

CUMBRIA COUNTY COUNCIL

Minutes of a Meeting of the **Cabinet** held on **Thursday, 17 March 2022**
at 10.00 am at Council Chamber, County Offices, Kendal

PRESENT:

Mr SF Young (Leader)
Mrs PA Bell
Mrs A Burns
Ms D Earl
Mr KA Little
Mrs S Sanderson
Mr DE Southward
Mrs C Tibble
Mrs J Willis

Officers in attendance:

Executive Director (People) and Acting Chief Executive, Executive Director - Corporate, Customer and Community Services, Executive Director - Economy and Infrastructure, Director of Finance (Section 151 Officer), Leadership Support Officer - Labour Group, Leadership Support Officer - Liberal Democrat Group, Professional Lead - Democratic Services, Communications Manager, (Acting) Head of Legal and Democratic Services, Acting Director of Children's Services, Deputy Chief Fire Officer and Acting Director of Adult Social Care Leadership Support Officer - Labour Group, Leadership Support Officer - Liberal Democrat Group, Professional Lead - Democratic Services, Communications Manager.

PART 1 ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS

206 APOLOGIES FOR ABSENCE

An apology for absence was received from Mr P Thornton.

207 DISCLOSURES OF INTEREST

Mrs C Tibble declared an interest in Agenda Item No 17 – Award of Framework Contract – Supported Living for people with a learning disability, mental health problem, autism or a physical and/or sensory impairment – as she is a Board Member at West House and her daughter works there.

208 EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that the press and public be not excluded from any items on the agenda today.

209 MINUTES

(A) Cabinet Minutes 27 January 2022

RESOLVED, that the minutes of the meeting held on 27 January 2022 be agreed and signed by the Chair.

(B) Cabinet Minutes 3 February 2022

RESOLVED, that the minutes of the meeting held on 3 February 2022 be agreed and signed by the Chair.

210 STATEMENTS BY THE LEADER OF THE COUNCIL AND CABINET MEMBERS

The Cabinet Member for Public Health and Community Services gave a statement on Ukrainian Refugees.

She had spoken previously about the plans Cumbria County Council had in place to support refugees from Afghanistan, and Syria.

With neither crisis being over the Council was now considering the plight of Ukrainians who, like so many others before them, had been forced from their homes and made to undertake long and dangerous journeys to safety.

The government had in recent days announced the outline of the Homes for Ukraine Scheme, which involved individuals being able to register an interest in being a sponsor host, essentially housing individuals or families either within their own home, or another property that they own.

The Cabinet Member had concerns in respect of the wrap around services that Cumbria County Council would be responsible for providing.

Further information from Government was urgently needed on this.

The Cabinet Member for Customers, Transformation and Fire and Rescue made an announcement on the Digital Team Awards held on 17 March 2022

The County Council's Digital Team had just won the iESE (Improvement and Efficiency Social Enterprise) Public Sector Transformation Partner Gold Award for Customer Focus.

In addition, Cumbria County Council was the host authority for the national Local Gov Drupal project, which is being funded by the Department for Levelling Up, Housing and Communities (DLUHC).

The project was developing a shared pool of code, resources, research, and expertise for local authority websites, developing a web platform which helped councils create websites at a fraction of the cost normally expect to pay. There were currently 24 councils throughout the country taking part in the project.

The Cabinet Member thanked the Digital Team for all their hard work and dedication.

211 PUBLIC PARTICIPATION

There were no public questions, petitions or statements made at this meeting.

212 REFERRAL FROM BARROW LOCAL COMMITTEE

(A) Referral from Barrow Local Committee – Devolved Powers from the DVLA

The Chair of Barrow Local Committee presented a referral from members of the committee which asked Cabinet to consider applying to the DVLA to devolve powers to Cumbria County Council as the Local Highways and Traffic Authority.

Barrow Local Committee had been looking at the issues caused by the inappropriate parking of fast-food delivery vehicles in Barrow Town Centre, specifically around Crellin Street. This had been causing a number of problems with multiple vehicles parking on double yellow lines and especially on the "no loading at any time" section. This was causing significant congestion not only for normal traffic but also difficulties for HGVs accessing shops in Dalton Road (main shopping area) and emergency services to pass through the area.

This had been a significant issue of concern since early 2021 in response to which Local Committee established a small multi agency working group, which included:-

- Elected Members
- Police
- Business Improvement District
- Borough Council
- Highways and Parking Enforcement Officers

As a result of this partnership working a range of activity had taken place including targeted multi agency engagement and enforcement, exploring Borough Council Powers, and a review of on-street Traffic Regulation Orders(TROs) at Preston Street and Crellin Street in Barrow Town Centre. Whilst some of these had had a limited impact there had been no significant improvement in the situation.

At the Barrow Local Committee meeting of 17 January 2022 Members considered the report proposing to progress to statutory consultation for these TROs. During the discussion relating to this agenda item, the Chairman of Local Committee spoke to Members about further research he had been undertaking. He explained that a number of local authorities have already taken on devolved powers from the Driver and Vehicle Licensing Agency (DVLA) which includes the ability to clamp and remove untaxed vehicles.

Barrow Local Committee agreed that they felt there would be benefits to the Council applying to the DVLA for devolved powers to clamp and remove untaxed vehicles, and formally recommended that "a referral be made to Cabinet asking them to consider devolving DVLA powers to the Local Highways Authority".

RESOLVED, that Cabinet considers the request from Barrow Local Committee to apply to the DVLA for devolved powers in relation to clamping and impounding vehicles.

Minute No 212 (b) refers for the response from Cabinet.

(B) Response of the Executive Director to the referral from Barrow Local Committee – Devolved Powers from the DVLA

Cabinet considered a report from the Executive Director – Economy and Infrastructure which included the response to a referral from Barrow Local Committee asking Cabinet to consider applying to the DVLA to devolve powers to Cumbria County Council as the Local Highway Authority.

The Cabinet Member for Highways and Transport said the DVLA primary role was the registration and licensing of drivers in Great Britain, but also had enforcement powers to take enforcement action against vehicle tax evaders.

Devolved powers could be given to local authorities who had chosen to take on DVLA's legal responsibility to take enforcement action on untaxed vehicles on the road in their area. This power was devolved from the Secretary of State for Transport and allowed authorities to take enforcement action against vehicle tax evaders, including clamping of vehicles (immobilisation).

Local Authorities could request powers to be devolved and this often supports wider enforcement activity relating to abandoned vehicles. These devolved powers were under the Vehicle & Excise Duty (Immobilisation, Removal & Disposal of Vehicles) Regulations 1997 and would only apply to untaxed vehicles.

The Council already had powers to immobilise and remove vehicles under the Traffic Management Act 2004 for parking civil enforcement. However, like most other authorities Cumbria County Council had never used this power and it was not included in our enforcement policy. There were very few authorities that now use immobilisation.

The Secretary of State was of the view that it should only be used in limited circumstances such as where the same vehicle repeatedly breaks parking restrictions, and it had not been possible to collect payment for penalties, primarily because the keeper was not registered, or was not properly registered, with the DVLA. The Government guidance stated that where a vehicle was causing a hazard or obstruction, the enforcement authority should remove rather than immobilise. Immobilisation/removal activity should only take place where it gave clear traffic management benefits.

The County Council does not currently have a contract in place to remove vehicles or a suitable compound to securely store vehicles. It should be noted that securing a suitable storage compound and contract procurement timescales were likely to require a minimum of 6-12 months.

Numerous PCN's have been issued, and steps are being taken to recover the unpaid fines, including the recent engagement of the enforcement agent, Equita. The multi-agency approach being taken supported a targeted approach using existing powers available to Local Authorities and the Police.

Cabinet fully supported the proposals from Barrow Local Committee that options be explored to look at ways of resolving the issues in Barrow, however, from 1 April 2023, following Local Government Reorganisation the current six District and County Councils would be replaced by the two new unitary authorities.

It was recommended that any work undertaken to assess the feasibility of adopting the devolved DVLA powers be shared with the two new authorities, who would be best placed to determine if these powers were to be formally adopted.

Before devolved powers were granted by DVLA for untaxed vehicles, it will be crucial to understand the requirements and resources that would be needed to implement any changes, to ensure that this doesn't result in additional financial or legal risk to the authority.

Officers would investigate the proposals and return to Cabinet with a further report before a final decision was made on requesting the powers from the DVLA.

RESOLVED, that Cabinet

- (1) supports Barrow Local Committee's request and agrees to explore the process and feasibility of adopting the DVLA devolved powers from the Secretary of State for Transport take enforcement action on untaxed vehicles.
- (2) also notes the work of the multi-agency working group which is coordinating and targeting enforcement action against vehicles which are inappropriately parked, where the devolved powers from DVLA would not address this issue.

213 RESPONSE TO THE POLICE AND CRIME COMMISSIONER'S PUBLIC CONSULTATION ON THE POTENTIAL TRANSFER OF FIRE GOVERNANCE

Cabinet considered a report from the Acting Chief Executive, which outlined the Police and Crime Commissioner's (PCC) public consultation on a business case to transfer the governance of Cumbria Fire & Rescue Service to a Police, Fire and Crime Commissioner (PFCC) and recommended that Cabinet consider its response to the consultation.

Due to the need for the consultation response to be submitted urgently the Chair of the Communities and Place Scrutiny Advisory Board had agreed to exempt the decision from call in.

Following consultation on Local Government Reform (LGR) within Cumbria, the decision of the Secretary of State was to establish two new unitary authorities in Cumbria, replacing the existing County and District Councils. As an exception to all other Cumbria County Council services, the Fire and Rescue Service has been selected as the one service which by law must retain a county wide footprint, in order to ensure its future viability.

The Business Case developed by the Police and Crime Commissioner assesses two of the possible options for a Cumbria-wide Fire and Rescue Service:

- Stand Alone Combined Fire Authority

- Police, Fire and Crime Commissioner

On the 12 October 2021 at the Blue Light Executive Board, the Police and Crime Commissioner (PCC) announced his intention to put forward a business case to take over the governance of Cumbria Fire and Rescue Service. Since early November the Office of the Police and Crime Commissioner (OPCC), supported by BearingPoint Consultants, had been developing the business case. This had involved input from the Fire and Rescue Service and wider Council and information had been provided to inform the assessment of the options.

As part of the process the PCC had started a public consultation which would end on 20 March 2022.

The PCC had a deadline of 31 March to submit the business case to the Home Office for their consideration and decision by the Secretary of State.

A PCC could only take on the role of FRA where it appeared to the Secretary of State to be in the interests of economy, efficiency, and effectiveness or public safety.

The first stage of the process was that the PCC had produced a business case that outlined the rationale for assuming the running of the Fire and Rescue Service. This business case should demonstrate, as set out in the Police and Crime Act (2017), benefits in terms of economy, efficiency, effectiveness, or public safety. The FRA had a duty to cooperate with the PCC in the preparation of this business case if requested to do so. Information had been provided to the OPCC and there had been input to the development of the business case through the Blue Light Collaboration governance structures.

Once the consultation was complete, if there were no objections then the PCC would be free to ask the Secretary of State to make an order under Section 4A of the FRSA.

If, in response to the consultation, a relevant local authority indicated that it does not support the PCC's proposal, the Secretary of State was required to obtain an independent assessment of the proposal and take account of its findings in making the final decision on whether or not to approve the PCC's proposal. Previously, in each case where an objection had been raised, the Secretary of State had found in favour of the PCC.

With regard to timelines, whilst the above process must be followed, there was nothing set out as to how long it should take. Indications from the Home Office were that this would take up to 8 weeks with further time for the consideration of the proposal and independent assessment together.

In practical terms, sufficient notice of the PCC taking over the governance for fire should be given to allow the technicalities of the council tax precept to be worked out for their first year in charge.

The business case assessed solely the PFCC Governance model against the option of a stand-alone Combined Fire Authority; and whilst this was done in order to make some form of comparison in order to allow for the benefits to be assessed, the matter of other forms of governance for the Fire and Rescue Service, beyond the PFCC model, was not for the PCC to investigate.

Under the PFCC Governance model, the PCC would take on legal and overarching responsibility for the provision of fire and rescue services in Cumbria. The service would retain its operational independence, budget, Chief Fire Officer, and staff. In essence this would see the Police and Crime Commissioner becoming the Cumbria Fire and Rescue Authority.

Currently, out with a mayoral model, there were four services that came under a PFCC, these were Essex, Northamptonshire, Staffordshire, and North Yorkshire. Several other PCCs had expressed an interest in their areas, but none other than the four highlighted above had gone ahead.

Cabinet Members did not support the options in the consultation and felt that the preferred option in the document was the weakest of all the options.

Whilst it was recognised that there does need to be a change to the governance of the Fire and Rescue Service following the decision that the county would be served by two unitary authorities, the County Council does not support the proposed transfer of governance to a Police, Fire and Crime Commissioner governance model. The rights and responsibility for what would happen to the Fire and Rescue Service would lay with the new shadow authorities which would exist following the elections being held in May 2022.

Cabinet was concerned about the potential negative impacts of disaggregation that a two-authority arrangement may have on the Fire and Rescue Service.

The Leader reminded Cabinet that the process of Local Government Reorganisation and a transfer to a Police Fire and Crime Commissioner were subject to two completely different pieces of legislation, and that one was not dependent on the other.

Cabinet members were aware that the Fire Service and Police force had very different roles and relationships with the communities they worked with. The Fire Service had a particularly key role in terms of prevention and

engaging with people who were at risk or displaying risk-taking behaviours and providing humanitarian assistance. The only enforcement role that the Fire Service had is in relation to Fire Protection.

Members had concerns that if the Fire Service was perceived to be part of the Police then it could cause some particularly vulnerable people or communities to refuse to engage with the Fire Service due to concerns about potential consequences or existing relationships with the Police, putting them at increased risk.

RESOLVED, that Cabinet

- (1) Members note the PCC's consultation on a business case for transfer of governance of Cumbria Fire and Rescue Service (CFRS) to a PFCC.
- (2) agree the proposed response.
- (3) agree the decision is an urgent one, and therefore not subject to call in, to ensure the Council's responses can be submitted by 20 March 2022.

214 2021/22 REVENUE AND CAPITAL BUDGET MONITORING REPORT TO 31 DECEMBER 2021

Cabinet members considered a report from the Director of Finance (Section 15 Officer) which set out the Council's forecast year-end financial position at 31 December 2021, Quarter 3 (Q3); covering the Revenue Budget, Capital Programme and Treasury Management. This report linked to the Q3 Corporate performance monitoring report.

The Leader took members through the key messages contained in the report and highlighted the following:-

- The original approved net budget for 2021/22 was £418.171m. After taking account of adjustments to General Grants and transfers to and from reserves, the revised net budget 2021/22 was £440.839m at 31 December 2021. The net forecast outturn was £440.669m, an underspend of £0.170m (0.4%) as summarised in Table 2 (paragraph 8 of the report)
- The General Fund Balance at 1 April 2021 was £25.056m. Q3 forecasts a (£0.170m) underspend position, if the COVID-19 Emergency Grant Earmarked Reserve was applied in full, which would retain the General Fund Balance at its current level. Given the continuing levels of uncertainty regarding the 2021/22 outturn position and the ongoing financial impact of

the COVID-19 pandemic, General Fund Balance and Earmarked Reserves need to be robust. It was prudent and appropriate to build up Earmarked Reserves where possible, to be able to effectively respond to unanticipated pressures and this period of sustained uncertainty.

- At 31 March 2021 the Council had an accumulated net deficit on the Dedicated Schools Grant Balance of £9.641m excluding balances held in schools. At Q3 the forecast deficit at 31 March 2022 was £15.215m, an increase of £5.574m since the start of the year and a decrease of (£0.827m) since Q2. Further information was provided in Paragraph 25 of the report
- At Q3 there is a net increase of £0.697m in the County Council Capital Budget for the period 2021/22 to 2025/26 giving a revised total budget of £526.529m over the life of the current capital programme. The forecast outturn for 2021/22 is £100.255m against a revised budget of £119.529m. Further information on the changes to the Capital Programme and Forecast outturn position is set out in paragraphs 38 to 54 of the report

RESOLVED, that Cabinet

- (1) Note the revised Revenue Budget at the provisional outturn for monitoring purposes of £440.839m as a result of the transfers from the COVID-19 Emergency Grant Earmarked Reserve and agreed transfers to and from reserves (set out in Appendix 1);
- (2) Note the forecast Revenue Budget outturn is an underspend of (£0.170m) subject to the assumptions as set out in the report;
- (3) Note performance in delivering against the approved savings for 2021/22 of £30.018m (excluding step-downs); a total of £24.109m (80%) of savings are currently forecast to be delivered by 31 March 2022;
- (4) approve the creation of Directorate Earmarked Reserves totalling £5.987m as set out in Appendix 5 of the report;
- (5) approve the transfer of the net revenue balance of both accelerated spend (overspendings) and underspending on each Local Committee budget (highways and non-highways) at 31 March 2022 to an Earmarked Reserve for use by Local Committees in 2022/23. Further detail is provided in paragraph 23 of the report;
- (6) approve in principle the request for a transfer to the Insurance Reserve at year-end, the amount to be transferred is dependent

on the outcome of the annual review by the Actuary which will be received in Q4, see paragraph 21 of the report;

- (7) approve the proposed use of the in-year contingency budget, as set out in paragraph 22 and that any unused contingency budget at outturn is transferred to the 'Strengthening Short-Term Capacity' Reserve;
- (8) approve in principle that after the above transfers to earmarked reserves (recommendations d to h) any remaining net surplus within the outturn revenue position is transferred to the Financial Volatility Reserve;
- (9) approve the following amendments to the Capital Programme:

	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	Total 2021- 2026
	£m	£m	£m	£m	£m	£m
Changes to existing scheme - funded by external grant / contribution (set out in paragraph 38)	0.372	0.300	0.000	0.000	0.000	0.672
Changes to existing scheme - funded by internal revenue contribution (set out in paragraph 39)	0.000	0.025	0.000	0.000	0.000	0.025
Virements (set out in paragraph 41)						
Major Projects Match Funding	0.000	0.114	0.000	0.000	0.000	0.114
Bowness Promenade	0.000	(0.114)	0.000	0.000	0.000	(0.114)
Total of Q3 Changes - for Cabinet approval	0.372	0.325	0.000	0.000	0.000	0.697

215 CORPORATE PERFORMANCE MONITORING REPORT – QUARTER 3 2021/22

Cabinet considered a report from the Director of Finance (Section 151 Officer) which provided a progress update on corporate performance,

incorporating progress on the Council Plan Delivery Plan 2021/22 for the three month period from 1 October 2021 to 31 December 2021.

The Council Plan Delivery Plan 2021/22 included both a description of 50 actions that the Council would undertake with target dates for delivery or milestone, and 41 performance measures which provided an indication of how well the Council was performing.

The overall position by the end of Quarter 3 2021/22 was that 23 of the 50 (66%) Council Plan Delivery Plan actions had delivered, met or were on track to meet the planned milestone and rated green, 15 (30%) were in progress and at risk of missing the milestone and rated amber. For the same period one action (2%) was expected to miss a key milestone or not fully deliver as intended and therefore rated red.

In terms of the measures used to track performance, the overall position for Quarter 3 was that 19 of 41 measures (46%) demonstrated positive performance, exceeding the target or within 5% of the target which results in a green rating. Thirteen measures (32%) were within 10% of meeting the target figure and rated amber, and eight (20%) were more than 10% off the target and therefore rated red.

RESOLVED, that Cabinet note overall performance relating to delivery of the implementation of new ways of working and the three Council Plan outcomes, focusing on progress against the actions and metrics identified in the Council Plan Delivery Plan 2020-22 for the Quarter ending 31 December 2021.

216 COUNCIL PLAN DELIVERY PLAN 2022/23

Members had before them a report from the Director of Finance (Section 151 Officer) which presented the new draft Council Plan Delivery Plan for 2022 - 2023 for approval.

The draft Council Plan Delivery Plan 2022 - 2023 had been developed to provide clear communication of the key programmes of work the Council would undertake over the next 12 months towards achieving the outcomes for the people of Cumbria as set out in the Council Plan 2018 – 2023.

This draft Delivery Plan covered the last period of the remainder of the lifespan of the current Council Plan 2018 – 2023 which was extended to 2023 at Council in February 2022.

The delivery plan would provide clear focus of actions to be delivered to ensure the continued support for realisation of council plan outcomes and therefore a clear and strong position for local government reform.

The Council Plan was an ambitious plan so it was not expected all the outcomes would be achieved during the plan. Some actions in 2021/22 CPDP had been refined and continued into 2022/23 and some actions had become business as usual.

To ensure Cabinet were able to review progress of the most recently agreed actions in the delivery plan it was proposed the delivery plan was effective from January 2022.

The draft Council Plan Delivery Plan 2022 - 23 set out the measures the Council would use to monitor progress against delivery of the outcomes for the people of Cumbria identified in the Council Plan 2018 – 2023.

It also described the activity the Council would undertake towards this during 2022/23, and provided the basis for the Council to understand and assess progress in the short-medium term.

RESOLVED, that Cabinet approves the draft Council Plan Delivery Plan 2022 – 23, effective from January 2022, as attached as Appendix 1 to the report.

217 CUMBRIA COUNTY COUNCIL WORKFORCE PLAN 2022- 2023

Cabinet members had before them a report from the Executive Director – Corporate, Customer and Community Services, which asked Cabinet to agree a new Workforce Plan (Our People Plan) for the period 2022 – 2023.

The extension to the Council Plan (2018-2022) agreed by Full Council on 10 February 2022 described the outcomes the Council aimed to achieve for Cumbria and also new ways of working to help facilitate delivery of its ambition and aspirations.

Our People Plan (2022-2023) acknowledged this and outlined how the Council would support, engage, enable and grow its people, enabling them to achieve the vision set out in the Council Plan and support the transition into two new unitary councils by April 2023.

The current Workforce Plan (2018-2022) described the Council’s ambition in relation to its employees and the wider Cumbrian workforce. Focussing upon improving the working environment for the workforce and putting the customer at the heart of everything it does. This was agreed alongside the Customer Strategy and ICT Plan.

This aspiration had not changed however the environment in which the Council was now operating had changed considerably as a consequence of;

the Covid-19 pandemic, the introduction of New Ways of Working and the progression towards two new unitary authorities by April 2023.

The development of the Our People Plan 2022-2023 provided the council with the opportunity to build upon its successes and create a lasting legacy for all, within the last 12 months operating as Cumbria County Council.

In developing the Our People Plan the Council had undertaken a comprehensive plan of engagement with key stakeholders during December to February.

Key stakeholders told the Council that they wanted a plan which was simple and understandable for the workforce, our people. A plan which focussed upon getting the basics right, on what was achievable within a 12-month timespan and preparing the people for the future, as local government transitioned through LGR.

RESOLVED, that Cabinet approve the Our People Plan (2022-2023).

218 DIGITAL INFRASTRUCTURE PROGRAMME

Cabinet considered a report from the Executive Director – Economy and Environment which informed them that digital infrastructure was now recognised as the fourth utility given its importance to modern life and the connectivity it provides to services and markets.

The coronavirus pandemic had only served to reinforce the importance of digital connectivity. Reflecting this, a digital infrastructure strategy was approved by Cabinet in November 2020 which included an action plan for investment in full fibre and mobile infrastructure to support our economy.

This report updated Cabinet on progress in relation to the action plan contained in the Digital Infrastructure Strategy.

RESOLVED, that Cabinet endorses the Digital Infrastructure Strategy Update attached at Appendix 1 of the report.

219 AWARD OF CONTRACT FOR STAGE 2 (CONSTRUCTION WORKS) FOR CARLISLE SOUTHERN LINK ROAD

The Chair announced that this item had been deferred to a future meeting due to the ongoing uncertainty associated with supply chains, the cost of construction materials and rising energy costs, caused by a number of factors including Brexit and Covid, and which was being exacerbated by recent events in Ukraine.

The Leader said the Council remained committed to finding a way to address these challenges and was in intensive dialogue with Carlisle City Council and Government to continue to make progress with this important scheme which was vital for the growth of Carlisle and unlocking housing for St Cuthbert's Garden Village project.

RESOLVED, that the item be deferred to a future meeting of Cabinet.

220 AWARD OF CONTRACT - CONSTRUCTION OF SANDGATE & QUEEN KATHERINE SCHOOLS

Members considered a report from the Executive Director – Economy and Infrastructure which recommended that Cabinet agree to enter into a construction contract to build an extension for Sandgate SEND School on The Queen Katherine School site.

Sandgate SEND School was a special school for children and young people between the ages of three and nineteen years, which operated a satellite campus at The Queen Katherine School (Academy), where KS4 and KS5 pupils were educated in order to foster integration between general and special needs pupils.

The proposed extension would allow the school to educate all secondary aged pupils, Key Stage (KS) 3 and above, in the same location and increase the overall capacity of the school to 120 pupils, to cope with the increasing demand for SEND places.

This project would also provide an opportunity to consider how released space at the existing Sandgate site could be utilised to reduce the reliance on out of county provision.

RESOLVED, that Cabinet approve the award of contract to build an extension for Sandgate SEND School on The Queen Katherine School Kendal site to F Parkinson Ltd for the sum of £5,099,607.00, subject to the following being in place:

- Planning Permission granted;
- Lease to occupy the Queen Katherine School site is entered into; and
- Secretary of State approval for The Queen Katherine School to dispose of the development land.

221 BETTER CARE FUND/IMPROVED BETTER CARE FUND 2022-23

Members considered a report from the Acting Chief Executive, which asked Cabinet to approve that delegations to be put in place to enable the Better Care Fund application to be submitted to NHS England if Cabinet cycles did not align with the submission date.

The report also asked Cabinet to approve the spend proposals for 2022/23 for the Better Care Fund and improved Better Care Fund as set out in Appendix 1 of the report, and for delegations to be put in place to refine the existing schemes and develop new proposals with partners to meet changing needs/requirements with suitable consultation in place.

The Better Care Fund was a financial incentive for the integration of health and social care. It required Clinical Commissioning Groups and local authorities in every single Health and Wellbeing Board area to pool budgets and to agree an integrated spending plan for how they would use their Better Care Fund allocation. The improved Better Care Fund required the agreement of the Clinical Commissioning Group and the Council and had the following three grant determination purposes:-

- Meeting adult social care needs
- Reducing pressures on the NHS, including supporting more people to be discharged when they are ready.
- Ensuring that the local social care provider market is supported.

Guidance for the 2022/23 BCF had not yet been produced and as yet indicative timelines for this had not been given. As this was yet to be confirmed BCF proposals outlined in Appendix 1 were based on the uplifted 2021-22 figures.

Following the guidance being issued there would be clarity about the timeline for the formal submission process. This would require approval of the submission by both CCGs (or successor organisations) and the County Council, prior to final sign-off by the Health and Wellbeing Board (potentially using the delegated authority).

RESOLVED, that Cabinet

- (1) agrees the Spend Proposals for the Better Care Fund (including Winter Pressures Grant) and improved Better Care Fund 2022 to 2023 as set out in Appendix 1 of the report;
- (2) Cabinet agrees to delegate to the Executive Director – People, in consultation with the Leader, the Deputy Leader and the Cabinet Member for Health and Care Services, authority to vire between or amend Spend Proposal headings in Appendix 1 following any

reviews of specific areas of the Better Care Fund and improved Better Care Fund;

- (3) Cabinet agrees to delegate to the Executive Director – People, in consultation with the Leader, the Deputy Leader and the Cabinet Member for Health and Care Services, authority to approve the Better Care Fund (BCF) submission (which will include iBCF and Winter Pressures Grant funding) to NHSE on behalf of Cumbria County Council.
- (4) Cabinet is asked to agree that if the timescales for submission do not fit with the Cabinet’s meeting timetable then authority to submit the Cumbria BCF/iBCF plan is delegated to the Executive Director - People after consultation with the Leader, the Deputy Leader and the Cabinet Member for Health and Care Services.

222 AWARD OF FRAMEWORK CONTRACT – SUPPORT LIVING FRAMEWORK FOR PEOPLE WITH A LEARNING DISABILITY, MENTAL HEALTH PROBLEM, AUTISM OR A PHYSICAL AND OR SENSORY IMPAIRMENT.

Mrs C Tibble declared an interest in this item as she is a Board Member at West House and her daughter works there. She left the room at this point.

Members had before them a report from the Executive Director – People, which sought approval to appoint providers who had met or exceeded the minimum standards required to the Open Framework Agreement for the provision of supported living for people with a learning disability, mental ill health, autism or a physical and/or sensory impairment from 14 April 2022 for a period of 4 years. This was required in order that the Council could fulfil its duty under the Care Act 2014 to provide care and support to eligible residents of Cumbria.

Supported living was a term used to describe the arrangement whereby someone who already had, or who wanted their own tenancy or own home, also had support from a care and support provider to help them live as independently and safely as possible. They would receive support and help with any aspects that were required to live an “ordinary life”.

In June 2021 the Council commissioned an open framework agreement for the provision of support and accommodation for people with a learning disability, mental health problem, autism or a physical and or sensory impairment to run from 2 June 2021 for a period of 3 years, with the option to extend for a further year. The intention was for the framework to be for new business only, where new business was defined as new packages of support for individuals with new providers.

Establishment of a new Supported Living framework would standardise the hourly rate and sleepover rates offered to providers at a level that allowed for the 6.6% increase in National Living Wage which would come into effect from 1st April 2022, along with the increase in National Insurance contributions and pension changes. It would also enable commissioners to take a more strategic approach to the procurement of support; improve performance; support provider sustainability, manage the market, focus on outcomes and the delivery of 'just enough support'.

Current framework providers had highlighted that continuing with existing hourly rates with uplifts was unsustainable and they were unlikely to bid for new work if the hourly rate was insufficient to cover costs.

RESOLVED, that Cabinet approve

- (1) the establishment of an Open Framework Agreement for the provision of supported living for people with a learning disability, mental ill health, autism or a physical and/or sensory impairment from 14th April 2022 for a period of 4 years (the Framework). The Framework value is estimated at £85.661m for the full 4 year term at current volume and proposed 2022/23 prices.
- (2) the appointment of the providers referenced in Appendix 1 of this report to the Framework.
- (3) Cabinet to acknowledge all future provider appointments to the Framework will be made by the Executive Director – People under Part 3 of the Constitution.

The meeting ended at 11.15 am