

Ref: PHD 081/06

Subject:	Consultation on possible changes to Adult Community Care Services
Responsible Officer:	Penny Furness-Smith, Director of Adult & Community Care Services
Portfolio Holder:	Cllr Mote: Leader of the Council
Key Decision:	Yes
Urgent/Non Urgent:	Urgent
Power to be exercised:	Para 3 Appendix 4d of the Executive Procedure Rules
Exempt:	No
Enclosures:	Report to Cabinet dated 15 th March 2007 with 2 Appendices

SECTION 1 – SUMMARY AND RECOMMENDATIONS

RECOMMENDATIONS:

To determine whether to amend the decision of Cabinet on 15th March to consult on two options.

In the event that the decision is varied, to instruct officers to consult only on the option: “To meet only ‘critical band’ assessed needs and to stop paying for any assessed needs at ‘substantial band’ or below.”

REASON:

To respond to concerns expressed by a senior Councillor and to allow the planned consultation to proceed.

SECTION 2 – REPORT

Background

Cabinet on March 15th 2007 agreed a series of recommendations in relation to the planned consultation on Community Care Services – copy attached.

Subsequent to the meeting a Senior Councillor expressed concern about consulting the public on the option of leaving the access criteria as they are, given that it was very unlikely that this option would be adopted. He noted that other authorities who were/had undergone a similar exercise had consulted only on the proposed change. They had not given consultees the 'status quo' option.

Issue

The decision to consult on leaving things as they are was based on feedback from the pre-consultation scoping exercise done with stakeholders as set out in the Cabinet report. Consultees were clear that they wanted this included (see appendix 2 page 2). While their views are not binding, the Council may be criticised for engaging them in scoping out how the consultation should look, and then not reflecting their views.

There is no explicit legal or professional requirement to consult on the status quo option, but failure to do so, given the stakeholder response, may form part of any challenge or complaint should Cabinet decide to vary the access criteria in the Summer.

Timescale

In order that Cabinet can consider the results of the planned consultation in July, the consultation document needs to be with the printers by Thursday 22nd March. This can of course be slipped, but it will delay consideration by Cabinet, which may have budgetary implications.

Governance

Cabinet made a decision on 15th March, which has now been made public. There is nothing in the Constitution to prevent Cabinet reconsidering its decision, and agreeing to vary 1 element of it. Given that the matter is considered urgent, the Leader can take such a decision on behalf of Cabinet. Before doing so he should determine whether the importance of the matter warrants the calling of a special meeting of the Executive, and he should consult the relevant Portfolio Holder, here Cllr Eric Silver. Taking the decision is conditional upon the Chairman of the Overview & Scrutiny Committee waiving call in and agreeing that the decision can be taken as it is not on the forward plan.

Decision Required

The Leader is asked to indicate whether he wishes to effect a variation of the Cabinet decision on 15th March.

SECTION 3 - STATUTORY OFFICER CLEARANCE

Chief Financial Officer	<input type="checkbox"/>
Signature.....	Date 22 nd March 2007
Name (print)...Myfanwy Barrett.....	
Monitoring Officer	<input type="checkbox"/>
Signature.....	Date 22 nd March 2007
Name (print)...Hugh Peart	

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: Mark Gillett
Group Manger Plus – Commissioning, Strategic Planning and Health Integration
Mark.gillett@harrow.gov.uk
020 8424 1911

Background Papers:

None

Signature:

Position Director of Adult Community Care Services

Name (print) Penny Furness-Smith

Date: 22nd March 2007

FOR PORTFOLIO HOLDER/LEADER

* I do agree to the decision proposed

* I do not agree to the decision proposed

* Please delete as appropriate

Notification of personal interests (if any):

(Note: if you have a prejudicial interest you should not take this decision)

Additional comments made by and/or options considered by the Portfolio Holder

Signature:

Portfolio Holder

Date: