



**EXECUTIVE
7 MARCH 2023**

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

Councillors Mrs P A Bradwell OBE (Executive Councillor for Children's Services, Community Safety, Procurement and Migration) (Deputy Leader), Mrs W Bowkett (Executive Councillor for Adult Care and Public Health), R D Butroid (Executive Councillor for People Management, Legal and Corporate Property), 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: I D Carrington (Chairman of the Environment and Economy Scrutiny Committee), P M Dilks (Leader of the Opposition), C E H Marfleet (Chairman of the Adults and Community Safety Scrutiny Committee) and R B Parker (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), Lucy Gavens (Consultant - Public Health), Michelle Grady (Assistant Director – Finance), Andy Gutherson (Executive Director Place), Alina Hackney (Senior Strategic Commercial and Procurement Manager - People Services), Caroline Jackson (Head of Corporate Performance), Andrew McLean (Assistant Director - Transformation), Carl Miller (Commercial and Procurement Manager - People Services), Chris Miller (Head of Environment), Kate Percival (Environmental Services Senior Officer, Strategy and Partnerships), Heather Sandy (Executive Director of Children's Services), Professor Derek Ward (Director of Public Health), Nigel West (Head of Democratic Services and Statutory Scrutiny Officer) and Rachel Wilson (Democratic Services Officer)

57 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor L A Cawrey, Executive Councillor for Fire and Rescue, Emergency Planning and Cultural Services.

An apology for absence was also received from Glen Garrod, Executive Director – Adult Care and Community Wellbeing.

Notification had also been received that Councillor Mrs P A Bradwell OBE, Executive Councillor for Children's Services, Community Safety, Procurement and Migration, and Councillor Mrs S Woolley, Executive Councillor for NHS Liaison, Community Engagement and

2

EXECUTIVE

7 MARCH 2023

Registration and Coroners would be late joining the meeting due to unavoidable council business.

58 DECLARATIONS OF COUNCILLORS' INTERESTS

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

59 ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND EXECUTIVE DIRECTORS

There were no announcements by the Leader, Executive Councillors or Executive Directors.

60 MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON 7 FEBRUARY 2023

RESOLVED

That the minutes of the meeting held on 7 February 2023 be signed by the Chairman as a correct record.

61 COMMUNITY SUPPORTED LIVING, RESIDENTIAL CARE AND RESIDENTIAL WITH NURSING CARE USUAL COSTS

Consideration was given to a report from the Executive Director – Adult Care and Community Wellbeing which invited the Executive to consider and approve the proposed rates for Community Supported Living, Residential Care and Residential Nursing Care usual costs.

The Executive was informed that the residential rates continued to be based on the market assessment carried out in 2021. It was also noted that the increase of the National Minimum Wage to £10.42 which came into effect on 1 April 2023 would be included.

It was also highlighted that the report included a recommendation for the continuation of the Hardship Fund. Officers advised that the Hardship Fund was created during 2022-23 to support commissioned providers with volatile costs which were forecasted to spike temporarily, specifically energy, insurance and fuel. However, it was noted that fuel costs were starting to reduce.

The Chairman of the Adults and Community Wellbeing Scrutiny Committee was in attendance and presented the comments of the Committee held on 22 February 2023. It was highlighted that the Committee was very supportive of the continuation of the Hardship Fund and considered that the use of block contracts was very beneficial, and provided stability to the market. The Committee also noted that the active recovery beds had been very successful, but there was a need to be mindful around some of the terminology that was used.

It was also commented that the consultation with the market had been very in depth, and providers were pleased with the level of funding the authority was proposing to award. The increase of costs of 10% was in line with inflation, and it was accepted that there were a lot of pressures at this time. The Committee felt that this was a good reflection and good evaluation and were satisfied with the depth of work which had been carried out to propose this level of support.

During discussion by the Executive, the following was noted:

- It was confirmed that the Council was able to deal with this level of increase and was included within the budget proposals agreed by Council the previous month.
- The conditions for applying to the Hardship Fund had not yet been set, to ensure that the authority was not double awarding. The terms would be dependent on conditions of other grants.
- Extensive consultation had been carried out with providers including open book accounting, It was believed that officers now had a robust understanding of what the costs and pressures the providers were facing.

RESOLVED

1. That the rates set out in the first table at paragraph 4.4a of the Report 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 2023 for the year 2023/24 be approved.
2. That the rates set out in the tables at paragraph 4.4b of the Report 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 2023 for the financial year 2023/24 be approved.
3. That the rates set out in the table at paragraph 4.4c of the Report as the Council's Usual Costs for both new and existing Mental Health service users in respect of residential and nursing care with effect from 1 April 2023 for the year 2023/24 be approved.
4. That the rates set out in the table at 4.4d of the report as the Council's Usual Costs for both new and existing Physical Disability service users with effect from 1 April 2023 for the year 2023/24 be approved.
5. That the rates set out in the table at paragraph 4.4e of the Report as the Council's Usual Costs for both new and existing Learning Disability service users in respect of Community Supported Living with effect from 1 April 2023 for the year 2023/24 be approved.

6. That the continuation of the Hardship Fund for 2023-24 for commissioned providers on a targeted, evidence-based basis as set out in section 3 of the report, 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 Hardship Fund contained in Section 3 of the report including the criteria for the making of payments.
8. 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 use of the Market Sustainability and Improvement fund aligned to the grant conditions once published and the principle recommended in Section 5 of the report.

62 SUBSTANCE MISUSE GRANT MONIES

The Executive received a report which outlined additional funding that National Government had allocated to Lincolnshire to support delivery of the 2021 National Drug Strategy, and sought authorisation for an exception to the Council's Contract Regulations to enable delivery of initiatives for which grant monies have been allocated by variation to the Council's existing Substance Misuse Treatments and Recovery Contracts, and Housing Related Support contract in order to facilitate the grant allocation by 1 April 2023 in line with deadlines set by the Government.

The Chairman of the Adults and Community Wellbeing Scrutiny Committee presented the comments of the meeting of the Committee held on 22 February 2023 reported that the Committee supported the recommendations to the Executive. In addition, the Committee wished to see priority given to a risk-based approach, for example in relation to treatment for Class A drugs. The Committee also commented that good benchmarking was required to ensure that there were successful outcomes. The Committee acknowledged there was a risk to provision of these services in relation to future funding from government.

During discussion by the Executive, the following was highlighted:

- This was a substantial amount of additional funding, and clarity was sought regarding how outcomes would be measured. The Executive was advised that specific treatment outcomes were being tracked including housing arrangements, people supported into employment and a range of other metrics which were set by DLUHC, so that a good picture of what was delivered locally could be built up. It was also reported that a dashboard would be built which would capture the range of outcomes.
- In terms of the sustainability and continuation of funding, it was queried what would happen if it was not continued. Officers advised that there was confidence that the funding would continue in 2024/25, and in future it may be managed as part of the

wider substance misuse funding. It was highlighted that all local authorities would be having similar conversations.

- It was commented that this was an important service, and members would be keen to see it promoted as a service provided by the County Council.
- In terms of metrics, the Executive was advised that the authority was following the national route with what would be measured, but it was noted that it was difficult to demonstrate prevention. However, there was some quantitative information such as how many people were referred through different routes. It was highlighted that the complexities of the health and care system were not always understood and so there was an aim to demonstrate the role that the County Council played in it.
- It was confirmed that there was flexibility in the service if there was a need for more work to target specific issues.
- In terms of what success would look like in a years' time, it was noted that this would be reflected in the number of people that were being supported by the service locally. There were targets for the numbers of people that successfully completed treatment and were subsequently supported in their ongoing recovery.
- It was estimated that there were 7,000 people with alcohol dependency in Lincolnshire, and around 1,000 using the Service, and around 4,000 people using opiates and/or crack cocaine, many of whom would be dependent. It was very difficult to estimate the numbers using other specific substances (e.g. powder cocaine, cannabis, ecstasy etc).

RESOLVED

1. That the modification of the Substance Misuse Treatment Service contract to a maximum value of £1,674,453 to incorporate delivery of activity in support of the National Drug Strategy for a 12-month period between 1 April 2023 and 31 March 2024 be approved.
2. That the modification of the Substance Misuse Recovery Service contract to a maximum value of £174,000 to incorporate delivery of activity in support of the National Drug Strategy for a 12-month period between 1 April 2023 and 31 March 2024 be approved.
3. That the modification of the Housing Related Support Service contract to a maximum value of £533,325 to incorporate delivery of activity in support of the National Drug Strategy for a 12-month period between 1 April 2023 and 31 March 2024 be approved.
4. 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 final form of the modifications referred to in paragraphs 1 and 2.

63 LOCAL NATURE RECOVERY STRATEGY - A PARTNERSHIP APPROACH

The Executive Councillor for Economic Development, Environment and Planning introduced a report entitled *Local Nature Recovery Strategy – A Partnership Approach* and advised that The Environment Act 2021 placed new responsibilities on local authorities to improve biodiversity. The Act provided for the production of a Local Nature Recovery Strategy (LNRS) to guide the most appropriate and effective ways to achieve Biodiversity Net Gain. It was expected that Lincolnshire would be included in a Greater Lincolnshire strategy area and the County Council would be appointed by the Secretary of State to act as responsible authority.

The Head of Environment presented the report and highlighted that part of the duty on Local Authorities to improve biodiversity would include a mandatory minimum 10% biodiversity net gain (BNG) on nearly all developments from November 2023. However, it was noted that formal guidance and regulations from government in relation to this was expected in April 2023. Although Lincolnshire was expected to be the responsible authority, it would work closely, and in partnership, with North and North East Lincolnshire to produce the LNRS. To date, Lincolnshire had received £49,000 to enable the partnership to begin the process of developing the LNRS, with Additional Burdens funding expected from DEFRA in 2023/24 which was anticipated to be in excess of £120,000.

The Chairman of the Environment and Economy Scrutiny Committee was in attendance to present the comments of the Committee following its consideration of the proposals at its meeting on 28 February 2023. It was reported that the Committee was unanimously supportive of the recommendations, but that there were some key issues to be highlighted which included how biodiversity net gain would be measured, concerns over the feasibility of reaching the 10% figure, and sought reassurance that valuable agricultural land would not be affected. The Committee was strongly supportive of the collaborative approach and was pleased that Lincolnshire County Council would be taking a leadership role in this.

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

- Clarity was sought around the 10% target, as other areas may have more land available, and in Lincolnshire there could be a conflict between land used for growing food and ensuring biodiversity net gain. Officers advised that it would be the responsibility of the developer to identify the additional 10% and that this should ideally be within the development site. It would be entirely up to the landowner if they wanted to release their land for biodiversity gain.
- It was commented that there was a risk that it would become more profitable for land to be put aside for biodiversity rather than food, there would be a need to ensure that there would be balance.
- Officers advised that one opportunity that this approach would provide was that Lincolnshire could help to define the parameters for the land. If the developer was not identifying suitable land, then planning permission would not be granted. There could be more strategic work with partners to identify land that the partnership would like to see developed for biodiversity.

- It was suggested it would be useful to receive a follow up report when the formal guidance had been published.
- In relation to national infrastructure projects, it was noted that the County Council could look at pieces of land that it owns that could be added to the national register and offered to developers to make it easier for them to bring developments to the area.

(NOTE: Councillor Mrs P A Bradwell OBE joined the meeting at 11.34am)

RESOLVED

1. That the likely identification of Greater Lincolnshire as a Local Nature Recovery Strategy (LNRS) area and the likely appointment of the County Council to act as responsible authority be noted.
2. That the fulfilment of any future role of the County Council as responsible authority through a partnership approach be approved.
3. That the overall governance model set out in Appendix A of the report be approved in principle, subject to the detail of Regulations and Guidance.
4. That authority be delegated to the Executive Director – Place, in consultation with the Executive Councillor for Economic Development, Environment and Planning, to determine the final form of the partnership governance arrangements.

64 REVENUE BUDGET MONITORING REPORT 2022/23 - QUARTER 3

The Executive Director – Resources introduced a report on *Revenue Budget Monitoring 2022/23 – Quarter 3* which provided an update in revenue spending compared with budgets for the financial year which started on 1 April 2022. The Executive Director advised the Executive that since the publication of the report, the FBU had agreed to accept a pay offer of 7% which would be backdated to July 2022, and a subsequent increase of 5% for 2023. In terms of the pay award for 2023/24, a full and final offer, identical to that of 2022/23 had been made, which was a fixed amount of £1925 for all employees. It was also noted that final details regarding the Public Health and Transport budgets had not been received.

The Assistant Director – Finance presented the report and advised that the overall revenue position forecasted an underspend of £1.6m (excluding schools) at 31 December 2022, which equated to 0.3% of the net revenue budget, which was similar to the Quarter 2 position.

The main change since Quarter 2 had been the reporting of the overspend in educational transport. Increased demand, continued inflation and challenging market conditions in meeting statutory and policy requirements were the main drivers of the forecasted overspend in this area. However, this would be partly mitigated through short term savings in public transport.

The Chairman of the Overview and Scrutiny Management Board presented the comments of the meeting of the Board held on 23 February 2023 and highlighted that the Board had not identified that any corrective action was necessary. However, the Board did highlight three areas which were – the underspend in Children’s and Adults Services, and whether this was due to issues with recruiting sufficient staff. However, the Board was reassured that this was not the case. There was also acknowledgement of the changing nature of the economic context and financial mitigation of the anticipated higher levels of inflation, and assurance was sought that the contingency fund would be sufficient to meet these pressures. Finally, the Board queried what work would be undertaken to manage the planned overspend in home to school transport.

During discussion by the Executive, the following was highlighted:

- Assurance was sought that there was confidence that the contingency fund would be sufficient and that inflation would drop as predicted.
- Concerns were raised regarding the underspend in Children’s Services, however the Executive Director – Children’s Services advised that this was due to receiving some additional in-year funding allocated by government.
- Nationally, there had been challenges around the recruitment of health visitors, but the skills matrix was being examined to ensure that the needs of all Lincolnshire’s communities could be met.
- The pressures identified for home to school transport were predicted to have an impact on the management of the following year’s budget. It was noted that a rigorous process had been carried out to ensure that officers were confident about the potential impact on services. Some of the factors were out of the control of LCC, however provision was being made for a contingency to be in place to help manage these pressures over the next 12 months.

RESOLVED

That the current position on the revenue budget be noted.

65 CAPITAL BUDGET MONITORING REPORT 2022/23 - QUARTER 3 TO 31 DECEMBER 2022

The Assistant Director – Finance presented a report entitled *Capital Budget Monitoring Report – Quarter 3 to 31 December 2022* which provided an update on capital spending compared with budgets for the financial year which started on 1 April 2022. The Executive was advised that the current forecasted position was a net underspend of £11.5m (Block schemes £11.9m underspend, Project schemes £0.4m overspend). This represented less than 1% of the net capital programme budget for 2022/23. For the project schemes, the whole life net budget was forecasted to be underspent by £2.1m.

It was highlighted that the majority of the variation was around the capital contingency fund, which had been amended through the budget setting process, and ensured that key projects were budgeted at the correct level.

The Chairman of the Overview and Scrutiny Management Board presented the comments of the meeting of the Board held on 23 February 2023 and reported that clarification had been sought regarding recurrent allocations of funding for maintenance. The Board also acknowledged the degree of confidence in relation to risk and took the view that specific projects had been well budgeted for.

RESOLVED

That the position on the capital programme be noted.

66 CORPORATE PLAN SUCCESS FRAMEWORK 2022/23 - QUARTER 3

Consideration was given to a report introduced by the Head of Corporate Performance which presented an overview of performance against the Corporate Plan as at 31 December 2022. Detailed information on performance could be viewed on the Council's website. The full list of activities reported on were set out in Appendix A to the report. There were 33 activities with milestones to be reported in Quarter 3, and of these 30 were progressing as planned, with three within agreed limits.

It was noted that paragraph 4.7 of the report set out changes which had been made since the Quarter 2 report had been presented.

In relation to the Key Performance Indicators (KPI's), it was reported that there were four indicators which were exceeding ambition, 13 were achieving ambition, and six did not achieve the ambition. It was highlighted that there were two new measures that were now being reported on, and these were both progressing well. Further details in relation to these were set out in the report.

Contextual KPI's were generally performing well, however, those measures that were not achieving target were the same measures which were not meeting the target in Quarter 2. A wider explanation around the waste measures was included from page 159 of the agenda pack.

The Chairman of the Overview and Scrutiny Management Board presented the comments of the Board following its consideration of the report at its meeting on 23 February 2023, and it was noted that the Board focused on those measures around waste and recycling, sickness absence, school performance, complaints and air pollution. It was reported that the Board had discussed the presentation from the Head of Waste for some time. It was acknowledged that the Council was not able to control the recycling rates, as it was dependent on the behaviour of residents. It was also noted that the recycling rates did not necessarily demonstrate either good or bad performance.

It was also noted that the Board recognised that complaints were an important part of improving services and there was support for the suggestion that more frequent reporting of complaints to the Audit Committee took place. The Board also highlighted that the most common reason of sickness absence was due to mental health, and it was acknowledged

that this was an important issue, and the reasons for mental health absence were a mixture of work related and personal.

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

- In relation to recycling rates, it was not possible to control what people presented at the kerbside or at Household Waste Recycling Centres. Other factors also affected recycling rates for green waste, such as dry weather in 2022 resulted in 87 tonnes less green waste than target being collected. It was queried whether there was too much focus on the actual amounts collected.
- In terms of contamination of recycling, it was reported that the figure was 34%, but this had now reduced to 27 - 28%. In areas which had separate paper and card collections, contamination had reduced to 14 – 16%. It was suggested that there was a need for targets which were appropriate for the Council's needs.
- Progress continued to be made in terms of reducing sickness absence and was getting closer to the target rate.
- The rate of complaints had gone up, and the target that was measured was for early resolution. It was noted that there was a resource issue, but there was also a need to look at the process.
- It was confirmed that the complaints annual report was considered by the Audit Committee, and that maybe quarterly reporting would be beneficial.
- The increase of mental health as a reason for sickness absence was a matter for concern, and it was noted that the Council did have a fairly comprehensive wellbeing offer, and there was a need to ensure it was accessible to all staff.

(NOTE: Councillor Mrs S Woolley joined the meeting at 12.05pm)

- In terms of schools' performance, it was noted that the County Council continued to work with the Regional Director. Some work had also been carried out with the district councils to clarify some of the roles and responsibilities. It was also noted that there would be little movement with the target due to the frequency of inspections being every three years.

RESOLVED

That the performance for 2022/23 as at 31 December 2022 be noted.

The meeting closed at 12.08 pm