

**BRIGHTON & HOVE CITY COUNCIL
POLICY & RESOURCES COMMITTEE**

6.00pm 4 NOVEMBER 2015

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillors Morgan (Chair), Hamilton (Deputy Chair), Mac Cafferty (Group Spokesperson), Bewick, Mitchell, A Norman, K Norman, Miller, Sykes and Wealls

PART ONE

62 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

62.1 Councillor K. Norman was present in substitution for Councillor Janio and Councillor Miller was present in substitution for Councillor G. Theobald.

(b) Declarations of Interest

62.2 There were no declarations of interests in matters listed on the agenda.

(c) Exclusion of Press and Public

62.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

62.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

63 CHAIR'S COMMUNICATIONS

63.1 The Chair gave the following communications:

“I would like to welcome you all to this Special Policy and Resources Committee meeting in Portslade Town Hall, which will be webcast live and available for repeated viewing.”

64 CALL OVER

64.1 All items on the agenda were called for discussion.

65 PUBLIC INVOLVEMENT

65.1 The Chair noted that he had agreed to allow one late question, and called Roberta Spink forward to put her question to the Committee.

65.2 Ms Spink asked:

“I understand you have 5 services pending closure, one is being kept open for people with Dementia another for Learning Disabilities but our centre which specialises in care for the Elderly & Disabled is under threat, It is a greatly needed service with fully trained staff, equipment & fully accessible to wheelchairs, it covers a vast area from Woodingdean/Saltdean to Fishersgate, there is no other service in the area like this, for members who have so many complex medical/physical problems, the voluntary sector cannot offer the same standard of care. Where do you propose to put us?”

65.3 By way of response the Chair stated:

“Everyone who is assessed as needing an adult social care service will continue to receive the support that they need.

However, in future some of this support will need to be delivered in different ways, some will be delivered by different organisations and some will be delivered at different buildings.

Our Adult Social Care team has seen increased demand for its services. At the same time the funds available to us are reducing. So we simply can't afford to keep doing everything in the same way.

We are committed to putting services before properties. Our focus has to be on people and services, not on bricks and mortar.

Currently 90% of adult care services are provided in the voluntary and private sectors. They provide quality services that are contracted and monitored by the council, but they are more cost effective than the services that the council provides itself.

The national Care Act also places a duty on the council to offer personal budgets that enable people to use for services outside the Council. Because of this the demand for council-run services is reducing.

We have a duty to make sure our much-needed services are delivered as effectively and efficiently as possible, particularly if this could help us secure provision that would be potentially at risk due to the financial situation.

Our priority remains delivering support that is safe, high quality, personalised, accessible and sustainable.

Any change to services would include full consultation with all the service users. This is the same approach for all our social care services across all client groups.”

65.4 By way of supplementary Ms Spink asked if specialised places would be available to ensure service user's diverse medical and physical needs could be met and if friendship groups would be kept together in any move.

65.5 Councillor Morgan responded that the consultation would consider these types of issues and discuss and work with service users as much as possible.

65.6 The Chair thanked Ms Spink for her question and noted there were no further public items.

66 MEMBER INVOLVEMENT

66.1 There were no matters for consideration under Member Involvement.

67 FINANCIAL POSITION UPDATE

67.1 The Committee considered a report of the Interim Executive Director for Finance & Resources in relation to Financial Position Update. The report set out the improved position of a £4.751m projected overspend following a robust review of forecast across all services which included tougher financial controls on recruitment, procurement and spending. The report set out measures to manage the remaining in-year overspend risk as well as managing ongoing pressures and links to decisions requested elsewhere on the agenda to address underlying issues in Adult Social Care.

67.2 The Chair addressed the Committee and explained that the administration was putting plans in place to ensure the Council's finances were on a fair and resilient footing. Thanks were extended to opposition parties for understanding the need to hold the special meeting, and it was noted that other reports on the agenda were seeking to consult on two service areas. In early July the administration had instructed Officers and the report evidenced this was being effective, having almost halving the overspend since the controls had been brought in. Radical action would also need to be taken to ensure the most vulnerable in the city were protected. Despite the challenge it was considered this was the correct approach and would seek to create a platform for new ways of working with the city and residents.

67.3 Councillor A. Norman expressed her concern in relation to comments made by Members of the administration in the local press about the state of the Council's finances; she expressed her view that such language amounted to scaremongering. Councillor Sykes noted his agreement with the comments made by Councillor A. Norman and added that such language could cause unnecessary panic and alarm. In response to these points Councillor Bewick stated his view that the current position of the Council's finances was the result of decisions taken by the previous administration and the impact of reforms from Central Government.

67.4 In response to queries from Councillor Wealls the Executive Director for Children's Services explained that there were prescribed circumstances for using funds from the dedicated schools grant in the general fund. In relation to increasing the number of in-house foster care places in the city it was clarified that there was work ongoing with an external organisation to try to increase this number in a new and different way to how this had been approached in the past. Increasing in-house places was the long-term

financial approach as there were significant financial savings through the use of in-house carers as opposed to agency. It was also clarified that the Child Review Board was still in operation.

- 67.5 The Executive Director for Adults' Services also explained to Councillor Wealls that the directorate was able to use funds that had been allocated for reforms that had not come into effect this year, as Central Government had not asked for these to be returned.
- 67.6 In response to Councillor Sykes the Acting Executive Director for Environment, Development & Housing confirmed there was pressure on the temporary accommodation budget as this was demand lead; however, some lower cost lease accommodation was coming forward through the procurement exercise undertaken earlier in the year.
- 67.7 In response to Councillor Miller the Interim Executive Director for Finance & Resources confirmed that a decision had been taken by the Executive Leadership Team to share the burden of savings equally across all directorates.
- 67.8 In response to Councillor K. Norman the Executive Director for Adult's Services explained that the resource allocation system was used when a service user had a range of personal needs; as services were moved to community based services it was envisaged the cost would reduce by approximately 3% across the board.
- 67.9 Councillor Hamilton highlighted the necessity to balance the budget and noted that whilst some directorates were underspending others were still significantly overspent. He noted the level of savings that needed to be achieved in 2016/17 and stated that any overspend this year would have to be added to savings targets for next.
- 67.10 Councillor Mac Cafferty expressed concern that the report had been circulated late given the importance of the matters; he went on to query the discretion that the report proposed to grant Officers in recommendation 2.3. He asked for assurance there would be Member oversight of this to help boost public confidence; he also recognised the necessity for service changes, but added this needed to be informed thorough equality impact assessments.
- 67.11 Councillor Mitchell stated that she considered the recommendation at 2.3 to be fairly standard in terms of the type of language used in financial reports. She added that there would be a full TBM report to the next normal meeting of the Committee which would allow for Member oversight and the purpose of bringing the paper to the special meeting was to seek cross-party support at the earliest opportunity.
- 67.12 In response to the points raised the Monitoring Officer clarified that the late report was in compliance with both legislation and the Council's constitution, and the Interim Executive Director Finance & Resources added that the late report had been due to the availability of information relating to TBM 6. Any action taken in respect of recommendation 2.3 would be within existing Officer Delegations.
- 67.13 The Chair then put the recommendations to the vote.

67.14 **RESOLVED** – That the Committee:

- 1) Note the forecast risk position for the General Fund as at month 6 (September), which indicates a budget pressure of £4.751m. This consists of £4.259m on council controlled budgets and £0.492m on the council's share of NHS managed Section 75 services.
- 2) Note the improvement targets for each service which must be achieved in full to enable the authority to achieve break-even on its General Fund budget.
- 3) Agree the proposals and measures set out in the report and authorise officers to take all steps necessary or incidental to the implementation of the proposals.

68 BRIGHTON OPEN MARKET CIC LOAN REQUEST

68.1 The Committee considered a report of the Acting Executive Director for Environment, Development & Housing in relation to Brighton Open Market Community Interest Company (CIC) Loan Request. The report sought to delegate authority to the Executive Director for Environment, Development & Housing and the Executive Director for Finance & Resources to agree a loan of £61,000 to the CIC to address cash flow difficulties until it moved into profit; the loan would not be granted until a recovery plan had been agreed with the Executive Directors and the Monitoring Officer would be authorised to complete all necessary documentation.

68.2 The Chair noted that the agreement of the loan had been deferred from the previous meeting of the Committee in October following a request for a full report to be brought to this meeting.

68.3 Councillor Bewick proposed an additional recommendation to request Officers ensure business advice was sought and involved in acting the recovery plan, and that a monitoring report be brought back to the Committee at the end of the financial year.

68.4 The Chair then put the proposed Labour & Co-Operative amendment to the vote from Councillor Bewick. This was **carried**.

68.5 In response to questions from Councillor Miller the Acting Executive Director for Environment, Development & Housing explained that the business plan sought to address the problems this financial year and ensure actions were taken now to reach a stable cash flow situation.

68.6 Councillor Sykes noted his support for the report, but requested assurance in relation to the level of risk involved.

68.7 Councillor Wealls noted that that additional financial information could have been provided to the Committee in Part Two, as the Committee had little information on the profitability of the market, he noted that it would be the position of the Conservative Group to abstain without this level of detail. The Monitoring Officer confirmed that the report only sought delegated authority to grant the loan once Officers were of the view that this was in the best interest of the Council.

- 68.8 Councillor Mac Cafferty noted his concerns with the recovery plan, and stated that there should be some wording in the plan to asking the CIC to review its relationship with the traders; given the concerns that had been expressed in their deputation to the October meeting of the Committee. Councillor Mac Cafferty also queried if there was sufficient in-house expertise to prevent the potential need of hiring a consultant to better manage business rates.
- 68.9 Councillor A. Norman noted her observations of the site as a shopper stating that more needed to be done to increase footfall, as well as improving the general atmosphere of the market.
- 68.10 Councillor Allen addressed the Committee at the discretion of the Chair as a Board member of the Open Market CIC; he provided some context and information on the events had lead up to the request for a loan. Councillor Allen stated his view that moves had been made towards being more open, and added that the recruitment of additional independent directors was crucial. He asked that the Committee agree to grant delegated authority for the loan to be agreed.
- 68.11 The Chair then put the amended recommendations to the vote:
- 68.12 **RESOLVED:**
- 1) That the Committee agree to make available a loan of £61,000 to the Brighton Open Market CIC to allow it to continue trading and implement its Recovery Plan as discussed below in paragraphs 4.4 and 4.8 and attached at Appendix 1.
 - 2) That the Committee grant delegated authority to the Executive Director Environment, Development & Housing and Executive Director Finance & Resources to agree the Recovery Plan with Brighton Open Market CIC prior to releasing the requested loan and authorises the Head of Legal Services to complete all of the required documentation.
 - 3) That Officers ensure that business is sought and involved in acting the recovery plan, and that a monitoring report is brought to the Committee by the end of the financial year.

69 TOWER HOUSE DAY SERVICE

- 69.1 The Committee considered a report of the Executive Director for Adult's Services in relation to Tower House Day Service. The report was brought to the Committee as the service was unable to deliver the required level of savings and a decision was required to enable consultation to begin in order to identify how a more cost effective service could be provided.
- 69.2 In response to Councillor Miller the Executive Director explained that the terms of lease prevented use of the building in the evenings and weeks; further information was also provided in terms of the number of service users and the costs involved. It was also clarified that work was undertaken to support carers to prevent reduction of costs in one part of the service having a knock on effect in other area. In relation to community share services there was a panel system, and vigour was being applied to ensure

resources were used appropriately. Councillor Miller noted that he supported the consultation in principle, but wanted to ensure all options were considered and proposed an amendment to consider subsidising the service by other uses of the facility at evenings and weekends.

- 69.3 Councillor K. Norman highlighted the importance of providing the best service for the users as individuals, and noted that the provision of a day centre was not necessarily the best means to be this. He went on to state that it would be vital to see what came out of the consultation; in response to a query the Executive Director confirmed that it would be appropriate to share the content of the consultation with Members of the Committee and the Health & Wellbeing Board. Councillor K. Norman proposed amending recommendation 2.1 to add the words 'if possible' to the end of the sentence.
- 69.4 Councillor Mac Cafferty expressed concerns in relation to the report in relation to the assumption that the voluntary sector could support the service users. He highlighted that many service users had created strong friendship bonds amongst one another, and that much of the work would predicate on the use of personal budgets, but some users were reluctant to take on this level of responsibility. Councillor Mac Cafferty went on to propose the amendments from the Green Group and stated that the option to maintain the current day service was based on a recent Supreme Court ruling.
- 69.5 Councillor Sykes seconded the amendment and stated that full consultation needed to include the option of maintaining the existing to make the exercise truly open and honest for the service users.
- 69.6 Councillor Hamilton noted that he could see the rationale behind the amendment and did not want to rule out the option of the voluntary sector providing the service.
- 69.10 The Monitoring Officer confirmed that the wording of the amendment was legally appropriate.
- 69.11 The Chair then put the proposed Conservative Group amendment from Councillor K. Norman to the vote. This was **carried**.
- 69.12 The Chair then put the proposed Conservative Group amendment from Councillor Miller to the vote. This was **carried**.
- 69.13 The Chair then put the proposed Green Group amendment from Councillor Mac Cafferty to the vote. This was **carried**.
- 69.14 The Chair then put the amended recommendations to the vote.
- 69.15 **RESOLVED**
- 1) That the Committee agrees to a three month consultation with all service users, and carers as appropriate, currently using Tower House. The purpose of the consultation will be to explore the options available for meeting the needs of service users in a more cost-effective way. The options are:

- i) To maintain the existing day centre service at Tower House, reviewing options to deliver this in a more cost effective way, including, if necessary, reducing the level of provision;
 - ii) That people are supported to receive a personal budget and choose alternative activities if possible;
 - iii) That people are supported to move to an alternative day service that meets their needs and can be provided in a more cost effective way.
 - iv) For Council Officers to explore opportunities to cross subsidise the service by using the facility for other uses on evenings and weekends
- 2) That at the end of the consultation period a report is brought back to this committee for a decision as to the future provision for the day service and how best to meet the needs of its service users.

70 LEARNING DISABILITY ACCOMMODATION SERVICE

- 70.1 The Committee considered a report of the Executive Director for Adults' Services in relation to the Learning Disability Accommodation Service. The report proposed that, due to the financial position, the Council should no longer provide an accommodation service for people with a learning disability, but instead people should receive an accommodation service provided by the independent sector through procurement arrangements with the Council.
- 70.2 Councillor K. Norman noted that the report reflected the changing nature of adult social care and the desire of more service users to live in a more integrated manner, but added that some would need close monitoring of their provision and service. He added that the Conservative Group supported the reports and the recommendation, but not the amendment that had been tabled by the Green Group.
- 70.3 Councillor Mac Cafferty moved an amendment on behalf of the Green Group and stated that there was concern some service users would have to be moved against their wishes; some of which would have been in their accommodation for some years. He added that the personalisation agenda should allow service users to be empowered, and felt this approach undermined that ethos.
- 70.4 Councillor Sykes seconded the amendment, and added that it sought to provide a full and honest consultation; especially given the strength of feeling around changes from service users.
- 70.5 The Chair put the proposed Green Group amendment to the vote, this was **lost**.
- 70.6 The Chair then put the substantive recommendations to the vote.
- 70.7 **RESOLVED:**

- 1) That the Committee agrees to a three month consultation with all service users, including their carers and advocates as appropriate, who currently live in the Council's directly provided supported housing and residential care services. The purpose of the consultation will be to look at what alternative options there are to re-provide the care and support so that it meets service users individual needs, provides value for money, and delivers financial efficiencies over the next four years. The options are:
 - i) That people are supported to move to alternative accommodation that meets their needs and can be provided in a more cost effective way.
 - ii) That people are supported to receive a personal budget and alternative accommodation.
 - iii) That people remain in their existing homes and receive their care and support from another provider.
- 2) That at the end of the consultation period a report is brought back to this committee with recommendations about how the services could be re-provided to achieve the these aims.

71 ITEMS REFERRED FOR COUNCIL

71.1 There were none.

72 LEARNING DISABILITY ACCOMMODATION SERVICE - EXEMPT CATEGORY 2

72.2 **RESOLVED** – That the information contained in the Part Two appendix be noted.

73 PART TWO PROCEEDINGS

73.1 **RESOLVED:** That the information contained in Item 72 remain exempt from disclosure to the press and public.

The meeting concluded at 7.42pm

Signed

Chair

Dated this

day of