

# Executive Advisory Board

## Agenda

**Thursday, 3 December 2020**  
**1.30 pm**

**Virtual meeting**

**To: Members of the Executive Advisory Board**  
**To: Members of the LGA Executive**  
**cc: Named officers for briefing purposes**

**LGA Executive**  
3 December 2020

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There will be a meeting of the LGA Executive at: **1.30 pm on Thursday, 3 December 2020.**

### **Apologies**

**Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting, so that a substitute can be arranged and catering numbers adjusted, if necessary.**

<b>Conservative:</b>	Group Office: 020 7664 3223	email: <a href="mailto:lgaconservatives@local.gov.uk">lgaconservatives@local.gov.uk</a>
<b>Labour:</b>	Group Office: 020 7664 3263	email: <a href="mailto:Martha.Lauchlan@local.gov.uk">Martha.Lauchlan@local.gov.uk</a>
<b>Independent:</b>	Group Office: 020 7664 3224	email: <a href="mailto:independent.grouplga@local.gov.uk">independent.grouplga@local.gov.uk</a>
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### **LGA Contact**

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### **Carers' Allowance**

As part of the LGA Members' Allowances Scheme a Carer's Allowance of £9.00 per hour or £10.55 if receiving London living wage is available to cover the cost of dependants (i.e. children, elderly people or people with disabilities) incurred as a result of attending this meeting.

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The twitter hashtag for this meeting is #lgaexec.

## Executive Advisory Board – Membership 2020/2021

Councillor and Role	Authority
<b>Conservative</b>	
<b>9</b>	
Cllr James Jamieson (Chairman)	Central Bedfordshire Council
Cllr Izzi Seccombe OBE (Vice Chairman)	Warwickshire County Council
Cllr John Fuller OBE (Deputy Chairman)	South Norfolk District Council
Cllr Robert Alden (Deputy Chairman)	Birmingham City Council
Cllr Teresa O'Neill OBE (Deputy Chairman)	Bexley Council
Cllr Peter Fleming OBE (Board Chair)	Sevenoaks District Council
Cllr Ian Hudspeth (Board Chair)	Oxfordshire County Council
Cllr David Renard (Board Chair)	Swindon Borough Council
Cllr Kevin Bentley (Board Chair)	Essex County Council
<b>Labour</b>	
<b>9</b>	
Cllr Nick Forbes CBE (Senior Vice-Chair)	Newcastle upon Tyne City Council
Cllr Michael Payne (Deputy Chair)	Gedling Borough Council
Cllr Anntoinette Bramble (Deputy Chair)	Hackney London Borough Council
Cllr Tudor Evans OBE (Deputy Chair)	Plymouth City Council
Cllr Georgia Gould (Deputy Chair)	Camden Council
Sir Richard Leese CBE (Board Chair)	Manchester City Council and City Regions Board
Cllr Richard Watts (Board Chair)	Islington Council
Cllr Judith Blake CBE (Board Chair)	Leeds City Council
Cllr Nesil Caliskan (Board Chair)	Enfield Council
<b>Liberal Democrat</b>	
<b>5</b>	
Cllr Howard Sykes MBE (Vice-Chair)	Oldham Metropolitan Borough Council
Cllr Ruth Dombey OBE (Deputy Chair)	Sutton London Borough Council
Cllr Gerald Vernon-Jackson CBE (Board Chair)	Portsmouth City Council
Cllr Anita Lower (Balancing Member)	Newcastle upon Tyne City Council
Cllr Bridget Smith (Balancing Member)	South Cambridgeshire District Council

<b>Independent</b> <b>4</b>	
Cllr Marianne Overton MBE (Vice-Chair)	Lincolnshire County Council
Cllr Clive Woodbridge (Deputy Chair)	Epsom and Ewell Borough Council
Cllr Paul Woodhead (Balancing Member)	Cannock Chase District Council
Cllr Rosemarie Harris (Balancing Member)	Powys County Council
<b>Regional Representatives</b> <b>9</b>	
Cllr Robert Stewart	LAB Swansea City and County Council
Cllr Marc Bayliss	CON Worcester City Council
Cllr Simon Henig CBE	LAB Association of North East Councils
Cllr John Hart	CON South West Councils
Cllr Peter John OBE	LAB Southwark Council
Cllr Shabir Pandor	LAB Kirklees Metropolitan Council
Cllr Roy Perry	CON South East England Councils (SEEC)
Cllr Nicholas Rushton	CON East Midlands Councils
Cllr Linda Haysey	CON East Herts Council
<b>Named Substitutes</b>	
Cllr Ralph Bagge	CON South Bucks District Council

#### **Non-voting Members of LGA Executive**

<b>Councillor</b>	<b>Representing</b>	
Sir Stephen Houghton CBE	LAB	SIGOMA
Alderman Sir David Wootton	INDE	Local Partnerships
Cllr David Williams	CON	County Councils Network (CCN)

## Agenda

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### **Executive Advisory Board**

Thursday 3 December 2020

1.30 pm

Virtual meeting

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**Date of Next Meeting:** Thursday, 21 January 2021, 14.15 pm



## Covid-19 Work Programme

### Purpose of report

For discussion.

### Summary

This paper outlines the LGA's recent policy and improvement work around the public health and enforcement related activity of councils to manage local outbreaks of COVID-19. It sets out some of the changes to national policy the LGA has been able to secure on behalf of the sector, as well as the immediate challenges local authorities face in the coming weeks in managing the pandemic, such as a clearer sense of how they can exit from tiers 3 and 2, how increased community testing might assist in that process and the impact this will have on local tracing, as well as clarity about councils' role in the national vaccination programme. In addition it provides details of the package of support the LGA is providing to councils to manage local outbreaks.

### Recommendations

Members of the Executive Advisory Board are asked to:

- (a) Note the LGA's recent work public health and enforcement related activity in relating to managing local outbreaks of COVID-19, and what the LGA has been able to secure for the sector.
- (b) Comment on the LGA's work programme going forward and whether these are the right priorities.
- (c) Provide views on the LGA's support offer to councils and whether any additional strands should be offered to it.

### Action/s

Officers to incorporate members' views into the LGA's work in this area.

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## **Covid-19 Work Programme**

### **Background**

1. This paper outlines for the Board the LGA's recent public health, adult social care and enforcement work around management of local outbreaks of COVID-19, and which elements of this work programme are likely to be the immediate focus of activity going forward into 2021. As managing local outbreaks requires a range of measures to reduce the rate of transmission in the local community, this work falls not only under the remit of the Community Wellbeing Board, but also those of the Resources and the Safer and Stronger Communities Board.
2. Over the autumn the LGA has been involved in shaping national policy and supporting local authorities across a range of areas related to managing outbreaks of COVID-19 at a local level. These include both current and developing interrelated activity:
  - 2.1. the development of the government's Contain framework;
  - 2.2. the greater localisation of testing and tracing arrangements;
  - 2.3. councils' role in ensuring compliance with and the enforcement of COVID secure measures;
  - 2.4. the implementation of a financial package to assist those on low incomes to self-isolate;
  - 2.5. infection prevention in care homes;
  - 2.6. the development of the support offer to clinically extremely vulnerable people who need to be shielded from COVID-19; and
  - 2.7. councils' role in the delivery of the national COVID-19 vaccination programme.
3. Alongside this the LGA has also been gathering and sharing good practice from across the sector over this period through the development of a sector-led improvement offer to enable councils to learn from each other.

### **Managing local outbreaks - the Contain Framework**

4. The division of responsibilities between local and national government in preventing, containing and managing local outbreaks is set out in the Contain Framework first published in July. Part of the purpose of the framework was to support local authorities by clarifying their responsibilities and the powers they had to take local action.
5. At the time of the Framework's first publication councils were divided into a number of categories based on the level of Government support: areas of concern, areas of enhanced support, and areas of intervention. As a result of experience in managing local outbreaks during August and September, these categories were replaced by three tiers in October.

6. Local authorities' experience of the tiered approach raised issues around the funding made available to councils in tiers 2 and 3, the differences in business closures between areas in the same tier, the lack of incentives for those on low incomes to self-isolate, the powers available to councils to enforce COVID secure measures to prevent the spread of the virus, and the lack of clarity about how areas moved back down the tiered system to tier 1 from tiers 2 and 3.
7. Lobbying from the LGA alongside direct feedback from the sector both ahead of publication of the Framework and then after its introduction resulted in its ongoing development. For example when the Framework was published in July it included additional enforcement powers to enable councils to close specific premises and public outdoor spaces as well as preventing specific events from taking place. However, councils found in practice that these powers could not be used in a swift and proportionate manner to address breaches of social distancing in a number of instances. The LGA therefore pressed Government to provide councils with better tools, and an announcement on them was due at the time the Government introduced the second national lockdown.
8. Following the introduction of the second national lockdown the LGA and councils have been pushing Government for clarity on what would happen when it ends on 2 December. At its meeting on 20 November the Local Outbreak Plan Advisory Board chaired by the LGA's Chairman, Cllr Jamieson, discussed the issues and policies needing to be resolved or in place ahead of national restrictions being lifted on 2 December. This discussion took into account feedback from the LGA's Community Wellbeing Board Lead Members on the key issues. The Local Outbreak Plan Advisory Board agreed there needed to be:
  - 8.1. A clear published framework setting out the rationale for different tiers: which criteria and considerations determine which tier a Local Authority is in and how do they move up and down a tier. We need a standard framework made public to allow local areas to plan and engage with the public to manage expectations and explain what could happen.
  - 8.2. Standard restrictions for each tier – to maximise their preventative impact. It is possible the national framework could give explicit permission to allow some variation in restrictions at local discretion without requiring individual negotiations with each area. For example, the national curfew on the hospitality sector should be moved to a later time, such as 11pm or midnight, with local discretion on bringing a curfew earlier to respond to rising infection rates in the area.
  - 8.3. Funding – for those continuing in Tier 3/2 additional funding above that already received. It is crucial to consider support for retail. Higher tiers cannot cope with just the payments made available so far and we need a clearer forward view for the rest of the pandemic with resources aligned to it.
  - 8.4. Geography for tiers – Public Health Authorities should remain the building block for restrictions, with broader regional approaches to be agreed locally (to reflect the fact

- some larger areas want to move as one given high mobility between local authority areas).
- 8.5. Hybrid rollout of local tracing where areas want to do this, with faster data being essential for this to be effective.
  - 8.6. Enforcement regulations giving new powers to local government to close premises quickly to be implemented in advance of 2 December.
  - 8.7. An isolation system that works – positive incentives at a national level using behavioural science to maximise voluntary compliance, for example extending the discretionary as well as the fixed element of £500 self-isolation payment. New resources may be needed to assist more people in need who do not currently qualify for the payment.
  - 8.8. Clarity on the mass population screening programme (including deployment of lateral flow devices) – it is not possible to test 75 per cent of the total population without much greater capacity and stronger incentives, and even then such a high level of testing may not be practical; there is a need to clarify the purpose and role of mass population screening and instead utilise “targeted testing at scale,” enabling the deployment of targeted testing by Directors of Public Health depending on local need and priorities instead; need much greater capacity and to recognise pressure also on contact tracing arrangements and how it interacts. Also recognise that the people we most need to test are those least likely to come forward voluntarily.
  - 8.9. Strengthening of the narrative and incentives to encourage disadvantaged groups and communities to take up both vaccination and testing. Mistrust is a barrier. Could strengthen incentives by allowing 2 negative tests to unlock self isolation requirements (“smart release”). This would help the economy too.
9. The Government published the Winter Plan on 23 November. Based on an analysis of the effect of the three tiers in suppressing the virus the plan sets out a revised system of standardised tiers compared with those that were in place before 5 November, which addressed a number of the issues identified by the Local Outbreak Plan Advisory Board.
  10. The list of which areas were in which tiers was published on 26 November, with the majority of England placed in tiers 2 and 3, and a small handful of councils in tier 1. The decision on which tier an area is placed in has been primarily based on five indicators: the case detection rate in all ages; the case detection rate in the over 60s; the rate at which cases are rising or falling; the positivity rate; and pressure on the NHS.
  11. There remain, however, a number of questions about the operation of the new tiers. The Winter Plan indicates that movement between the tiers will not depend just on the five indicators, but also on broader economic and practical considerations. As the Community Wellbeing Board Lead Members, the Local Outbreak Plan Advisory Board and council leaders have highlighted to Government local authorities are keen to understand exactly how and when they can transition from the higher tiers back to the lower ones when the Government reviews the allocations of areas to tiers every 14 days. Councils have indicated there needs to be more detail available on how the review process works, there

needs to be greater transparency about the data used to make decisions on which tier an area is allocated to and the weighting given to the five indicators, and whether the current geography of areas in the various tiers will be maintained when it comes to deciding if a place can step down from the current allocations to tiers. This will undoubtedly be an area where the LGA seeks more detail from the relevant Whitehall departments on behalf of our member authorities.

12. The Winter Plan also sets out proposals to offer councils in tier 3 areas a six-week surge in testing capacity, which can be used to test the general population as well as high-risk work places, hard to reach communities and schools. It is not however clear what is being offered to areas, and what government expectations are in taking up this additional testing capacity; is it optional or will all tier 3 areas be expected to undertake this surge in testing, and if an area does not take up the offer will that impact on the decision on what tier it is in? Again this is an area the LGA will be seeking clarification on.

#### **Greater Localisation of Testing and Tracing**

13. As members will be aware there has been a significant increase in testing capacity since the start of the pandemic. This has been accompanied by the development of a range of new testing technologies that allow for much faster turnaround times for results.
14. Ahead of publication of the Winter Plan the LGA made the case for greater localisation of testing and tracing system. In our view this would have a number of benefits. NHS Test and Trace has been struggling to reach the number of cases and contacts needed to slow the spread of COVID-19, and to do so in a timely way. There are over 163 local contact tracing partnerships, and these arrangements have had greater success than the national system. Alongside local contact tracing arrangements, making greater testing capacity available to councils would help to address the spread of the virus in areas of high deprivation, crowded and multi-generational households, concentrations of vulnerable communities and younger age groups. The LGA stressed that any localisation should be done on a voluntary basis, should accommodate different speeds in localisation and has to be accompanied by the necessary resources (both financial and in the form of programme managers from the Ministry of Defence for example).
15. The government responded earlier this month to calls by the LGA and directors of public health for greater local testing capacity by making available lateral flow tests to directors of public health. Initially 10,000 tests were made available to those areas that wanted it, and with the subsequent ability to order tests for up to 10 per cent of the local population. So far over 90 councils are receiving these tests, though some have reported delays in delivery or only partial receipt of what they ordered.
16. Making these tests available to councils is part of a wider Government intention, set out in the Winter Plan, to expand testing beyond areas with outbreaks, and protecting those most at risk, to try and identify those without symptoms who could be unknowingly

infecting others. By finding cases quicker the ambition is for the country to become more effective at breaking the chain of transmission while the vaccination programme is rolled out.

17. The pilot of mass population screening arrangements in Liverpool demonstrated how difficult it is to test a significant proportion of the total population. The Community Wellbeing Lead Members, the Local Outbreak Plan Advisory Board and council leaders and chief executives have highlighted that the only way to increase the proportion of the population being tested is through both greater test capacity, but also stronger incentives to encourage more people to come forward for tests, given that many people we most need to test are least likely to come forward. The LGA has therefore suggested that greater consideration is given to whether mass population screening is the most effective use of the increased testing capacity available, and consideration instead is given to targeted testing at scale led by local Directors of Public Health as a better means of breaking the chain of transmission in the population.
18. In order to support testing at scale, greater clarity is needed in the LGA's view from government on the detail of how it will work, including what funding will be available, where councils will get the additional capacity and capability to conduct the tests, how the data from local testing is integrated into the national system, and how people can be incentivised to be tested. We will continue to seek answers to these points going forward.

### **Enforcement**

19. The LGA's recent work has focused on influencing the development, interpretation and enforcement of regulations being used for COVID-19 compliance and enforcement; highlighting to Government the challenges councils are experiencing on the ground, and supporting councils in their work on this.
20. From the outset of businesses reopening in summer, we have been working with councils and the Government to strengthen the tools councils have to help ensure local businesses and premises are COVID secure. Inevitably, given the speed with which policy approaches and legislation have had to be developed, there have been some issues with the regulations councils have been working to enforce and we have been encouraging Government to share draft policy and regulations with the LGA and councils so we can identify issues before regulations are made.
21. The initial approach coming out of the first lockdown was that key requirements (for example, around collecting contact details of customers) were set out in guidance, rather than legislation, with the focus on using the Health and Safety At Work Act 1974 (HSWA) to require businesses to operate in a COVID secure way.
22. The LGA and councils highlighted challenges around using HSWA to take action linked to COVID-19, with the Health and Safety Executive expressing the view that prohibition

notices could not be used, and improvement notices with a long lead in period unsuitable when quick changes are required to prevent the risk of the virus spreading in premises. We also emphasised the need for key requirements to be set out in legislation, rather than non-binding guidance.

23. As an alternative to HSWA, some councils have also used powers available to them under the Licensing Act and Anti-Social Behaviour legislation.
24. The Government, led by the Ministry of Housing, Communities and Local Government (MHCLG), has gone to significant efforts to engage with councils on compliance and enforcement issues and has responded positively to the suggestions from councils. As Board members will be aware, a series of regulations were introduced over the summer putting into law the requirements on businesses to take steps to make their businesses and premises COVID-secure, with particular obligations on hospitality premises. Councils were given COVID-specific powers to close businesses through the use of directions issued under the 'no 3 regulations', which give councils powers to close businesses and stop events from happening where there is a serious and imminent threat to public health, following consultation with the director of public health and notification to the Secretary of State.
25. More recently the Government has accepted the need, as put forward by the LGA, the Local Outbreak Plan Advisory Board and the sector, for councils to have further powers to issue improvement notices requiring businesses to take rapid steps to implement COVID-secure measures and, where these are not immediately complied with, issue closure notices more quickly than through the no 3 direction powers. These are powers that councils' environmental health and trading standards officers are experienced in using, and which can provide a more powerful incentive for business to comply with than the fixed penalty notices currently available under the COVID-secure regulations.
26. The Secretary of State for Housing, Communities and Local Government recently wrote to council leaders and chief executives to confirm that new regulations giving councils the powers to issue improvement notices and closure orders in relation to COVID-secure regulations are expected to be introduced on 2 December, a commitment repeated in the Winter Plan.
27. One area where the LGA played a role in influencing policy was in relation to the high-profile announcement of the COVID marshals scheme. The final outcome, with flexibility for councils to spend the funding in a way that best suited their areas – for example through backfilling enforcement roles, supporting overtime, recruiting marshals or stewards – was very similar to a proposal the LGA had previously made to MHCLG for additional enforcement funding.
28. During the second national lockdown councils' the focus has returned to business closures, and we have been engaging with the Office for Product Safety and Standards

(which provides guidance and templates to councils on the regulations) on a number of queries relating to the interpretation of the regulations, such as the meaning of a significant amount of essential retail.

29. We have also supported the development of the approach to supporting local residents to self-isolate, with councils responsible for investigating any complaints about employers refusing to allow workers to self-isolate and triaging any cases where individuals may need support (or equally may need to be referred to the police if they are willfully refusing to self-isolate despite being advised to be NHS Test and Trace).

### **Self-isolation**

30. An issue local authorities highlighted during the summer was the lack of incentives for people on low incomes who had tested positive for COVID-19 to self-isolate. Along with councils the LGA pressed for a scheme to be introduced and on 19 September the Government announced the introduction of a £500 payment to people on in-work benefits who are told to self-isolate by NHS Track and Trace to be administered by councils.
31. Following the announcement the LGA worked closely with the Department of Health and Social Care (DHSC), the Department of Work and Pensions (DWP), the Ministry of Housing, Communities and Local Government (MHCLG) and a group of councils to put the arrangements in place to enable payments to be made from 12 October. As well as making payments to those who meet the eligibility criteria councils are allowed to make discretionary payments in exceptional circumstances to someone who meets the main qualifying criteria and could suffer financial hardship as a result of not being able to work.
32. Under the scheme, which will last until 31 January 2021, councils have received:
- 32.1. £25 million to cover the costs of payments to applicants. This was distributed according to MHCLG's COVID-19 relative needs formula (RNF), with councils receiving a minimum payment of £21,000;
  - 32.2. £15 million for discretionary payments, again distributed according to the RNF; and
  - 32.3. £10 million for administration costs, based on the estimated costs of setting up and running the scheme.
33. As the national response has evolved since the introduction of the scheme the LGA has sought clarity from government on a number of different questions on behalf of councils. We have for example raised the interaction between this scheme and furloughed employees, as well as the implications of mass testing on the number of applications, and issues with the compatibility of the system and the NHS COVID-19 app.
34. While overall demand across the country has been lower than initially predicted, there has been significant regional variations in take-up, and the Department of Health and

Social Care (DHSC) has been working with councils to understand what is driving these differences. In some instances councils have either exhausted the discretionary funding made available to them or are close to doing so, and the LGA and the Local Outbreak Plan Advisory Board have been raising this issue with Government. DHSC continues to maintain that the discretionary funding is a fixed envelope to last councils until the end of the scheme. We have pressed Government to review this decision if the emerging evidence requires it, and to ensure that the approach that is taken to discretionary payments is consistent with the overarching policy objectives of protecting low-income working households from hardship, and reducing the risk of COVID-19 transmission. However, the Winter Plan indicates Government intends to introduce frequent testing as an alternative to self-isolating, with those who have come into contact with a COVID-19 positive person only having to self-isolate if they test positive themselves. We will explore with Whitehall departments what this new initiative means for self-isolation payments.

### **Infection Prevention in Care Homes**

35. As we approached winter and the normal pressures increased on the NHS, the health service was keen to ensure there were processes in place to enable discharge of COVID positive patients back into care without that resulting in the spread of the virus in care homes. The designated premises scheme is designed to achieve this. The LGA has been working with DHSC, the Care Quality Commission (CQC) and care providers on the development of the scheme. Funding for the scheme has been diverted from reablement support, and although this makes £588 million available to be routed through clinical commissioning groups it may not fully fund the costs of the scheme, leaving providers or councils to find the extra money. This gap in the funding may prove a disincentive to participation in it. During the discussions around the scheme we have made this point, sought clarification on the details of the scheme, and highlighted the need for councils to have the flexibility to adapt to the needs of their residents, including ensuring an individual's wishes on discharge are enabled and that the scheme builds on local arrangements. The LGA continues to be involved in the discussions about the roll out of the scheme.
36. The main focus for preventing the spread of COVID-19 in care settings has been through regular testing for staff and residents. The expansion in asymptomatic testing set out in the Winter Plan includes an increase in the frequency of testing in care homes and high risk extra care and support living settings, with both staff and residents being tested up to twice a week using supplementary lateral flow tests. Up to two visitors per resident in care homes will also be able to be tested twice a week using lateral flow tests. These tests are currently being piloted in Cornwall, Devon and Hampshire (including the Isle of Wight). However this commitment in the Winter Plan is already putting considerable pressure on care home providers, and it is not clear if they will be funded for carrying out the tests as the Infection Control Fund has been identified as a way of meeting these costs, even though the Fund is now over committed.

37. After lobbying by the LGA and the sector, testing has also been extended on a weekly basis to domiciliary care workers, employed by CQC registered providers and looking after people in their own homes. All registered homecare agencies have been contacted so they know how to apply for the test kits and they will be responsible for ordering and distributing tests to their homecare workers for them to conduct at home on a weekly basis. We continue to press Government for the roll-out of these tests to live-in carers as soon as possible.
38. A further issue in preventing the spread of COVID-19 in care homes has been provisions to enable staff to self-isolate when they have symptoms and enabling staff to work in only one care home. The Infection Control Fund set up in May and extended in September to March 2021 was designed to give providers the support they needed to put in place measures that reduced these two sources of infection in care homes. The LGA has provided councils with template letters to use to encourage care providers to take up the support available through the fund. Government is still considering if additional measures are needed to reduce outbreaks as a result of staff becoming COVID positive, and the LGA continues to engage with DHSC on this matter. We have responded to the Government's consultation on the use of regulations to limit movement of staff but are not convinced that this is the most effective way to achieve this objective as there will not be capacity in the system to enforce these regulations

### **Shielding**

39. The original programme for shielding individuals clinically extremely vulnerable (CEV) to COVID-19 came to an end at the start of August. Building on work from March developing the programme and sharing practice, LGA and a group of councils have been working with MHCLG to design a system of support for CEV people in the event they were advised they needed to isolate themselves again. Councils and the LGA have successfully pushed for a system that means CEV individuals can be as self-sufficient as possible when it comes to accessing food, for a local approach to be taken rather than a national one, for effective data flow to and from councils and for councils to receive funding for their support locally.
40. With the introduction of the second lockdown, the Government issued new guidance to CEV individuals. While the new guidance has not reintroduce the full shielding programme, the CEV cohort has been advised not to go to work if they cannot work from home, or visit shops or pharmacies, and to contact their local council if they need basic support or assistance with accessing food. County and unitary councils have received funding equivalent to £14.60 per head of CEV population in their area for the 28-day period up to 2 December to support this activity.
41. Between the announcement of the second national lockdown and its coming into effect, the LGA and group of councils working with MHCLG on shielding CEV individuals raised a number of queries about the detail of the arrangements not immediately covered in the guidance and effective communications to the CEV group. More detail was sought from

Government on what the parents of CEV children advised not to attend school should do if they were unable to work from home, and the cost to the public sector of supporting CEV employees unable to work from home, given the furlough scheme is not always available to them.

42. Feedback from councils suggests that only a small proportion of CEV people registering on the National Shielding Service System are requesting support. Of these, more people are requesting assistance in other ways than access to food. Councils have been collating outcomes based data on a voluntary basis and this will provide an evidence base for the crucial role councils in supporting this group and the costs of doing so. Once the second national lockdown ends the guidance to CEV individuals not to go to work or school will end, and specific advice will be reintroduced on what they should do to protect themselves at each tier. Councils will be expected to support CEV individuals in tier 3 areas as part of ongoing work communicating to and supporting vulnerable people in their communities, working with local partners, and discussions continue with MHCLG on support to CEV individuals going forward.

### **Vaccinations**

43. Vaccines that provide durable and effective immunity to COVID-19 will substantially reduce the mortality rate of the virus and should also assist in limiting its transmission. The use of effective vaccines therefore offers the opportunity to manage the pandemic while also lifting the restrictions that will be in place under the different tiers. An increasing number of vaccines are becoming available and the Government has secured access to up to 350 million doses of seven different vaccines between now and the end of 2021.
44. Once the vaccines have been approved, a vaccination programme will begin for those most at risk, as currently recommended by the independent Joint Committee on Vaccination and Immunisation (JCVI). The JCVI published a list in September of the groups that should be prioritised for vaccination, as and when vaccines are made available. On this provisional list, prioritisation would begin with older adults resident in a care home and care home workers, followed by all those 80 years of age and over and health and social care workers. In our view priority also needs to be given to the millions of unpaid carers as well.
45. Delivery of a vaccination programme will be a significant logistical challenge for the health service. Council chief executives were copied in on a letter sent to NHS trusts and foundation trusts on 20 November, which provides further details on the roll out of mass vaccinations. In the letter the NHS sets out what the NHS and Government will provide nationally, and what Government wants the NHS to work with local government and other partners to deliver locally. The LGA is currently engaged in discussions with DHSC about the role of councils in supporting the NHS, which we anticipate continuing as the vaccination programme is developed.

## Sector-led improvement

46. Given the complex issues councils are grappling with the LGA has developed a support offer to councils. This includes:

46.1. Sharing good practice through:

46.1.1. Webinars. The LGA has run 48 webinars since the first national lockdown, including four related to the contain framework, six specifically related to test, trace and outbreak management, one on compliance and enforcement (and two more are planned this year), and two on shielding. Each webinar saw attendance in the hundreds with the most popular a webinar titled 'COVID-19 and ethnicity' with 758 attendees. We have produced a set of Frequently Asked Questions after each webinar. The future programme of webinars covers mass testing technologies, prevention and intervention and there is also a monthly programme of chief executive webinars with Carolyn Wilkins (with the most recent held on 20 November on the current national restrictions).

46.1.2. Case studies. We have produced case studies covering testing, contact tracing, outbreak management, enforcement, compliance, vulnerable people, governance, schools, care homes, high risk locations, communications, adult social care, emergency food provision, health and wellbeing, personal protective equipment, social distancing, and workforce capacity. Further ones are planned on health inequalities, data, home testing, supporting compliance and social distancing, and supporting mental health during lockdown. We have also published a series of interviews with Directors of Public Health, with 24 available already and more planned.

46.1.3. An online Knowledge Hub – this currently has over 550 members, contains over 100 documents and links to other Knowledge Hub groups including those on environmental health, licensing and trading standards and the LGA/ADASS group. We are planning (subject to funding discussions with DHSC) to develop this into a web resource deploying an approach we delivered in 2019 known as the Transformation and Innovation Exchange (TIE) Hub. This online resource will provide support local authorities by providing: a self-assessment/self-selection capability to guide council users to the best practice/resources/information/discussion forum most relevant to them in relation to their readiness to manage local testing, contact tracing, and local outbreaks; an interactive map that enables easy access to information about what councils are doing to enable them to access shared learning opportunities; a content hub where examples of good practice, guidance materials, briefing notes and other supporting resources are catalogued; and a simple search facility and menu options

46.2. Support to local authorities through:

46.2.1. Action learning sets. We have already facilitated two groups of chief executives to discuss experiences with intervention, and we are planning similar sets for council leaders.

- 46.2.2. A Top tips documents. We have published one for chief executives, which is a collaborative piece with SOLACE and highlights the experiences of chief executives in areas that faced increasing infection rates between the lifting of the national lockdown measures imposed in March and the most recent national restrictions. We are also developing a version for council leaders.
- 46.2.3. Media training workshops for Directors of Public Health.

### **Implications for Wales**

47. Health is a devolved responsibility to the Welsh government so the work outlined in this report is only relevant to English councils.

### **Financial Implications**

48. In order to support the LGA's work around testing, tracing and outbreak management a new cross organisational team has been established, which has been funded to date from existing LGA resources, although we have also sought to secure funding from DHSC in addition. As the areas of work outlined in this report are likely to continue into the 2021/22 financial year, consideration will have to be given to the future funding of the team.

### **Next steps**

49. Members of the Executive Advisory Board are asked to:
- 49.1. Note the LGA's recent work public health and enforcement related activity in relating to managing local outbreaks of COVID-19, and what the LGA has been able to secure for the sector.
  - 49.2. Comment on the LGA's work programme going forward and whether these are the right priorities.
  - 49.3. Provide views on the LGA's support offer to councils and whether any additional strands should be offered to it.





## Local Government preparedness for Brexit

### Purpose of report

For discussion.

### Summary

This report updates members of the LGA Executive Advisory Board on the work that the LGA has been undertaking to support councils in preparing for Britain's exit from the EU and the end of the transition period.

**To note: This report is written on 20 November whilst UK/EU negotiations on the trade deals continued. There will be an oral update at the Executive Advisory Board should there be a conclusion to the trade talks.**

### Recommendations

That the members of the LGA Executive Advisory Board:

- Consider the work on preparedness and any further work that the LGA might need to do.

### Action

Officers to take forward any actions identified.

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## **Local Government preparedness for Brexit**

### **Background**

1. Since the referendum on EU Membership in 2016, the LGA has taken a neutral stance on the issue of EU exit. We have worked consistently with Government highlighting both the opportunities and risks of EU exit for our diverse, local communities on behalf of councils. Our work has been led by the all-party LGA EU Exit Taskforce. There have been regular meetings with Government ministers and officials where LGA leaders have raised key issues.
2. This report focuses on the end of the EU transition period on 31 December 2020 and the preparedness of local government for the anticipated changes from January. The Government has recently written to all Chief Executives outlining what councils need to do to prepare.
3. Through our work in recent months, we have been assessing whether councils have adequate information and resources to prepare for the end of the transition period. We have ensured that the Government is fully briefed on the risks and opportunities to councils and their communities.
4. The headline messages that the LGA has been giving on council preparedness are as follows:
  - 4.1. Councils face many challenges in the coming months. The EU transition period will take place amongst multiple pressures on councils over the winter months. Our support for local communities against COVID and our statutory services (such as children's services) are the priority and we have stated that the capacity to undertake additional new work at this unprecedented time is severely limited.
  - 4.2. The trade talks have yet to complete and there is still much uncertainty at this late stage on the quantum of services that councils may have to deliver (e.g. for Port Health Authorities) and whether some new UK systems will be needed (e.g. state aid).
  - 4.3. Most of the additional responsibilities from EU transition will fall on our regulatory services and these members of staff are at the frontline of our work on COVID. They are also having to deliver important statutory services such as food hygiene and trading standards. There are already skill shortages in these professions and councils are reporting severe difficulties in recruiting new staff.

- 4.4. We still need to grasp some of the opportunities for change as a result of our exit from the EU in January 2020, for example the development of a locally focused replacement to EU funds and a more flexible approach to procurement to support local economies.
5. Whilst the headlines above give an overview of the messages from the LGA, this report goes on to provide the more detailed issues that we have raised with Government on behalf of councils. It looks at those issues which relate to the outcome of the UK/EU trade agreement and those issues where UK policy already applies as a result of our exit in January 2020 and where we continue to work with Government on risks and opportunities.
6. Members of the Executive Advisory Board are asked to comment on the report and offer any other issues that need to be raised with Government urgently.

#### **Issues directly related to the UK/EU trade negotiations**

7. The next section looks at the key risks and opportunities for councils relating to the ongoing trade talks in Brussels.

#### **Preparedness of regulatory services**

8. As stated above, our regulatory services will be at the forefront of our work on EU transition.
9. A concern was the conversion of EU law into UK law, as much of the legal base for regulatory services was EU law. We have been assured that EU regulations have been converted into UK law and will continue in January. Services will have to reference the new UK law from 1 January 2021, assuming all the relevant Statutory Instruments are in place which we believe to be the case.
10. There is some concern about business readiness for the changes in January. For example, in completing export paperwork. The changes are likely to lead to increased demands for councils to provide advice to businesses, as well as to directly support businesses wishing to export to the EU through signing export health certificates (EHCs) and potentially the inspections of business premises. These demands will fall on local regulatory services. The LGA has highlighted that regulatory services are already dealing with local compliance and enforcement work and supporting local track and trace systems. The competing demands on these key services, where there are pre-existing capacity issues and a shortage of additional qualified staff to recruit, needs to be recognised. Skills shortages cannot be addressed by January 2021.
11. New IT systems and infrastructure will also be needed to support changes in regulatory regimes, especially in Port Health Authorities (PHAs). We have raised that councils will need new resources for these changes, including training, and the assurance of the readiness and robustness of key IT systems, for both PHAs and traders. DEFRA has

provided some assurance about training to be provided and the LGA has asked for details of the scale of the training provided.

12. The LGA has been engaging with regulatory services leads across different councils to understand the key issues and to feed into government planning. We have participated and raised these concerns at officer level through the Borders and Protocol Delivery Group.
13. Our LGA EU Exit Taskforce has been raising councils concerns directly with DEFRA ministers. In addition, the Chair of the Taskforce, Cllr Kevin Bentley, has given evidence to the Future Relationship with the EU Select Committee on Border Preparedness.
14. In order to address some of the skill shortages in the longer term, the LGA has worked closely with Government to set up the [Environmental Health Together](#) initiative, to provide a mechanism for councils to recruit qualified environmental health staff.

#### **Increased infrastructure demands on port towns**

15. As port health authorities, some councils are legally responsible for undertaking checks of certain high-risk food and feed products, and live animals, as they enter the country at designated border inspection posts or designated ports of entry.
16. Controls will now be applied to EU imports not currently subject to inspection, with physical checks taking place from July 2021. There is uncertainty about the volume of checking that will need to be undertaken, given that goods can currently move freely into the UK and are therefore not tracked. To assist councils in their preparations, the LGA has asked the Government to share their projections in these areas and to provide more information on the methodology used.
17. Undertaking additional checks will require new staffing resources and substantially increase the work of port health authorities. DEFRA has provided funding for port health authorities, but the grant is only available to March 2021 whereas the key impact on PHAs will be from July 2021. This leaves councils facing a significant financial risk in terms of recruiting additional officers. There needs to be upfront investment to recruit staff to carry out a significant number of additional checks, as well as recognition that the required number of staff simply may not be available to recruit.
18. The Government has confirmed the 10 inland sites (see page 24 for more details in the '[The Border with the European Union](#)' PDF) that they are intending to use, as well as the border functions expected at these points. The inland ports are likely to have implications on traffic, construction and utilities work and there is a need for local communities to influence and shape this policy. Clarity is also needed on any new responsibilities' councils will have on these inland ports.
19. The LGA has also raised the issue of transport infrastructure at ports of entry, especially in areas where existing local roads and infrastructure would be unable to deal with queues without disruption to local communities and local transport networks. We have

pressed to see national planning scenarios and for adequate funding for the relevant councils.

20. As stated above, the LGA has been engaging with regulatory services leads across different councils to understand the key issues. Our LGA EU Exit Taskforce has been raising councils' concerns directly with DEFRA ministers.

### **Tariff costs**

21. The Government has launched a proposed tariff regime that will come into effect should the trade talks not conclude by 31 December 2020. The tariff regime is likely to have an impact on councils' procurement activities and costs, and for impacts on exporting SMEs which may need support to adapt.
22. There is uncertainty in this area. First, the tariffs will only apply if there is no conclusion to the trade talks. Secondly, it is very difficult to understand if there could be any future changes to costs that councils may incur as there are a number of variables to consider, especially where services are commissioned. The LGA has raised this as an issue with MHCLG and stated that we will need to deal with the issue should councils be able to demonstrate significant changes in costs in 2021.

### **Opportunities to reform procurement**

23. Councils' procurement rules have been based on EU law. Whilst these EU rules will be converted into UK law from January 2021, there is the opportunity now to reform the rules to allow more flexibility to support local economies. The trade talks have not prioritised discussions on procurement but we need to await the conclusion of the talks to understand the range of options for reform in the UK.
24. Discussions about opportunities to introduce new flexibilities and allow stronger support for local economies and jobs are being pursued with Government, as well as ensuring contracts can support environmental and social goals through the procurement process. LGA policy work has shown that councils need a simple and efficient public procurement regime which ensures the best value for public money and respects local decision-making. Shorter timescales, lighter-touch advertising requirements and award procedures, a speedier way of dealing with legal challenges, greater negotiation with suppliers, and a new focus on SMEs and Voluntary Community and Social Enterprises (VCSEs), would also be of benefit.
25. Government may launch a consultation on reform of the public procurement regime in the coming months, including a statement of national policy objectives which will encourage additional consideration of social value to be achieved through the procurement process, the publication of forward plans and policies on improving procurement capability.
26. To note, the LGA has been working with Cabinet Office to allow access to contract management training for council officers. More than 1000 local government employees have undertaken the free training so far. LGA is promoting the training to councils and



anyone interested can contact [productivity@local.gov.uk](mailto:productivity@local.gov.uk) for more details.

### **Opportunities to reform state aid**

27. The LGA has stated that EU exit provides an opportunity to reform how grants and public subsidies work. Any new state aid rules must be based on local government's experience of what works on the ground.
28. Processes can be simplified by introducing flexibilities for councils. A flexible regime allowing councils to tackle the impacts of COVID and support economic recovery continues to be essential. Any future changes to the UK state aid policy could also allow support for non-profit-making activities or social enterprises who reinvest surplus back into the local community. Organisations operating in the culture, heritage, arts, or non-profit sports sectors may also merit a more flexible approach.
29. State aid is currently a major issue in trade talks and we need to await the conclusion to understand the options available to the UK in this area.

### **Data Protection**

30. The Government is seeking "adequacy" decisions from the EU under both the General Data Protection Regulation (GDPR) and the Law Enforcement Directive (LED) which, if secured by the end of the EU Exit transition period on 31<sup>st</sup> December 2020, will allow for the free flow of personal data between the UK and the EU to continue uninterrupted.
31. The LGA has been asking Government to ensure they provide the right guidance mitigating actions councils should take in case the free flow of personal data is interrupted.
32. In September, the LGA brought together a number of council Data Protection leads to comment on current Government advice. New Government guidance was then sent to all Chief Executives on 9 October, and we are expecting further advice from MHCLG very soon.
33. There will continue to be uncertainty in this area until there is an "adequacy" decision.

### **Domestic Post-Brexit Policy Issues**

34. This next section looks at the outstanding risks and opportunities resulting from UK exit in January 2020. These policy areas are not subject to any changes as a result of trade discussions.

### **EU Funding and the UK Shared Prosperity Fund**

35. Further detail of the UKSPF is expected to be announced following the Spending Review on 25 September. A verbal update will be given at the meeting.
36. The LGA has been lobbying since the referendum for a replacement for EU funds. Whilst we secured a commitment to a new UKSPF and a promise that there would be no change in quantum, details are still to be developed. There is now an urgency to this issue as we approach the end of the current EU funding programmes. The LGA has offered to help speed the development of the detail and to codesign the new fund (with councils and combined authorities).
37. In making the offer of co-design, we have set these principles:
- 37.1. Councils and combined authorities should be the vehicle to drive the UKSPF
  - 37.2. The UKSPF should be driven and allocated by “local need” and locally determined outcomes
  - 37.3. The UKSPF and growth funding should move towards a single pot of funding.
38. The LGA has restated these offers at recent Government meetings at ministerial and officer level. We have also undertaken press work to highlight the need for the details of the UKSPF to be launched and for the ESIF programme to be maximised locally.

### **EU Settlement Scheme**

39. The LGA and councils are working with their communities and the Home Office to ensure that residents and workers can apply for settlement within deadlines. There have been 4.06 million applications but there is no data to understand if this is reflective of actual populations of EU nationals in our communities. The Home Office’s attention is now on the most vulnerable EU nationals and the LGA have continued to ask for Government guidance if vulnerable people miss the deadline to apply.

### **UK immigration policy and the consequence for key local government services such as social care**

40. Social care is one of the sectors most affected by migration rule changes as a significant proportion of the workforce are not UK nationals. It is a largely commissioned service with relatively few direct local government employees. As the main commissioners of services, councils have a strong interest in ensuring workforce stability as a key factor in good quality social care provision. Recruitment is already difficult in this sector.
41. 7% of the social care workforce have been non-UK EU nationals and not subject to any migration rules to date.
42. The Government’s new points-based immigration system that was announced in July will have a significant impact on the future of the social care workforce. 72 per cent of social care occupations do not meet the qualification threshold of an A Level equivalent and most earn significantly below the new salary threshold of £25,600. Around 750,000 care workers earn below £20,480 – the absolute minimum salary threshold of the future points-based system. 55 per cent of the adult social care workforce are care workers who fall outside of the scope of this review.

43. The EU Exit Taskforce has raised concerns with ministers about the implications for the social care workforce and stressed the need for parity with NHS workers. The Government has indicated that they will review the impact of the new points-based immigration system before considering additional changes.

**UK legacy of the Committee of the Regions to ensure councils have a continued formal role in law-making (i.e. transfer of councils' EU legal rights to UK).**

44. We are continuing to work with MHCLG for a non-statutory replacement for the work that was developed by the EU Committee of Regions.

**Development of Freeports**

45. The Government has launched its [Freeports Bidding Prospectus](#) which invites councils and local partners to submit bids for support and seed funding by early February.
46. Following our response to HM Treasury's freeports consultation and through the oral evidence given by Cllr Kevin Bentley at the International Trade Committee, Government has now committed to considering more than 10 freeports if bids are particularly strong. It will also provide seed capital to address local infrastructure constraints and will ask bidders to outline how they will ensure the scheme creates new opportunities for local people rather than encouraging the economic displacement of other UK domestic businesses.

**Join up with other Policy Initiatives**

47. The LGA has worked with Government to stress that the economic and social impact of a trade deal will be different across the UK and customised local economic programmes will be needed. There is of course a much bigger discussion on economic and social recovery now. The LGA has made a number of proposals to Government on skills, green jobs and transport to ensure that the important role of local government in driving economic and social renewal is clear.
48. We have stressed the importance of Government plans joining up across all the areas of winter pressure, including COVID and EU transition. This is particularly important for regulatory services as different parts of Whitehall tend to request work within their policy areas rather than collectively and with an understanding of capacity at a local level and the need to prioritise.

**Wales**

49. We continue to develop our work on Brexit in partnership with the Welsh Local Government Association, Convention of Scottish Local Authorities and Northern Ireland Local Government Association, ensuring a united UK local government voice in the debate.

## **Local Government Finance update**

### **Purpose of report**

For information.

### **Summary**

This report provides a summary of the work by the LGA on funding and finance issues, since the previous meeting of the Board on 22 October, including the impact of COVID-19 and the 2020 Spending Review.

### **Recommendations**

That Members of the Executive Advisory Board note this update.

### **Action**

Officers will proceed with the delivery of the LGA's work on local government finance, including the Spending Review and the response to, and recovery from, COVID-19.

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## **Local Government Finance update**

### **Introduction**

1. This report provides a summary of the work by the LGA on funding and finance issues, since the previous meeting of the Board on 22 October, including the impact of COVID-19 and the 2020 Spending Review.

### **COVID-19: National lockdown funding**

2. On 31 October the Prime Minister announced a national lockdown period lasting from 5 November to 2 December. The Government announced that single tier and county councils will receive a one-off payment of £8 per head, amounting to £465 million nationwide, to support local test, trace and contain activities and wider measures to protect public health and local economies. Where councils have already received funding from the previous three-tier system, it will be increased to the maximum of £8 per head; councils already in the very high tier that had received funding of £8 per head will not receive additional funding.
3. A further £32 million will be allocated to single tier and county councils to enable them to support clinically extremely vulnerable (CEV) people, allocated based on £14.60 per CEV person. This funding is for the 28-day period the national restrictions are in force.

### **COVID-19: National lockdown support for businesses**

4. On 3 November, the Department for Business, Energy and Industrial Strategy (BEIS) [published](#) details of the Local Restrictions Support Grant (Closed) enabling billing authorities to give grants of up to £3,000 per business (with the amounts linked to rateable value) that is required to close for the period from 5 November to 2 December.
5. BEIS also announced [details](#) of the Additional Restrictions Grant (ARG) on 3 November. Billing authorities (or, where locally agreed, mayoral combined authorities) will receive a one-off lump sum payment amounting to £20 per head to run a discretionary grant scheme to support businesses and support business activities. The ARG can be used in the financial years 2020/21, and in 2021/22.
6. Local authorities that previously entered very high tier restrictions have already been allocated support to pay to businesses in the periods for which they were subject to these restrictions and this will now be treated as part of the Additional Restrictions Grant.
7. The LGA and council officers have continued to engage extensively on all these schemes with Government officials, promoting the efforts of councils and raising issues relating to the schemes and interpretation of the Government guidance.

### **COVID-19: Tranche 4 and local alert level funding**

8. On 22 October, the Government [published](#) local authority allocations of the £1.019 billion announced by the Prime Minister earlier in the month:
  - 8.1 £919 million is unringfenced funding allocated directly to councils based on the COVID-19 formula used in the allocation of tranche 3 funding, adjusted for allocations from the previous tranches, with a funding floor of £100,000 for each authority.
  - 8.2 The remaining £100 million of funding will be used to support council leisure centres. The Department for Digital, Culture, Media and Sport will administer the fund, details of which had not been released at time of writing.
9. The MHCLG monthly financial monitoring returns continue to be an important tool in our lobbying for more resources to meet the costs pressures and income losses due to the COVID-19 pandemic. According to the October returns, the total financial pressure in due to COVID-19 is estimated to be £11.9 billion (consisting of £6.1 billion of cost pressures, £2.8 billion of non-tax income losses, and £3.0 billion of business rates and council tax income losses – although these tax losses will impact council budgets in 2021/22).

#### **Other recent funding announcements**

10. On 8 November, the Government announced a winter package to provide further support for children and families. The package includes £170 million of ringfenced funding with at least 80% earmarked to support with food and bills, and will cover the period to the end of March 2021. Local authorities will receive the funding at the beginning of December 2020. Further details on the suite of measures can be found [here](#).
11. At the time of the meeting, local authorities should have received payment through the income compensation scheme for lost sales, fees, and charges for the period of April to July. After authorities absorb losses of up to 5 per cent of planned 2020/21 sales, fees and charges income, the Government will provide compensation for 75p in every pound of relevant loss thereafter. Authorities will submit returns in December for losses from August to November, with losses from December to March 2021 reported in April 2021 returns.

#### **Spending Review 2020 update**

12. On 21 October, the chancellor announced the Spending Review will change from a three-year to a one-year review, focussing on supporting jobs, setting department resources and capital budgets and block grants for devolved administrations. The Spending Review was delivered on 25 November.
13. The LGA's [submission](#) to the Spending Review sets out our asks of Central Government. In the run up to the Spending Review announcement, there have been continued efforts focussed on highlighting the messaging from the LGA's submission through media communication and public affairs work, including written evidence to the Housing,

Communities and Local Government Committee's inquiry on the Spending Review. [Oral evidence](#) was given by the Chairman to the Committee on 12 November.

14. The outcome of the [consultation on PWLB future lending terms](#) was announced alongside the spending review. In [our response to the consultation](#) earlier this year, we highlighted the practical difficulties and unintended consequences arising from the proposals. We have continued to lobby for a reversal of the increase in PWLB interest rates, introduced in October 2019, including in our Spending Review submission. It is, therefore, welcome that this rate rise was reversed with effect from 26 November. However, in order to qualify for any PWLB loans, council Finance Directors will be required to certify that there is no intention to buy investment assets primarily for yield at any point in the next three years.
15. LGA officers produced an [on the day briefing](#), highlighting the main announcements affecting local government, which was sent to member authorities. A verbal update will be given to the Executive Advisory Board.

#### **Audit issues**

16. At the last meeting on 22 October, the Executive Advisory Board agreed that a response to the report from the [Independent Review of Local Authority Financial Reporting and External Audit in England \(Redmond Review\)](#) should be sent to the Secretary of State for Housing Communities and Local Government. A [letter](#) was agreed by lead members of the Resources Board.
17. Public Sector Audit and Appointments (PSAA) launched a [consultation](#) on proposed new arrangements for determining fee variations for local audits of opted-in bodies from audits of 2020/21 accounts onwards. A response to this is being cleared by Lead Members of Resources Board.

#### **Next steps**

18. Members are asked to note this update.
19. Officers will proceed with the delivery of the LGA's work following the 2020 Spending Review and on the response to, and recovery from, COVID-19 as well as wider local government finance matters.

#### **Implications for Wales**

20. The Spending Review announcement has implications for local authorities in Wales as figures have been announced for the Government's in the devolved nations. Information on funding to Welsh local authorities will follow in the Welsh local government finance settlement. We are in regular contact with the Welsh LGA, and the other local government bodies in the devolved nations, to exchange intelligence, ideas and consider joint work on both COVID-19 and the 2020 Spending Review.

**Financial Implications**

21. The work related to COVID-19 has been added to the LGA's core programme of work. This unbudgeted spending will be managed within the overall COVID-19-affected LGA Group funding position which the LGA Board is monitoring.



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## Minutes of last Executive Advisory Board meeting

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**Title:** Executive Advisory Board  
**Date:** Thursday 22 October 2020  
**Venue:** Online via Zoom

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### Attendance

An attendance list is attached as **Appendix A** to this note

Item	Decisions and actions	Action
<b>1</b>	<b>Declarations of Interest</b>	
	No declarations of interest were received from members.	
<b>2</b>	<b>Redmond Review</b>	
	<p>Sir Tony Redmond introduced the report and set out that review was required due to concerns expressed about the price and quality of audit contracts. There was scope for improvement, and testing of financial resilience and fees were variable, and there was no oversight or coordination of local audit. There were also concerns on the ability for audit committees and the general public to understand the technical aspects of audit reports. There was no high level of consistency. Reaction from Ministers was still awaited, and some of the recommendations arising from the review would require primary legislation, while others could be developed in a shorter time scale.</p> <p>Sir Tony highlighted the main recommendations from his review, including:</p> <ul style="list-style-type: none"><li>• The establishment of a new body, the Office of Local Audit and Regulation (OLAR) to manage, oversee and regulate local audit. This body would take over all of the functions current exercised by PSAA, as well as some functions carried out by other bodies such as the National Audit Office (NAO), the Financial Reporting Council (FRC) and the Institute of Chartered Accountants in England and Wales (ICAEW). The cost of this body was estimated to be £5 million per annum. It would not be similar to the Audit Commission but have the power to hold auditors to account for their performance. Costs around the creation of this new office should be considered in detail by MHCLG in due course.</li><li>• OLAR would be supported by a Liaison Committee comprising key stakeholders and chaired by MHCLG.</li><li>• Auditors should have adequate skills and training and be properly resourced.</li><li>• The audit fee structure should be reviewed, and Sir Tony suggested that they were too low.</li></ul>	

- Links between external auditors and Inspectorates such as Ofsted, the Care Quality Commission and HM Inspectorate of the Constabulary and Fire and Rescue Services should be formalised.
- The deadline for publishing audited local authority accounts should be revisited with a view to extending it to 30 September from 31 July each year. This should be considered in the light of deadlines for the audit of local NHS bodies outside of the scope of Sir Tony's review, but audited by the same auditors.

Cllr Richard Watts, Chair of the Resources Board, highlighted that the report contained a summary of the Resources Board discussion of the Redmond Review. The Board had agreed that there was a structural problem, and it was difficult for local authorities to get auditors to undertake good quality work within the current timescales. There were some recommendations to welcome, such as the move of the deadline and the liaison body with MHCLG. However, moving procurement and regulation into the same function was not regular practice and was not supported. The draft LGA response to the Review was set out in full in the report.

In the discussion which followed members raised a number of points including:

- Members welcomed the suggestion that the deadline for publishing local authority accounts be moved back to 30 September, which could increase the capacity of audit firms to deliver audits. It was suggested that the change in deadline be undertaken first and other recommendations be considered if that did not improve the system. Sir Tony highlighted that the capacity of audit in the sector as a whole should be considered, and moving the deadline was only one part of that process.
- As it was recommended that procurement and regulation would be linked as part of the OLAR there were concerns on independence. Sir Tony noted that issues around conflict of interest would have to be considered, and there was a suggested structure in the annex to his review on separation of powers, but the system should be designed in a more coordinated and coherent way.
- Members raised that there was no detail in the review on the potential value for money of the new OLAR function. There was a risk that the new body would become similar to the Audit Commission, when local government audit had improved a great deal since the Commission had been abolished. Sir Tony added that there were opportunities for efficiencies in bringing together different elements into one new body. The OLAR would not be a new quango but would be restricted in its brief to address issues in coordination and system leadership.
- Local authorities would currently be unsure about their financial resilience until they knew how much funding they would be getting from the Government for 2021/22.
- Although health audit was not in Sir Tony's remit, it was difficult to look at local government audit in isolation of the rest of the public sector.

The Chairman thanked Sir Tony for his presentation.

**Decision**

The Executive Advisory Board **approved** the lines for the response to the Redmond Review as outlined in paragraphs 10 to 14 of the report, which would be used to draft a response to the Government.

**3 The LGA's Current 'Hot Topics'**

Mark Lloyd, Chief Executive, introduced the report which set out a high-level summary of the most pressing issues facing member councils currently.

In particular Mark highlighted the news that the Government has decided to agree a one-year spending settlement, with the exception of education and health. More detail was expected on the additional £1bn announced for local government this year. A further half billion was expected to support councils in their contact tracing and enforcement work as a contingency depending on what tier of restrictions had been imposed and would be separate to negotiations on Tier 3 entry.

On management of local response, the LGA was pressing for more localisation of test and trace and the Chairman had been involved in those conversations with the Government. The LGA was working with Government and councils to ensure that businesses were complying with the restrictions and were Covid secure. Further detail had been requested from the Government on how areas would transition out of Tier 2 and 3 regulations.

During the discussion which followed Members raised the following points:

- A one-year financial settlement did not give councils any certainty for the next financial year, which was a major concern.
- The Government should confirm support for residents and businesses in Tier 2 areas, and the LGA should lead on lobbying for this support. It was agreed that more clarity was required on how areas moved into and out of the various tiers, particular in areas without a metro mayor to lead discussions with Government. Discussions on support for Tier 2 areas would be held with BEIS tomorrow, particularly over if support was retrospective for areas who had already moved into Tier 2.
- Councils in Tier 3 areas may not be able to set balanced budgets for 2021/22, and the Government should support councils in those areas to ensure they had financial security for the next financial year.
- There should not be a 'one size fits all' approach to moving in and out of Tiers, as transmission rates differed between Districts and Counties in large rural areas.
- A focus on the cost pressures around homelessness and rough sleeping should be revisited, as the Government had stated an aim

to end rough sleeping by 2027.

**Decision**

The Executive Advisory Board **noted** the LGA's 'Hot Topics' for October 2020.

**4 LGA Lobbying Strategy**

Hannah Berry, Head of Campaigns and Digital Communications, introduced the report which set out the #CouncilsCan campaign priorities and approach to lobbying. The approach would be to extend the campaign to demonstrate the work that councils had been undertaking during the Covid-19 pandemic and into the recovery phase. The campaign had been planned in line with members' priorities, and feedback had been included from the LGA Chairman and Group Leaders.

In the discussion which followed Members raised the following points:

- It was disappointing that the Spending Review would be for one year rather than three years and therefore further consideration should be given to how the debate around funding should continue in 2021/22.
- Devolution of powers to local government would require more devolution of funding and revenue raising powers. There should be an increased focus on a long-term settlement and devolution of powers and funding as a way to address the levelling-up agenda and be resilient to future shocks.

**Decision**

The Executive Advisory Board **agreed** the #CouncilsCan campaign plan, subject to the comments above.

**5 Local Government Finance update**

Cllr Richard Watts, Chair of the Resources Board, introduced the report which provided a summary of the work by the LGA on funding and finance issues since the previous meeting of the Board on 10 September.

The LGA had sent a Spending Review submission to HM Treasury, but it had subsequently been announced that there would be a one-year agreement rather than the originally proposed three-year agreement. The LGA would continue to lobby for certainty for councils as there was currently no clarity on the control totals for the 2021/22 financial year. Cllr Watts also noted the various announcements of funding from the Government, including on leisure and the infection control fund, but reflected that it would be easier for local authorities to plan if these announcements were coordinated.

In the discussion which followed Members raised the following points:

- On Brexit, Cllr Bentley, Chairman of the Brexit Task Group,

highlighted that the UK Shared Prosperity Fund would be in the one-year Spending Review agreement. The Brexit Task Group would meet with Treasury Ministers in the first week of November and Members would ensure that money got to areas which needed it most. Should a deal be agreed between the UL and the EU there would be a six-month transition period.

- Discussions were still ongoing with the Government on lost income for councils, particularly around lost Business Rates. Civil Servants had acknowledged the income gap, and this would continue to be discussed with the Government in future meetings.

#### **Decision**

The Executive Advisory Board **noted** the update.

#### **Actions**

Officers would proceed with the delivery of the LGA's work in advance of the Comprehensive Spending Review and the response to, and recovery from, Covid-19 as well as wider local government finance matters.

### **6 Response to Tranche 2 Business Rates Review**

Cllr Richard Watts, Chair of the Resources Board, introduced the report which provided an introduction to the response to Tranche Two of the Business Rates Review Call for Evidence. He highlighted that the Board had agreed the response to Tranche One at the previous meeting, which had subsequently been submitted and published on the LGA website. The Tranche Two submission reflected the views of the Business Rates and Local Government Finance Reform Task and Finish Group who had considered a partial draft of the submission on 29 September.

Members noted that the response set out that the solution to the Business Rates Review should not depend on property taxes, and the LGA would welcome the consideration of an online sales levy. Following the Tranche Two submission the Task and Finish Group would go on to prioritise future work, and report back to the Board in due course.

#### **Decision**

The Executive Advisory Board **agreed** the Tranche Two submission.

#### **Action**

Officers to forward the Tranche Two response as agreed to HM Treasury and arrange for publication on the LGA website.

### **7 Note of the last Executive Advisory Board meeting**

#### **Decision**

The Executive Advisory Board **agreed** the minutes of the Executive Advisory Board held on 10 September 2020.

### **Appendix A -Attendance**

Councillor	Authority
Cllr James Jamieson (Chairman)	Central Bedfordshire Council
Cllr Izzi Seccombe OBE (Vice Chairman)	Warwickshire County Council
Cllr Howard Sykes MBE (Vice-Chair)	Oldham Metropolitan Borough Council
Cllr Marianne Overton MBE (Vice-Chair)	Lincolnshire County Council
Cllr John Fuller OBE	South Norfolk District Council
Cllr Robert Alden	Birmingham City Council
Cllr Teresa O'Neill OBE	Bexley Council
Cllr Peter Fleming OBE	Sevenoaks District Council
Cllr Ian Hudspeth	Oxfordshire County Council
Cllr David Renard	Swindon Borough Council
Cllr Kevin Bentley	Essex County Council
Cllr Antoinette Bramble	Hackney London Borough Council
Cllr Tudor Evans OBE	Plymouth City Council
Cllr Georgia Gould	Camden Council
Sir Richard Leese CBE	Manchester City Council
Cllr Richard Watts	Islington Council
Cllr Ruth Dombey OBE	Sutton London Borough Council
Cllr Gerald Vernon-Jackson CBE	Portsmouth City Council
Cllr Bridget Smith	South Cambridgeshire District Council
Cllr Clive Woodbridge	Epsom and Ewell Borough Council
Cllr Paul Woodhead	Cannock Chase District Council
Cllr Rosemarie Harris	Powys County Council
Cllr Marc Bayliss	Worcester City Council
Cllr Simon Henig CBE	Association of North East Councils
Cllr John Hart	South West Councils
Cllr Shabir Pandor	Kirklees Metropolitan Council
Cllr Roy Perry	South East England Councils (SEEC)
Cllr Nicholas Rushton	East Midlands Councils
Cllr David Williams	County Councils Network (CCN)
Apologies:	
Cllr Nick Forbes CBE	Newcastle upon Tyne City Council
Cllr Michael Payne	Gedling Borough Council
Cllr Judith Blake CBE	Leeds City Council
Cllr Anita Lower	Newcastle upon Tyne City Council
Cllr Robert Stewart	Swansea City and County Council
Cllr Peter John OBE	Southwark Council
Cllr Linda Haysey	East Herts Council
Sir Stephen Houghton CBE	SIGOMA
Alderman Sir David Wootton	Local Partnerships