

**EXECUTIVE
 1 MARCH 2022**

PRESENT: COUNCILLOR M J HILL OBE (LEADER OF THE COUNCIL)

Councillors Mrs P A Bradwell OBE (Executive Councillor for Children's Services, Community Safety and Procurement) (Deputy Leader), L A Cawrey (Executive Councillor for Fire & Rescue and Cultural Services), C J Davie (Executive Councillor for Economic Development, Environment and Planning), R G Davies (Executive Councillor for Highways, Transport and IT), D McNally (Executive Councillor for Waste and Trading Standards) and Mrs S Woolley (Executive Councillor for NHS Liaison, Community Engagement, Registration and Coroners)

Councillors: C E H Marfleet and T J N Smith (Vice-Chairman of the Overview and Scrutiny Management Board) attended the meeting as observers

Officers in attendance:-

Debbie Barnes OBE (Chief Executive), Pam Clipson (Head of Finance, Adult Care and Community Wellbeing), Andrew Crookham (Executive Director Resources), James Drury (Executive Director Commercial), Glen Garrod (Executive Director - Adult Care and Community Wellbeing), Michelle Grady (Assistant Director – Finance), Andy Gutherson (Executive Director Place), Alina Hackney (Senior Strategic Commercial and Procurement Manager - People Services), Justin Hackney (Assistant Director, Specialist Adult Services), Caroline Jackson (Head of Corporate Performance), Andrew McLean (Assistant Director - Transformation), Heather Sandy (Executive Director of Children's Services), Nigel West (Head of Democratic Services and Statutory Scrutiny Officer) and Rachel Wilson (Democratic Services Officer)

65 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs W Bowkett and R D Butroid.

66 DECLARATIONS OF COUNCILLORS' INTERESTS

There were no declarations of interest at this point in the meeting.

67 ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND EXECUTIVE DIRECTORS

Councillor M J Hill OBE, Leader of the Council and Executive Councillor for Resources, Communications and Commissioning

The Leader of the Council acknowledged the current terrible situation in Ukraine and read out a statement in support of the people of Ukraine.

“The thoughts of this Council are with the people of Ukraine at this terrible and deeply worrying time. We also send our best wishes to all Ukrainians who are currently living and working in Lincolnshire who will be so worried for the welfare of their family and friends in their mother country. We hope to be able to offer support to families and individuals suffering at the hands of the Russian invasion and we will participate with any government actions which are decided upon.”

Councillor C J Davie, Executive Councillor for Economy, Environment and Planning

The Executive Councillor for Economy, Environment and Planning provided some further background in terms of the economic side of what was happening in Ukraine. Lincolnshire exported around £8 million of goods to the Ukrainian/Russian Markets and imported around £13 million of goods. 150 local businesses exported to the region and around 60 imported. The economic development team would work with any of these businesses experiencing difficulties and provide support.

It was also reported that the Government had been looking for the past few months, for locations for the Great British Railway HQ. The Executive Councillor advised that he had considered whether there was a suitable location in the county before submitting an expression of interest. Working alongside officers at South Kesteven District Council, Grantham had been identified as a possible location, and an expression of interest would be submitted as a joint bid with South Kesteven District Council.

The Executive Councillor reminded members that some money had been set aside to support the visitor sector economy, and the Visit Lincolnshire website. Members were also advised that it had been reported that the UK was set to overtake Hollywood as the centre for film and TV production, an industry worth over \$7billion per year, and it was highlighted that there were a number of films due to be using Lincolnshire as a location in the near future, as well as a TV series which had recently been filming in Skegness. There was a rich history of Lincolnshire being used as a film and TV destination and the Executive Councillor would enable the Visit Lincolnshire website and business Lincolnshire to be a central point for people searching for film and TV locations in the future.

Councillor Mrs P A Bradwell OBE, Executive Councillor for Children’s Services, Community Safety and Procurement

The Executive Councillor for Children’s Services, Community Safety and Procurement advised that on 4 March 2022, the Chief Inspector of Ofsted would be visiting as a result of the innovation in SEND and regional work that had been done over the previous year. The Executive Councillor was pleased that Lincolnshire had been recognised for this work.

Executive Director – Resources

The Executive was advised that the final part of the Highways funding from Government had been announced, and it was confirmed that the funding would be frozen at the 2021/22 levels up to 2024/25.

68 MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON 8 FEBRUARY 2022

RESOLVED

That the minutes of the Executive held on 8 February 2022 be agreed and signed by the Chairman as a correct record.

69 RESIDENTIAL AND NURSING CARE FEE LEVELS WITHIN ADULT SOCIAL CARE

The Executive Director – Adult Care and Community Wellbeing introduced a report which outlined the requirement for the Council to set a framework for Usual Costs for three levels of service: residential, nursing and high dependency across all types of need (older people, physical disability, learning disability and mental health).

The Executive was advised that Residential and Nursing services represented one of the Council's highest spend and highest risk areas with an annual total of approximately £125m gross spend. The Head of Commercial Services – People Services detailed a number of elements of the report to the Executive including an outline of the key activities which had been undertaken by officers, the Council's Usual Cost model process, Fee Setting Methodology, the collection and analysis of Lincolnshire data by Care Analytics, the Actual Cost Modelling Process, the Council's Proposed Rates, Market Consultation, the Council's Response to the Feedback and Recent Developments and Contractual Updates.

The Chairman of the Adults and Community Wellbeing Scrutiny Committee presented the comments of the Scrutiny Committee following its consideration of this item at its meeting on 23 February 2022. The Executive was advised that the Committee had supported the recommendations and the rates proposed, and were satisfied that extensive research had taken place, and the Council had engaged with the Care sector. Issues raised included the rate of inflation at 4% used in the calculation of the rates, and whether this was a fair reflection. The Committee also questioned whether the level of funding in the hardship fund would be sufficient. However, LinCA was supportive of the fund, and felt that the funding level was appropriate. It was also highlighted that there was a belief that new build care homes seemed to be larger and more focused on self-funders, and there was a need to be aware that some of these homes may need help to diversify.

During discussion by the Executive, the following points were noted:

- There was a hope that as much of the sector as possible would adopt this, however the majority of the market would be sufficient to satisfy the legal requirements.
- In relation to the Hardship Fund, assurance was sought that risks to the Council would be minimised in terms of putting money into businesses which

may be failing, and it was queried what protections were being put in place to counteract this. The Executive was advised that one of the key elements in this proposal was the length of relationship that Lincolnshire had with the care sector. Meetings were held weekly, which was very important in making the right decisions and supporting those homes to improve quality. This ensured the Council was investing in sustainable businesses and giving people a choice of home within a reasonable distance of their home.

- It was confirmed that there were criteria in place for the allocation of funds from the Hardship Fund, and there would be an oversight programme for those homes which wished to apply. Evidence would also need to be provided on how the funding had been used. It was noted there were a number of processes in place which monitored compliance in terms of quality and finances. There were a number of triggers which would indicate that there were concerns about the financial stability of a provider.
- It was noted that the Hardship Fund would be managed in a similar way to the sustainability fund set up to assist providers during the pandemic.
- Clarity was sought regarding the open book accounting, and it was confirmed that the Council would have access to the provider's full accounts. Requests for usage of cash reserves were also made.
- It was noted that residential homes could fail very quickly, but Executive members confirmed that officers were monitoring homes that were experiencing problems and were working with them and the CQC.
- As infrastructure was already set up through LinCA, the Council was able to have a single strategic conversation. This made it much easier to collaborate with the sector.

RESOLVED

1. That the rates set out in the table at paragraph 5.6.1 of the report be approved as the Council's Usual Costs for both new and existing Learning Disability service users in respect of residential and nursing care with effect from 1 April 2022 for the financial year 2022/23
2. That the rates set out in the table at paragraph 5.6.2 of the report be approved as the Council's Usual Costs for both new and existing Older People service users in respect of residential, nursing and high dependency care with effect from 1 April 2022 for the year 2022/23
3. That the rates set out in the table at paragraph 5.6.3 of the report be approved as the Council's Usual Costs for both new and existing Physical Disability service users in respect of residential and nursing care with effect from 1 April 2022 for the year 2022/23
4. That the rates set out the table at paragraph 5.6.4 of the report be approved as the Council's Usual Costs for both new and existing Mental Health service users (aged 18 – 65) in respect of residential and nursing care with effect from 1 April 2022 for the year 2022/23

5. That the proposed contractual updates set out in section 6 of the report be noted
6. That the use of £1m from the Adult Care Grant Reserve to establish a fund for the making of payments to providers of residential care and residential with nursing care in Lincolnshire suffering hardship as a result of cost volatility relating to utilities costs and insurances be approved
7. That authority be delegated to the Executive Director – Adult Care and Community Wellbeing in consultation with the Executive Councillor for Adult Care and Public Health to determine the detailed conditions governing the fund including the criteria for the making of payments.

70 LEARNING DISABILITY - SECTION 75 AGREEMENT

The Assistant Director – Adult Care and Community Wellbeing presented a report which outlined the plans for the establishment of a Section 75 Agreement between LCC and Lincolnshire Clinical Commissioning for Adult Learning Disability Services. It was reported that the existing Learning Disabilities Section 75 Agreement would formally end on 31 March 2022 with no provision to extend the existing agreement past this date, and so a new agreement would need to be developed and agreed for 1 April 2022 in order for the benefits gained through these arrangements to be continued.

The Chairman of the Adults and Community Wellbeing Scrutiny Committee was in attendance to present the comments of the Committee following consideration of this report at its meeting on 23 February 2022. It was highlighted that the Committee felt that the Section 75 agreement provided good value for money and showcased the partnership working that took place in Lincolnshire. The Committee supported the recommendations to the Executive and it was commented that closer working with the NHS should be encouraged.

During discussion by the Executive, the following points were noted:

- This was fully supported, as it had been very successful previously, and it was a model that had been shown to work.
- In terms of how future costs were agreed, it was noted that officers would be looking at benchmarking information from other local authorities.
- It was noted that the costs of packages of care for individuals would vary, and it was important to manage the costs to get the value for money by working in partnership.
- It was noted that feedback in relation to this had been really positive.
- In terms of staffing costs it was noted that staff were employed by the county council, but the costs were shared with the CCG.

RESOLVED

1. That the establishment of Section 75 Agreement between LCC and Lincolnshire Clinical Commissioning Group for Adult Learning Disability Services based on the principles set out in the report, be approved.
2. That approval be given for the Executive Councillor for Adult Care and Public Health and the Executive Director – Adult Care and Community Wellbeing to agree the annual risk share agreement on behalf of the Council within the principles set out in the Section 75.

71 REVENUE BUDGET MONITORING REPORT 2021/22 - QUARTER 3

A report was submitted to the Executive on Revenue Budget Monitoring for quarter 3 of 2021/22. An underspend of £7.366m (excluding schools and Covid-19) had been forecasted for 2021/22, with the key variants detailed in the report.

The report estimated that the Council's forecasted Covid-19 position would be slightly above the Government's emergency grant which was received, and an overall deficit of £0.041m was forecasted. The Council would continue to monitor the forecasted spend on Covid-19 for the rest of the year, with the aim of containing it within the total grant available.

In terms of the budget setting process, it was reported that the cost pressures for Home to School Transport had increased significantly. However, there was a project in place to manage this.

The Overview and Scrutiny Management Board had considered the report at its meeting on 24 February 2022, and the Vice Chairman of the Board presented the Board's comments to the Executive, and highlighted the points around the additional £10m for highways maintenance.

The Lead of the Council sought clarification that using the additional highways funding for pre-planned work was more cost effective than trying to spend it as problems arose.

RESOLVED

That the current position of the revenue budget be noted.

72 CAPITAL BUDGET MONITORING REPORT 2021/22 - QUARTER 3 TO 31 DECEMBER 2021

Consideration was given to the Capital Budget Monitoring Report 2021/22 – Quarter 3 to December 31, 2021. The current forecasted position was an underspend of £23.689m (Block schemes £15.607m, Project schemes £8.082m), which was mainly due to the re-phasing of the Spalding Western Relief Road.

RESOLVED

That the current position on the capital programme be noted.

73 CORPORATE PLAN AND SUCCESS FRAMEWORK 2021/22 - QUARTER 3

A report was submitted which presented an overview of performance against the Corporate Plan as at 31 December 2021. The report indicated that all of the four ambitions were 'progressing as planned' based on both the key activities and indicators. The report provided the Executive with highlights of performance of the revised Corporate Plan Success Framework. Of the 32 activities with milestones due to be reported, 88% were rated as *Progressing as planned*. Details of those key activities that were Amber rated (still progressing within agreed limits, however one of the milestones may have not been achieved, but the overall activity was still on track) were set out in the report.

In relation to Key Performance Indicators (KPI's), two types were reported in the Quarter 3 report, those where an ambition (target) had been set and those where a judgement around performance had been made (contextual). Of those KPI's where an ambition had been set, eight could be reported in Quarter 3, and of those, six had achieved their ambition. Two measures did not achieve ambition, and the details of those were set out in the report.

Details of the contextual measures were set out in the report.

The Overview and Scrutiny Management Board had considered the report on 24 February 2022, and the Vice-Chairman of the Board presented the Boards comments to the Executive. The Board had highlighted issues raised by residents in West Lindsey around the storage needed for the additional purple bin for the separate collection of paper and card.

It was commented that the Rate of Children in Care (per 10,000) had increased and had therefore not achieved target. Officers advised that the most important factor was to have the right children in care. However, the number of children in care in Lincolnshire still remained low when compared with statistical neighbours. It was also highlighted that Lincolnshire's Children's Services was rated as outstanding. The Executive queried whether officers were happy with the target, and it was noted that since the target had been set, government had mandated local authorities to take more unaccompanied asylum seeking children, and so it was appropriate to ask whether there should be a change to the target.

In terms of the number of staff leaving the authority voluntarily, it was queried what was considered to be a healthy number. Officers advised that work was underway to target those areas which were being impacted the most, and were working with service areas to mitigate this. The main challenge had been around the time it took to fill a post at the right time.

RESOLVED

1. That performance for 2021/22 as at 31 December 2021 be noted.

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2. That the setting of a Lincolnshire ambition for those contextual measures outlined in section 4.6 be agreed.

The meeting closed at 11.58 am