

Cabinet

Tuesday 16 November 2010

PRESENT:

Councillor Mrs Pengelly, in the Chair.

Councillor Fry, Vice Chair.

Councillors Bowyer, Brookshaw, Jordan, Michael Leaves, Sam Leaves, Monahan, Mrs Watkins and Wigans.

Also in attendance: Councillor James (Chair of the Overview and Scrutiny Management Board), Councillor Ricketts (Chair of the Health and Adult Social Care Overview and Scrutiny Panel and Task and Finish Group), Adam Broome (Director for Corporate Support), Carole Burgoyne (Director for Community Services), Debbie Butcher (Adult Social Care Commissioning Manager), Nick Carter (Housing Strategy and Development Manager), Paul Francombe (Acting Head of Modernisation) Ian Gallin (Assistant Chief Executive), Mark Grimley (Assistant Director for Human Resources and Organisation Development), Claire Hodgkins (Supporting People Project Officer), Barry Keel (Chief Executive), Pam Marsden (Assistant Director for Adult Health and Social Care), Colin Moore (Assistant Director for Lifelong Learning), Andy Netherton (Licensing Unit Manager), Anthony Payne (Director for Development and Regeneration), Judith Shore (Democratic and Member Support Manager), Jo Yelland (Programme Lead for Putting People First and Integration).

The meeting started at 2.00 pm and finished at 3.15 pm.

Note: At a future meeting, the Cabinet will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

61. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with the Code of Conduct from councillors in relation to items under consideration at this meeting –

Name	Item	Declaration	Reason
Councillor Bowyer	Minute 68 – Residential Care: Update on Modernisation of Older People's Services 2005 – 2015	Personal and Prejudicial	Wife works in residential home.
Councillor Michael Leaves	Minute 65 – Scrutiny Report on Modernisation of Adult Social Care, Minute 67 Fairer Contributions Policy, charging within a personalised system and Minute 68 - Residential Care: Update on Modernisation of Older People's Services 2005 – 2015	Personal and Prejudicial	owns a care home.

Councillor Sam Leaves	Minute 74 – Three Year Review of Licensing Act 2003 Statement of Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy	Personal and Prejudicial	husband is a taxi driver
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Councillor Michael Leaves also indicated that he would withdraw from the meeting during consideration of the item referred to in minute 66.

62. **MINUTES**

Agreed that the minutes of the meeting held on 19 October 2010 are signed as a correct record.

63. **QUESTIONS FROM THE PUBLIC**

In accordance with paragraph 10 of the Constitution, the following question was submitted and the response provided as indicated below -

Question No	Question By	Cabinet Member	Subject
10 10/11	Mr F E Sharpe	Councillor Brookshaw	Minutes of Plymstock Neighbourhood meetings.
Please could copies of the minutes for all the Plymstock Neighbourhood meetings that have replaced the old Plymstock area committee meetings be made available for viewing in Plymstock Library. At the moment there is no connection between Plymstock Neighbourhood meetings at Elburton Goosewell Plymstock or Hooe yet they are all Plymstock.			
Answer:			
Formal minutes of Neighbourhood meetings are not taken; however notes of the priorities identified at each meeting are recorded and freely available on the council's website – http://www.plymouth.gov.uk/homepage/communityandliving/yourneighbourhood.htm			
The website includes a note of the last Plymstock Neighbourhood meeting – held on 22 Sept.			
Separate meetings are held for each Neighbourhood in the Plymstock Locality. This means people can attend a meeting close to where they live and identify concerns specific to their neighbourhood, rather than across a wider area.			

In the absence of Mr Sharpe, Agreed that a written response is sent to him.

64. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

65. **SCRUTINY REPORT ON MODERNISATION OF ADULT SOCIAL CARE**

Cabinet Members received the Scrutiny Report of the Health and Adult Social Care Overview and Scrutiny Panel Task and Finish Group on the Modernisation of Adult Social Care.

Councillor James, Chair of the Overview and Scrutiny Management Board, reported that the Management Board had approved the report of the Task and Finish Group on 27 October 2010 and that the Management Board had congratulated the Task and Finish Group on its work.

Councillor Ricketts presented the scrutiny report, indicating that councillors had visited the facilities as part of the scrutiny exercise. He submitted the following recommendations of the Task and Finish Group, for consideration, and thanked panel members for their work, the staff at the facilities and the users and their families for their assistance and contributions towards the scrutiny exercise.

(R1) The Task and Finish Group recommend to Cabinet that -

1. the proposals regarding the decommissioning of the Welby Community Unit alongside the increased capacity at the Colwill Lodge facility are approved;
2. further development of personal budgets and the re-provision of residential respite are approved;

(Subject to further consultation received before the end of the consultation period)

- (R2) the group felt that the Welby building was not fit for purpose and the costs associated with its maintenance were not value for money. It was accepted by the panel that the forward direction with relation to personalisation gave control to service users and their families and noted the enthusiasm for alternative respite arrangements as expressed through the extensive consultation process;
- (R3) the Task and Finish Group recommend to Cabinet that Disability Related Benefits are removed from assessable income and therefore the Disability Related Expenses are removed from the financial assessment process to reduce bureaucracy and simplify the process;
- (R4) the maximum contribution should not be set at 100% of the personal budget and a cap on contributions should remain;
- (R5) a transitional period of 12 months and support from social care officers should be implemented to help people whose contributions change;
- (R6) information provided to service users should focus on

eligibility and charging and should be in simple terms and plain English. One to one advice must also be available for those service users whose contributions are likely to change;

- (R7) the consultation process had been extensive and properly carried out;
- (R8) the Task and Finish Group recommend to Cabinet that the future direction for residential care for older people is extra care facilities;
- (R9) facilities within Frank Cowl are outdated and the costs of keeping the building open are unsustainable and not value for money;
- (R10) it was considered that there had been sufficient consultation with users and their families but that Adult Social Care should provide them with a further opportunity to engage before the end of the consultation process.

The Chair thanked Councillors James and Ricketts for their presentations and Councillor Monahan (Cabinet Member for Adult Health and Social Care) thanked the Task and Finish Group and the scrutiny panel for their work.

The Chair also referred to a visit by some of the Cabinet Members to the facilities and thanked the staff for their assistance.

Agreed that the scrutiny recommendations are noted.

(Councillor Michael Leaves having declared an interest, withdrew from the meeting during consideration of the above item).

(See also minutes 66, 67 and 68 below).

66. **MODERNISATION OF SHORT BREAKS SERVICES FOR PEOPLE WITH A LEARNING DISABILITY**

Further to minute 25, the Director for Community Services submitted a written report providing a summary of the outcome of the consultation process that had taken place, about short breaks services at Welby and Colwill Lodge, for people with a learning disability.

The report indicated that –

- (a) the scrutiny panel had confirmed that the consultation process had been extensive and referred to the recommendations of the Scrutiny Task and Finish Group which supported the proposals (recommendations R1 and R2 in minute 65 above refer);

- (b) officers felt that whilst they were sensitive to the anxieties and issues raised in relation to the proposals, they were confident that those people currently using Welby, could be supported to access short breaks;
- (c) Welby was an outdated building and could not support people with complex physical care needs;
- (d) the South West Regional Improvement and Efficiency Partnership Capital Grant was awarded specifically to be used at Colwill Lodge and this funding would ensure increased capacity to 15 beds;
- (e) officers were confident that the anticipated demand and additional emergency respite provision could be commissioned in the independent sector or delivered in different ways through personal budgets.

Cabinet Members were also advised that it was hoped that the new extension at Colwill Lodge, would be provided by August / September 2011 and that priority would be given to support placements in the event of a gap in service provision between the closure of Welby and completion of the new extension. It was emphasised that there would not be a reduction in capacity for placements.

Agreed that Welby is decommissioned and respite care is concentrated onto the Colwill site.

(Councillor Michael Leaves withdrew from the meeting during consideration of the above item).

67. **FAIRER CONTRIBUTIONS POLICY, CHARGING WITHIN A PERSONALISED SYSTEM**

Further to minute 27, the Director for Community Services submitted a written report providing a summary of the outcome of the consultation process that had taken place, about the Council's proposed policy on charging for non-residential services in the context of the introduction of personal budgets and setting out the options for Cabinet.

The report indicated that scrutiny had confirmed that the consultation process had been extensive and properly carried out and supported the recommendations in the report, with the exception of recommendations R4 (relating to the maximum contribution and cap on contributions) and R5 (relating to a transitional period), set out in minute 65 above.

In response to the scrutiny recommendations R4 and R5, the report stated that the officers had quantified the impact and believed that the removal of the cap was supported in the consultation. It was the most equitable option and would impact on a small number of service users. A significant number of service users would no longer pay anything for their care. Given the current economic climate and the impact

on Council budgets going forward, neither of the Task and Finish Group recommendations was considered to be financially affordable.

In response to questions, Cabinet Members were advised that if the Council set the maximum contribution at 100% of the personal budget, service users would have a financial assessment and contributions would start above an income of the level of income support plus 25%. If service users could not afford to pay, the current buffer level would continue. A homeowner with savings of more than the government threshold would be expected to pay the full cost of care if they moved into a residential home.

Agreed that –

- (1) authority is delegated to the Director for Community Services, in consultation with the Cabinet Member for Adult Health and Social Care, the responsibility for ensuring a new Fairer Contributions Policy is implemented, underpinned by the principles for fairer charging set out in the 2009 Department of Health guidance and that the new policy includes the decisions at (2) to (7) below;
- (2) the new operating system for Adult Social Care has a simple financial assessment, conducted at the beginning of the process, so that people enter into a care assessment knowing the likelihood that they may have to make a contribution, and a full financial assessment and benefits maximisation check is completed during the Self Directed Support Process;
- (3) the minimum collectable contribution level is maintained at £2.50 per week for 2010/11, but where service users are invoiced (i.e. where a service user does not have a Direct Payment and the Council organises services on their behalf) for very low contributions, these are collected on a quarterly basis;
- (4) the policy is revised in line with Department of Health guidance so that the charging system is fair to all service users. Contributions should be based on ability to pay and not the cost of individual services. This means that all subsidies relating to service provision must be removed and the Charging for Residential Accommodation Guidance policy will no longer be used when assessing contributions for residential respite. The contribution will be based on the amount of the personal budget and not individual components of the support plan;
- (5) Disability Related Benefits and Disability Related Expenses is excluded in the assessment process, on the basis that expenses incurred in relation to a disability are met by the benefits intended for this purpose;
- (6) the maximum contribution is set at 100% of the personal

budget;

- (7) the revised policy is applied from 1 April 2011, thus giving service users a five month period in which to prepare. Any further delay in implementation would lead to a significant impact on Council budgets.

(Councillor Michael Leaves having declared an interest, withdrew from the meeting during consideration of the above time).

68. **RESIDENTIAL CARE: UPDATE ON MODERNISATION OF OLDER PEOPLES' SERVICES 2005 - 2015**

Further to minute 26, the Director for Community Services submitted a written report providing a summary of the outcome of the consultation process that had taken place, about short and long stay provision in the City, and the future of Frank Cowl House.

The report indicated that the scrutiny panel had confirmed that the consultation process had been extensive and referred to the recommendations of the Scrutiny Task and Finish Group which supported the proposals (recommendations R8, R9 and R10 in minute 65 above refer).

In response to questions, Cabinet Members were advised that long stay residents at Frank Cowl House would be offered extra care housing and would be fully supported by staff. If they did not want to pursue that option, they would remain at Frank Cowl House.

If there were no beds at Frank Cowl House or Stirling House, the need would be met if necessary by commissioning from the independent sector.

The contract would be monitored to ensure that appropriate standards were met. Visits would also be made to the facilities and any concerns should be reported to the contract team.

Agreed that –

- (1) Frank Cowl House is de-commissioned as and when all long stay residents have moved from the Unit (as per the Council's policy that no resident would be forced to move);
- (2) Frank Cowl House and Stirling House are no longer used for new short stay or new respite provision.

Following the decisions, referred to in minutes 66 to 68, the Chair made a statement indicating that the Council were modernising adult social care in the City and emphasised that if residents did not want to move, they would not be forced to do so. However if residents reviewed their decision at a later stage, they would be supported by staff.

Finally thanks were extended to all those involved for their co-operation and hard work.

(Councillors Bowyer and Michael Leaves, having declared an interest, withdrew from the meeting during consideration of the above item).

69. **COUNCILLOR CALL FOR ACTION: BUDSHEAD TRUST**

The Director for Corporate Support submitted a written report indicating that the Overview and Scrutiny Management Board, at its meetings on 6 and 27 October 2010, had considered a Councillor Call for Action with regard to the lack of core funding for the Budshead Trust, in the sum of £30,000. (Minute 45 and draft minute 50 refer).

The report indicated that the Overview and Scrutiny Management Board made a number of recommendations for consideration by Cabinet and that, in the meantime, many of those recommendations had been actioned in advance of this meeting, where Cabinet authority was not required.

Councillor James (Chair of the Overview and Scrutiny Management Board) outlined the process for the Councillor Call for Action and advised Cabinet Members that the lack of core funding was putting the Budshead Trust projects in jeopardy.

Agreed that –

- (1) the concerns regarding the Budshead Trust, the work already undertaken at a locality level to address some of those concerns, and the opportunities for additional funding in the short-term, are noted;
- (2) Cabinet is unable to identify any additional funding from the Council (except the Community Grants Scheme at councillor's individual discretion), to support the running costs of the Budshead Trust, as Cabinet is likely to receive a number of such applications and there are no financial resources available for this purpose;
- (3) the granting of a temporary lease of the disused university sports facilities is not supported, for the reasons set out by the Head of Capital and Assets in the report.

70. **CABINET APPOINTMENTS**

The Director for Corporate Support submitted a written report indicating that nominations had been requested from the Cabinet, to two new bodies.

The Chair indicated that she would be resigning from the City Centre Company.

Agreed that –

- (1) the Leader is appointed to the Board of Destination Plymouth;
- (2) the Cabinet Member for Planning, Strategic Housing and Economic Development is appointed to the Board of Plymouth Waterfront Partnership.

71. **COMPULSORY PURCHASE ORDER RESOLUTION FOR THE REGENERATION OF NORTH PROSPECT**

The Director for Development and Regeneration submitted a written report seeking approval to make Compulsory Purchase Orders in the future, if necessary, as part of the first phase of the North Prospect Regeneration project.

The report indicated that -

- (a) the order would relate to those parts of the estate which were to be demolished, to ensure that the land ownership was unified and to enable clear title to be provided to Plymouth Community Homes;
- (b) the circumstances in which a Compulsory Purchase Order would be made, would include the failure to buy a freehold or leasehold property by agreement, or the need to deal with covenants or secure other interests in the land. This action would only be taken where all other negotiated approaches fail;
- (c) this request related to the first sites identified in the Master Plan which included demolition and rebuilding as the method of achieving regeneration and decent homes. These properties were within the estates transferred to Plymouth Community Homes as part of the Housing Stock Transfer on 20 November 2009.

Agreed that -

- (1) a Compulsory Purchase Order resolution is made (in the event that it is required) for properties within North Prospect, defined as -
 - (a) Woodhey Road (1 – 83 (odds) and 2 – 56 (evens));
 - (b) Ham Drive (26 and 28);
 - (c) Laurel Road (28 – 48 (evens));
 - (d) North Prospect Road (157 – 195 (odds) and 170 – 202 (evens));
 - (e) Foliot Road (46 – 84 (evens));
 - (f) North Prospect Primary School and Children’s Centre site;
 - (g) Electricity Sub-station, Cookworthy Road;

as set out in decisions (2) and (3) below -

- (2) the Council make a Compulsory Purchase Order pursuant to Section 17 of the Housing Act 1985, in respect of the areas outlined in red on the plan submitted;
- (3) the Cabinet specifically notes the considerations that arise under the Human Rights Act (1998) in respect of the proposed Compulsory Purchase Order, and has had full regard to the rights of those that would be affected by the Compulsory Purchase Order but, for the reasons set out in the report, determines nevertheless to authorise the Compulsory Purchase Order procedure.

72. **JOINT PERFORMANCE AND FINANCE REPORT**

The Corporate Management Team submitted a written report outlining the performance and finance monitoring position of the Council as at the end of the second quarter, September 2010.

The report indicated that -

- (a) the variations shown excluded any variance on the agreed delivery plans for the year and the in year reduction target;
- (b) the full implications of the Comprehensive Spending Review were still being studied and would be referred to in the next quarterly report;
- (c) the in year revenue and capital funding reductions previously announced in the emergency budget had been reflected within this year's planning and delivery plans and were included in the figures in the report;
- (d) further new capital schemes, totalling £0.544m, were proposed for inclusion in the capital programme;
- (e) until the full implications of the Comprehensive Spending Review had been identified, a hold had been placed on any further new commitments against any unringfenced funding within the capital programme.

Councillor Bowyer (Cabinet Member for Finance, Property, People and Governance) advised that it was highly likely that redundancies would have to be made and officers would also be looking sympathetically at requests for job share and reducing hours.

Councillor Sam Leaves (Cabinet Member for Performance and Transformation) drew Members' attention to the report (Page 125, paragraph 2.6 refers) and clarified that the Level 2 and 3 indicators would not be embedded entirely in the performance monitoring process until the first quarter of 2011/12 although the next quarterly

performance report would feature many of the newly identified Level 2 and 3 indicators.

The Chair congratulated the Director for Development and Regeneration, the transport department and Councillor Wiggins (Cabinet Member for Transport) for their good work on the improvements to the eastern corridor.

Agreed that –

- (1) directors progress urgently, further delivery plans and outstanding actions to address the remaining shortfall in 2010/11;
- (2) the latest 2010/11 capital forecast of £92.179m, is noted and the City Council is Recommended to approve that the following new schemes (included in the latest forecast) are added to the programme for 2010/11 -
 - (a) Brickfields improved Athletics facilities £0.133m;
 - (b) reinstatement of playing fields at Lipson Vale £0.407m;
- (3) £2.333m is transferred from earmarked reserves to an Invest to Save reserve;
- (4) the budget virements, outlined below, are formally approved by Cabinet in accordance with Financial Regulations -
 - pooling of consultancy budgets within Development and Regeneration, enabling a budget reduction to be delivered: Total in Department virement made £277,562;
 - movement of the Council's contribution to the schools PFI from Corporate Items to Children's Services: £578,107;
 - update to individual service budgets for one off, in-year transfers from the carry forward and transformational change reserves: £1.636m. (Further detail is outlined in Appendix D to the report);
 - transfer from Corporate Items to Children's Services budget for LSC Special Purposes grant allocated via Area Based Grant £228,286;
- (5) the land and properties, as outlined in Appendix E to the report, are appropriated from the Housing Revenue Account to the General Fund.

73. **MEDIUM TERM FINANCIAL STRATEGY 2010 - 2014**

The Director for Corporate Support submitted a written report together with an updated Medium Term Financial Strategy, following the Comprehensive Spending Review announcements of 20 October 2010 and earlier announcements from the Coalition Government. The strategy would be subject to further review as part of the detailed budget exercise currently in progress.

Agreed that the City Council is Recommended to adopt the updated Medium Term Financial Strategy, for the period 2010 to 2014, subject to the amendment of 'waste collection' to 'waste disposal' appearing as the last words on page 182 of the agenda papers.

74. **THREE YEAR REVIEW OF LICENSING ACT 2003 STATEMENT OF LICENSING POLICY, INCLUDING CUMULATIVE IMPACT POLICY**

The Director for Community Services submitted a written report -

- (i) indicating that a revised Statement of Licensing Policy must be published by the Council to take effect from 7 January 2011;
- (ii) indicating that extensive consultation had been carried out and which had included a review of the Cumulative Impact Policy;
- (iii) on the details of the consultation responses; the recommendations from the Customers and Communities Overview and Scrutiny Panel (minute 37 of the panel refers), and the draft policy for adoption.

Agreed that –

- (1) the results of the public consultation and officers' conclusions, are noted;
- (2) the recommendations of the Customer and Communities Overview and Scrutiny Panel are accepted and the Police are encouraged to provide evidence relating to off licences with a view to assisting consideration of whether they should be included within the Cumulative Impact Policy;
- (3) the City Council is Recommended to adopt the draft Licensing Statement of Policy 2011 – 2014;
- (4) officer conclusions and recommendations, and the evidence set out in Appendices 1 and 2 to the written report is considered sufficient to identify concerns about crime and disorder and public nuisance and therefore that the Special Policy on Cumulative Impact (contained within the Statement of Licensing Policy) that applies to Union Street (including Derry's Cross), the Barbican, North Hill, Mutley Plain and Stoke Village

remain in place.

(Councillor Sam Leaves, having declared an interest, withdrew from the meeting during consideration of the above item).

75. **EXEMPT BUSINESS**

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

CONTRACT AWARDS: SUPPORT, ENABLEMENT AND CARE SERVICE FOR ADULTS WITH LEARNING DISABILITIES TO LIVE INDEPENDENTLY

Following advice received, Councillor Michael Leaves remained in the meeting for consideration of the remainder of items.

76. **Block Contract for Core Support in Accommodation Based Services**

The Director for Community Services submitted a written report on a proposal to award the contract for support, enablement and care service for adults with learning disabilities to live independently for accommodation based block contract for core hours of support, following a competitive procurement exercise.

Agreed that a three year contract, with an option for a one year extension, is awarded to the preferred supplier for the accommodation based block contract for core hours of support.

77. **'Generic' Support**

The Director for Community Services submitted a written report on a proposal to award the contract for support, enablement and care service for adults with learning disabilities to live independently for the framework for 'generic' services, following a competitive procurement exercise.

Agreed that a three year contract, with an option for a one year extension, is awarded to the 12 preferred suppliers for the framework for 'generic' support.

78. **Forensic Support Needs and Severe Challenging Behaviour**

The Director for Community Services submitted a written report on a proposal regarding the procurement of a contract for support, enablement and care service for adults with learning disabilities to live independently for the framework for complex needs services – forensic and challenging behaviour, following a competitive procurement exercise.

Agreed that the proposal is approved.

