

## EXECUTIVE BOARD

13 May 2020

**Present:**

<b>Elected Members</b>	<b>Councillors Warrington (In the Chair) Bray, Cooney, Fairfoull, Feeley, Gwynne, Kitchen, Ryan and Wills</b>
<b>Chief Executive</b>	<b>Steven Pleasant</b>
<b>Borough Solicitor</b>	<b>Sandra Stewart</b>
<b>Section 151 Officer</b>	<b>Kathy Roe</b>

**Also in Attendance**

**Dr Asad Ali, Steph Butterworth, Ilys Cookson, Jeanelle De Gruchy, Richard Hancock, Tim Rainey Dr Ashwin Ramachandra, Ian Saxon, Sarah Threlfall, Jayne Traverse and Tom Wilkinson**

### 146 MINUTES OF PREVIOUS MEETING

The minutes of the meeting on the 6 May 2020 were accepted as a correct record.

### 147 QUIET STREETS INITIATIVE DURING COVID 19

Consideration was given to a report of the Executive Member for Transport and Connectivity / Director of Operations and Neighbourhoods, which outlined a series of priority pilot projects that could be delivered in the short, medium and long term to enable physical distancing for safe essential journeys and exercise. The report set out key priorities to help deliver a sustainable recovery plan which would boost local economy.

Members considered how people's activities and use of transport had changed whilst the country was in lockdown. Members were informed of the measures being promoted by the GM Mayor to implement Safe Streets and the recovery by enabling people to travel safely using resilient transport that supports the interlinked agendas of public health, clean air and climate change.

Members discussed possible schemes and the importance of engaging with local members prior to progression of any schemes

#### **AGREED:**

**That the Executive Member (Transport and Connectivity) be recommended to approve, subject to the necessary consultation and risk assessments taking place in all cases and any requirement traffic regulation orders.**

- (i) Consulting generally with the public about the principles of safe streets, together with where appropriate any impact of Covid 19 and safe social distancing.**
- (ii) progressing the temporary schemes in Appendix 1 except in respect of the Lord Sheldon Way, which requires further consideration.**
- (iii) accelerating the delivery of schemes identified as part of the mayor's challenge fund in Appendix 2.**

### 148 FINANCE REPORT - OUTTURN 2019/20 AND 2020/21 FORWARD LOOK

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Lead Clinical GP / Director of Finance, which provided an overview of the financial position of the Tameside and Glossop economy in 2019/20 at the 31 March 2020.

It was reported that for the 2019/20 financial year the Integrated Commissioning Fund had spent £619,675k, against a net budget of £619,662k. The overspend of £13k on Council budgets would be met from general reserves. It was explained that deliver of the budget had only been possible as a result of several significant non-recurrent financial interventions, including one-off savings and additional one-off income. Significant overspends were included in the overall position across a number of service areas, including Children's Services which had spent £8.4m in excess of budget.

It was stated that the approved Capital Programme budget for 2019/20 was £42.013m. Service areas had spent £37.341m on capital investment in 2019/20, which was £4.672m less than the capital budget for the year. The variation was spread across a number of areas, and was made up of a number of over/underspends on a number of specific schemes (£0.673m) less the re-phasing of expenditure in some other areas (£5.344m). It was explained that there were additional schemes that had been identified as a priority for the Council, and, where available, capital resource had been earmarked against these schemes which would be added to the Capital programme and future detailed monitoring reports once satisfactory business cases had been approved by the Executive Cabinet.

The Capital Programme for 2020/21 and beyond was summarised, after the financing of expenditure in 2019/20 the Council was holding a balance of £14.593m in the Capital Investment Reserve to fund the £18.792m of budgeted schemes that required corporate funding. It was explained that delivery of the Capital Programme was highly dependent on the realisation of planned Capital Receipts, therefore, the current COVID-19 pandemic increased the risk that Capital receipts would either not be achievable or that values would be diminished, putting the delivery of Capital Investment objectives at risk.

Members were updated on the financial outlook for 2020/21. Members were advised that the full scale and extent of the health, socio-economic and financial impact of the COVID-19 pandemic was not yet fully understood. The immediate demands placed on local service delivery would result in significant additional costs across the economy and the economic impact was expected to have significant repercussions, resulting in losses of income for the Council across a number of areas, potentially for a number of years. Whilst the immediate focus was to manage and minimise the impact of the virus on public health, the longer term financial implications and scenarios would need to be considered.

Members were informed that there were significant risks facing the CCG as NHS England & Improvement endeavoured to manage the impact of COVID-19 on the NHS. CCG's were being told what values to pay providers, which was based on a month 9 position and included considerable non recurrent funding, which the CCG no longer had included within budgets. This was being stringently monitored and the risks highlighted to the GM Health and Social Care Partnership.

It was further explained that there was likely to be a significant financial shock to the Council's current revenue budget, on-going financial sustainability and balance sheet. Significant additional costs were being incurred as the Council responded to the pandemic, and there would be a significant reduction in income levels to the Council in 2020/21 and potentially into future years. Whilst Government had stepped in and provided additional funding, this was already insufficient to support the financial impact of the crisis on the Council's finances.

**AGREED:**

- (i) Note the overall outturn position for 2019/20 as set out in Appendix 1. Whilst the overall position for 2019/20 is in line with budget, this includes several significant one-off savings and additional income sources. The budget was also set assuming the use of £9.3m of Council Reserves.**
- (ii) Note the Capital outturn position and financing for 2019/20, and the capital financing risks for 20/21 and beyond as set out in Appendix 2.**

- (iii) **Note the potential financial scenarios and risks for 2020/21 and beyond as set out in part 3 and Appendix 3 to this report.**

## **149 UPDATE ON COUNCIL TAX AND BUSINESS RATES**

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Assistant Director (Exchequer), which sought approval for the recovery of monies to continue subject to HMCTS hearings recommencing and a further review in June 2020. The report detailed collection rates for the month of April 2020 in respect of Council Tax and Business Rates, and also considered the impact of the current economic situation on Council Tax support scheme costs.

Members were informed that the first month of the financial year would typically have the highest number of payments collected by direct debit and the highest number of recovery reminders would be raised due to non-payment of the first instalment. At present no recovery was taking place as Courts were closed and Enforcement Agents could not recover debts due to specific government guidance and also social distancing factors.

It was reported that in April 2019, 10.53% of Council Tax due for the year was collected against a target of 10.60%. The target for collection in April 2020 remained at 10.60% but only 9.77% had been collected, a total cash shortfall of £980k after the first month of the financial year.

It was explained that during the last week of March and April a total of 1,389 requests were received from Council Tax payers to defer the April instalment due to financial concerns regarding COVID-19 lockdown. The main reason cited was employment concerns and having income reduced. A total of 1,127 accounts were approved to be deferred to commence payment in May, June or July depending on individual's circumstances and subject to making an application to claim Council Tax Support.

Members were advised that the number of those who had not made any payment at all in the month of April represented 13.8% of all Council Tax Payers in Tameside. It was explained that as 1,127 (1%) of those that had requested deferrals it could suggest that some residents were in financial difficulty and had not made the Council Tax Service aware or that some Council Tax payers were able to pay and had not yet done so as they had not received a reminder letter.

Council Tax Support claims had increased during April, it was reported that the increase in claims was less than expected during the COVID-19 lockdown. It was reported that claims for Universal Credit had increased significantly across the country to being 1.8 million claims from mid-March to the end of April. It was explained that those in receipt of Universal Credit and that had a Council Tax liability would usually claim Council Tax Support to assist with payment of their liability.

Members were informed that in April 2019, 10.96% of business rates due were collected against a target of 12%. This compared to a collection rate of 8.28% in April 2020, a cash shortfall of £1.2m against the target of 12%. It was explained that the total Business rate payers is 7,600 and those who had not made any payment at all in the month of April represented 8.2% of all Business Rates payers. Although some business rate payers had contacted with regard to concerns about paying the first instalment, these had been very few in number.

It was stated that the first month of the financial year was typically where the highest number of payments were made by direct debit and also the highest number of recovery reminders would be raised due to non-payment of the first instalment. In Tameside a decision had not been made to cease the issue of recovery documents for a specific period of time for Business Rates, Council Tax or Sundry Debts, however, like all other Greater Manchester authorities no recovery documents were issued in April primarily because Her Majesty's Court and Tribunal Service confirmed that Courts were to be closed and subsequently all Business Rates hearings were cancelled until further notice. It was further explained that Collection of any arrears balance often extended beyond one financial year and arrears collection can sometimes take several years to

recover. It was suggested that the reduced collection rates in April may be due to deferred payments, with businesses delaying payment until later in the year. However, alternative scenarios may see collection rates continue below target or potentially deteriorating further as the economic consequences of COVID-19 have a detrimental impact on the financial suitability of businesses.

**AGREED:**

**That it be determined that in light of the Council's collection rate that recovery monies to continue subject to HMCTS hearings recommencing and a further review in June 2020.**

## **150 ONLINE MEETING SOLUTIONS**

Consideration was given to a report of the Assistant Director of Digital Services, which sought the support of Members for the continued use of Skype for Business (SfB) and the introduction of Zoom Pro in a limited set of circumstances.

It was explained that SfB was the Council's corporate solution for on-line business meetings and video conferencing. It was a secure platform that was clear and simple to use and had been very successful at meeting the requirements of homeworkers. Demand had been focused on audio/video conferencing and telephony, which SfB provided. Currently there had been no requests for collaboration elements that Teams provided. The Council had such tools available if and when required.

Members were advised that in September 2019 Executive Cabinet approved a report that detailed a programme to upgrade much of the Councils Microsoft software, including newer "on premise" versions of Microsoft Office, Exchange and various other Microsoft software. The report also detailed the timeline to move Office 365 (and Teams) before 2025.

It was reported that prior to the lockdown around 150 people regularly used SfB, since lockdown and homeworking this number had increased to over 1,900 registered users, with an average of 1200 concurrent users on the system at any given time and over 5,500 separate conference calls held per day. Further, the Skype software was integrated with the Council's Getronics telephone systems which enabled a further 363 staff to access their work desktop phone calls at home through Skype. User satisfaction was reported to be high, notwithstanding the vagaries and variability's of individual home broadband services, the majority of feedback received on the performance and quality of skype calls was high with 87% of people rating the experience as fair to excellent.

It was suggested that SfB should continue to be used for all Council businesses meetings instigated by TMBC officers and involving TMBC Officers and potentially including external organisations. All Elected Members would be contacted and the appropriate method of connectivity to SfB for the particular device they have would be tested with them. Executive Cabinet and Board meetings had been conducted via SfB as all participants had a laptop.

It was explained that SfB did not easily cater for all types of on-line meetings. In some circumstances such as where the general public are invited or required to participate, or where there was no control over how many people are connecting and their device they would be using, other video conferencing platforms specifically designed for use in these circumstances were more appropriate.

Zoom Pro was the paid-for version of the system and costs £780 per year to license, it had the benefit that the host could manage meeting entry and host accounts could be controlled centrally by IT through the Zoom admin panel. This admin panel allowed IT to configure a range of security settings for all users which would need to be enforced to meet the National Cyber Security Centre's recommendations, these settings ensured the required encryption is used, meetings were

password protected and virtual meeting lobbies are in-place to screen participants. Zoom Pro would be used for meetings/panels that involved Councillors and where the public were required to participate. This would include School Appeals, Speakers Panels and GM Pension Fund Meetings. Further exceptions to the wider use of Zoom Pro would need to be approved beforehand by the Director of Finance.

Members discussed the relative merits of SfB and Zoom and asked that Board be given a demonstration of the functionality of each platform.

**AGREED:**

- (i) Board supports the continued use of Skype for business related on-line meetings and video conferencing including Executive Cabinet, Board and Council Meetings subject to Board be given a demonstration of the functionality of Skype for Business and Zoom.**
- (ii) Board support the introduction of Zoom in a limited set of circumstances as an alternative platform for use with online meetings and panels that involve Councillors and where the public are entitled to actively participate. This includes formal council decision making meetings but not exclusively Schools Appeals Panel, Speakers Panel (Planning, Licensing), GM Pension Fund meetings etc.**
- (iii) Any exceptions to the wider use of Zoom Pro must be approved beforehand by the Director of Finance.**
- (iv) That the Assistant Director of Digital Services arrange sessions on both systems within the next week to determine the best product for formal Council meetings and in particular the forthcoming full Council meeting.**

**151 PROCESS FOR EXERCISING THE CARE ACT EASEMENTS GUIDANCE**

Consideration was given to a report of the Executive Member for Adults Social Care and Population Health / Director of Population Health, which set out the circumstances and conditions under which the Council could exercise the easements to the Care Act 2014 as referenced in the Coronavirus Act 2020.

It was explained that the Government in recognising that local authorities and care providers were facing rapidly growing pressures as more people needed support because unpaid carers were unwell or unable to reach them, and as care workers had to self-isolate or were unable to work for other reasons. The Government had put in place a range of measures to help the care system manage these pressures. The Council must continue to do everything it could to continue meeting its existing duties prior to the Coronavirus Act provisions coming into force.

It was stated that the changes fall into four key categories, each applicable for the period the powers were in force, guidance had been set out which detailed how each of these powers should be applied should they necessary.

Stage 1 the Council should continue operating under pre-amendment Care Act.

Stage 2, A policy decision would be made to change, delay or cancel “service types” by changing the way in which assessed needs can be met.

Stage 3, This would be a policy decision to decide that the Council would not be subject to a duty to assess, consider eligibility and review in accordance with Care Act duties. This would also cover the requirement to carry out financial assessments, providing care and support plans and meeting eligible needs. Any decisions on these areas should be separated and record the rationale and evidence base.

Stage 4, this would entail a policy decision to make a whole system of prioritisation of care and support across adult social care. This would be where it becomes clear that whole system

prioritisation was needed to ensure that at least the Convention Rights of those in need of care and support and their carers were respected.

Members were informed that the Council would be expected to observe the Ethical Framework for Adult Social Care. This Framework provided a structure for the Council to measure its decisions against and reinforced that the needs and wellbeing of individuals should be central to decision making. In particular it should underpin challenging decisions about prioritisation of resources where they are needed.

The easements had taken legal effect on 31 March 2020, but should only be exercised by Local Authorities where it would be essential in order to maintain the highest possible level of services. These easements would be temporary and would be kept under review and would be terminated as soon as possible. All assessments and reviews that were detailed or not completed would be followed up and completed in full once the easements were terminated.

The Care Quality Commission would continue to provide oversight of providers under existing legislation, the CQC had indicated an intention to adopt a pragmatic approach to inspection and proportionate action as necessary while maintaining its overriding purpose of keeping people safe.

It was stated that the Council should only take a decision to begin exercising the Care Act easements when the workforce was significantly depleted, or demand on social care increased to an extent that it was no longer reasonably practicable for it to comply with its Care Act duties and where to continue to try to do so is likely to result in urgent or acute needs not being met, potentially risking life. The decision should be communicated to all providers, service users and carers and should be reported to the Department of Health and Social Care.

It was reported that there were 616 staff employed across Adult Services. Less than 8% of staff across the whole service were currently either sick, isolating or shielding so unable to provide operational support. At present the levels of absence were being managed and there was no impact on service delivery. It was anticipated that the expansion of testing will increase the number speed that staff were able to return to work.

Members were advised that there could be a temporary loss in income should the Council be in a position where it would determine that it had insufficient capacity to carry out financial assessments. Clear information would be provided to an individual at the start of the assessment process that would explain that a financial assessment would be undertaken retrospectively and that this could result in an invoice for a financial contribution towards the cost of their care at some point in the future. The Council would remain under a duty to meet needs where failure to do so would breach an individual's human right under the European Convention on Human Rights. It was pointed out this was a significant interim temporary Policy change that would only be implemented in extreme circumstances of inability to deliver the existing legal requirements.

#### **AGREED**

**That the Executive Cabinet be recommended to agree that:**

- (i) The powers given in the Coronavirus Act 2020 and the Care Act easements: guidance for local authorities (1 April 2020) are acknowledged.**
- (ii) The decision making process set out is acknowledged and agreed.**

#### **151 FORWARD PLAN OF ITEMS FOR COVID RESPONSE BOARD**

Members considered the forward plan of items for future meetings of the Covid Response Board.

#### **AGREED:**

**That the forward plan be noted.**

**CHAIR**