

BRIGHTON & HOVE CITY COUNCIL

SPECIAL POLICY & RESOURCES COMMITTEE

10.00am 17 NOVEMBER 2014

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor J Kitcat (Chair) Councillors Sykes (Deputy Chair), G Theobald (Opposition Spokesperson), Morgan (Group Spokesperson), Davey, Hamilton, Lepper, A Norman, Peltzer Dunn and Randall

PART ONE

77 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

77.1 Councillor Davey was present in substitution for Councillor Shanks.

(b) Declarations of Interest

77.2 There were no declarations of interest in matters listed on the agenda.

(c) Exclusion of Press and Public

77.3 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.

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

78 CHAIR'S COMMUNICATIONS

78.1 The Chair gave the following communications:

“Today’s meeting will be web cast live and will be capable of repeated viewing.

Welcome to this Special meeting of the Policy & Resources Committee. As Members will recall, we discussed this item at our last meeting on 16 October. At that meeting, we had a presentation from officers and received a deputation from the unions. An amendment to defer consideration of the matter pending consideration of alternative options was carried, but we did not go on to vote on the substantive motion.

At the time, members did not have all the necessary information on the basis of which they could make an informed, rational decision that satisfied legal requirements and that secured a sustainable service for customers in the city. In particular:

- Given the fact that this was a joint service, with the CCG being the major partner, it would have been unsafe to proceed without ascertaining the wishes and intentions of the CCG;
- The impact of any delay on the procurement process was uncertain and there was a risk that it could be too late to re-join the West Sussex framework in time for implementation in September 2015;
- The legality and practical feasibility of the alternative options was far from certain.

Given the above reasons, we were advised by the Monitoring Officer, the Section 151 Officer and the Executive Director of Adult Social Care to defer consideration of the item to give officers time to obtain the additional information and come back to a special meeting of P&R as soon as possible. We resolved to defer consideration of the item and reconvene at a special meeting.

We now have a revised report that incorporates all the necessary information and on the basis of which we are able to make a decision.

As I said earlier, although the amendment was carried, we did not vote on the substantive motion and instead decided to defer consideration of the item. In any event, the report before us does what the amendment was asking for and we will therefore proceed to the debate and not revisit the amendment.

I have been notified of a deputation from Unison and GMB, which I have agreed can be presented. I would point out that we already had a deputation at the last meeting of this committee from Unison & GMB. The normal expectation under the constitution is that we do not have a deputation which is the same or substantially the same as one presented in the last 6 months. However, given the importance of this item and the unusual circumstances of the case, it has been decided not to invoke those procedures. This is very much an exception and I do not want it to be seen as setting a precedent.”

79 PUBLIC INVOLVEMENT

79.1 The Chair noted that there was one deputation, as listed in the agenda papers, from UNISON & GMB concerning the Integrated Community Equipment Store and invited Mr Alex Knutson and Mr Gary Palmer to come forward and put their deputation to the Committee.

79.2 Mr Palmer stated that he was of the view that the outcome of the decision in relation to Item 81 was foregone conclusion; he felt the matter had been “pushed through” by Officers and there had been insufficient consultation with staff. There was also concern that the deadline for submission of the deputation content had been before the publication of the report – due its late publication to allow consultation with partners. Mr Palmer considered that a staff led option for the service had not been properly considered by Officers, and that staff had “given up the fight”. It would now be important to focus attention on the preferred provider chosen by West Sussex County Council,

and assurances were sought that there would be no job losses and pay and conditions would be protected. Mr Palmer asked that the Committee stand by the amendment it agreed on 16 October 2014.

- 79.3 Mr Knutson added that there had not been time to allow an in-house bid to be produced, and there was concern that the Committee did not have the full knowledge of the service to allow them to make a fully informed decision as the Trust had not produced the figures and data for the service. Assurances were sought that in future there would be an opportunity for in-house bids to come forward on services that were to be put out to tender. It was reiterated that the terms and conditions of affected staff should be protected.
- 79.4 The Chair responded to the deputation and stated the proposal to work in partnership with West Sussex and NRS would have positive benefits to the residents of the city, and they would benefit from a larger range of equipment, timed deliveries, more effective tracking of equipment and a more cost effective 7 day a week service. Staff would be working for a company with a long history of supplying aids to support independent living.

The written deputation referred to information and assistance from Officers to help with an in-house bid and there appeared to have been some confusion about what information would be available to staff. On 16 September 2014 the Chair had visited the ICES store and explained that as Sussex Community Trust (SCT) were withdrawing the Council would need to ensure there was a new provider in place by October 2015. He had explained that he was open to hearing the ideas of staff about how they could provide the service, but that the decision-making process could not be paused.

A meeting then took place between Commissioners, SCT, Council managers and union representatives. The Union representatives asked for information and were sent the 12 bullet point summary highlighting the requirements of the service going forward. The full specification produced by West Sussex was publicly available. Had this process ended in a tender then Commissioners would have to supply the exact same information to any other interested parties.

There had been regular meetings between managers, Commissioners and ICES staff as well as staff bulletins. Staff had received prior notice of every report that has gone to Committee and been given the opportunity to ask questions. There was a meeting set up immediately after the last Committee meeting on 20 October between managers, ICES, HR and the unions, but at the request of staff this was only attended by ICES staff.

The written deputation referred to a survey of users of the service and consultation would take place once a decision has been made about the future of the service to ensure the service meets the needs of local customers. This consultation would focus on what is important to customers in how the service is delivered – not on who the service is delivered by.

The written deputation also highlighted some concerns about working practices and terms and conditions at NRS. The report set out the benefits of working with NRS. West Sussex County Council have specified in their tender documents that the provider had

experience of supporting staff transferring from other organisations and that they have a 'record of honouring terms and conditions of employment post TUPE' and that they 'access the Admitted Body Status to the Local Government Pension Scheme'. The fact that staff who TUPE transferred from West Sussex 9 years ago are still working for the organisation was positive.

79.5 **RESOLVED** – That the Committee note the deputation.

79.6 There were no other petitions, public questions or deputations.

80 MEMBER INVOLVEMENT

80.1 There were no Member petitions, written questions, letters or notices of motion.

81 INTEGRATED COMMUNITY EQUIPMENT SERVICE 2014

81.1 The Committee considered a report of Executive Director for Adult Services in relation to the Integrated Community Equipment Store (ICES). The report provided further information on the future of the ICES following the deferral of the decision about the future provision of the service at the meeting of the Committee on 16 October 2014. The equipment service was commissioned jointly between the Council and the CCG, and had been provided via a Section 75 agreement between the Council and SCT since 2004. SCT had given notice on the contract and would cease to provide the service on 30 September 2015; the report therefore setting out options for the future of the service. The CCG had indicated that their preferred option was to abide by the decision reached collectively at the Health & Wellbeing Board on 9 September 2014 to work in partnership with the Council and the service commissioned by West Sussex County Council (WSCC). If the Committee were to agree a different option the CCG would actively pursue their preferred option to work with WSCC and potentially leave the current ICES service as a standalone Council service – as opposed to a joint health and social care service.

81.2 In response to questions raised by Councillor Randall the Executive Director for Adult Services explained that the Council intended to base contract negotiations around the information it was currently in receipt of such as the tracking of equipment, but some of the finer detail had not been given over by SCT; however, there was benchmarking data information which would further aid this process. In response to a further query the Executive Director explained that the Council would work closely with HR, the trade unions and the preferred provider going forward to secure staff terms and conditions. They were already known to be good employers and the Executive Director was of the view, but could not guarantee, that they were a living wage employer. It was reiterated that staff that had transferred over from WSCC over nine years were still with the provider.

81.3 Councillor Morgan stated his view that the decision to outsource the service had already been made following the decision of the Health & Wellbeing Board in September – he felt the process had created questions of how decisions were made in relation to health matters. Were there an NHS alternative bid before the Committee then this would be backed, but he felt the Committee would have to support the proposals before them to prevent the service being split. It was important that the current team be able to continue

providing local services to people, and be based in the city. Councillor Morgan felt these decisions were going to become increasingly frequent and it was vital that health services be accountable and public.

- 81.4 Councillor Sykes stated his view that there had been a collective failure on the part of both politicians and trade unions to properly produce an in-house bid for the service; however, he felt that to block the proposals would be to the detriment of the service users.
- 81.5 Councillor G. Theobald stated that this was now the third time the proposal had been before him and each time the advice had been consistent. He acknowledged the concerns of the staff, but he was of the view that the needs of residents must come first and the provision of this service with WSCC would ensure that residents were able to stay in their own homes. The national trend was towards integrated health and social services, and he was disappointed that one of the first instances of this model of working had been turbulent. He stated it was not practically possible for the Council to run its own service; the preferred bidder had a strong track record, and the decision was supported by the CCG.
- 81.6 Councillor Randall noted the necessity to have provision in place, and queried if there could be some provision in the contract to secure the living wage for staff; he noted the importance of the decision and stated he would support the report.
- 81.7 Councillor A. Norman stated the meeting had been useful to give the Committee more information. She noted that as medical advances were made then additional support had to be provided for individuals coming out of hospital. Councillor A. Norman highlighted that she applauded the work of the team at ICES, but with the current provider pulling out of the service a decision had to be made about the future service provision, and it would be harmful not to agree the recommendations in the report.
- 81.8 Councillor Hamilton stated he was disappointed that the health service were pulling out of providing this service, but he felt that more work could have been undertaken since September 2013 to look at other options. He expressed concern in relation to the four staff currently employed by the Council, and agreed with others on the Committee that their terms and conditions should be protected. He also added that he had received assurance from the Executive Director that the service would remain free at the point of delivery.
- 81.9 At this point in the meeting the Executive Director explained that if the recommendations were agreed it was important that the work be able to progress quickly with the preferred provider, and it was their preference to have a base in the Brighton area.
- 81.10 Councillor Peltzer Dunn stated that he would have supported the substantive recommendations at the previous meeting, but he felt the additional information had been valuable and clarified the situation. He added that any other decision would be to the detriment of residents of the city.
- 81.11 The Chair added that the scale of the local population was not enough for the level of service that was required, and therefore it was necessary to enter into the larger contract. There had been missed opportunities in the past, and this had not been to the

benefit of the staff and service users. The Chair also added that he had been concerned with some of the questioning of the Health & Wellbeing Board set up as this was happening nationally, and the Council's governance arrangements were leading on this to deliver improved outcomes for service users.

81.12 The Chair then put the recommendations to the vote.

81.13 **RESOLVED** - That the Committee agree to the Council entering into a tailored contract with the equipment provider selected by West Sussex County Council (WSCC) to meet the needs of the residents of Brighton & Hove as recommended by the Health & Wellbeing Board on 9 September 2014. The CCG have indicated their preferred option is to enter into a contract with the WSCC contractor.

82 ITEMS REFERRED FOR COUNCIL

82.1 There were none.

The meeting concluded at 10.53am

Signed

Chair

Dated this

day of

2014