

# CABINET - 17 June 2021

## MINUTES

Present: Councillors: I Courts, K Grinsell, T Diccico, K Hawkins, R Holt, A Mackiewicz, A Rolf, R Sleigh OBE, J Tildesley, S Caudwell, D Cole and L McCarthy

Officers: Nick page, Paul Johnson, Deborah Merry, Andrew Kinsey, Louise Rees, Mary Morrissey, Jenny Wood, Ruth Tennant, Tim Browne, Perry Wardle and Jane Game

### 1. APOLOGIES

No apologies were received.

### 2. DECLARATION OF INTEREST

None received.

### 3. QUESTIONS AND DEPUTATIONS

None received.

### 4. MINUTES

The minutes of the meeting held on 8 April 2021 were presented for information.

#### **RESOLVED:**

That the minutes of the meeting held on 8 April 2021 be received for information.

### 5. SPECIAL EDUCATIONAL NEEDS & DISABILITY (SEND) - PROGRESS UPDATE AND FUTURE IMPROVEMENT PLANS

#### **The Cabinet was:**

- **Invited to endorse the vision for Solihull's children with Special Educational Needs and Disabilities (SEND);**
- Updated on developments and improvements to date in the Council's SEND service and to report on current and projected demand pressures;
- Advised of the stages of the service improvement programme from 2021/22 – 2023/24, the expected outcomes and the additional resource needed to deliver those outcomes; and
- Advised of the timescale for a revised DSG High Needs Block recovery plan.

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The report before Members set out the background to the issues faced by the Council in this area and the previous financial support provided by Cabinet to address these issues.

The report detailed the:

- Issues faced in a Solihull context
- Service improvements to date
- Next Steps and Expected outcomes from the SEND Improvement Journey (Next 3 months, Six months and Longer Term)
- Resources needed to deliver the improvement programme outcomes, which was broken down in to:
  - Cost avoidance (DSG funded, on-going)
  - SEND Improvement Capacity (Council funded, mixture of one-off and ongoing)
  - Demand Pressure (Council funded)
  - Sustainability of previous resource approval

The report detailed how maintaining the status quo would damage the now improving performance of the Council's response to supporting children with SEND, and leave the Council at risk of breaching its statutory duties. The reasons for recommending the preferred option was because it would help to deal with the significant increase in demand, ensure the Council could meet its statutory duties and ensure readiness for the next SEND area inspection. The additional resource would also avoid destabilising the financial recovery plan for the High Needs block of the DSG.

**While there was no longer a requirement to submit a recovery plan to the DfE, the Council needed to have a Recovery Plan to address the deficit. A new plan would be brought forward to Cabinet in the autumn.**

The report detailed the request for the resources required to develop, implement and monitor the Recovery and SEND Improvement Plans. The proposal was for £1.176 million of Council funding during the current MTFS period 2021/22 to 2023/24 and for £528,000 of on-going funding to be built into the updated MTFS from 2024/25. Invest to save DSG funding was also proposed of £67,000 in 2021/22, rising to £100,000 per annum from 2022/23 onwards.

Cabinet was asked to approve an allocation of £1.176 million from the Budget Strategy Reserve to cover the funding requirement for the current MTFS period. Subject to adjustments from the Final Accounts report elsewhere on the agenda, the latest forecast balance on the Budget Strategy Reserve at the end of the current MTFS period (March 2024) was £12.849 million.

In introducing the report the Cabinet Member acknowledged the importance EHCP's had in a young person's life, and the need for the Council to provide a high level of service. The Cabinet Member highlighted a number of areas which the recommendations in the report hoped to address such as:

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- Insuring timescales were met for issuing EHCP's and transitional arrangements;
- Improved joint working with Education, Health and Care services;
- Annual Reviews were done appropriately;
- The Council would be in a better position to defend cases at Tribunal; and
- Help deliver the High Needs Deficit Plan;

The Cabinet Member advised that the proposed changes would provide a high quality service, which met the needs of children and met the aspirations of their families. The Director of Children's Services and Skills then took Members through the report.

On receiving the report Members sought clarification on a number of points which Officers responded to which in summary included:

- Officers advised that Reshaping Education transformational change programme was aimed at reorganising the Directorate so services were delivered in the best way possible, and increasing capacity in certain areas such as Early Years to support early intervention work;
- With regard to workforce development within the StART team, Members were advised that a workforce development strategy had been drawn up to support this work;
- Members noted that Solihull was not the only authority facing a deficit in their High Needs budget, with 89% of LAs also in a similar position with demand for services increasing, and the resources available not being able to keep up;
- Members were advised that the backlog of annual reviews related to all of them, and that Officers were confident that the additional staff brought in to clear the back log was sufficient to do the job and within the timescales. With regard to the Dispute Resolution Officer role these Officers would be involved in the more complex cases and it was hoped they would be able to prevent escalation in cases and so avoid costly mediation or cases going to Tribunal;
- Officers acknowledged that there was competition for experienced staff in this field and agency staff had to be employed to cover posts, and their period of notice was very short. Officers recognised the importance of having a stable team in place so key relationships with schools and families could be established.
- With regard to the DfE SEND Review it was difficult to comment on what the possible outcome might be with regard to additional money.

Members were in agreement in supporting the recommendations noting the importance of this statutory service, and previous additional financial support which the Council had provided through the Budget Strategy Reserve for this area of work in previous years. Officers confirmed that key Members of the Cabinet would be able to have regular sight of recovery plan as it was developed over the next few months.

**RESOLVED:**

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- (i) **That the vision for children with SEND as set out in paragraphs 4.3 and 4.4. of the report be endorsed;**
- (ii) That the progress to date in improving the Council's support for children with SEND be noted;
- (iii) That the demand pressures detailed in paragraphs 3.2 to 3.3 and to approve the SEND improvement programme set out in paragraphs 5.1 to 5.3. of the report be noted;
- (iv) That an allocation of £1.176 million from the Budget Strategy Reserve to cover the additional staffing for the service improvement programme, for the period to March 2024 as set out in the report be approved;
- (v) That the Budget Strategy Group be requested to consider an allocation of £528,000 per annum from 2024/25, for the on-going resource requirements;
- (vi) That the proposed invest to save funding for additional staff of £67,000 in 2021/22, rising to £100,000 per annum from 2022/23 onwards from the High Needs Block of Dedicated Schools Grant (DSG), to enable the Council to respond to significant demand pressures within SEND be noted;
- (vii) That it be noted that officers will bring an updated High Needs Block recovery plan to Cabinet for approval in autumn 2021.

### **6. MTFs UPDATE (INCORPORATING THE FINAL ACCOUNTS OUT-TURN POSITION FOR 2020/21)**

The Cabinet was provided with a report on the Medium Term Financial Strategy (MTFS) financial position as at 31 March 2021 incorporating the revenue, capital, reserves and Covid-19 final outturns.

The report before Members set out the 2020/21 year end out-turn financial position for the Council, by Cabinet Portfolio, within the context of the latest MTFS for 2021/22 to 2023/24, and provided an update on how any risks which were highlighted as part of the MTFS would continue to be managed into the new financial year.

The draft Statement of Accounts was due to be reviewed by the Audit Committee and presented to the Governance Committee for approval on 26 and 28 July 2021 respectively, in line with the planned inspection of the accounts by the Council's external auditors which had already commenced. The final Statement of Accounts was planned to be reviewed by the Audit Committee and approved by Governance Committees in September alongside the Audit Findings Report which would be presented by the Council's external auditors Grant Thornton.

With regard to the General Fund Revenue Position for 2020/21 appendices A to G to the report set out the final position for 2020/21 for revenue, capital, the reserves position, Covid-19, MTFS Savings, budget virements, reserve contribution requests,

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carry forward requests, and included explanations of key variances. Subject to the approval of the reserve contributions and carry forward requests detailed in Table 3 of Appendix A, the Council was **(£105,000)** ahead of the overall financial position reported in the latest MTFS for 2021/22 to 2023/24. The report detailed how each Cabinet Portfolio's 2020/21 financial out-turn position impacted on their latest MTFS position.

The report also provided further detail in relation to the following items which the Director of Resources and Deputy Chief Executive took Members through:

- Dedicated Schools Grant (paragraph 3.30)
- Core Council Revenue Covid-19 financial impact 2021/21-forecast outturn position (paragraph 3.33)
- Other Covid-19 related government funding (paragraph 3.48)
- Reserves Positions (paragraph 3.57)
- Business Rates and Council Tax positions 2020/21 (paragraph 3.69)
- 2020/21 Capital outturn position (paragraph 3.75)
- Medium Term Financial Strategy (MTFS) RAG status of savings 2020/21 to 2022/23 (paragraph 3.79)

On receiving the report Members made a number of comments which in summary included the following points:

- In relation £99m received in Government Covid grants to support business, Council tax payers and lost income, Members recognised the excellent work done by Officers to ensure these grant monies were distributed as effectively as possible to where they were needed;
- The healthy position of the MTFS savings position was noted, but it was recognised how it became more difficult to achieve savings; and
- The Cabinet Member for Resources also provided an update on how some additional discretionary grants had been distributed in recent months.

### **RESOLVED:**

- (i) That the 2020/21 final position on the General Fund Revenue Accounts, as summarised in section 3 of the report and detailed in Appendices A to G, including endorsing the budget virements for the final quarter which were detailed at Appendix G and approving the creation of the specific reserves and the future year commitments detailed in Appendix A, Table 3 be approved;
- (ii) That the £101,000 contribution to reserves within the Children, Education and Skills portfolio as outlined in paragraph 3.13 of the report be approved;
- (iii) That the creation of a new reserve in the Stronger and Safer Communities portfolio and the £45,000 contribution as outlined in paragraph 3.26 of the report be approved;

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- (iv) That the £18,000 contribution to Apprenticeship Levy reserves within the Resources portfolio as outlined in paragraph 3.28 of the report be approved;
- (v) That the Covid-19 forecast position across 2020/21 to 2023/24 as detailed in Appendices B and C and outlined in paragraphs 3.33 to 3.56 of the report be noted;
- (vi) That the significant increase in children's placement costs towards the end of 2020/21, as outlined in section 3.41 of the report and the consequences for this and future year updated budget forecasts be noted;
- (vii) That the contribution of the uncommitted balance of Covid emergency funding and the Local Tax Income Guarantee grant to the Covid-19 reserve, as outlined in paragraphs 3.49 and 3.50 of the report be noted;
- (viii) That the creation of a Contain Outbreak Management reserve and the contribution of £330,000 to that reserve as outlined in paragraph 3.54 of the report be approved;
- (ix) That the £56,000 contribution to Education ICT reserves within the Resources portfolio as outlined in paragraphs 3.64 of the report be approved;
- (x) That a contribution of £106,000 to a new reserve within the Resources portfolio as outlined in paragraph 3.65 of the report be approved;
- (xi) That the contribution of any 2021/22 favourable variance to the existing Homelessness Reserves in the Stronger and Safer Communities portfolio per paragraph 3.68 of the report be approved;
- (xii) That the funding allocations from the 2020/21 Business Rates windfall, as outlined at paragraphs 3.71 to 3.73 of the report, including the contribution of the balance of £5.506 million to the new business rates volatility reserve be approved;
- (xiii) That the 2020/21 final position on the Capital Accounts and re-phasing proposals outlined in paragraphs 3.75 to 3.76 of the report and summarised in Appendix A, Table 4 with the re-phasing reasons detailed in Appendix E be approved;
- (xiv) That bringing forward 2021/22 capital contingency funding for the Yorkswood North Solihull regeneration scheme per paragraph 3.78 of the report be approved; and
- (xv) That the continuation of the Budget Strategy Group for the forthcoming year for the 2022/23 Budget Framework and MTFS for 2022/23 to 2024/25 as detailed in paragraph 3.82 of the report be endorsed.

**7. BALSALL PARISH NEIGHBOURHOOD DEVELOPMENT PLAN REFERENDUM RESULT**

The Cabinet was invited to agree that the Balsall Parish Neighbourhood Development Plan can be 'made' following a successful referendum.

Members were advised that a referendum was held on 6 May 2021, and residents eligible to vote were asked to answer 'yes' or 'no' to the following question as set out in the regulations:

*Do you want Solihull Metropolitan Borough Council to use the Neighbourhood Development Plan for Balsall Parish to help it decide planning applications in the Neighbourhood Area?*

The Regulations required that if the majority of those who voted in a referendum were in favour of the neighbourhood plan, then the neighbourhood plan must be 'made' (i.e. formally adopted as part of the statutory development plan for the Borough) by the Local Planning Authority within 8 weeks.

The Neighbourhood Area had an electorate of 4,770 and turnout was 43.2%. The referendum result showed clear support for the Neighbourhood Plan with a total of 1,796 votes cast in favour and 269 votes against. That equated to 87% voting 'yes and 13% voting 'no'".

The Regulations state that a neighbourhood plan comes into force as part of the statutory development plan immediately after it has been approved at referendum, whether it is 'made' or not. However, it must be formally 'made' by the local planning authority within 8 weeks.

On receiving the report Members recognised the enormous amount of work which had been undertaken by local communities and Parish Councils to try and help shape their areas and develop the Plan.

**RESOLVED:**

- (i) That the result of the Balsall Parish Neighbourhood Development Plan Referendum held on 6 May 2021 be noted;
- (ii) That as a result of a successful referendum, the Neighbourhood Development Plan now forms part of the Borough's statutory Development Plan be noted; and
- (iii) That it be agreed that, in accordance with the statutory requirements, the Balsall Parish Neighbourhood Development Plan be formally 'made'.

**8. MERIDEN PARISH NEIGHBOURHOOD DEVELOPMENT PLAN REFERENDUM RESULT**

The Cabinet was invited to agree that the Meriden Parish Neighbourhood Development Plan can be 'made' following a successful referendum.

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Members were advised that a referendum was held on 6 May 2021, and those residents who were eligible to vote were asked to answer 'yes' or 'no' to the following question as set out in the regulations:

*Do you want Solihull Metropolitan Borough Council to use the Neighbourhood Development Plan for Meriden Parish to help it decide planning applications in the Neighbourhood Area?*

The Regulations required that if the majority of those who voted in the referendum were in favour of the neighbourhood plan, then the neighbourhood plan must be 'made' (i.e. formally adopted as part of the statutory development plan for the Borough) by the Local Planning Authority within 8 weeks.

The turnout in the Neighbourhood Area for the referendum was 36.6%. The referendum result showed clear support for the Neighbourhood Plan with a total of 756 votes cast in favour and 127 votes against. That equated to 83.3% voting 'yes for the Neighbourhood Development Plan.

The Regulations state that a neighbourhood plan comes into force as part of the statutory development plan immediately after it had been approved at referendum, whether it is 'made' or not. However, it must be formally 'made' by the local planning authority within 8 weeks.

On receiving the report Members once again recognised the work done by the Parish Council and local communities to develop the plan. It was also recognised the support and work Officers do to make sure plans are aligned to the Council's Local Plan.

### **RESOLVED:**

- (i) That the result of the Meriden Parish Neighbourhood Development Plan Referendum held on 6 May 2021 be noted;
- (ii) That as a result of a successful referendum, the Neighbourhood Development Plan now forms part of the Borough's statutory Development Plan be noted; and
- (iii) That it be agreed that, in accordance with the statutory requirements, the Meriden Parish Neighbourhood Development Plan be formally 'made'.

## **9. RISK MANAGEMENT INFORMATION REPORT**

The Cabinet was provided with an annual update on the Council's strategic risk register.

Members were advised that section 3.4 of the report identified the strategic risks in terms of their likelihood and potential impact, showing how the risks had changed over the past three years, and how Covid-19 risks had been recorded in the Corporate Covid -19 risk register.

The report highlighted the following points for Members to note:

- That the strategic risk register was last reviewed by the Corporate Leadership Team (CLT) on 4th May 2021;

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- At the time of writing the report, there was 1 strategic net red risk identified which related to the West Midlands Combined Authority;
- The total number of strategic risks had increased to 16;
- The net risk levels for the risks relating to the West Midlands Combined Authority, Information Security, Children's Services pressures, Children's Services - Duty of Care, Adult Social Care pressures, Adult Social Care – Duty of Care, Domestic Abuse, Local Enterprise Partnership, SEND Placements, Warning Marker systems and Mell Square Car Park had remained the same;
- The net risk levels for the risks relating to MTFS Delivery and Brexit implications had reduced; and
- There had been 1 new risk added to the strategic risk register relating to compliance with changes in the Domestic Abuse legislation.

On receiving the report Members asked whether more of a narrative could be developed around what the risk was. On the point that some of the risks had been around for a number of years, Officers confirmed that due to the significance of the risk, something significant had to happen for the risk to be decreased, but as demonstrated in the report the number of red risks had decreased by one from last year. Officers also confirmed mitigation was reviewed to see whether the action was having the desired effect. Members suggested that a refresh of the report should be undertaken.

### **RESOLVED:**

That having considered the information produced regarding the Council's identified strategic risks Members were content with the report but asked that the comments above be considered.

## **10. EXCLUSION OF THE PUBLIC AND PRESS**

### **RESOLVED:**

That, pursuant to Section 100A (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for the remainder of the business to be transacted, on the grounds that there would be disclosure to them of exempt information in terms of paragraph 3 of Part 1 of Schedule 12A to the said Act.

## **11. MINUTES**

## **12. PRIVATE APPENDIX - TO GO WITH THE RISK MANAGEMENT REPORT**

7.05 pm