2007. HCC will be represented at this meeting.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS (use if consultation has been undertaken)

- 8.1 Discussions about the proposed plans for joint working have taken place at a number of meetings of the Hertfordshire Chief Executives, and the Hertfordshire Leaders. The Local Area Panel made up on NHDC and HCC councillor representing North Hertfordshire received a report on these plans at their July and October 2006 meetings.
- 8.2 Officers meet quarterly with the other Meals on Wheels providers in Hertfordshire, namely the other Districts and County Council, to look to identify best practise and service efficiencies.

- 8.3 This project is being managed by a Steering Group with representatives for Hertfordshire County Council, Stevenage Borough Council and North Hertfordshire District Council. In addition to Mutual Advantage the specialist advisors, Dacorum Borough Council and Watford Borough Council. This group meet monthly in order to progress this project.
- 8.4 Regular meetings take place with NHH to review its SLA, and to look at their future needs. NHH have indicated that they are looking at alternative suppliers for the provision of Lunch Clubs not the Social Enterprise.
- 8.5 A cross party group of members was formed to help guide the NHDC work required. Which brought together the remaining Members of the Meals on Wheels FSR Group (Cllrs Needham; Gibbs; and Kirby) and Spokesperson for the service(Cllr Lovewell), and Shadow Spokespersons (Cllr Kercher and Oliver), who have met and agreed to assist officers develop plans for this service to ensure the best interest of the North Hertfordshire citizens are considered.
- 8.6 The other Authorities who are expected to participate in Phase 1 of the Social Enterprise (SBC and HCC) have been asked to indicate their intentions relating to this project ahead of the meeting in order to allow Cabinet to make an inform decision.
- 8.7 A shadow Social Enterprise Board has been established. Sarah Wren has continued to offer support to this group and representation on this body is via a staff representative.

9. RECOMMENDATIONS

- 9.1 That Cabinet approve support for the development of a Social Enterprise organisation to deliver a meals on wheels and lunch club service across Hertfordshire, and specifically to replace the existing MOW service in North Hertfordshire. Power to establish a Social Enterprise arises under the Local Government act 2000 and the wellbeing powers contained therein.
- 9.2 That Option B (three year tapered grant) be approved and the additional budget requirement as set out at section 6.5 in this report be recommended to Council.
- 9.3 To note that delegated rests with the Strategic Director of Customer Services, in consultation with the Portfolio Holder for Housing & Environmental Health, to agree the detailed terms of transfer and costs, in line with the principles outlined in this report.
- 9.4 That Cabinet agree to make available the capital fund of £70,000 identified for New Kitchens to be used to fund the development of a new kitchens/office facility for use to deliver this service in North Hertfordshire by the new Social Enterprise organisation and that this is paid to County once the Social Enterprise is established.
- 9.5 That the other Phase 1 participants (HCC, SBC) are asked to confirm formally their agreement to the formation of a Social Enterprise organisation and the principles as outlined above, to allow the required implementation plans to be developed.

10. REASONS FOR RECOMMENDATIONS

- 10.1 The development of a Social Enterprise to deliver a meals on wheels service across Hertfordshire, offers the opportunity to achieve improved service levels and efficiencies. The kitchens from which the existing NHDC operates will close from 1st October 2007, this offers an ideal opportunity to establish new more efficient arrangements for this service. However service continuity for its vulnerable service users is vital. To ensure the success of the new organisation detailed plans will need to be in place for the new kitchens covering North Hertfordshire before the end of April 2007. It is therefore necessary to confirm formal agreement to the outline plans at this stage, and to agree a methodology for agreement of the detail implantation plans ahead of this deadline.
- 10.2 It would be possible to return the responsibility for this service to HCC. This would give a zero cost service to NHDC, but given HCC lacks service specific experience, this would almost certainly lose the services of the volunteer deliverers of North Hertfordshire, the daily contact that they provide is seen to be as important to the recipients' of this service as the meal itself.

11. APPENDICES

- 11.1 None

12. REPORT AUTHOR

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14. BACKGROUND PAPERS

- 14.1 Cabinet Minutes – 26th July 2005
- 14.2 Cabinet Minutes – 15th November 2005
- 14.3 Cabinet Minutes – 25th July 2006
- 14.4 Cabinet Minutes – 19th December 2006
- 14.5 Cabinet Minutes – 27th February 2007
- 14.6 A Meals on Wheels Social Enterprise for Hertfordshire – July 2006, Summary Report

**TITLE OF REPORT: REFERRAL FROM CABINET – 4 SEPTEMBER 2007 –
ADOPTION OF THE GENDER EQUALITY DUTY FOR THE AUTHORITY**

The following is an extract from the Draft Minutes of the Cabinet meeting held on 4 September 2007.

38. ADOPTION OF THE GENDER EQUALITY DUTY FOR THE AUTHORITY

The Chairman presented a report of the Head of Policy, Partnerships & Performance seeking the agreement of Cabinet to recommend to Council the adoption of the Gender Equality Duty for the Authority. The following documents were appended to the report:

Appendix A – NHDC Gender Equality Scheme;

Appendix B – Gender Equality Scheme Action Plan.

The Chairman commented that adoption of the Duty was mandatory, but that it encapsulated much of what the Council already had in place in respect of gender equality matters.

Cabinet supported the report, but requested that the Action Plan set out at Appendix B to the report be amended to include target dates for each of the actions.

RECOMMENDED TO COUNCIL: That, subject to the amendment of the Action Plan to include target dates for each of the actions, the Gender Equality Duty for the Authority, as contained in the report and Appendices A and B thereto, be adopted.

RESOLVED: That the requirements placed on the Authority by the introduction of the Gender Equality Duty, as contained in the report, be noted.

REASON FOR DECISION: To comply with legislation in order to proactively manage diversity of needs according to gender more rigorously than in the past.

The following is the report considered by Cabinet at its meeting held on 4 September 2007 [Note: Appendix B – Action Plan - has been amended to include target dates against each of the actions].

TITLE OF REPORT: ADOPTION OF THE GENDER EQUALITY DUTY FOR THE AUTHORITY

REPORT OF THE HEAD OF POLICY, PARTNERSHIPS & PERFORMANCE
PORTFOLIO HOLDER: COUNCILLOR F.J. SMITH

1. SUMMARY

1.1 To update the Cabinet on the issues surrounding mandatory legislation enshrined within the Equality Act 2006, which amended the Sex Discrimination Act 1975, and subsequently required North Herts District Council to comply with the general duty to proactively promote gender equality in its employment and service delivery functions.

2. To seek Cabinet approval, and referral to Council, of the Gender Equality Duty for North Herts.

2. FORWARD PLAN

2.1 This report does contain a recommendation on a key decision and was first included in the Forward Plan on 1st July 2007.

3. BACKGROUND

3.1 This duty is one of a number placed upon local authorities in the past year, a precursor to changes in current legislation. North Herts District Council have already adopted a Disability Equality Scheme (December 2006), and subsequent HR/recruitment policies to deal with the Age duty commencing in April 2007. The adoption of this, the gender duty, plus additional requirements regarding race, sex and sexual orientation will provide the framework under which the Authority will implement the whole equalities agenda. Central Government currently have a commitment to adopt a single piece of legislation which will draw together the raft of prior legislation into one overarching act; this will be accompanied by the amalgamation of the CRE (Commission for Racial Equalities), the Disability Rights Commission, Equal Opportunities Commission into one central Government Equalities department. The date for this final restructure is yet to be confirmed, but anticipated to be well under way by the end of 2007.

3.2 The Gender Equality Duty (GED) is a legal obligation which came into force in April 2007. It was introduced within the Equality Act 2006, which in turn amended the Sex Discrimination Act of 1975. The Gender Equality Duty requires public authorities to promote gender equality and eliminate sex discrimination. Instead of being dependent upon individuals making complaints about sex discrimination, the duty places the legal responsibility on public authorities themselves to ensure that they are treating men and women fairly. For the purpose of this Duty, the definition of a 'public authority' is 'any person who has functions of a public nature' which is the same approach taken within the Disability Discrimination Act 2005 and Human Rights Act of 1998.

3.3 The Sex Discrimination act (SDA) 1975 itself has been extended to cover all public functions. The Act places a statutory duty on all public authorities when carrying out their functions to have due regard (meaning that authorities should give due weight to the need to promote gender equality in proportion to its relevance) to the need to :

- ❖ Eliminate unlawful sex discrimination and harassment;
- ❖ Eliminate discrimination that is unlawful under the equal pay Act 1970 (EqPa); and
- ❖ Promote equality of opportunity between men and women.

The elimination of 'unlawful' discrimination does reinstate the ability for authorities to make decisions which could be construed as 'positive discrimination', such as provision of women only swim sessions or mens health days; the criteria for such decisions is that there must be sufficient evidence, i.e. diverse cultural needs of the local population, to justify that decision being taken.

3.4 The Gender Equality Duty will affect policy making, public services (including schools, police, hospitals and all councils), such as transport provision/providers, and employment practices such as recruitment, flexible working, including time off for dependents.

3.5 The Gender Equality Duty also applies to functions which are carried out by external contractors, as well as those which are carried out directly by the public authority itself. Legal liability for meeting the duty remains with the public body, which is expected to take action to ensure contractors meet, and regularly evidence that they are meeting, the requirements of the Duty.

3.6 The Duty also applies directly to certain private or voluntary sector bodies when they are carrying out public functions on behalf of an authority, and this would include North Herts District Council's contractual arrangements with CAB, or Relate for instance. The overall responsibility for ensuring compliance though still rests with the authority itself, not the voluntary sector organisation.

3.7 **The specific gender equality duties**

To support NHDC to meet the general gender equality duty, there are a series of specific duties applicable. These duties are:

- Prepare and publish a **Gender Equality Scheme**, detailing the actions it has taken or intends to take to meet its gender equality objectives. (Published Action Plan);
- In formulating its overall objectives, consider the need to include objectives to address the causes of any gender pay gap. (Equal Pay Audit);
- **Gather and use information** on how NHDC policies and practices promote gender equality between male and female staff and the extent to which the services it provides and the functions it performs take account of the needs of men and women. (Gender equality research and data monitoring);
- **Consult** stakeholders, and take account of relevant information in order to determine our gender equality objectives.;
- **To assess the impact** of our current and proposed policies and practices on gender equality;
- **To implement** the actions set out in our scheme within three years, unless it is unreasonable or impracticable to do so;

- **To report** against the scheme every year and totally review the scheme at least every three years.

4. ISSUES

4.1 The Gender Equality Duty will require the consideration of needs of all users, and especially whether the needs of men or women may differ for individual services. It is not necessarily the case that every service has to include both men and women; it is permissible, for example, to establish a service for men or women only provided this does not prove discriminatory and is deemed the best way in which to cater for the diversity of their needs. This could apply, for instance, to places assigned in a womens' refuge or swim/exercise sessions.

4.2 The Council will be required to undertake periodic reviews of its services to ensure that they:

- identify and address the specific needs of women and men wishing to use the services (this also includes individuals who present as transgender or are undergoing gender realignment).
- look carefully at how employment issues may affect transsexual men and women.; whether our practices and procedures are sufficiently discreet to support the dignity and privacy of transsexual men or women. For instance, a birth certificate required as proof of identity may reveal a former name/sex against their wishes.
- Have employment policies that meet the requirements of the GED and ensure that these policies are consistently applied.
- Carry out regular equal pay audits that support the single status pay review and the introduction of a robust equality proofed Job Evaluation system. These Equal pay audits involve the TU working with the Council to analyse all pay arrangements for employees; identify where there are any differences in the levels of pay of men and women; review the reasons and possible causes for any difference and identify how to close the gaps in pay that cannot be attributed to any reason or cause other than direct or indirect discrimination.
- Should consider how the flexible working policies are applied and they impact on men and women to ensure that employees with dependents or caring responsibility receive equal consideration of any applications for leave or flexible working. This also extends to men and women on maternity paternity or adoption leave to ensure that people are supported to return from maternity leave etc.

5. LEGAL IMPLICATIONS

5.1 As stated at 3.1 above, the Gender Equality Duty arises from the Equality Act of 2006, and Sex Discrimination Act of 1975.

5.2 It is now a requirement placed on the Authority to evidence that its policies and practices take full account of the needs of individuals, irrespective of, or particularly with regard to, their gender.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 The Duty does not require any additional financial resource at this stage, given that the process is one of reviewing service delivery, policies and working practices, so can be delivered through existing budgets.
- 6.2 The requirements to ensure that contractors conform with the Gender Equality Duty are integral to the Corporate Procurement Strategy and tendering process, but contractual monitoring will need to ensure their compliance with the requirements, according to the services provided.
- 6.3 The failure to comply with the requirements of the Gender Equality Duty may damage the reputation of the Authority, and ultimately result in legal action being taken to challenge its policies.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 The regular review of policies and procedures to ensure compliance and effectiveness are part of normal HR service in addition to equality impact assessments and improvement plans.
- 7.2 The scheme supports the Council's Corporate Equality Strategy throughout.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 8.1 A questionnaire was produced promoted and published on the Council's intranet page on 27 March 2007 until 25 April 2007 enabling every Council employee to have an input. A report of the findings has been compiled.
- 8.2 The scheme was presented at the Staff Consultation Forum for their input.
- 8.3 The Unison Liaison officer and Unison members have been consulted on the scheme.

9. RECOMMENDATIONS

- 9.1 That Cabinet note the requirements placed on the Authority by introduction of the Gender Equality Duty
- 9.2 That Cabinet recommend the report and attached Action Plan to Council for adoption and implementation by the Authority

10. REASONS FOR RECOMMENDATIONS

- 10.1 The Gender Equality Duty has developed out of changes to existing legislation, and requires the authority to proactively manage diversity of needs according to gender more rigorously than in the past.
- 10.2 The Council is required to formally adopt and apply this equalities policy throughout its functions.

11. ALTERNATIVE OPTIONS CONSIDERED

None.

12. APPENDICES

- 12.1 Appendix A: NHDC Gender Equality Scheme
Appendix B: Gender Equality Scheme Action Plan

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14. BACKGROUND PAPERS

- 14.1 Developing gender equality objectives & Gender Equality Scheme EOC
- 14.2 Meeting the Gender Duty in Employment EOC
- 14.3 Key findings of the Gender Equality Duty Consultation

APPENDIX A

NORTH HERTS DISTRICT COUNCIL

GENDER EQUALITY SCHEME

AND

ACTION PLAN

(2007-2010)

Policy Partnerships & Performance

Contents Page

Foreword

Summary

Context

Gender Equality Duty

Our Gender Equality Vision

Meeting Our Obligations

Roles and Responsibilities

Concentrating on what's important and monitoring progress

Review

Appendix A: Overview of Gender Equality Action Plan

GENDER EQUALITY SCHEME FEBRUARY 2007

FOREWORD

- This is North Herts District Council's first Gender Equality Scheme (GES) and Gender Equality Action Plan and will cover the period April 2007 to April 2010. The Scheme and Action plan form an integral part of the Council's wider Comprehensive Equality Policy. As well as outlining how the Council will meet its legislative requirements the scheme will also demonstrate the Council's ongoing commitment to meeting the needs of both men and women, whether as employees or users of our services.
- North Herts District Council is deeply committed to providing excellent services to a diverse population who make many different and valuable contributions to the life of the district. This includes people who are young, old, disabled, identified as black or from other ethnic minority communities, or are from the lesbian, gay, bisexual and transgender community.
- With this in mind this scheme should not be seen as a stand-alone document but as part of the Council's Equality Framework that aims to ensure that all residents are able to reach their full potential. Our GES complements our Comprehensive Equality Policy, Race Equality Scheme and Disability Equality Scheme.
- The purpose of the North Herts District Council's Gender Equality Scheme and Gender Equality Action Plan is to outline in one document the methods the Council uses now, and will use in the future, to ensure it promotes equality between men and women and challenges discrimination on the basis of sex. It also outlines priorities for action and work planned for the coming year (the Gender Equality Action Plan).
- Gender equality gives women and men the same entitlements to all aspects of human development, including economic, social, cultural, civil and political rights; the same level of respect; the same opportunities to make choices; and the same level of power to shape the outcomes of these choices. This policy represents our organisational commitment to gender equality.
- We are determined to ensure gender equality in our services, as an employer and particularly to promote gender equality in our role as community leader, leading by example in all we do.
- This Scheme and Action Plan are organic documents which will develop and change over time to reflect the priorities expressed by North Herts communities. We would actively welcome comments, suggestions and contributions at any time in the future to help us eliminate discrimination and promote equal opportunities between men and women who live, work or visit North Herts District.

Please do not hesitate to contact Martin Fountain Strategy Officer Equalities

North Herts District Council GENDER EQUALITY SCHEME- SUMMARY

- North Herts District Council is determined to ensure gender equality in our services, as an employer and particularly promote gender equality in our role as community leader, leading by example in all we do.
- This is North Herts District Council's first Gender Equality Scheme (GES) and Gender Equality Action Plan and will cover the period April 2007 to April 2010. The Scheme and Action plan form an integral part of the Council's wider Comprehensive Equality Policy. Our GES complements our Comprehensive Equality Policy, Race Equality Scheme and Disability Equality Scheme.

OUR GENDER EQUALITY VISION

We will be a champion for gender equality and a leader in:

- Promoting gender equality so that women and men who live or work in North Herts can enjoy their full human, social and political rights free from Discrimination
- Challenging and eradicating sex discrimination
- Providing responsive, inclusive and accessible services for all of North Herts communities
- Embracing North Herts diversity as a source of strength and opportunity for the area
- Help to increase women, men, girls and boys' active participation in public, civic and community life
- Work with partners to help close the employment gap
- Ensuring our workforce reflects the diverse population of North Herts
- Embedding the issues of gender equality into the Council's Policies
- Mainstreaming the concepts of equality, inclusion and diversity both in Council's policy and service development
- Encouraging good practice in employment and service delivery from our Partners and contractors.

OUR COMMITMENTS

- We will:

- Gain a thorough understanding of the different concerns, experiences, capacities and needs of women and men, to shape the way we analyse, plan, implement and evaluate all our work.
- Enhance local democracy and accountability to ensure we understand men and women's needs and they are encouraged to engage in the democratic process, including the opportunity to become Councillors if they so wish..
- We will, in our employment practices, service delivery, contracts and partnerships, identify and respond to all forms of gender stereotyping, discrimination and sexism.
- Monitor our policies, functions, services and practices to ensure that they are fair.
- Carry out equality impact assessments to assess whether any changes to service practice may be to the benefit or disadvantage of either men and women – our intention being to provide equity of service to each.
- Develop and implement realistic and relevant gender equality actions and monitor progress regularly.
- Be fair to all employees irrespective of their gender and provide equal training, development and promotion opportunities.
- Develop and train employees and elected members to ensure everyone understands what the gender equality duty is, its meaning for their work, their roles and responsibilities and the authority's priority goals in gender equality.

North Herts District Council

North Herts District Council provides a wide range of services for local people. We work in partnership with communities, public sector colleagues and, businesses to help achieve the vision for North Herts of 'Making North Herts a vibrant place to live, work and prosper'.

North Herts District Council's Corporate Plan (2005-2015) sets out clearly what we want to achieve ourselves and with our partners to improve the well-being of our communities over ten years. Our approach is to ensure that all people are able to access and use services, and are not discriminated against, directly or indirectly as a result of their gender. We have made an important commitment in service planning to ensure that before we take major decisions we will fully consider their Diversity and Equality implications including gender. We will do this by carrying out detailed impacts assessments on our policies and activities delivered through our six strategic objectives; safer, sustainable, satisfied, healthier, equal and prosperous communities..

Our Comprehensive Equality Policy (CEP) states that

- We believe in openness and equality in our dealings with each other and in the way we provide services to members of our community. Care for the users of our services goes hand in hand with care for our employees.
- We recognize, that some people in our community are members of more than one group which may experience discrimination.
- We recognize that to treat people equally does not necessarily mean to treat them all the same, it may involve the provision of different or extra facilities for some people to avoid potential or actual discrimination.
- We aim to ensure that all groups and individuals within the community are given full opportunities to benefit from the services and job opportunities we provide. No service user or potential service user, employee or potential employee will be discriminated on any ground because of age, colour, disability, ethnic or national origin, race, gender or gender preference, marital status, political or religious beliefs, or trade union activity.

The Equality Standard for Local Government

This is a comprehensive and systematic framework designed specifically for local authorities to enable them to tackle discrimination and positively promote equality. It provides a generic framework for embedding equality and diversity and is the national public sector benchmark.

North Herts District Council's practical response to promote opportunity for all is our work towards ultimately achieving Level 5 of the Equality Standards for Local Government.

The Equality Standard includes a series of criteria and activities that together ensure a robust and thorough response to equality including gender. The five levels are:-

- Level 1 – Corporate Commitment
- Level 2 – Consultation
- Level 3 – Assessment of impact and setting equality objectives
- Level 4 – Monitoring
- Level 5 – Delivering Outcomes

The Authority is currently approaching Level 4. The Council is committed to working towards the Equality Mark, which is awarded to Councils who reach the highest level (5) of the Equality Standard; only one English Council has so far achieved this standard.

Gender Equality Duty

The Equality Act 2006 includes a new gender public duty. This duty is intended to address the fact that, despite 30 years of individual legal rights to sex equality (Equal Pay Act 1970; Sex Discrimination Act (SDA) 1975), there is still widespread discrimination and persistent gender inequality.

Policies and practices that seem neutral can often have a significantly different effect on women and on men, often contributing to greater gender inequality and poor policy outcomes. Individual legal cases have not been enough to change this through application of Case Law, and therefore additional steps to rectify any areas of continued concern were required.. The Equality Act of 2006 amends the Sex Discrimination Act 1975 to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need:

- to eliminate unlawful discrimination and harassment
- to promote equality of opportunity between men and women

This is known as 'the general duty' and will come into effect on 6 April 2007.

The duty applies to public authorities in respect of all of their functions, that is, as service providers, policy makers and employers. It also applies to services and functions which are contracted out. Public authorities are expected to pay 'due regard' to the provisions of the duty in all of their functions. The concept of 'due regard' is based on the concepts of proportionality and relevance. The weight which public authorities give to gender equality should therefore be proportionate to its relevance to a particular function. The greater the relevance of a function to gender equality, the greater regard which should be paid to it, and vice versa.

The requirements of the general duty - to eliminate unlawful discrimination and harassment and to promote equality of opportunity between women and men are the core of the gender duty.

Unlawful discrimination in the SDA and the gender duty means:

- direct and indirect discrimination against women and men, in employment and education; in goods, facilities and services and in the exercise of public functions;
- harassment, sexual harassment and discrimination on the grounds of pregnancy and maternity leave;
- discrimination on the grounds of gender reassignment in employment and vocational training;
- direct and indirect discrimination in the employment field on the grounds that a person is married or a civil partner;
- victimisation.

The gender equality duty aims to make gender equality central to the way that public authorities work, in order to create:

- better-informed decision-making and policy development
- a clearer understanding of the needs of service users
- better-quality services which meet varied needs
- more effective targeting of policy and resources
- better results and greater confidence in public services
- a more effective use of talent in the workforce

To support progress in delivering these, there are also 'specific duties' which apply to major public authorities including North Herts District Council. These set out the exact steps those authorities should take to help them meet the general duty.

The specific duties require those authorities to:

- produce and publish an equality scheme identifying their gender equality goals and action to meet them, in consultation with employers and stakeholders
- monitor and review progress
- review the scheme every three years
- develop, publish and regularly review an equal pay policy, including measures to address promotion, development and occupational segregation
- conduct and publish gender impact assessments of all legislation and major policy developments, and publish their criteria for conducting such impact assessments

Transsexual people are protected from discrimination and harassment on the grounds of gender reassignment in employment and vocational training under existing sex discrimination legislation. Public authorities are legally required to take this into account when addressing that part of the gender duty which requires the elimination of unlawful discrimination and harassment.

Gender reassignment discrimination and harassment in access to goods and services will also be unlawful from late 2007, under the European Goods and Services Directive. Public authorities will also be legally required to take this into account under the duty, from the date that government regulations are introduced.

We recognise that gender stereotyping in our society can have a dramatic affect on the lives of both men and women. Women are frequently disadvantaged for example policies and practices that do not recognise their greater caring responsibilities, their different patterns of work and greater vulnerability to gender based violence.

Men are also disadvantaged for example workplace cultures that do not support their caring responsibilities, by services that assume they have little or no role as parents, or health services that do not recognise their different needs.

Gender equality and compounded discrimination: The focus of the Gender Equality Scheme is to address issues arising from gender inequality. But discrimination and disadvantage is compounded for many men and women because they are disabled, older, young, black, from a minority ethnic community, a lesbian, gay, transsexual, a refugee or asylum seeker. The diversity of men's and women's experience is valued and acknowledged by the District Council.

MEETING OUR OBLIGATIONS

The Council as Community Leader- leading by example

- We aim to lead by example in our relationships with our community.
- We are committed to addressing the policies, practices, ideas and beliefs that perpetuate gender inequality and prevent men, women, girls and boys from enjoying a decent livelihood, participation in public life, protection and basic services.
- We will lead in the promotion of gender equality issues through the North Herts Local Strategic Partnership and other community work.
- We are committed to understanding and reflecting the needs of men and women living and/or working in North Herts in what we do and will represent these interests where we work in partnership or have influence.
- Where appropriate we will encourage others to adopt the principles and the good practice of this policy.
- We will encourage people to report any activity where they believe they have been a victim of sexism or other forms of Hate Crime; discrimination or harassment.
- We will work with our partners to tackle Hate Crime and harassment and increase support and action in the areas of Domestic Violence reduction.
- We will value the contributions of voluntary and community groups. We will consult and support local organisations that represent the views of men, women, and transsexual and transgender communities of North Herts.
- We will ensure that men and women can contribute and benefit from regeneration in their neighbourhoods and from other initiatives across the district.

CONSULTING COMMUNITIES

- When we consult we will ask men and women to comment directly on any issue where their gender might affect the way we provide our service.
- We will use data from the Census and other sources together with the results of our own research and consultation to ensure we have a clear picture of our district, how it may be changing and how it may be affected by wider changes in society.
- In our consultation and research we will follow best practice and use methods that do not exclude people or groups. We will use this information to guide the way we plan and deliver services.

THE COUNCIL AS SERVICE PROVIDER

- We will strive to make our services equally accessible to men and women.
- We will take proactive action to provide all services in a fair and equitable way.
- We will acquire and analyse customer satisfaction data by gender.
- We will analyse monitoring information by gender to assess whether gender specific improvements to services need to be developed.
- Impact Assessments are a crucial element of our response to equality and diversity issues including gender. It is through this process that direct or indirect discrimination is identified. We will ensure gender equality considerations are duly incorporated into our equality impact assessments process.
- We will ensure 'gender equality' is fully and clearly taken into account in the development and delivery of key strategies, projects and plans.
- We will include gender equality targets in our business planning process and monitor Equality Standard actions, which include gender equality related actions, regularly.
- Our media messages and the images we use to support these, will emphasize the importance of gender equality. Our communications will also highlight our own commitment to gender equality.
- We expect suppliers and contractors working on behalf of the Council to comply with their statutory obligations through our contractual arrangements with them and, wherever possible, to actively support the Council in promoting gender equality.

THE COUNCIL AS AN EMPLOYER

- We will aim for fairness and equality including gender equality in all aspects of our employment responsibilities and relations with our workforce.
- We will meet all our statutory employment responsibilities and ensure that all recruitment and selection procedures are clear and consistent with the Code of Practice published by the Equal Opportunities Commission.
- We value all employees, irrespective of their gender, and recognize the contribution that everyone makes to the success of the District and the performance of the Council.
- We strive towards a target that the diversity of our workforce reflects the community we serve.
- We will ensure that everyone has fair access to opportunities to realize their own potential and expectations irrespective of their gender.
- We will provide equalities training including gender equality to our staff.
- We are committed to promoting policies which help council employees balance life inside and outside work and enable us to provide the service our customers want. In getting the balance right, our aim is to have employees who are healthier, more productive, more committed and more effective in their job.
- We will carry out regular equal pay audits to support our robust equality proofed Job Evaluation system. These Equal pay audits will involve the TU and Staff Consultation Forum working together with the Council to analyse all pay arrangements for employees; identify where there are any differences in the levels of pay of men and women; review the reasons and possible causes for any difference and identify how to close the gaps in pay that cannot be attributed to any reason or cause other than direct or indirect discrimination.

We are committed to implementing working arrangements which assist in the delivery of high standards of service as well as promote work-life balance and contribute to improving the environment by reducing unnecessary commuter journeys. Working patterns which can be considered include Part time working, compressed hours, flexi-time, home-working, job-share, and shift working.

- We will map all current flexible working arrangements in order to establish a baseline. We will identify any barriers for employees wishing to access flexible working opportunities and draw up an action plan to remove any barriers wherever possible.
- We will widely publicize the availability of flexible working to all employees that qualify for it.
- We will consider a pilot of offering all staff the right to request flexible working.
- We will review the harassment and bullying procedures to ensure that the elements relevant to sexual harassment, including issues around Transgender are fully covered.
- Carry out equal pay audits and take actions to eliminate any

- inequalities that cannot be justified.
- We will conduct annual equalities monitoring including gender, of our workforce and also monitor the implementation of key employment policies including:
 - ✓ Recruitment and selection
 - ✓ Development and training
 - ✓ Managing Misconduct
 - ✓ Complaints Resolution
 - ✓ Bullying and harassment

ROLES AND RESPONSIBILITIES

Everyone has a responsibility to gain a basic understanding of gender equality and our commitments to fairness, and to lead by example.

We have identified certain specific responsibilities within our Corporate Equality Policy which apply to all equalities including gender equality and these are summarized below:

Councillors will:

- consider and apply equality principles and practice in the work of the area committees and all they do as elected representatives of the community
- lead by example by adopting and applying the principles of this scheme through the overview and scrutiny committees
- consider and review this scheme against the objectives of the Council and performance against targets and to advise Cabinet
- be consulted and comment on future diversity and equality including gender equality policy proposals
- scrutinise equality targets and performance
- initiate action and develop policy
- lead by example by adopting and applying the principles of this scheme
- The Head of PPP will have overall responsibility to develop and maintain the Gender Equality Scheme and associated plans and to ensure the Council meets its statutory obligations and policy objectives
- monitor performance regularly and consider issues arising
- provide leadership to the community, partners and within the organisation
- lead by example by adopting and applying the principles of this scheme
- As Chair of the Corporate Diversity Group, ensure that the issues of gender equality are addressed through the work of that group

Service Managers

- ensure that equality including gender equality is fully assessed in the preparation of all service plans and actions and where relevant equality targets are included to measure and monitor performance
- lead by example by adopting and applying the principles of this scheme
- reporting on performance against equality best value performance indicators
- lead by example by adopting and applying the principles of this scheme

The Corporate Diversity Group will:

- give collective consideration of equality issues including gender equality on behalf of the Council
- and monitoring progress against the corporate equality plan and relevant service plans and actions

CONCENTRATING ON WHAT'S IMPORTANT AND MONITORING PROGRESS

- We will assess the impact of service or policy changes and take this into account in decision making.
- We will use our business planning arrangements including equality impact assessments to identify gender equality objectives, actions and performance targets.
- These targets will be based on the identified needs of service users and the overall objectives of this policy.
- Where actions have a positive impact on particular groups we will include specific performance measures to monitor that the action is delivered effectively and fairly.
- Gender equality actions will be found either in individual service/programme/project plans or, if appropriate, the corporate gender equality plan.
- Actions which have potentially unfair impacts will be reviewed to eliminate or lessen the impact.
- Performance will be monitored:
- through the Gender Equality Action Plan by the Corporate Diversity Group
- against service use. Reviewing customer feedback and complaints monitoring will be important in helping determine whether people have been affected differently.

GENDER EQUALITY ACTION PLAN

- To support this GES the Council will agree a Gender Equality Action Plan that sets out our aims and targets.
- Where issues are significant or cut across a number of service/programme areas they will form part of this plan.
- An overview of the plan is appended to this scheme.

REVIEW

- This scheme will be reviewed annually, alongside the Corporate Disability Equality Scheme, to ensure it remains fit for purpose as the role of the Council and equality expectations change.
- The scheme will be fully refreshed every three years.

Documents prepared by North Herts District Council are available alternate formats for

example in large print, Braille, on audio cassette or computer disk.

We can also provide information in languages other than English.

North Herts District Council is registered with “Language Line” to ensure our services are accessible to all our customers.

AN OVERVIEW OF DRAFT GENDER EQUALITY ACTION PLAN (2007-2010)

The Gender Equality Scheme itself contains descriptions of many of the implementation activities and procedures. This overview is a summary of what we plan to achieve set against our aims. It will be supported by a more detailed programme of activities taking into account responses to consultation, which will be published with the final scheme.

**GENDER EQUALITY ACTION PLAN
(2007-2010)**

The Gender Equality Scheme itself contains descriptions of many of the implementation activities and procedures. This overview is a summary of what we plan to achieve set against our aims. It will be supported by a more detailed programme of activities taking into account responses to consultation, which will be published with the final scheme.

Aim	What we plan to do	Progress	Evidence
<p>The Council as Community Leader – Leading by example</p>			
<p>Promote equality of opportunity between men & woman and work with partners to eliminate unlawful discrimination and harassment</p>	<ul style="list-style-type: none"> ➤ Lead in promotion of gender equality issues through the local Strategic Partnership and other community work ➤ Promote our gender equality scheme actively with our main partners to promote its principles and advocate good practice ➤ Promoting gender equality so that women and men who live or work in North Herts can enjoy their full human, social and political rights free from discrimination. ➤ Work with partners to tackle hate crime and harassment and increase support and action in the areas of domestic violence reduction 	<p>Policy Manager</p> <p>Policy Manager</p> <p>Use the Councils publications to promote gender equality</p> <p>Community Safety team & Police hate crime officer</p>	<p>Minutes of meetings, from Jan 08</p> <p>Minutes of meetings, from Jan 08</p> <p>Evidence in Outlook NHDC news, commencing Dec 07</p> <p>Hate crime stats annually strategic assessment</p>

	<ul style="list-style-type: none"> ➤ Encourage people to report any activity where they believe they have been a victim of sexism or other forms of hate crime, discrimination or harassment ➤ Engage effectively on gender equality issues with partner organisations that are in receipt of grants from the council or with whom we have a service level agreements to promote equality objectives within their work ➤ Follow best practice in consultation and research and use methods to include North Herts diverse people and groups ➤ Encourage and facilitate the engagement of young men and women as part of the democratic and consultation processes of the Council ➤ Expect suppliers and contractors working on behalf of the council to comply with their statutory obligations and, wherever possible to actively support the council in promoting gender equality. 	<p>Community Safety Team & Police hate crime officer</p> <p>All partner orgs to be made fully aware of equality issues</p> <p>Consultation officer 850 people on database</p> <p>Democratic services officer/community development</p> <p>The model questionnaire & Invitation To Tender Docs will include equality considerations</p>	<p>In place and included in end of year report to Police</p> <p>Service level agreements – commence April 08</p> <p>District survey Aug 08</p> <p>Youth democracy week – 15th to 19th October</p> <p>Compliance of Contractors Mar 08</p>
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<p>The council as a service provider – providing services fairly</p>			
<p>Providing responsive, inclusive and accessible services for all of North Herts communities</p>	<ul style="list-style-type: none"> ➤ Review and report at regular intervals on the make up of the communities and interests in the North Herts District to ensure our approach and activities reflect the reality of North Herts today. ➤ Gain a better understanding of any different concerns, experiences, expectations, capacities and needs of men and women, to help shape the way we plan. Implement, evaluate all our work. ➤ Carry out Equality Impact Assessments to assess the effects of what we plan to do on men and women, and to ensure potential unfair treatment is identified and highlighted. ➤ Develop inclusive systems to better engage our diverse communities either independently or in partnership with other public sector providers. ➤ Set service specific targets to address certain issues, based on completed Equality Impact Assessments. ➤ Ensure that gender equality remains central to our service planning and performance management framework. 	<p>Policy Manager</p> <p>District wide survey</p> <p>Equality Officer</p> <p>Consultation Officer</p> <p>As part of the EIA process</p> <p>Service plans and objective setting</p>	<p>Yearly monitoring</p> <p>July – August 2008</p> <p>EIA's on Customer facing services completed by March 2008</p> <p>Consultation Strategy – autumn 07</p> <p>Action and service plans April 08</p> <p>From April 08</p>

	<ul style="list-style-type: none"> ➤ Ensure that equalities monitoring of service users is conducted by service areas and that data is used to inform policy and service development. ➤ Take account of gender difference in different cultures. Respect customer requests to provide gender specific support where required, whenever possible. ➤ Ensure that safety issues for women and children are built into all relevant council services and projects. 	<p>Service Managers</p> <p>Equality Officer</p> <p>Equality Officer</p>	<p>EIA's and action plans published on the web April 08</p> <p>Produce guidance for CSC staff March 08</p> <p>EIA's will highlight any issues – April 08</p>
The Council as an employer – Gender equality in the workplace			
Fairness and equality including gender equality in all aspects of employment responsibilities and relations with our workforce.	<ul style="list-style-type: none"> ➤ Encourage everyone involved with the council to consider gender equality issues in all that they do. ➤ Ensure that everyone in the council is clear about their obligations for gender equality contained in the gender equality scheme. 	<p>Roll out of mandatory equalities training for all staff Sept 07 – Dec 07</p> <p>Communicate the gender equality scheme.</p>	<p>Dec 2007 Feedback and assessment</p> <p>Staff Consultation Forum Minutes from Nov 07.</p>

	<ul style="list-style-type: none"> ➤ Treat all men and women who work for the council fairly and maintain fair recruitment and selection procedures and practice. ➤ Ensure all human resource policies and procedures are constantly reviewed to ensure compliance with statutory codes of practice on gender equality, are fair and do not discriminate. In particular policies relating to recruitment, promotion, equal pay, training, complaint resolution bullying and harassment, appraisal and dismissal. ➤ Continue with regular monitoring of our workforce by gender to ensure fairness and equity in all aspects of employment and development. ➤ Provide everyone with fair access to training and development opportunities. ➤ Continue our programme of ongoing equal pay audits to ensure there is equality in all aspects of pay arrangements. ➤ Promote and Improve access to information about flexible ways of working for working carers. 	<p>Monitoring of staff commenced 2004.</p> <p>Policy review timetable in place, amended in line with legislative changes.</p> <p>quarterly Equalities monitoring.</p> <p>quarterly Equalities monitoring.</p> <p>Equal pay audit Sept 07</p> <p>Policy in place home working roll out underway.</p>	<p>HR assess yearly</p> <p>Timetable and policies kept up to date.</p> <p>Equality Officer.</p> <p>Equalities Officer</p> <p>Report Dec 07</p> <p>Policies ,home working taking place in line with office move 2010-11</p>
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	<ul style="list-style-type: none"> ➤ Improve access to information and support for transgender employees undergoing gender reassignment. ➤ Increase staff awareness of gender issues relating to customers, partners and staff. 	<p>Action to improve managers understanding</p> <p>Equalities training</p>	<p>Questionnaire published mar 07 and results actioned</p> <p>Sept 07 – Dec 07</p>
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COUNCIL 27 September 2007
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PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 9
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TITLE OF REPORT: QUESTIONS FROM MEMBERS

The following questions have been submitted by Members of the Council, in accordance with Standing Order 10.4(a):

(1) In vessel composting

From Councillor Sal Jarvis to Councillor Mrs L.A. Needham (Cabinet Portfolio Holder for Waste & Recycling):

“What is the currently anticipated date for the introduction of in vessel composting?”

(2) Plastics recycling

From Councillor Lee Downie to Councillor Mrs L.A. Needham (Cabinet Portfolio Holder for Waste & Recycling):

“What plans are there for expanding the recycling of plastics in the future?”

(3) Every Child Matters

From Councillor Lee Downie to Councillor Tricia Gibbs (Cabinet Portfolio Holder for Community Development & Rural Affairs):

“How is the Council meeting its obligations to young people under Every Child Matters, particularly under the heading Enjoy and Achieve?”

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TITLE OF REPORT: NOTICE OF MOTIONS

To consider the following motion submitted by Members of the Council, due notice of which has been given in accordance with Standing Order 11.1.

(a) Telephone Masts

To be moved by Councillor P.C.W. Burt and seconded by Councillor S. Bloxham:

“That this Council is concerned at its present inability, through the planning process, to act in the best interest of local residents in relation to the proliferation of mobile telephone masts –

We would welcome any support our local Members of Parliament can give to providing local councils with greater powers to in this regard and in particular:-

1. To prohibit the development of any phone masts without planning permission.
2. To allow a local council to have regard to health risk on a precautionary basis.

That this Council therefore resolves to write to all MPs serving the area of the Council to ask for their active support.”