



**Brighton & Hove
City Council**

POLICY & RESOURCES COMMITTEE ADDENDUM

4.00PM, THURSDAY, 28 APRIL 2016

FRIENDS MEETING HOUSE, SHIP STREET, BRIGHTON

ADDENDUM

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| 160 PUBLIC INVOLVEMENT | 1 - 2 |
| To consider the following matters raised by members of the public: | |
| (b) Written Questions: to receive any questions submitted by the due date of 12 noon on the 21 April 2016; | |
| i) Christopher Hawtree – Hove Carnegie Library | |
| ii) Ninka Willcox – Hove Carnegie Library | |
| iii) Ingrid Ashberry – Learning Disabilities Accommodation Services | |
| <i>Contact Officer:</i> | <i>Ross Keatley</i> <i>Tel: 29-1064</i> |
| <i>Ward Affected:</i> | <i>All Wards</i> |
| 163 TOWER HOUSE | 3 - 10 |
| Extract from the proceedings of the Health & Wellbeing Board meeting held on 19 April 2016 (copy attached). | |
| <i>Contact Officer:</i> | <i>Karin Divall</i> <i>Tel: 29-4478</i> |
| <i>Ward Affected:</i> | <i>All Wards</i> |
| 164 LEARNING DISABILITIES ACCOMMODATION SERVICES | 11 - 14 |
| Extract from the proceedings of the Health & Wellbeing Board meeting held on 19 April 2016 (copy attached). | |
| <i>Contact Officer:</i> | <i>Karin Divall</i> <i>Tel: 29-4478</i> |
| <i>Ward Affected:</i> | <i>All Wards</i> |

WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed for questions submitted by a member of the public who either lives or works in the area of the authority at each ordinary meeting of the Committee.

Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion.

The following written question has been received from a member of the public.

(a) Christopher Hawtree

“Would Councillor Morgan please tell us who owns the Hove Carnegie Library?”

Reply from Councillor Morgan, Leader of the Council

(b) Ninka Willcox

Was the option of localised repairs to the existing concrete-tiled roof of the Carnegie Library considered and costed?

Reply from Councillor Morgan, Leader of the Council

(c) Ingrid Ashberry

“The Health and Wellbeing board stated on 19th April, ‘Any changes to accommodation would only be made where people wanted to move or where their existing accommodation did not meet their needs in the most effective way.’ It also agreed the importance of giving residents choice and control.

Would you agree that for two residents of Ferndale Road it appears the motivation for the closure of this home is financially driven, which contradicts the aims that you will not be forcing people to move and you will be ensuring choice and control as outlined in the Learning Disability Plan?”

Reply from Councillor Morgan, Leader of the Council

Subject: Extract from the proceedings of The Health & wellbeing Board meeting held on the 19th April 2016 – Tower House Day Services

Date of Meeting: 28th June 2016

Report of: Head of Legal & Democratic Services

Contact Officer: Name: **Mark Wall** Tel: **01273 291006**
E-mail: mark.wall@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

Action Required of the Policy & Resources Committee:

To receive the item referred from the Health & wellbeing Board for consideration and determination:

Recommendation: That the Policy & Resources Committee having read and considered the consultation outcome and equalities impact assessment to inform its decision making recommends;

- (1) That Tower House Day Service should close and that appropriate alternative arrangements should be made for service users to ensure their social care needs are met; and
- (2) That the Council should write to the Freeholder of the Tower House site inviting them to retain it for community use.

SPECIAL HEALTH & WELLBEING BOARD

4.00 pm 19 April 2016

**RONUK HALL,
PORTSLADE TOWN HALL****DRAFT MINUTES****PART ONE**

Present: Councillors Yates (Chair), K Norman (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Barford and G. Theobald, Dr. Christa Beasley, John Child, Dr. George Mack, Dr. Xavier Nalletamby and Jenny Oates Clinical Commissioning Group.

Other Members present: Mia Brown (Adult Safeguarding Board), Denise D'Souza, Statutory Director of Adult Social Care, Pinaki Ghoshal, Statutory Director of Children's Services, Frances McCabe Health Watch, Peter Wilkinson Acting Director of Public Health and Pennie ford NHS England.

Also in attendance: Councillor Penn, Geoff Raw Chief Executive BHCC, Jenny Oates, CCG and Nigel Manvell Head of Financial Services, BHCC.

Apologies: Dr. Manas Sikdar, CCG.

72. TOWER HOUSE

- 72.1 The Statutory Director for Adult Social Care introduced the report which detailed the outcome of a three-month consultation in relation to four options concern the future of the day centre at Tower House. She noted that the uncertainty around the future of the day centre meant that it was proving to be a difficult time for those people who use the centre and the staff who supported those users. She also acknowledged that a period of change was not easy for some people and that there was a degree of anxiety about any changes that may result as well as it being seen as an opportunity to do something different.
- 72.2 The Head of Adults Provider stated that Tower House was a day centre for older people and people with disabilities and following a decision at the Policy & Resources Committee in November, a 3-month consultation had been undertaken to assess the viability of the centre and options for future provision for the service users. She outlined the consultation process and noted that all the various responses had been collated and included in a confidential appendix that had been provided to the members of the Board. She stated that in regard to the 72

responses received, 43 preferred Tower House to continue with a reduced level of provision. However, taking into consideration the need to deliver £150k savings, with only 13 people using the facility for 2 days a week, costs would increase. There was also a duty under the Care Act to offer personalised budgets to users which enabled them to use alternative providers that were more cost effective than attending Tower House; e.g. they could pool budgets to use other services and maintain friendship groups.

- 72.3 The Head of Adults Provider stated that consideration had been given to cross-subsidising the service at Tower House; however the lease agreement was restrictive and did not allow for sub-letting. Officers had also sought to contact the freeholder but had had no response. There had also been an approach to the Council by a charity which was seeking to provide a service for older people at Tower House, however even if it was able to lease the facilities the service would not meet the needs of the 13 people that currently used Tower House as their primary service.
- 72.4 The Head of Adults Provider stated that in considering all the aspects regarding Tower House, it was considered not cost effective to continue to provide a day centre service to 13 people. She also noted that the number of people using Tower House had been decreasing and others would be able to access alternative provision to meet their needs.
- 72.5 The Chair stated that he wished to thank everyone who had been involved in the consultation process and the drafting of the report. He also noted Mr. Griffin had asked to address the Board and put a question in relation to Tower House and therefore invited him to come forward and speak to the Board.
- 72.6 Mr. Griffin thanked the Chair, and stated that he had Acquired Brain Injury and had been referred to Headway for support. However, he also volunteered at Tower House and had seen the benefits that users gained from attending, especially those with brain injuries and suggested that the centre should be a specialist service that was made available to others. He also believed that there were a number of people waiting to be assessed who could use Tower House which would increase the numbers. He therefore asked what would happen to those who currently used Tower House and the 4 people who were unlikely to be able to be offered anything if it closed.
- 72.7 The Chair thanked Mr. Griffin for attending and for raising his concerns; and asked for clarification in regard to alternative provision that was available in the city to meet complex needs.
- 72.8 The Head of Adults Provider stated that the Council contracts with Headway for people with an acquired brain injury who require this service and this would continue. People requiring this specialist service would not attend Tower House and people with specific needs would continue to receive specialist services, which was not the role of Tower House. She acknowledged that there were some users of Tower House that would need a similar service to that currently provided at Tower

House and their needs would be reviewed and there were providers in the city who could be contracted to provide a similar service. She stated that should the Policy & Resources Committee approve the closure of Tower House, staff would work with the users to ensure everyone's needs were met.

- 72.9 The Chair noted that he had met with the Older People's Council earlier in the day and they had raised the question of providers in the city having waiting lists and therefore there was uncertainty about vacancies.
- 72.10 The Head of Adults Provider stated that she was aware of one service provider that had a waiting list for one of the four days that a service was provided. However, if there was sufficient demand further work could be carried out to see whether that service could extend their opening to five days per week
- 72.11 The Chair also queried how personal budgets and pooled budgets would work and what support was available to people to manage these.
- 72.12 The Head of Adults Provider stated that staff would work closely with individuals to look at their needs and interests and assess the level of budget that would be available to them. There was also support available from the voluntary sector organisations including the Fed to enable people to purchase services to meet their needs.
- 72.13 The Statutory Director for Adult Social Care stated that depending on the outcome at the Policy & Resources Committee meeting, officers would look to work with staff and volunteers at Tower House to ensure a smooth transition. She also noted that some people at Tower House were already using personalised budgets and the intention would be to expand on that use.
- 72.14 Councillor Mac Cafferty referred to the Policy & Resources Committee in November and stated that he believed it had requested officers to consult on maintaining the existing Day Centre service and this had not been undertaken in regard to the report that was before the Board today. He disagreed with the comments that had been made so far and believed that the overwhelming majority of users wanted to stay at Tower House. It was also misleading to suggest that the centre was in decline when there were others waiting to be assessed and to use it. He did not accept that with personalised budgets people may opt not to use Tower House as they could choose to do so. He also questioned how friendship groups would be maintained and queried whether this was properly addressed in the Equalities Impact Assessment (EIA). He referred to a number of moving comments in the appendices and stated that what had been requested in November was not included in the report that was before the Board today.
- 72.15 The Statutory Director for Adult Social Care stated that there was a need to give consideration to the financial situation and the best use of services. In regard to Tower House there had been no more than ten referrals for the day service since last summer. People were sign-posted to services that were available and how they could meet their eligible need.

- 72.16 The Head of Adults Provider noted that the Care Act 2015 placed a duty on the local authority to offer everyone a personal budget and to look at the options available to meet their needs. If they choose not to have a personal budget then day service provision can be looked at. However, there had not been the number of referrals or people choosing to come forward for day services that would maintain Tower House.
- 72.17 Councillor Barford stated that it was a complex and emotional issue and she wanted to thank everyone who had taken part in the consultation and in producing the report. She would have preferred to find a way to keep the service open but noted that the direction of travel had been set by the Board last year. There was a need to ensure that services were personable and people had a choice. She was aware that Tower House was valued by those that used it; however it needed to be fit for purpose now and for the future. The 13 people identified would be supported in every way possible as it was recognised that change wasn't necessarily an easy process. She also hoped that the staff and volunteers who did an amazing job would be retained and their skills utilised. She also wished to propose an additional recommendation, 'That the Health & Wellbeing Board recommend to the Policy & Resources Committee that the Council write to the Freeholder of the Tower House site inviting them to retain it for community use.'
- 72.18 Councillor K. Norman stated that he would prefer to see Tower House remain open and available for community use and agreed with Councillor Barford's comments. He had been contacted by a charity about the possible use of Tower House and hoped that could be explored. He also accepted the conclusions that had been reached and noted that service users would be supported to make use of alternative providers and remain part of the community.
- 72.19 The Chief Executive noted the comments regarding the Freeholder and stated that officers would endeavour to contact them prior to the meeting of the Policy & Resources Committee on the 28th April.
- 72.20 The Head of Adults Provider stated that the council was limited in regard to the terms of the lease and that the Charity has expressed an interest in sub-letting facilities so that a service for older isolated people could be offered. This would not meet the needs of the 13 people in question. There was the possibility that the Council could grant a licence which would be on certain terms only, and it would need to be explored further to see if this is a viable or realistic option.
- 72.21 Frances McCabe asked what the status of the consultation was in terms of the decision-making process.
- 72.22 The Lawyer to the Board stated that an informed decision of the Board needed to be taken which took into account the consultation process, which was not a referendum, and findings and all other information relating to the matter. It needed to be satisfied that the issues raised could be addressed and taking all aspects into consideration, a reasonable decision could be reached.

- 72.23 The Statutory Director for Adult Social Care referred to paragraph 10.2 of the report and noted that, “In considering its statutory duties the Local Authority must be mindful of the resources available...”
- 72.24 Councillor Mac Cafferty referred to the 4 principles around the consultation and that the majority of respondents wanted the status-quo. The service was fit for purpose and he referred to comments in the appendix which indicated that if people did not attend Tower House their health and wellbeing would go downhill.
- 72.25 The Lawyer to the Board stated that the Board needed to take into account all the information available, i.e. the consultation responses, the financial position, alternatives that were available, assessed needs, to reach a reasonable decision.
- 72.26 Councillor Barford stated that she could understand that there were genuine fears about the changes that could result from a closure of Tower House. However, there was a need to consider the future and to be able to maintain services for that and to meet individual needs. She hoped that there would be positive outcomes and noted that the Board had already heard about how a change of service had seen improved delivery.
- 72.27 Councillor K. Norman noted that there had been similar decisions taken in the past which resulted in service changes that had been difficult to take but had resulted in positive outcomes.
- 72.28 The Chair noted that comments acknowledged that the service at Tower House was well regarded and that people had confidence in it and that their concerns were not just about social care but about socialisation and friendship groups as well. The decision for the Board was not a reflection on the work and support at Tower House. He also noted that an amendment had been moved to add an additional recommendation and asked if there was a seconder.
- 72.29 Councillor K. Norman formally seconded the amendment.
- 72.30 The Chair asked the Lawyer to the Board to confirm the proposed amendment.
- 72.31 The Lawyer stated that a new recommendation 3.3 had been proposed which read as follows, “That the Health & Wellbeing Board recommend to the Policy & Resources Committee that the Council write to the Freeholder of the Tower House site inviting them to retain it for community use.”
- 72.32 The Chair then put the recommendations to the Board and took a vote on recommendation 3.2 which was carried by 8 votes to 1.
- 72.33 **RESOLVED:** That the Health & Wellbeing Board having read and considered the consultation outcome and equalities impact assessment to inform its decision making recommends;

- (1) That the Policy & Resources Committee agree that Tower House Day Service should close and that appropriate alternative arrangements should be made for service users to ensure their social care needs are met; and
- (2) That the Policy & Resources Committee agree that the Council should write to the Freeholder of the Tower House site inviting them to retain it for community use.

Subject: Extract from the proceedings of The Health & Wellbeing Board meeting held on the 19th April 2016 – Learning Disability Accommodation Service

Date of Meeting: 28th June 2016

Report of: Head of Legal & Democratic Services

Contact Officer: Name: **Mark Wall** Tel: **01273 291006**
E-mail: mark.wall@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

Action Required of the Policy & Resources Committee:

To receive the item referred from the Health & wellbeing Board for consideration and determination:

Recommendation: That the Policy & Resources Committee having read and considered the consultation outcome and equalities impact assessment to inform its decision making recommends:

That the Learning & Disability Services should be re-provided as set out in paragraph 8 of the report.

SPECIAL HEALTH & WELLBEING BOARD**4.00pm 19 April 2016****RONUK HALL,
PORTSLADE TOWN HALL****DRAFT MINUTES****PART ONE**

Present: Councillors Yates (Chair), K Norman (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Barford and G. Theobald, Dr. Christa Beasley, John Child, Dr. George Mack, Dr. Xavier Nalletamby and Jenny Oates Clinical Commissioning Group.

Other Members present: Mia Brown (Adult Safeguarding Board), Denise D'Souza, Statutory Director of Adult Social Care, Pinaki Ghoshal, Statutory Director of Children's Services, Frances McCabe Health Watch, Peter Wilkinson Acting Director of Public Health and Pennie Ford NHS England.

Also in attendance: Councillor Penn, Geoff Raw Chief Executive BHCC, Jenny Oates, CCG and Nigel Manvell Head of Financial Services, BHCC.

Apologies: Dr. Manas Sikdar, CCG.

73. LERNING DISABILITY ACCOMMODATION SERVICE

- 73.1 The Statutory Director for Adult Social Care introduced the report which detailed the outcome of a three-month consultation with all service users and their families, living in the Council's directly provided accommodation services for people with a learning disability. She noted that there were 51 service users and that there had been a mixture of views expressed to the proposed changes with some people clearly anxious about the implications for them and the staff that supported them.
- 73.2 The Head of Adults Provider stated that the council provided a range of services within supported and residential care homes for 51 service users. The Policy & Resources Committee had agreed to a consultation exercise last November based on three options, which involved a questionnaire, meetings with families, advocated meetings with users, social work assessments/reviews and provider engagement. A total of 31 families responded with 28 stating preference to remain in their existing homes with an alternative Provider. In view of the reservations raised by families about the availability of other Providers in the city, a provider event was held and attended by 9 families and 7 Providers. Having completed the

consultation process and looked at the options, it was felt that a procurement exercise should be undertaken with a view to support being made available from alternative providers. The Head of Adults Provider also noted that the people living in Beaconsfield Villas residential care home would move to the Beach House, and the people living in Ferndale Road would be supported to move together to alternative accommodation.

- 73.3 Jenny Oates referred to paragraph 5.34 and the need to demonstrate value for money and queried how the level of provision would differ with alternative Providers to the council given the difference in the level of cost.
- 73.4 The Head of Adults Provider stated that council staff would transfer across to an alternative Provider under TUPE regulations however any future recruitment would be based on the new Provider's terms and conditions. In relation to the costs, an alternative Provider was likely to have lower on-costs, have more staff flexibility which enabled them to have lower rates than the council. She also noted that an Independent review of Learning Disability Services last year recognised the quality of service and staff but was critical of the culture of not encouraging people to move to more independent living when they should be. This was something that was more likely to happen with an alternate Provider in place.
- 73.5 The Statutory Director for Adult Social Care noted that the Learning Disability Strategy had been developed following the Independent Review and stated that the independent expert had been shocked at the council's staff levels and resource provision and suggested that could be provided in a different way, e.g. the council's units were operated on an individual basis whereas under another Provider they would be operated differently.
- 73.6 Councillor Barford wished to thank everyone involved in the process of bringing the report to the meeting and was sure that officers and staff would work with partners, service users and families to ensure a suitable outcome was achieved for all concerned. It was not possible to maintain the status-quo and every support would be made available to all those affected by the level of change and the need to review their needs and adapt as necessary.
- 73.7 Councillor Mac Cafferty noted that a number of the respondents had said they were happy with their current situation and wanted the status-quo to remain. He also questioned what assurances there were for the service users that provision would remain and felt that the cumulative impact on these people was not reflected in the Equalities Impact Assessment (EIA), in terms of a way forward. He also queried whether there was any reason why some Providers did not attend the Provider event and if one was selected how would they engage with the users and what assurances were there that would meet the person's needs.
- 73.8 The Head of Adults Provider stated that the majority of people would remain in their homes that they were in and staff would TUPE across to the new Provider. Where there was a change then the council would work with those people to support any move. She noted that the Provider event had been called at short

notice and some Providers had been unable to attend, whilst of those that did some were accompanied by service users who were able to give assurances about provision. She also noted that 80% of services were delivered by the independent and voluntary sector and those Providers had a lot of experience in the city.

- 73.9 The Chair referred to the Independent Review and queried whether it was felt that the Council was providing a 'Gold Service' or was applying too much resource for the outcome of the individual.
- 73.10 The Statutory Director for Adult Social Care stated that in comparison to other authorities/Providers the Council had a high level of spend and was seen to be risk averse. The review was critical of the level of services provided and raised the need for a more individualised approach. It was considered to be too protective and should enable people to have a wider opportunity. She also noted that there were some people who wanted to move on and should be encouraged to do so.
- 73.11 The Statutory Director for Children's Services stated that there was a parallel situation for Children's Services and the themes reflected in the comments were similar for service provision. There was a need to have a regard to the use of public money and how the best outcomes were achieved for service users.
- 73.12 The Statutory Director for Adult Social Care noted that concerns had been expressed about those people who had specialist needs and had built particular relationships with staff. She stated that should there be any moves as a result of reviews it was intended that the staff would be fully involved to support that process.
- 73.13 Councillor Mac Cafferty stated that he felt there was an inference in the report that people would be forced to move and he sought an assurance that this would not be the case even if there was another Provider.
- 73.14 The Head of Adults Provider stated that there were some people whose needs were not best met by their current provision and this could be better with different accommodation. There would be individual reviews undertaken and discussions with the families to consider whether any needs had changed and/or alternative provision would be more suitable before any action was taken. The aim would be to ensure that all needs could be met fully.
- 73.15 The Chair thanked everyone for their comments and put the recommendations to the Board, with recommendation 3.2 being put to the vote and carried by 6 votes to 1.
- 73.16 **RESOLVED:** That the Health & Wellbeing Board having read and considered the consultation outcome and equalities impact assessment to inform its decision making recommends:
- (1) That the Policy & Resources Committee agree that the Learning & Disability Services should be re-provided as set out in paragraph 8 of the report.