

North Yorkshire County Council

Chief Executive Decision Session Consultation with the Executive

Minutes of the virtual meeting held on Tuesday, 7 April 2020 commencing at 101.00 am.

County Councillors present via Skype and phone: Carl Les, David Chance, Gareth Dadd, Caroline Dickinson, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Officers present via Skype: Richard Flinton, Stuart Carlton, Barry Khan, David Bowe, Richard Webb, Gary Fielding, Howard Emmett, Chris Jones King, Daniel Harry, and Melanie Carr.

Copies of all documents considered are in the Minute Book

14. Welcome by the Leader

The session was chaired by County Councillor Carl Les, who confirmed that the role of the Executive at this informal session was to consider the reports and give a view to the Chief Executive. It was noted that this was not a formal decision making meeting and that where a decision was required, the Chief Executive would use his own discretion after considering the views of the Executive.

15. Minutes

County Councillor Andrew Lee drew attention to an amendment required to the draft Minutes. In regard to his recorded declaration of interest, he confirmed his declaration was made in relation to agenda item 11, and not agenda item 9 as recorded.

Resolved –

That the Minutes of the decision session held on 31 March 2020, be noted, subject to the amendment detailed above.

16. Declarations of Interest

Councillor Michael Harrison declared an interest in Item 7 on the Agenda (Minute No. 20 below), as a relative of his works in Health and Adult Services. He had been granted a dispensation by the Standards Committee on 3 January 2019 to fully take part.

17. Shielding and Supporting Communities

Considered – a presentation from the Corporate Director for Strategic Resources providing data on the number of North Yorkshire residents identified as vulnerable and therefore shielding, and

an update on the work of the 23 Community Support Organisations set up across the county to give support to those residents

As the presentation was for information only, Members were pleased to note the update and passed on their thanks to NYCC officers and to those partner organisations involved in the work for the speed at which the arrangements had been designed and implemented. It was agreed that further information would be brought back to the next consultation session so that Members could be kept updated on developments

18. Decision to Give Grants

Barry Khan, Assistant Chief Executive (Legal and Democratic Services), provided a verbal update on the arrangements being put in place to provide grants to support businesses across the region, to ensure they are able to pay and retain their staff during the crisis period.

Members noted this would include variable cost adjustments to ensure the grants covered only appropriate costs. They also agreed that a recognised methodology would be needed in order to carry out an assessment before a grant was awarded

As the update was for information only, Members agreed to note the information provided at this stage, and agreed that Barry Khan, Assistant Chief Executive (Legal and Democratic Services) would provide a formal report to a future consultation session

19. Financial support for Early Years providers for Covid-19

Considered – a report of the Corporate Director for Strategic Resources outlining the Government support available for Early Years providers as a result of COVID-19 and further proposals from the local authority to provide additional financial support to Early Years Providers within North Yorkshire as a direct result of the COVID-19 pandemic.

Howard Emmet, Assistant Director for Strategic Resources, introduced the report which detailed a recently agreed supplier relief process which had been created based on advice from the Cabinet Office.

He confirmed that generally Early Years providers had very thin margins and that those who had remained open faced a unique financial disincentive, and provided an overview of the rationale behind the proposed three options to be taken forward to support those providing childcare for key workers during COVID-19.

Members agreed that Early Years providers were a strategic asset to the local economy through the provision of childcare, and noted the intention to bring forward the deployment of the ring-fenced underspend from 2018-19 and the projected ring-fenced underspend from 2019-20.

In regard to the first stage of collecting data, Members agreed the App based financial support process needed to be made as simple as possible in order to progress to the distribution of payments quickly.

Individual Executive Members expressed their support for the proposals and **the Executive agreed to recommend to the Chief Executive that -**

- (i) NYCC proceed with Options 1, 3 & 5

- (ii) That NYCC not proceed with Options 2 and 4 although Option 4 might be revisited in due course.
- (ii) The Assistant Director Strategic Resources be authorised to take all steps necessary to implement the recommendations set out above.

Resolved –

The Chief Executive considered the report and the views of the Executive and decided to use his emergency powers to implement the recommendations of the Executive.

20. Exercise of Care Act Easements within Health and Adult Services

Considered – a report of the Corporate Director for Health and Adult Services detailing the new emergency powers that could be acted upon by Health and Adult services, in line with the newly enacted Coronavirus Act 2020 which set out the four key changes to the Care Act 2014 and decision making process for Local Authorities.

Richard Webb, Corporate Director for Health & Adult Services drew Members attention to the data analysis which in the presentation showed a potential spike in Adult Social Care cases and provided some context to the future potential need to use the new emergency powers. He went on to highlight:

- The current national position
- How the Local Authority currently worked and its working arrangements with the NHS
- The new legislation and national Hospital Discharge Service Requirements and the steps that had been taken in preparation, in case the County Council reached a point where it needed to invoke them, which trends suggested that might be in late April/early May
- How implementation of the emergency powers would be tracked.

Members noted:

- The creation of three command centres and a number of community social care teams
- The changes to daycare and respite services
- The five residents of Springfield Care Home in Boroughbridge had been transferred to another care home, as part of the preparations for the provision of a step-down facility for those discharged from hospital who may have COVID 19 – it was confirmed they had all been moved to the same new care home
- The planned charging arrangements – the NHS to pay for all care provision for any patients discharged under COVID emergency measures
- The equalities impact assessment provided with the report

Concern was raised over changes to the charging arrangements and the potential financial implications for the Local Authority. It was confirmed that the assumption was that the NHS would pay for all care up until the Government formally declared the emergency over, at which time the Local Authority would need to commence charging for its services.

Finally, Richard Webb, Corporate Director for Health & Adult Services provided an overview of the new Nightingale Hospital near Harrogate, providing 500 acute beds for patients from across the Yorkshire, Humber, North East and east Cumbrian area.

County Councillor Andrew Lee left the meeting at 10:30am.

There was unanimous support for the proposals by the remaining members of the Executive and they therefore **recommended to the Chief Executive that –**

- (i) A new operating model for adult social care be implemented (as set out in section 3 and appendix 1 of the report), in response to the national Hospital Discharge Requirements, working with the NHS, using existing Care Act and other legislation, as is now, until such time as emergency powers under the Coronavirus Act 2020 need to be invoked
- (ii) A new model of delivery for adult social care be implemented, at such time as the situation requires during the Covid-19 pandemic, that will:
 - assist the NHS in freeing up North Yorkshire's share of 30,000 NHS beds nationally
 - enable urgent work to support people living in the community who have a Covid-19 diagnosis or symptoms (particularly where people are at the end stage of their lives)
 - ensure that, whilst taking account of the national legislation and guidance and the prioritisation necessitated by the Covid-19 response a) people requiring urgent social care assessment and/or support for non-Covid-19 issues continue to be offered an appropriate level of advice, information and support and that b) people with current and ongoing needs receive appropriate support which may include alternative arrangements to their normal service
- (iii) The power to invoke measures as set out in the Coronavirus Act 2020 and in the report, be delegated to the Corporate Director of Health and Adult Services (as the Council's statutory director of adult social services), and that the Chief Executive take that decision in consultation with the Executive Member for Adult Social Care and Health Integration, the Assistant Chief Executive (Legal and Democratic Services), and following advice from the Director of Public Health and the Assistant Directors with responsibility for adult social care.
- (iv) Any triage or case/review decisions as set out in sections 5 of the report and in Appendix 2, be documented.
- (v) If emergency powers are invoked as set out in the report, the situation be reviewed fortnightly by the Corporate Director for Health and Adult Services in consultation with the Assistant Director / Chief Social Care Practitioner (or in their absence, the Head of Practice), or their nominated representatives, as per Government guidance

Resolved –

The Chief Executive considered the report and the views of the Executive and decided to use his emergency powers to implement the recommendations of the Executive.

21. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Considered – a report of the Assistant Chief Executive (Legal and Democratic Services) updating the Executive on the recently issued Government Regulations that enable local authority meetings to be held virtually and the removal of the requirement for an Annual General Meeting to be held.

Barry Khan, Assistant Chief Executive (Legal and Democratic Services) provided an overview of the new regulations, the technical issues that needed to be addressed in order for NYCC to proceed with virtual meetings, and the proposed range of meetings that might be delivered in that way.

Taking account of the officer work involved in preparing for committee meetings and the other

more important use of their time during the Covid-19 pandemic, Members agreed that formal Committee meetings should only be held when absolutely necessary where it either related to the work being done by the Council in response to the Coronavirus pandemic or where a decision could not be deferred for some compelling reason. Also, that the forthcoming Annual Council meeting in May should be postponed for the time being, including the appointment of a new Chairman and Vice Chairman. The Leader agreed to discuss it with the current Vice Chair before a decision was made as to whether, in light of the AGM being postponed, the existing Chair and Vice Chair should continue in their roles or whether a new Chair and Vice Chair could be appointed by the Chief Executive using his emergency powers in consultation with members. Members also agreed it was important to continue to seek the views of the Scrutiny Chairs to inform the decision making process during this period of change and the Leader agreed to inform other Group leaders of the agreed approach, subject to the Chief Executive resolution.

The members of the Executive therefore recommended to the Chief Executive that –

- i. The Annual General Meeting of the Council that was scheduled for 13 May 2020 be postponed. The situation to be kept under review, depending upon the progress of the pandemic and rescheduled for either 22 July 2020 or 18 November 2020.
- ii. All current appointments be rolled on until the Annual General Meeting is held
- iii. The appointment process for the Chairman and Vice Chairman to be reviewed and a decision to be made at a future meeting
- iv. Subject to the successful adoption of a technological solution that enables the requirements laid out in the Regulations to be complied with, virtual meetings to be introduced for the following committees (where the business either relates to the work being done by the Council in response to the Coronavirus pandemic or where a decision cannot be deferred for a compelling reason): Executive; Planning and Regulatory functions; Audit; and a sub-committee of the Pension Fund Committee. Only the Executive to meet as scheduled. The Planning and Regulatory Functions committee to meet as required to deal with urgent planning applications, Similarly, Audit to only meet if required to make an urgent decision and Pension Fund Committee to form a sub-group to make decisions relating to changes in investment performance. All other formal, public committee meetings to be postponed until September 2020.
- v. The Corporate Director Strategic Resources be authorised to take all steps necessary to establish a sub-committee of the Pension Fund Committee, to make appointments to it and to determine the terms of reference of that sub-committee.

Resolved –

The Chief Executive considered the report and the views of the Executive and decided to use his emergency powers to implement the recommendations of the Executive.

22. Other Urgent Decisions – Changes to Procurement and Contract Procedure Rules (PCPRs) Delegation

Considered – A report of the Corporate Director for Strategic Resources proposing delegation of authority to make amendments to the Procurement and Contract Procedure Rules, to ensure business continuity and appropriate approvals are implemented during the interim period of the COVID-19 pandemic.

The report highlighted that due to COVID-19 there was a requirement to amend some of the existing delegation and approval procedures within the PCPRs due to senior management taking on wider portfolios in response to the current crisis.

The Executive Members all agreed with the proposed changes detailed in the report and therefore **recommended to the Chief Executive that –**

- Delegated authority be transferred from the Chief Executive in consultation with the Executive, to the Corporate Director for Strategic Resources, in consultation with the Assistant Chief Executive (Legal and Democratic Services) to enable required amendments to the Procurement and Contract Procedure Rules, to ensure business continuity and appropriate approvals are implemented. This will be for an interim period and in response to COVID-19.

Resolved –

The Chief Executive considered the report and the views of the Executive and decided to use his emergency powers to implement the recommendation of the Executive.

Please note that these decisions have been treated under the special urgency procedure in Access to Information Procedure Rule 16 and call-in has been exempted by the Chairman of the County Council under Overview and Scrutiny Procedure Rule 16. However timescales are now such that the ‘Exercise of Care Act Easements within Health and Adult Services’ decision can now be open to call in.

13. Other business which the Chief Executive considered as a matter of urgency because of special circumstances

There was none.

The meeting concluded at 11:01am