

Time started 11.00am
Time ended 11.36am

Urgent Leader of the Council Cabinet Member Meeting 22 April 2020

Present: Councillor Poulter (Chair)

In Attendance Councillors AW Graves, Skelton, Webb and Williams
Andy Smith – Strategic Director of People
Perveez Sadiq – Director of Adult Social Care Services
Emily Feenan – Director of Legal, Procurement and
Democratic Services and Monitoring Officer
Alison Bush – Principal Lawyer
Alex Hough - Acting Head of Democracy

17/19 Apologies

There were no apologies for absence.

18/19 Identification of Urgent Items to which Call-in will not apply

It was confirmed that consent had been granted from the Chair of the Executive Scrutiny Board for the matters under consideration as an urgent key decisions (detailed at minutes nod 21/19 and 22/19) to be exempted from call-in.

The reasons for urgency for the Schools Capital Programme was that it needed to be approved to enable orders to be placed from 23 April 2020 to allow the works to be undertaken during the school summer holidays.

The reason for urgency for the Easement to the Care Act 2014 Duties was that in the context of COVID 19, the Council may have to move immediately to implement the easement and waiting until the next meeting of Council Cabinet may be too late.

19/19 Declarations of interest

There were none.

20/19 Minutes of the meeting held on 5 December 2020

The minutes of the meeting held on 5 December 2020 were agreed.

Urgent Key Decisions

21/19 Schools Capital Programme 2020/21 – Phase 2 Schemes

The Leader of the Council considered an urgent report of the Strategic Director of People which stated that the Department for Education (DfE) had confirmed school condition maintenance allocations for 2020-21.

In order to commence scheme development, and to complete essential work during the school summer holiday period, early approval of schemes was necessary. It was therefore proposed to seek scheme approval based on a confirmed allocation of £1.400m.

A breakdown of the school maintenance Capital Programme funding for 2020/21 was set out within Appendix 1 of the report. The proposed phase 2 schools capital programme schemes for 2020/21, including proposed individual school condition maintenance projects, were outlined in Appendix 2 of the report.

The proposal was for funding to be prioritised to deal with essential school condition and maintenance issues across the schools estate. An on-going programme of work was required in school premises to deal with essential condition and health and safety issues to ensure that school buildings remained safe and open.

The report sought approval for the schools maintenance capital programme for 2020/21 as set out within Appendix 2 of the report.

Options considered

The available capital funding had been prioritised in line with the School Asset Management Plan to deal with the most urgent condition and health and safety issues.

Decision

1. To approve the Schools Capital Programme priority schemes for 2020/21 as outlined in Appendix 2 of the report and approve scheme commencement.
2. To approve the amendment of the approved 2020/21-2022/23 capital programme with the proposed scheme allocations as detailed in Appendix 1 and Appendix 2 of the report.

Reasons

1. An on-going programme of work was required in school premises to deal with essential condition and health and safety issues across the schools estate to ensure that school buildings remained safe and open. In order to complete as much work as possible during the school summer holiday period, early approval of schemes was necessary.

2. In accordance with Financial Procedure Rules, amendments to the Council's capital programme were required to be reported to Council Cabinet.

22/19 Implementation of Easement of Care Act 2014 Duties Brought in by the Coronavirus Act 2020

The Leader of the Council considered an urgent report of the Strategic Director of People which stated that on 23 March 2020, the Prime Minister announced that UK citizens would be restricted from leaving their home except in certain circumstances. It was recognised that these restrictions, together with the effects of the Covid-19 pandemic on the UK workforce would place pressure on the delivery of care and support. On 25 March 2020, the Coronavirus Act received Royal Assent and on 31 March 2020, Commencement Order No 2 was introduced bringing into force those parts that disapplied several duties under the Care Act 2014 ("the easements").

The decision whether to introduce the easements was to be taken by the Director of Adult Social Services (DASS) in each local authority, following a decision-making process set out in Government guidance entitled Care Act easements: guidance for local authorities published on 1 April 2020. The report provided details about the decision to be made and in what circumstances and sought approval for the Strategic Director for People Services to take that decision.

Options Considered

1. Do Nothing – This would lead to risk to life and limb of multiple vulnerable adults. There would be exponentially increasing levels of calls on the service with an increasingly depleted workforce or/and care capacity being unable to meet the demand which would lead to adverse impact on the health and well-being of the population. The duty to ensure market viability remained and doing nothing would also negatively impact on that duty.
2. Remaining at stage 2 of the easements – would eventually lead to the circumstances described in paragraph 6.1 of the report in any event. In extremis, it would also amount to fettering of decision making powers.

Decision

1. To agree to implement the easements as set out in the report and subject to recommendation 2.2.
2. To delegate authority to the Strategic Director for Peoples Service, to make decisions when appropriate to implement the easements set out in the Coronavirus Act 2020.

Reasons

1. It was essential that critical levels of care and support were maintained to the most vulnerable people during a time when staffing and care market capacity were severely challenged.

2. It was essential that patient flow out of the acute hospital was maintained.

MINUTES END