
REPORT OF CABINET

(SPECIAL) MEETING HELD ON 25 JULY 2007

Chairman: † Councillor Chris Mote

Councillors:	<ul style="list-style-type: none"> * David Ashton (Vice-Chairman) (in the Chair) * Marilyn Ashton * Mrs Camilla Bath * Miss Christine Bednell 	<ul style="list-style-type: none"> * Susan Hall † Janet Mote * Paul Osborn * Mrs Anjana Patel * Eric Silver
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* Denotes Member present
 † Denotes apologies received

[Note: Councillor Margaret Davine also attended this meeting to speak on the items indicated at Minutes 292 and 293 below].

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

282. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared:

Agenda Items 7 and 8 – Outcome of Spring 2007 Statutory Consultations on Community Care Services – Fair Access to Care Services/Day Centre Charging

- (i) Councillor David Ashton declared a personal interest in the above items arising from the fact that he served as a member on Harrow Mencap's Fundraising Committee.
- (ii) Councillor Mrs Anjana Patel declared a personal interest in the above items arising from the fact that she was a Board member on Harrow Mencap.
- (iii) Councillor Mrs Margaret Davine, who was not a Member of Cabinet, declared a personal interest in the above items arising from the fact that a family member received meals on wheels, a service provided by the Council.

Accordingly, they would remain in the room during the discussion and decision-making on the items.

283. **Minutes:**

RESOLVED: That the minutes of the meeting held on 19 July 2007 be deferred to the next ordinary meeting of Cabinet.

284. **Arrangement of Agenda:**

The Chairman stated that Cabinet would be considering important issues that evening on the future provision of community care in Harrow. As a result and, exceptionally, he would allow representatives of User Groups/Voluntary Sector to address the meeting for up to 5 minutes each, after consideration of agenda item 5 – Public Questions. Similarly, he would allow the Councillor Questioner to address the meeting after consideration of agenda item 6 - Councillor Questions. A total of 30 minutes would be allowed for representations.

RESOLVED: That all business be considered with the press and public present.

285. **Petitions:**

RESOLVED: To note that no petitions were received.

286. **Public Questions:**

RESOLVED: To note that the following public questions had been received:

1.

Questioner: John Williams / Narabda Shah

Asked of: Councillor Eric Silver, Adult Services Portfolio Holder

Question: Do you think it's essential that families, and advocates are involved in these life changing assessments?

2.

Questioner: Roger Hammond, Harrow Branch Multiple Sclerosis Society

Asked of: Councillor Eric Silver, Adult Services Portfolio Holder

Question: In addition to the Disability Discrimination Act Legislation, since December 2006, all Public Sector Agencies and Organisations including Local Authorities now have a disability equality duty and have to demonstrate that any decisions they make will not have an adverse effect on disabled people.

In view of the Council's decision since September 2006 to reduce the number of care visits by People First or to increase the amounts payable by our members to retain such care, how can the Council demonstrate that this decision will not have an adverse effect on the lives and wellbeing of our disabled members?

3.

Questioner: Mr V Manak

Asked of: Councillor Eric Silver, Adult Services Portfolio Holder

Question: Are the reviews that are currently taking place normal cycle of reviews or a cost cutting exercise?

4.

Questioner: Mr Amin

Asked of: Councillor Eric Silver, Adult Services Portfolio Holder

Question: What is the Council's definition of "at risk from abuse"?

5.

Questioner: Jack Pievsky

Asked of: Councillor David Ashton, Finance and Portfolio Co-ordination Portfolio Holder

Question: In relation to the Council's financial difficulties, when was Orme Lodge (the Harrow Learning Disability Clinic) in Gordon Avenue Stanmore sold, how much did the Council get for selling it and does this affect the shortfall mentioned in the consultation paper?

6.

Questioner: Marie-Louise Nolan

Asked of: Councillor Eric Silver, Adult Services Portfolio Holder

Question: At last week's Cabinet meeting you indicated that £250,000 would be used to support users who were assessed as being in substantial need to prevent them from becoming in critical need. Can you explain how this figure was arrived at - is it using new money or is it from existing budgets and can you explain what criteria the Council will use to determine the level of support individuals will receive from this funding?

7.

Questioner: Peter Schwarz

Asked of: Councillor Chris Mote, Strategic Overview, HSP, External Affairs and Property Portfolio Holder

Question: Will the Chairman read out my letter, and if not, provide a written answer as to why not?

8.

Questioner: Ann Freeman

Asked of: Councillor Chris Mote, Strategic Overview, HSP, External Affairs and Property Portfolio Holder

Question: A question remains unanswered from discussion at public questions at Cabinet Meetings on the Wiseworks' Consultation. When were members of The Bridge Day Centre consulted on anticipated changes, please?

[Notes: (i) An oral answer was provided to each of these questions;

(ii) under the provisions of Executive Procedure Rule 16.4, questioners 1 and 3 each asked a supplementary question and were informed that they would be sent written replies;

(iii) under the provisions of Executive Procedure Rule 16.4, questioners 2, 4 and 6 each asked a supplementary question, which was additionally answered;

(iv) questioner 7 was not present at the meeting. In accordance with Executive Procedure Rule 16.7, the Chairman asked the question on the questioner's behalf and read out the statement submitted by the questioner. The Chairman indicated that a written reply would be sent to the questioner;

(v) questioner 8 was not present at the meeting. With the permission of the Chairman, another member of the public asked the question on the questioner's behalf. He also asked a supplementary question and was informed that a written reply would be sent to him and the questioner].

287. **Representations from User Groups/Voluntary Sector:**

The Chairman invited representatives of User Groups/Voluntary Sector to address the meeting in relation to the proposals on the future provision of community care in Harrow.

The Chief Executive of Harrow Mencap addressed the meeting and voiced concerns on the proposals on behalf of service users and carers of Harrow. He stated that Harrow Mencap had arranged three meetings with service users and carers to discuss the proposals and that their concerns had been documented and submitted to the Council. He also sought clarity as the implementation date(s) of the proposals and the engagement with the Voluntary Sector in the monitoring process proposed.

A speaker, on behalf of Mental Health Service users, addressed the meeting and expressed concerns. He stated that these users would be adversely affected by the proposals with serious consequences.

The Chairman invited both speakers to submit their concerns, expressed at the meeting, to him, in writing, for a detailed response.

RESOLVED: That the representations be received and noted.

288. **Councillor Question Time:**

RESOLVED: To note that the following Councillor Questions had been received:

1.

Questioner: Councillor Mrs Margaret Davine Portfolio Holder

Asked of: Councillor Eric Silver, Adult Services

Question: How will the needs of service users who are currently assessed as having 'substantial' needs only, estimated as 492 in the report, be monitored to make sure that their needs are not escalating?

2.

Questioner: Councillor Mrs Margaret Davine

Asked of: Councillor Eric Silver, Adult Services Portfolio Holder

Question: The report refers to 4,135 current and recent service users (page 3), whereas the age profile in the Equality Impact Assessment (page 7) gives a figure of 3,669. Can you please explain the difference, that is a reduction of 466 service users over a period of 3 months?

[Note: An oral answer was provided to each of these questions. Under the provisions of Rule 17.4, the questioner asked a supplementary to each question, which was also answered].

289. **Representations from Councillor Questioner:**

The Chairman invited the Councillor Questioner to address the meeting.

The Councillor Questioner stated that Harrow would be the first London borough to meet only 'critical' assessed needs if the proposal was agreed that evening. The London Borough of Lambeth had decided not to proceed with this change. She urged Cabinet to reject the proposals on Fair Access to Care Services (FACS).

RESOLVED: That the representations be received and noted.

290. **Key Decision - Outcome of Spring 2007 Statutory Consultations on Community Care Services – Fair Access to Care Services:**

Cabinet received the report of the Corporate Director of Adults and Housing Services, which set out the public response to the statutory consultation on the proposed changes to the eligibility criteria under Fair Access to Care Services (FACS). It also set out options for Cabinet to consider in response to the consultation exercise.

The Portfolio Holder for Adult Services set the report into context and highlighted the challenging financial position of the Council, which had led to the consultation process on altering the provision of care services for people whose needs currently fell into the 'critical' and 'substantial' criteria. Cabinet received an outline of the various financial pressures facing the Council, including the cost pressures from Harrow and Brent Primary Care Trusts (PCTs) and Northwick Park Hospital.

The Portfolio Holder stated that if the Council stayed within the existing eligibility criteria, a deficit of £1.5m - £2.0m was likely on the care budget for 2007/08.

The Portfolio Holder:

- outlined the extensive consultation process undertaken by the Council which had lasted 13 weeks, a week longer than the statutory period, and thanked Harrow Mencap for holding three additional public meetings;
- set out the options available to the Council and spoke in favour of concentrating the Council's resources on the vulnerable people of Harrow who were most in need of care;
- read out the actions that would be put in place to address the concerns expressed in the consultation about increased risk, as set out in paragraph 2.4 of the officer report;
- stated that the Council appreciated that the proposed measures might create difficulties for some people and that the Council would do all it could to alleviate these difficulties.

The Portfolio Holder responded, in detail, to questions from Members of Cabinet on eligibility, safety, preventative work and the impact the proposed change in criteria would have on people with Alzheimer's disease and dementia.

In summary, the Chairman referred to the deliberation that had taken place on this matter and assured those present that areas of concern would be addressed. He drew attention to the guidelines available when dealing with victims of abuse and the help that would be available from the Council to those with personal care needs.

RESOLVED: (1) To proceed with the proposal to meet only needs that fell within the 'Critical' FACS band;

(2) that the proposed actions to mitigate this, as set out in section 2.4 of the officer report, be agreed.

Reason for Decision: To consider the consultation results undertaken on the criteria the Council would apply, to determine who qualified for social care services under FACS. To set the level eligibility criteria for Harrow.

(See also Minute 282).

291. **Key Decision - Outcome of Spring 2007 Statutory Consultations on Community Care Services - Day Centre Charging:**

The Portfolio Holder for Adult Services introduced the report, which set out the public response to the statutory consultations on the proposal to start charging for attendance at Day Centres. It also set out options for Cabinet to consider in response to the consultation exercise.

The Portfolio Holder stated that the proposal for Day Care Charges had been brought forward from the February 2006 budget to allow for consultations to be undertaken. He reiterated the severity of the financial position of the Council and the pressures on the Council to address this position. In addition, the demand for and complexity of the services provided by the Council was increasing, the population of Harrow was ageing, and the grants received by Harrow from the government were £30m less than its nearest neighbours and £120m less than the London average. These pressures, together with those from the PCTs, had culminated in the proposal to charge for Day Centre care.

Cabinet was briefed on the consultation process, the key messages from that process and the options available to the Council. The Portfolio Holder stated that, in the event that Cabinet agreed to introduce a charge, it would continue to provide a large subsidy (in excess of 50%), details of which were set out in the officer report.

Members of Cabinet were invited to question the Portfolio Holder who responded to questions on how other Councils were dealing with Day Care Charges, the levels of subsidy the Council would provide if a charge was introduced and how the ability to pay the charge would be assessed.

The Portfolio Holder proposed that a charge of £12 be introduced with a notice of one month. If agreed, the decision would put Harrow Council below or in line with 12 other London boroughs that also charged for the service. Harrow would continue to provide a large subsidy as well.

The Portfolio Holder stated that it was important to note that all Day Centre Users would receive a full financial assessment and any person assessed as having means to pay would receive a month's notice.

RESOLVED: That (1) a charge for attendance at Day Centres be introduced from September 2007;

(2) the level of charge be set at £12 (£6 per half day);

(3) the charges be reviewed as part of the annual review of the Council's fees and charges.

Reason for Decision: To consider the consultation results undertaken. To introduce a charge for attendance at Day Centres, and set a level. A budget saving of £200,000, for 2007/08, was contained in the budget passed at Council on 22 February 2007.

(See also Minute 282).

(Note: The meeting, having commenced at 8.30 pm, closed at 9.38 pm).

(Signed) COUNCILLOR DAVID ASHTON
Vice-Chairman (in the Chair)