

BATH AND NORTH EAST SOMERSET

CORPORATE POLICY DEVELOPMENT AND SCRUTINY PANEL

Wednesday, 27th May, 2020

Present:- Councillors Paul Myers (Chair), Winston Duguid (Vice-Chair), Mark Elliott, Andrew Furse, Hal MacFie, Alastair Singleton, Shaun Hughes, Karen Warrington and Lucy Hodge

Cabinet Member for Resources: Councillor Richard Samuel

Policy Development Chairs & Vice-Chairs: Councillors Vic Pritchard & Michelle O'Doherty (Chair & Vice-Chair of the Children, Adults, Health & Wellbeing Panel) and Councillors Karen Walker & Tom Davies (Chair & Vice-Chair of the Climate Emergency and Sustainability Panel).

Also in attendance: Maria Lucas (Director of Legal and Democratic), David Trethewey (Director of Partnerships and Corporate Services) and Andy Rothery (Director of Finance & S151 Officer)

55 WELCOME AND INTRODUCTIONS

The Chairman welcomed Panel members and officers who were attending the meeting via Zoom and members of the public viewing on YouTube.

He explained that four other councillors had been invited to attend the meeting, namely Councillors Vic Pritchard & Michelle O'Doherty (Chair & Vice-Chair of the Children, Adults, Health & Wellbeing Panel) and Councillors Karen Walker & Tom Davies (Chair & Vice-Chair of the Climate Emergency and Sustainability Panel). He added that these councillors were not eligible to vote as part of the Panel.

He added that also present were David Trethewey – Director of Partnership & Corporate Services, Andy Rothery – Director of Finance & Section 151 Officer, Maria Lucas - Director of Legal & Democratic Services and Mark Durnford – Democratic Services Officer.

He announced that the meeting was being held under The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. He stated that the Council had agreed a protocol to cover virtual meetings and that this meeting would operate in line with that protocol. He explained that the meeting had the same status and validity as a meeting held in the Guildhall.

56 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

57 DECLARATIONS OF INTEREST

Councillor Lucy Hodge declared an ‘other interest’ in respect of agenda item 7 (COVID-19 - Update Report and Position statement) as she has a standby role for the NHS to attend the Royal United Hospital, Bath if required during the Covid-19 crisis.

Councillor Shaun Hughes declared an ‘other interest’ in respect of agenda item 7 (COVID-19 - Update Report and Position statement) as he has had a business receive a Business Support Grant during the Covid-19 crisis.

Councillor Michelle O’Doherty declared an ‘other interest’ in respect of agenda item 7 (COVID-19 - Update Report and Position statement) as she is the secretary of Lansdown Cricket Club and they have received a Business Support Grant during the Covid-19 crisis.

The Monitoring Officer issued a dispensation in relation to those Councillors that were in receipt of any grants that had been awarded by the government under the COVID-19 Regulations, such as business grants or furloughing, to allow all Members to take part in the debate. She asked members to communicate via the chat function on this matter so that the Democratic Services Officer could have a record of their declarations.

58 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

59 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

The Chairman announced that statements had been received from David Redgewell and Councillor Robin Moss and that these had been circulated to the Panel. The Chairman read them both out, also they are attached as an online appendix to these minutes and a summary is set out below.

Statement from David Redgewell - South West Transport Network and Railfuture Severnside

We are concerned about social distancing regulations within Bath and North East Somerset on the public transport network.

With government guidance to local authorities, Transport operators and passenger groups - we are concerned about the lack of social distancing notices on bus shelter and stops. There is no clear social distancing marking on pavements.

Realtime information displays need to explain timetables and social distancing guidance and the wearing of face masks and CONTACTLESS payments on buses.

Clear destinations need to be displayed and provide information on the front when the bus is full for passengers - DISABLED ACCESS is protected.

Hand gels are required at key interchanges and public toilets need to be reopened in the district and the block at Avon Street Coach Station.

On Railway services social distancing is required on trains with just 45 passengers allowed on a 3-car train and 60 on an intercity train - social distancing on trains and station is important. Notices and signs need to be in place at Keynsham, Oldfield Park, Bath Spa and Freshford.

Enforcement of social distancing is required by transport staff, including marshalling at key interchanges by support from the British Transport Police and the Avon and Somerset Police.

The Chairman thanked him for the statement on behalf of the Panel and asked that it be passed to the Cabinet Member for Transport and the Leader of the Council.

Statement from Councillor Robin Moss

I am asking that the scrutiny panel considers reviewing the current B&NES corporate outsourcing arrangements, not just in light of the Covid-19 emergency, but also that there have been concerns about the lack of flexibility, the quality of service & value for money even prior to this year.

The use of the private sector to provide home care & associated services has resulted in staff surveys showing high levels of dissatisfaction & internal monitoring reports showing service delivery being 'red flagged' as poor.

There have been consistent national & local reports that residential care providers are under severe financial strain. This is likely to get worse as the increased PPE costs as well as social distancing reducing the number who can be accommodated reduces.

Outsourcing our services does not outsource our responsibility as a local authority. Outsourcing does however make it more difficult to respond to crises, it makes it more difficult to introduce improvements when quality is deteriorating & it is increasingly a more expensive option.

I believe there needs to be a debate on how local councils provide their services, what is appropriate in the private sector, what should be in 'house' & where the co-operative & '3rd sector' should be used.

The current financial crisis does mean we have to look not only at what services we provide, but also how we provide those services. It is an opportunity to move away from the 'private profit is best' nostrum, that may have benefited shareholders in the past, but which has failed to benefit residents.

Councillor Andrew Furse commented that the outsourcing of services does make it harder for the Council to pull certain levers in times like these.

Councillor Shaun Hughes asked for the Panel to receive a summary of all services that are currently outsourced from the Council.

The Chairman agreed that it would be good to see a summary of services and then consider what further work the Panel could do in the future. He added that they could look to explore the experiences of different sectors and have feedback from those that receive these services.

Councillor Richard Samuel stated that around £90m is spent on contracts, which is a quarter of the Council's gross spend per year. He added that this is a long-term strategic issue which he is willing to look into and bring a report back in due course to the Panel for an informed discussion.

Councillor Karen Warrington said that there is a role for consultants to play within the life of the Council. She added though that it would be good to have a review to see if any could be used on a less frequent basis.

Councillor Hal MacFie said that he would welcome a presentation on this matter from the Cabinet Member.

Councillor Vic Pritchard commented that there are profound implications to the statement made by Councillor Moss. He added that the Virgin Care contract is monitored on a daily basis. He explained that one of things that the crisis has highlighted is that there is not adequate integrated care between acute care and social care and that changes regarding this are required on a national level.

The Chairman proposed that an initial briefing paper on the definition of outsourcing and how much and what is outsourced be received by the Panel from the Cabinet Member for Resources and lead financial officers. He added the Panel could try to gain experience of services that have been outsourced, review this information and then seek to form recommendations.

He suggested that the work could involve the other two Policy Development & Scrutiny Panels.

The Panel unanimously agreed with this proposal.

The Chairman thanked Councillor Moss for the statement on behalf of the Panel.

60 MINUTES: 3RD FEBRUARY 2020 & 10TH FEBRUARY 2020

The Panel approved the minutes for the meetings held on 3rd February 2020 & 10th February 2020 as a correct record.

61 COVID-19 - UPDATE REPORT AND POSITION STATEMENT

The Director of Partnership & Corporate Services introduced the report to the Panel. He explained that it contained a consolidation of the activity carried out since the crisis began and that although some information had been released through press releases it was good to share this with members of the public and Councillors.

He stated that the priorities have been to protect our most vulnerable, support local businesses and maintain Council services.

He added that there was a need to recognise the excellent work of staff for adapting their current roles, for those that have taken on additional work and those that have been redeployed.

He said that £33m of Business Grants had been distributed locally and that this had been done by a number of staff that had come together from across different departments.

He stated that the Council in partnership with Virgin Care, the CCG and 3SG have worked around the clock to set up the Compassionate Community Hub, combining resources to ensure the system can provide sustainable and appropriate responses to meet community needs.

He explained that it operated via a dedicated public phone number and that the Hub offers advice and support for those who are self-isolating, shielding or simply in need of help.

He said that the Hub is an excellent example of a strong working partnership bringing together the Council, Virgin Care and the 3SG plus other third sector partners across different organisational boundaries and making a real difference on the ground.

He added that our residents and communities also deserve praise for adapting to changes that have been put in place.

He concluded by saying that the report gives the Panel an opportunity to consider what they wish to look at further as we move into different phases of crisis.

The Director of Finance & Section 151 Officer addressed the Panel. He said that early on in this process it became apparent that the Council would be exposed to a big loss to its income due to how the crisis would affect Heritage and Parking Services in particular.

He explained that the report showed that the financial impact of coronavirus due to the extra expense and income loss added together was currently predicted to lead to a circa £43m shortfall in revenue funding for Council services this year.

He stated that a pragmatic approach was required by the Council and that the next cycle of reporting would focus on how we can look to deliver recovery measures.

He highlighted the funding measures from within the report.

COVID-19 Emergency Funding Initial allocation (19 March)	£1.6bn	£4.64m
COVID-19 Emergency Funding Second allocation (18 April)	£1.6bn	£5.36m
Hardship Fund	£0.50 bn	£1.29m
Business Support Grants	£12.33 bn	£46.1m

He informed the Panel that the B&NES allocation of the £3.2bn of Government grant funding had given the Council £10m to meet new expenditure pressures, however this would not mitigate the projected reductions in income and further support from government would be essential to enable the Council to manage its 2020/21 budget.

He stated that a further grant of just over £2m had recently been released to B&NES to address the pressure to deliver safe practice in care homes.

The Chairman referred to section 4 of the appendix and asked if the loss of income could be broken down by service department and asked when levels of activity might return.

The Director of Finance & Section 151 Officer replied that our income modelling remains consistent in that we expect a period of low income from Heritage & Parking Services until September. He added that the recovery period was likely to at least last until April 2021.

The Chairman asked if there has been any consideration given to reducing the costs associated with Heritage Services given the fact that a lot of the cost are related to activity. He added that tourism may not return as we know it until 2021 and asked will the Council be able to carry on covering the large overhead associated with this service.

The Director of Finance & Section 151 Officer replied that cost recovery work was well progressed and would feature in the report to Cabinet on June 24th.

Councillor Hal MacFie asked if the Government had requested certain services to continue without allowing for any grants or funding from them.

The Director of Finance & Section 151 Officer replied that the Council has been given a £10m revenue grant which has not been specifically ring fenced and this therefore is covering some new areas of work.

Councillor Hal MacFie asked if particular services were forecast to go high over their current budget.

The Director of Finance & Section 151 Officer replied that he didn't expect many to do so. He added that as the profile of the Council changes again in the coming months it will likely begin to do less of the things it has been doing more of recently. He added that the Council was assuring as much as possible that it was receiving the services it has paid for through its contracts.

Councillor Hal MacFie asked if a budget had been set aside for housing the number of homeless people that had been given accommodation as a result of the crisis.

The Director of Finance & Section 151 Officer replied that funding had been earmarked and that he would find the exact figure for the Panel.

Councillor Lucy Hodge said that she welcomed the position statement report and thanked all staff for their work so far during the crisis. She asked if whether the reduction in planning applications had led to staff in that department being redeployed.

The Director of Partnership & Corporate Services replied that he did not have those figures to hand but could find out for the Panel.

Councillor Lucy Hodge asked how many members of staff responded to the recent survey relating to the crisis.

The Director of Partnership & Corporate Services replied that around 900 responses were received. He added further surveys were likely as the crisis was ongoing.

Councillor Lucy Hodge asked how the £2m allocation to the Council for the Delivery of Social Care was being utilised.

The Director of Finance & Section 151 Officer replied that the Council has advanced funded the supply of PPE to a number of Care Homes and that it would be appropriate for that cost to be met from the £2m grant and then to follow the guidance issued to allocate what remains in an appropriate way.

Councillor Tom Davies said that he welcomed the report, in particular the positive aspects surrounding the distribution of Business Grants. He asked how the Council were preparing for matters such as safe spaces for walking (social distancing) and cycling around the city centre and our local shopping areas and general governance as we move towards exiting lockdown.

The Director of Partnership & Corporate Services replied that normally you would see Councils balance the managing of the incident with preparing for recovery, but this situation is very different as the incident is ongoing. He added that the number of tactical incident meetings is now less, and recovery cells are being arranged.

He said that while announcements from Government were being received, they do not always contain funding information and that this may lead us to be initially cautious in our approach.

Councillor Andrew Furse asked if the Council was preparing for a possible increase in applications for planning permission and licensing for the use of tables & outside of restaurants and public houses. He added that he was concerned over the time this process might take.

The Director of Partnership & Corporate Services replied that he couldn't offer assurances on those matters specifically at this time as the Council was only just moving into a recovery phase.

Councillor Andrew Furse asked if the Council was confident that all grants have been issued to legitimate businesses.

The Director of Finance & Section 151 Officer replied that a rigorous two stage identity checking process for grant applications was put in place from the outset and checked against our Business Rates records.

Councillor Michelle O'Doherty wished to thank all officers for their work in the current difficult circumstances. She asked what actions are being taken to address the poor levels of wellbeing and anxiety expressed by some members of staff in the recent survey.

The Director of Partnership & Corporate Services replied that a range of measures have been put in place, such as tools on the intranet on how to keep fit and stay safe / well and a notification system that pops up on screen to advise staff to take a break. He added that there was also a programme of direct support to advise managers on how to look after staff whilst working remotely.

Councillor Mark Elliott thanked staff for the excellent work they had done so far. He asked had any evidence been gathered to say whether productivity had increased or declined at this stage due to Working From Home or whether this was something that will be monitored.

The Director of Partnership & Corporate Services replied that there had been anecdotal data from some staff that their productivity has increased due to a lack of a daily commute and being able to organise around other commitments. He added that it is an area that will continue to be monitored as there is no plan in place as yet to bring staff back into the offices.

Councillor Mark Elliott asked how prepared the Council was for the Test & Trace process and what funding / officer resources will be received to enable it.

The Director of Partnership & Corporate Services replied that he could not give a reply at this stage although he was aware that colleagues within Public Health were working through the guidance that has been issued.

The Director of Finance & Section 151 Officer added that he was hoping to receive some clarity on funding allocation in the coming days.

Councillor Vic Pritchard asked if the budget set by Council in February would remain in place and provide the listed 800 or so services or would some be curtailed and the funds returned centrally.

The Director of Finance & Section 151 Officer replied that the agreed budget would be kept in place as it was too early to understand the whole financial impact of the crisis. He added that the Council will need time to form cost recovery measures to mitigate budget pressures when they are identified.

The Director of Legal & Democratic Services confirmed that a legal budget had been set by the Council and would be followed with cost recovery measures in mind.

Councillor Karen Walker thanked the officers for compiling the report. She asked whether a press release could be issued to promote to members of the public to sign up to receiving information from the Council via email to enable them to get as much up to date news as possible. She asked which of the Council's Capital Programme projects are continuing, pausing or being stopped.

The Director of Finance & Section 151 Officer replied that a review on this matter was still ongoing and that initially it would be more a case of assessing timescales rather than pausing or stopping projects. He added that it was hoped that the outcome of the review would be part of the Cabinet report scheduled to be discussed on 24th June.

Councillor Karen Walker asked how long the Compassionate Community Hub would remain in place.

The Director of Partnership & Corporate Services replied that we will need to work with partners over the next few weeks to see what the future of the Hub will be. He added that it had been widely recognised as a huge success.

Councillor Alastair Singleton said that he welcomed the useful and informative report that had been produced for the Panel. He said that he had also been greatly impressed by the flexibility and adaptability of Council staff during this period. He asked if for those that have undertaken new roles whether their original jobs will be in place / required once the crisis has slowed down.

The Director of Partnership & Corporate Services replied that he felt it would be more a question of how the Council works as an organisation and what skills it requires and he said that this would be assessed during the business recovery phase. He added that he had felt that overall that staff that had taken on new roles had done so positively.

Councillor Alastair Singleton asked if there were any restrictions as to how businesses spent the grants that they had been issued.

Councillor Karen Warrington wished to add her admiration for staff across the Council and their work during the crisis and for the detailed report the Panel had received. She asked how many small businesses had been declined a Business Grant.

The Director of Partnership & Corporate Services replied that he was unable to answer at the present time but would find out for the Panel.

Councillor Winston Duguid asked if the Council is recharging for the PPE it has procured for Care Homes and Community Resource Centres at cost price or is it losing money as part of the current process.

The Director of Finance & Section 151 Officer replied that the Council is required to procure PPE and fund it and has been charging against the grant that has been issued by the Government whilst stocks have been in short supply. He added that

the new Social Care Grant is intended to help Care Homes fund their own PPE purchases in the future.

The Chairman asked considering the Government grants that are in place why are our figures relating to the Collection Fund showing that we will be in such a deficit.

The Director of Finance & Section 151 Officer replied that there is no fund to mitigate those members of the public that can't now afford to pay their Council Tax as a result of becoming a new Universal Credit claimant as a result of the crisis. He added that this was a prudent estimate and that the picture will become clearer in the coming months.

The Chairman asked for more details on the figure supplied in the report in terms of the Revenue Capitalisation costs.

The Director of Finance & Section 151 Officer replied that as delivery has slowed down on capital projects the Council will not be able to charge 100% of the associated salary costs to those projects.

The Chairman asked if the Council was allowed to claim furlough in respect of its staff.

The Director of Finance & Section 151 Officer replied that the guidance had been reviewed and that Councils could claim on behalf of staff that work in income generating venues that have had to close due to current restrictions.

The Cabinet Member for Resources commented that he felt that the crisis had exposed a weakness in the Council's constitution in terms of governance. He said that he didn't believe that the emergency powers within it were written with an incident of this magnitude in mind.

He added that it became apparent early on that a daily briefing with senior Councillor figures was required as they felt out of the loop with decisions that were being taken on their behalf. He said that he expected a review of the constitution to take place as part of this process.

He commented that in terms of Business Grants, large organisations and those non-rate paying businesses were excluded when they were first issued, but that from today a £2m discretionary business grant scheme would be able to be applied for.

In respect of the Council's budget he said that they hoped to carry out as much as possible, but it was clear that there would be elements that will not be possible in totality. He stated that all Councils will be facing a similar challenge across the country.

He said that it had been difficult at times due to the different funding streams that had been received as he felt that this could have been coordinated better by the Government. He added that the work and connectivity between the Council, the local NHS and CCG had been extremely good and very strong.

He stated that he felt that it would take the public transport system years to recover fully from this and that it should also be noted how much reduction in car usage there has been due to the crisis.

Councillor Mark Elliott asked when would the emergency powers relating to decision making cease.

The Cabinet Member for Resources replied that the Chief Executive had informed him that he intended to bring them to a conclusion at the end of May.

The Director of Legal & Democratic Services explained the emergency powers under the Constitution came into effect as initially it was not possible to facilitate a meeting of the Cabinet or other such bodies. She said that now that meetings were able to take place, the use of these powers would reduce. She stated that the Chief Executive did not have exclusive power while operating under the emergency rules and that Cabinet Members and senior officers could also make decisions and have done so during this period.

Councillor Karen Warrington commented that she had received feedback from local residents that they had felt quite remote during this period and that some of the communications had seemed sporadic. She said that this area of the Council will become key during the recovery period and as the Test & Trace process begins to roll out.

She added that she would like to discuss further the matter of PPE for volunteers to assist in working within our communities and with local vulnerable people.

Councillor Michelle O'Doherty commented that she believed that a number of key points, in particular Social Care and PPE in Care Homes would welcome further discussion at the Children, Adults, Health & Wellbeing Panel of which she is a member.

Councillor Mark Elliott said that he felt that the communications from the Council took quite a while to get going from when the crisis began to the letter being received by all members of the public. He added that an earlier assurance to our most vulnerable and most isolated residents would have been welcomed.

Councillor Lucy Hodge stated that she agreed that the letter took too long to be distributed and that it should have made clear that despite the crisis the NHS was open as normal for non Covid related issues.

Councillor Karen Walker asked for the statement made by David Redgewell to be passed onto her Panel as well as Transport was within their remit.

The Chairman said that it was telling by the number of questions asked how much work had been done so far and was still to do in different phases. He added that it also showed how important it is to have an ongoing scrutiny function within the Council and to provide information to the public in this forum.

He said that he expected the Panel to continue to do more work of this nature in the coming weeks and months.

Following a proposal by Councillor Paul Myers that was seconded by Councillor Karen Warrington the Panel **RESOLVED** that;

- (i) A Task & Finish Group be convened with the membership of the current Policy Development & Scrutiny Panel Chairs & Vice-Chairs to feedback in more detail on these matters to the Cabinet and lead officers of the Council.
- (ii) Members of the Corporate Policy Development & Scrutiny Panel can email further comments on the report to Democratic Services by 5.00pm on Friday 29th May.

The Chairman said that feedback from the Task & Finish Group would form part of the Panel's next agenda and that they were currently due to meet on 24th July. He thanked all those present for their contributions to the meeting.

The meeting ended at 6.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services