

BRIGHTON & HOVE CITY COUNCIL
POLICY & RESOURCES COMMITTEE

4.00pm 27 MAY 2020

VIRTUAL MEETING - SKYPE

MINUTES

Present: Councillor Platts (Chair) Yates (Deputy Chair), Mac Cafferty (Opposition Spokesperson), Bell (Group Spokesperson), Allcock, Clare, Druitt, Gibson, Moonan and Miller.

PART ONE

1 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

1.1 There were no substitutes.

(b) Declarations of Interest

1.2 Councillor Druitt declared a non-pecuniary interest in Item 9 as he was the General Manager of Community Transport which had received PPE supplies and had been given dispensation by the Monitoring Officer to speak and vote on the matter. He also declared a pecuniary interest in Item 11 as he was the General Manager of Community Transport and a Director of the Big Lemon Bus Company which provided transport for school children. He would therefore leave the meeting prior to the discussion or any decision on the matter.

1.3 Councillor Clare declared a non-pecuniary interest in Item 9 as she worked for the Martlets and had been given dispensation by the Monitoring Officer to speak and vote on the matter.

1.4 There were no other declarations of interests in matters listed on the agenda.

(c) Exclusion of Press and Public

1.5 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

1.6 **RESOLVED:** That the press and public not be excluded from the meeting during consideration of the items contained in the agenda.

2 CHAIR'S COMMUNICATIONS

- 2.1 The Chair welcomed everybody to the meeting and noted that it was a special meeting of the P&R committee that is being held virtually.
- 2.2 The Chair stated that she wanted to take this opportunity to reiterate my thanks to council staff, NHS workers, carers, and all essential workers who are on the frontline of the response to the COVID-19 outbreak. We owe you all a debt of gratitude, and you have our full support.

Today we have several reports coming forward. We have an update on the financial position. It outlines the progress in utilising government emergency response funding and support to businesses. Since the government announced its grants scheme for small businesses, the council has paid out £63 million to more than 4,600 businesses in the city.

We estimate there are still up to 800 businesses who are eligible for business grants who have yet to apply. We developed a communications plan to raise awareness of the grant from the start of the programme, including updates and information to business partners across the city and targeting mailings. Making sure our small businesses get the support they need is an absolute priority, and we have worked hard to get the word out to eligible businesses.

We are continuing to contact businesses that may be eligible, placing adverts and call-outs on social media, the council website and local media, working with our local MPs and partners in the business community, including the Federation of Small Businesses, Brighton & Hove Economic Partnership and the Brighton & Hove Chamber of Commerce, to ensure all eligible businesses are aware of the grant funding available.

I am concerned that any business may be struggling and still unaware of the grant. Equally I am concerned about giving any money back to Government if there is potential for it to help a local business survive the public health crisis.

It may be that some of those 800 businesses are no longer in operation, have moved or for some reason think that they are not eligible or that the money is a loan rather than a grant.

Councillors, I have identified a clear role here for us. Between us, we cover the whole City and we know our Wards well. I have asked for information so that we can quickly identify any that we know to be open and those that have changed their name or closed. I am hoping that by providing local knowledge and information to officers, we may be able to speed up the process, so they can target their efforts. We will then know more quickly what funds are left in the pot and write to Government again asking if we can add this to our discretionary fund and help save more local businesses. I would very much appreciate your support to do this.

We also have a report today that outlines the proposals for the financial support available to care providers in Brighton & Hove to make sure essential services continue and that local adult social care is supported and financially resilient in the face of the current unprecedented challenge.

In addition, there is a report on PPE expenditure, which sets out the current and possible future requirements and arrangements for the provision of PPE in the City, including projected costs.

We also have a report that recommends an increase in the staffing capacity of the Home to School Transport Service in line with recommendations of the Independent Review.

Finally, we have a report that outlines the return of all committee meetings and Member Working Groups in the coming weeks, now that new government regulations enabling the Council to hold virtual decision-making meetings are in place. We agreed early on we may not get back to business until July, so we're really pleased to not only bring the full committee schedule back in June, but also some Member Working Groups including the Carbon Neutral Working Group. Lockdown has of course brought down emissions across the city, and we have sought to promote more active travel. Getting the Carbon Neutral group up and running again will help us make the most of this opportunity to accelerate our transition towards becoming a carbon neutral city by 2030.

I hope we can see cross-party support for these reports and measures. Thank you.

3 CALL OVER

3.1 The following items on the agenda were reserved for discussion:

- Item 6 - Covid-19 Financial Position Statement
- Item 7 - Covid-19 Provider Payments / s75 Pooled Funding
- Item 9 - Approach to Ongoing Personal Protective Equipment Expenditure
- Item 10 - Remote Meetings and the Use of Urgency Powers
- Item 11 - Capacity and Resources in the Home to School Transport Service

3.2 The Head of Democratic Services confirmed that Items 6, 7, 9, 10 and 11 had been reserved for discussion; and that the following Item 8 on the agenda had been withdrawn.

- Item 8 - Personal Protective Equipment – Covid-19 Ethical and Prioritisation Framework.

4 PUBLIC INVOLVEMENT

4.1 The Chair confirmed that no public items had been submitted for consideration.

5 MEMBER INVOLVEMENT

5.1 The Chair confirmed that no Member items had been submitted for consideration.

6 COVID19 - FINANCIAL POSITION UPDATE

6.1 The Acting Chief Finance Officer introduced the report which provided an interim Financial Position Statement and an update to the previous reports to committee in

March and April. He drew Members' attention to paragraph 3.5 which outlined the projected impact for the Authority through to June based on current experience and a potential budget gap of £31m.

- 6.2 Members of the Committee raised questions in regard to the information provided and the impact on the Council's financial position, the impact on fees & charges and the possibility of staff being furloughed. Concern was also expressed on the impact for businesses in the city and what options there were for Business Rates. Committee Members also asked for further information in regard to the questions raised.
- 6.3 The Acting Chief Finance Officer stated that he would provide the information requested to the Members following the conclusion of the meeting.
- 6.4 Councillor Druitt noted that the Government had previously announced that it would provide full support to local authorities to meet the impact of the pandemic and asked whether the Council had an ability to challenge the Government now that it appeared to be reducing that level of support.
- 6.5 The Monitoring Officer stated that the matter could fall under Administrative Law and the legitimate expectation principal. However, he was not sure that Government announcements had been explicit enough to make a challenge. Although it would be possible to seek Judicial Review, that had costs associated with it and a low rate of success.
- 6.6 The Chair noted that the Leaders had written a joint letter to the Secretary of State concerning the Discretionary Fund and suggested that continued lobbying on behalf of the council and with other local authorities would be worthwhile.
- 6.7 The Chair then put the recommendation to note the report to the vote which was carried.
- 6.8 **RESOLVED:** That the report be noted.

7 COVID-19 PROVIDER PAYMENTS / S75 POOLED FUNDING

- 7.1 The Executive Director for Health & Adult Social Care introduced the report concerning the response to the Covid-19 pandemic and the additional funding from Government to meet the increased demand for adult social care and other related costs and losses associated with the emergency. He referred to the table at paragraph 4.9 of the report and the options for support to the adult social care market. He also noted that the council was required to submit a Care Home Resilience Plan to the government by Friday 29 May.
- 7.2 Councillor Miller welcomed the report and stated that he fully supported Option 1 in the report. He noted that it was a substantial amount of public money and asked for a further breakdown of the expenditure and what would happen if it was not fully spent. He questioned whether paying in advance for planned care could be reconciled and when it was foreseen that things would be back to business as usual. He also asked if specialist areas in care homes could be created to accommodate known Covid-19 cases.

- 7.3 The Executive Director for Health & Adult Social Care confirmed that he could provide further information after the meeting. He also noted that robust procedures were in place to support Care Homes when requesting PPE and that supplies were only provided directly when other supply routes had been exhausted. He noted that many of the Care Homes were small and were finding it difficult to isolate areas for admission of Covid-19 cases, but the larger ones had taken steps to be able to take care of people with symptoms and known cases. He stated that a further report would be brought to committee in July.
- 7.4 Councillor Mac Cafferty stated that he wanted to record a huge debt of gratitude to officers who were working on enabling the council to meet this challenge. He noted that NHS England had withheld payments to care homes and asked if further clarification could be provided on whether care homes had refused to take Covid-19 cases and the council's position in that regard.
- 7.5 The Executive Director for Health & Adult Social Care stated that it was huge challenge and continued lobbying of Government was taking place. The NHS had made it clear that funding to care homes would be based on their ability to admit patients and there are a number in the city who felt that they were not in a position to do so. The government has since released further guidance and care homes are expected to meet the NHS Tracker. He could not provide any more information at this point.
- 7.6 Councillor Druitt welcomed the report and stated that he felt option 1 was a better choice. He also asked for more information in relation to the capacity to scrutinise applications, whether any care homes were at risk of closing, how many patients were being discharged from hospital having been tested for Covid-19 and what was the council's position for not supporting businesses based in tax havens.
- 7.7 The Executive Director for Health & Adult Social Care stated that it was hoped to make the assessment process as simple as possible with a Joint Panel being set up. He was not aware of any care homes at risk although two had closed due to the market situation in the recent years. The discharge and testing situation was continually evolving and all staff and residents of care homes were supposed to have access to testing.
- 7.8 Councillor Moonan stated that she wanted to thank everyone involved and that there was a need to support the most vulnerable in the city. She noted it was a fragile market with low paid staff and clients with complex needs and that the recent CQC rating was above the national average. She hoped that the close working relationship with the Care Home Providers would continue and stated that she favoured option 1.
- 7.9 The Chair thanked everyone for their comments and put the recommendations to the vote which were carried.
- 7.10 **RESOLVED:**
- (1) That it be noted that the current projected Covid-19 related expenditure / loss of income exceeds the funding currently being made available by government. This

is explained in more detail in the Covid-19 Financial Position update for Policy & Resources Committee;

- (2) That Option 1 as set out at paragraphs 4.3 – 4.7 of the report and the establishment of a consistent, claim-based approach across all adult social care providers to meet identified additional Covid-19 related costs on a case by case basis by an individual provider of adult social care services be agreed;
- (3) That the Executive Director for Health & Adult Social Care be authorised to take all steps necessary to agree and execute a Deed of Variation to the Better Care Fund Section 75 Partnership Agreement (the Agreement) between the Council and the Brighton & Hove CCG to extend the Agreement to March 2021 and to include the new NHS Covid-19 related hospital discharge funding as set out at paragraph 3.16-3.19 of the report. For assurance purposes, a full report on the 2020/2021 Better Care Fund, including details of these additional pooled funding arrangements for hospital discharge will be presented to the September 2020 meeting of the Health & Wellbeing Board.
- (4) That the Executive Director for Health & Adult Social Care be requested to provide an update report to July Policy & Resources Committee prior to bringing a full report to the Health & Wellbeing Board in September 2020.

8 PERSONAL PROTECTIVE EQUIPMENT - COVID-19 ETHICAL AND PRIORITISATION FRAMEWORK

Note: The item had been withdrawn.

9 APPROACH TO ONGOING PERSONAL PROTECTIVE EQUIPMENT EXPENDITURE

- 9.1 The Executive Director for Health & Adult Social Care introduced the report which detailed the current requirements and arrangements for the purchase of PPE in the City and the potential future requirements and costs going forward.
- 9.2 The Head of Performance, Improvement & Programmes noted that there had been four main sources of PPE requests, staff, the care sector, providers and agencies which the council had secured supplies for both from national and local suppliers. A distribution centre had been set up at the Brighton Centre to ensure supplies could be received and distributed. She also noted that the expected Clipper Service due for April had not yet come on board and consideration of the council's continued role in providing PPE to other organisations would be needed, in view of the expected increase in demand as schools and businesses reopened.
- 9.3 The Committee welcomed the report and acknowledged the amount of work that had been undertaken to ensure PPE supplies could be obtained and supplied throughout the city. Members asked for their thanks to be conveyed to all staff involved in the process and noted that further work was required as well as clarification from the government on the Clipper Service and role of the Sussex Resilience Forum for future provision of PPE supplies. Members were also keen to ensure that where costs could

be recouped they should be e.g. private care homes should be paying for supplies and getting them direct rather than coming to the council.

9.4 The Chair noted the comments and put the recommendations to the vote which were carried.

9.5 **RESOLVED:**

- (1) That the current estimated monthly council expenditure on PPE and approach to purchasing and distribution to maintain this vital supply chain be noted;
- (2) That given the likelihood of the current crisis response in relation to PPE may become 'business as usual' for the next 12 to 18 months with varied degree of demand and supply context which needs fast response, to grant the Executive Director for Health & Adult Social Care delegated authority to procure necessary PPE following consultation with the s151 officer; and
- (3) That it be agreed that the Executive Director for Health & Adult Social Care should provide update reports to each of the forthcoming Policy & Resources Committee meetings, acknowledging the fast-moving policy and operational environment and the broad impact of PPE provision on the humanitarian, economic and social recovery of the city.

10 REMOTE MEETINGS AND THE USE OF URGENCY POWERS

10.1 The Executive Lead Officer for Strategy, Governance & Law introduced the report which set out the proposed arrangements for enabling remote meetings and managing the decision-making process and associated informal processes. The intention being to re-instate the programme of meetings and enable working groups and project boards to start meeting from June/July.

10.2 The Committee welcomed the report and the return to the committee cycle and thanked officers for their work in enabling this to take place. Members expressed their concern about some meetings having been postponed but recognised that officers had had to deal with the impact of the pandemic and that where necessary decision-making had been facilitated. It was hoped that there had been a significant transformation in terms of how meetings were being held and it was hoped that the positive benefits could be taken forward for the future.

10.3 The Chair noted the comments and that some meetings had been put on hold in order for officers to concentrate on the pandemic and stated that it could not be over-stated how officers had worked twenty-four seven to keep people safe in the city. She then put the recommendation to the vote, which was carried.

10.4 **RESOLVED:** That the proposals set out at paragraph 3.5 of the report and the Urgency Decision Making Protocol (updated May 2020) attached at appendix 1 to the report be agreed with immediate effect.

11 CAPACITY AND RESOURCES IN THE HOME TO SCHOOL TRANSPORT SERVICE

- 11.1 The Interim Executive Director for Families, Children & Learning introduced the report, concerning the proposed increase in the staffing capacity of the Home to School Transport Service and the realignment of the base budget. She stated that the recommendations of the Independent Review had been taken into account and the aim was to be able to provide an effective service for all involved.
- 11.2 Councillor Clare welcomed the report but expressed her disappointment that it had not been to the CYPS Committee ahead of the current meeting. She felt that there was a need to rebuild the trust in the service but accepted that it needed to be supported and queried whether the new contract manager would sit in the team. She also noted that there were likely to be further recommendations once the Policy Review Panel had completed its work.
- 11.3 The Interim Lead for Home to School Transport stated that it was a small team and it was intended that the new post would sit in the team. She also noted that the budget would be reset for April 2021 and that the intention to be able to appoint staff in September had influenced the timing of the report.
- 11.4 The Executive Lead Officer for Strategy, Governance & Law noted that it was usual practice for reports to go through the relevant service committee before coming to P&R which had to consider the budgetary implications. This was a Special meeting and it had not been possible to bring the report to CYPS ahead of the meeting.
- 11.5 Councillor Gibson expressed concern over the previous procurement process and financial position of the service. He felt that the previous system had worked well and had been replaced by one that had created an overspend and distress for its users.
- 11.6 Councillor Bell stated that he wanted to thank the officers for the work that had been done to improve the situation and he hoped that matters would continue to improve given that people had been let down and there had been uncertainty for some time.
- 11.7 The Interim Executive Director for Families, Children & Learning stated that further information would be considered by the Policy Review Panel and officers were working closely with PACC and AMAZE to ensure that actions could be taken forward to improve the service.
- 11.8 Councillor Miller noted that it was a significant budget commitment to find £1.2m given that the failure was made by the council and as such he believed someone should be held to account. He questioned how the procurement process had been allowed to proceed as it did and whether the change of contract had been considered by the Procurement Advisory Board.
- 11.9 The Interim Executive Director for Families, Children & Learning stated that a number of the points raised were being considered by the Policy Review Panel and offered to provide Councillor Miller with a more detailed written response.
- 11.10 The Chief Executive stated that an Independent Review had been undertaken by the LGA at the council's request and the Policy Review Panel was also scrutinising the matter. He accepted that it had not been a priority over the last few months given the pandemic, but he was aiming to bring a report to committee in the next few months.

- 11.11 Councillor Yates stated that it was clear that there had been errors and mistakes with the contract and that it was not possible to under-estimate the impact it had had on the families affected. However, it was clear that there was a need to move forward and part of that process was to agree to the recommendations in the report today. He was certain that the council would learn from this matter as an organisation and he looked forward to receiving the report from the Policy Review Panel.
- 11.12 Councillor Allcock stated that he had unreservedly offered his apologies to the council and the families affected for the failings of the home to school transport and was happy to do so again. He also recommended that people should read the report of the LGA Review Team and noted that significant improvements had been made based on the Team's recommendations. He also noted that all parties concerned were working together to improve the situation and he hoped they would be supported.
- 11.13 The Chair thanked everyone for their comments and put the recommendations to the vote which were carried.
- 11.14 **RESOLVED:**
- (1) That the staffing increase suggested in the report for the Home to School Transport Service be agreed; and
 - (2) That the Home to School Transport budget be increased by £1m from April 2021.

The meeting concluded at 7.20pm

Signed

Chair

Dated this

day of