

Minutes of a meeting of the Adults and Communities Overview and Scrutiny Committee held at County Hall, Glenfield on Tuesday, 6 September 2016.

PRESENT

Mrs. R. Camamile CC (in the Chair)

Mr. M. H. Charlesworth CC
Mr. S. J. Hampson CC
Mr. D. Jennings CC
Mr. A. M. Kershaw CC

Mr. M. T. Mullaney CC
Mr. T. J. Richardson CC
Mr. S. D. Sheahan CC

Apologies

Mr. J. Miah CC

In Attendance.

Mr. R. Blunt CC, Cabinet Lead Member for Heritage, Leisure and Arts (Minutes 22 and 23 refer);
Mr. Dave Houseman MBE CC, Cabinet Lead Member for Adult social Care (Minutes 23 - 27 refer);
Mr. B. L. Pain CC, Cabinet Lead Member for Economic Development, Property and Waste Management (Minute 22 refers).

14. Minutes.

The minutes of the meeting held on 14 June 2016 were taken as read, confirmed and signed.

15. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

16. Questions asked by members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

17. Urgent Items.

There were no urgent items for consideration.

18. Declarations of Interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No such declarations were made.

19. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

20. Presentation of Petitions.

The Chief Executive reported that no petitions had been received under Standing Order 36.

21. Change to Order of the Business.

The Chairman sought and obtained the consent of the Committee to vary the order of business from that set out in the agenda.

22. Future Strategy for the Delivery of Library Services. Outcome of Consultation on Kirby Muxloe and Update on Desford Library.

The Committee considered a report of the Director of Adults and Communities concerning the outcome of consultation with the Kirby Muxloe community regarding alternative library provision and providing an update on Desford Library. The matter was due to be considered by the Cabinet at its meeting on 16 September and any comments of the Committee would be forwarded to the Cabinet for its consideration. A copy of the report, marked "Agenda Item 13", is filed with these minutes.

The Chairman drew members' attention to a submission which had been received by the Desford Community Hub which included a number of questions concerning the future arrangements for the transfer of Desford Library. A copy of the submission is filed with these minutes.

The Chairman emphasised that, given the length of the submission, it had agreed with the questioner that the submission would not be covered under the "Question Time" procedure and that, instead, representatives from Desford Community Hub would be able to address the Committee after the Director had been given the opportunity to respond to the key issues raised in the submission as part of his introduction.

Accordingly, the Director made the following key points in introducing the item:-

Kirby Muxloe Library

- Following the withdrawal of Kirby Muxloe Parish Council's offer to run the Library a period of further consultation had been undertaken. Another group had now come forward and subsequently submitted an outline business plan that has been assessed as meeting the criteria to progress to transfer to community management. It was intended that a recommendation would be made to the Cabinet to enable this group to run the library;

Desford Library – current position

- The Desford Community Hub group had come forward with a successful business case to run Desford Library, however Officers and the group had to date been unable to resolve concerns raised by the group over the condition of the fabric of the building. Officers had advised that the work outlined in the building's conditions

survey as part of information supplied to Desford Community Hub was not viewed as being priority to merit funding prior to take up of any lease arrangement with the group and did not pose a risk to the health and safety of occupants or result in legislative non-compliance. The group felt that they could not progress with their plan to manage the library unless the Council funded these repairs;

- Despite the stalemate, a timescale was required for the situation to reach a conclusion in order that any future decisions with respect to the running of the Library could be made. It was intended to hold further meetings between County Council officers and the group over the coming weeks in an effort to establish whether the situation could be resolved;
- It had been recommended to the Cabinet that, were no successful conclusion to be reached with the group by the end of September, a further three month period of consultation would be undertaken to give any other interested groups the opportunity to come forward with a business case and also to consult on alternative library provision through the mobile library service;

Desford Library – response to points raised by the Desford Community Hub

- No decisions had been pre-emptively made with regard to the future of the Library. Hope remained that any issues could be resolved with Desford Community Hub and that the Library could remain open;
- If the Cabinet agreed to a further period of consultation, a further report would be submitted to the Cabinet in the New Year making a recommendation on how best to progress the matter in light of any submissions received;
- The Council had been clear throughout the process that it was not in a position to invest in non-essential maintenance prior to the transfer of any library into community hands. The group had continued to contest that the County Council would need to pay the estimated £49,000 repair costs to the building's windows, roof and heating system before it could transfer;
- In a small number of cases the Council had been flexible in altering the leasing arrangements with community groups during the transition phase in cases where the elapsed time required for transition brought the life of the building within a close proximity of the 25 year life expectancy. The Desford Library building had a life expectancy of 60 years and was therefore designated a full repairing lease. No flexibility would therefore be offered;
- The case of Market Bosworth Library had proven different to Desford's case. A sum of c£45,000 had been allocated to enable the Library to be separated from the Academy by way of a separate entrance. Paying for the alterations on the Academy site was therefore a lease condition laid down by the Academy for allowing the County Council to transfer the Library to community stewardship with the premises then sub-leased to the group. Without these measures, the County Council would not have been in a position to offer the Library to the community group and this was considered to be more cost effective than vacating the premises, withdrawing from the lease, and re-locating the Library. In the case of Desford, the County Council was able to offer the Library to the group, but the group had requested that the non-essential building costs be met first;

- If no agreement could ultimately be reached over Desford Library the County Council would consider the group's bid to manage the Library as withdrawn in an effort to find alternative solutions.

The Chairman welcomed to the meeting Ms. Margie Regan from the Desford Community Hub who was present to make representations on the future of the Library. Ms. Regan delivered a presentation lasting three minutes which covered the following key points:-

- The Desford Library building had suffered from years of neglect which had resulted in the estimated £49,000 repair costs highlighted in the County Council's building conditions survey. This represented a significant financial risk for the group;
- There were some concerns around the cost of any associated works to enable full disabled access at the Library;
- The village had experienced a large rise in population and its requirement for a library and community facility had therefore grown;
- Instances were highlighted where other groups had been given internal repairing leases when originally they had fallen outside of the 25 year threshold. An example was given of Kegworth Library which had been assessed as having a life expectancy of 27 years but had been granted an internal lease.

The Chairman thanked Ms. Regan for her contribution.

The Chairman then welcomed to the meeting Mr. D. A. Sprason CC, the local County Councillor for Desford, Markfield and Thornton, who had requested the opportunity to speak on the matter. Mr. Sprason circulated a document outlining the repair costs and life expectancy of some libraries, including Desford, and made the following key points:

- The building's slate roof was the principal concern. The Council's lack of maintenance of the building over a period of many years has resulted in a building which required significant repair and imminent works;
- The document circulated outlined that Kibworth Library had an estimated repair cost in the region of £90,000 yet had been granted an internal lease. It was felt that Desford Library should similarly be made a special case and that compromises would be needed on behalf of the County Council to enable the Library to transfer to the group.

The Chairman thanked Mr. Sprason for his contribution.

The Chairman invited the Cabinet Lead Member for Heritage, Leisure and Arts, Mr. R. Blunt CC to comment. Mr. Blunt made the following points:-

- The efforts of Kirby Muxloe to overcome any stumbling blocks and enable a successful transfer of the library into community hands should be celebrated. The Desford Community Hub group had produced an excellent business case and the skills and passion of the group was not in doubt;
- Further meetings were planned with the group to hopefully enable a successful transfer. The Council remained committed to the aim of having all libraries remain

open and transfer into community hands. It was felt that the Council's £150,000 contingency fund for non-routine repairs could prove an avenue through which the repair of Desford Library building's slate roof could be achieved. This contingency fund was part of a wider support package which had been developed by a cross-party Scrutiny Review Panel which had received Cabinet support.

The Chairman invited the Cabinet Lead Member for Property, Mr. B. L. Pain CC to comment. Mr. Pain made the following points:-

- The document circulated by Mr. Sprason CC was an internal officer document which had been obtained by the group at a meeting with the Lead Member and officers;
- The Council's Property Services section had a policy of regular upkeep of its assets to ensure they did not become a financial burden on the Authority;
- Were the Council to offer an internal repair lease to Desford, a change in policy would be required which would jeopardise all 27 existing library transfers to community management. It was felt that this would be unacceptable.

Arising from the Committee's debate, the following points were noted:-

- A view was expressed that the £45,000 provided to Market Bosworth was a deviation from Council policy and that Desford Library required a similar arrangement to enable it to successfully transfer to the community. Were the projected repair costs of libraries in the County likely to exceed the £150,000 contingency fund offer from the Council then the future of several libraries might be placed in jeopardy. In response, it was noted that the County Council's contingency fund offer was known to be significantly higher than other authorities who had pursued the "community management" library model;
- Only urgent repair work was known to have been carried out as required to the Desford Library building. No major refurbishment work had been carried out in recent years;
- The estimated £49,000 repair costs to Desford Library were regarded as "non-urgent" and low priority. In addition, it was difficult to know with any degree of certainty exactly when these works might be required in the future. It was noted however, that the building was built to modern building standards, was well constructed and that it was likely that for this reason any projected repair costs would come at a higher cost;
- Though Desford Community Hub were being asked to take on liability for the building costs going forward, this was consistent with other community groups who had taken on the management of other libraries in the County.

A view was expressed that, whilst it was clear that further negotiations were needed with the group in order to bring the situation to a successful conclusion, it would be necessary for the Cabinet to consider further how long the £150,000 contingency fund would be made available to communities and whether it was sufficient to serve the full library portfolio.

It was moved by Mr. Sheahan CC and seconded by Mr. Mullaney CC:-

“That the Cabinet strongly be urged to consider replenishing the £150,000 contingency fund in future years should there prove to be a demand which warranted it.”

Comment was made that the £150,000 contingency fund had been developed by the Scrutiny Review Panel to meet a specific need and that it had never been intended to provide this level of financial support in perpetuity. It was further noted that other grant funding was available from the Council in addition to the contingency fund.

An amendment was moved by Mrs. Camamile CC and seconded by Mr. Richardson CC:-

That the motion be amended to read as follows:-

“That the Cabinet be advised that the Committee is of the view that the period for which the £150,000 contingency fund is made available should be extended until such time as it is exhausted and that future provision be reviewed at that time.”

The amendment was put and carried, five members voting in favour and three against.

The substantive motion was then put and carried, seven members voting in favour and one against.

RESOLVED:

- (a) That the Cabinet be advised that the Committee is of the view that the period for which the £150,000 contingency fund is made available should be extended until such time as it is exhausted and that future provision be reviewed at that time;
- (b) That the comments of the Committee be forwarded to the Cabinet for consideration at its meeting on 16 September 2016.

23. Quarter 1 Performance Report.

The Committee considered a joint report of the Chief Executive and the Director of Adults and Communities, which provided an update on departmental performance in the first quarter of 2016/17. A copy of the report, marked “Agenda Item 12” is filed with these minutes.

In introducing the report, the Director highlighted that four new key measures were incorporated in the performance update to reflect the new Adult Social Care Strategy which focused on preventing, reducing, delaying and meeting need at the right time.

The Committee welcomed Mr. Dave Houseman MBE CC, Cabinet Lead Member for Adult Social Care to the meeting for this item. In his introductory remarks the Lead Member commended the Department’s good work in meeting the majority of the targets that had been set as part of the new Strategy. He highlighted the Department’s achievement of new contracts which had resulted in a successful preventative response, reducing the need for ongoing support and enabling effective reablement.

A concern was raised the Better Care Fund (BCF) measure for delayed transfers of care (DToC) had not been met. The Director advised that target had been stretched in 2016-17, however due to a range of factors, the stretched target had not yet been met, but

performance remained relatively good compared to other local authority areas. Members were assured that work was underway to improve the effectiveness of DToC throughout the year. In the previous year, prior to the stretched target being introduced, the DToC measure had been met in each of the four quarters. Extensive work was already underway with delivery of the integrated discharge teams within East Leicestershire and Rutland Clinical Commissioning Group and West Leicestershire Clinical Commissioning Group.

RESOLVED:

That the update on departmental performance in the first quarter of 2016/17 be noted.

24. Draft Leicestershire Adult Social Care Accommodation Strategy for Older People 2016-26.

The Committee considered a report of the Director of Adults and Communities concerning the consultation on the draft Leicestershire Adult Social Care Accommodation Strategy for Older People and updating members with the annual progress in relation to extra care housing in the County. A copy of the report marked "Agenda Item 8" is filed with these minutes.

In introducing the report, the Director emphasised that ensuring appropriate preventative approaches and low level support was a key aim of the draft Strategy aimed to enable service users to remain within their own homes for as long as possible. The draft Strategy included using new technology as a less intrusive way of supporting frail older people, including through the use of pressure mats and movement sensors. 'Telehealth' could also be used to perform some diagnostic tests including for example measuring blood pressure at person's home.

Mr. Houseman, Cabinet Lead Member for Adult Social Care, stated that the County Council had made significant progress in supporting the development of extra care accommodation across the County, including working with partners to identify possible locations and funding options. He emphasised that extra care accommodation would play an important role in social cohesion as facilities could be located close to local services such as local shops and hair salons. The Lead Member also added that Shared Lives Services were also one of the priorities in delivery of the draft Strategy.

In response to questions raised, members were advised as follows:-

- (i) Service users would continue to receive residential care if it was the most appropriate accommodation option. The Director emphasised that the draft Strategy reflected the need for a changing landscape of accommodation that was cost effective and catered for a higher demand associated with an increasing older demographic. To that end, expanding the range of alternative accommodation options, such as mixed tenancies and extra care housing was critical;
- (ii) The Disabled Facilities Grant was part of the £39 million Better Care Fund and was administered by the District and Borough Councils. Through the "Lightbulb Project", it was intended to deliver a more integrated approach to social care and housing by ensuring adaptations were made to disabled and older people's homes avoiding the need to seek alternative accommodation;

- (iii) The draft Strategy aimed to ensure that individual, community and informal networks of support were used by residents where available. The Committee was assured however, that a Local Authority support plan would be available to meet specific needs as and when required.

RESOLVED:

- (a) That the draft Leicestershire Adult Social Care Accommodation Strategy for Older People 2016-26 be noted;
- (b) That the comments of the Committee be forwarded to the Cabinet for consideration at its meeting on 23 November.

25. Community Life Choices Framework 2017-20 and Outcome of Consultation on Future Delivery.

The Committee considered a report of the Director of Adults and Communities, the purpose of which was to advise members on the recent strategic review of the Community Life Choices (CLC) services. A copy of the report marked "Agenda Item 9" is filed with these minutes.

In introducing the report, the Director informed the Committee that changes needed to be made to the framework contract for Community Life Choices to ensure that providers maximised outcomes for service users and value for money was improved. The consultation on the future delivery of these services was proposing a more responsive service which at the same time could deliver a saving of £750,000 against the Medium Term Financial Strategy.

The Cabinet Lead Member remarked on the need to eliminate duplication of service delivery to ensure better efficiency.

The Committee raised concern that in changing services, friendships could be broken which could have a negative impact on the services users. Members were assured however, that before making major changes for individuals, needs of service users would be reviewed taking into account their full circumstances.

RESOLVED:

That the strategic review of the Community Life Choices services be noted.

26. Annual Adult Social Care Complaints and Compliments Report 2015 -16.

The Committee considered a report of the Director of Adults and Communities which provided members with the summary of complaints for adult social care services commissioned or provided by the Adults and Communities Department in 2015/16. A copy of the report, marked "Agenda Item 10" is filed with these minutes.

In introducing the report the Director highlighted that a large part of work in the area of complaints and compliments was around learning from feedback received and taking the appropriate action to reduce instances going forward. To this end, a departmental response was produced and shared with the Department's Senior Management Team to develop a learning process from complaints and compliments and enable continuous improvement. In addition, the Committee was advised that a quarterly performance

process was in place to enable a more regular review of lessons learnt rather than having to wait for the Annual Report before taking any action. It was confirmed that there was a statutory requirement to produce an Annual Report for complaints received by both the Adults and Communities and the Children and Families Departments, both of which were reported to the relevant Overview and Scrutiny Committees. Complaints of a corporate nature were reported to the Scrutiny Commission.

The Cabinet Lead Member commended the Department's increase in the rate of commendations received.

In response to questions raised, members were advised as follows:-

- (i) Charging was the single largest area of complaint. It was hoped that by being clearer with service users about charging in future this could be mitigated;
- (ii) Previously, a significant amount of "solicited" compliments had been represented in the report with a lack of recognition for those compliments which were unsolicited. It was hoped that future reports would take greater account of all compliments received by the Department;
- (iii) The role of elected members in dealing with complaints by residents and service users was noted but were not currently included in the reported figures. It was noted that guidance for members on handling complaints would be re-circulated.

RESOLVED:

That the Annual Adult Social Care Complaints and Compliments Report 2015 -16 be noted.

27. Leicestershire and Rutland Safeguarding Adult Board Annual Report 2015-16.

The Committee considered the draft Annual Report of Leicestershire and Rutland Safeguarding Adult Board for 2015/16. A copy of the report, marked "Agenda Item 11" is filed with these minutes.

The Chairman welcomed to the meeting Paul Burnett, Independent Chair of the Safeguarding Boards, to introduce the report and answer any questions. Mr. Dave Houseman MBE CC, the Cabinet Lead Member for Adult Social Care was also present to comment on the draft Annual Report.

In introducing the report, the Independent Chair highlighted that it was the first year of Safeguarding Boards being a statutory body. The Board was required to produce an annual performance report in which it should demonstrate its compliance with the Care Act 2014. The Committee was pleased to note that the Board complied in 47 out of 49 standards of the Care Act, with the areas requiring additional work being effectiveness around prevention and engagement with the community, and the following up of impacts of training and development.

Members were pleased to note the involvement of senior staff from partner agencies on the Board as this would allow for more effective work, including a more efficient communication flow. Concerns however remained about the involvement of some agencies, which was being addressed.

Arising from discussion the following points were noted:-

- (i) The Committee was pleased to have learnt that the previous spike in safeguarding referrals over 2013-14 had been addressed and the performance in 2015-16 was consistent with that from the previous year. Members also noted a reduction in the backlog of Deprivation of Liberty Safeguards referrals;
- (ii) One area of development for the Board for the next year was ensuring that partner agencies understood and applied correctly safeguarding thresholds for making referrals. It was noted that referrals from residential and community care settings were now more balanced;
- (iii) In response to a query, the Committee was advised that the 'Prevent' agenda was included in the coordination of the information made available to the stakeholders, including General Practitioners and schools, in an attempt to address the concerns around the radicalisation of young people.

As Mr. Burnett's tenure as Independent Chair of the Safeguarding Boards would soon be coming to a close, the Chairman took the opportunity to thank Mr. Burnett for the commitment and energy that he had brought to the role.

RESOLVED:

- (a) That the draft Leicestershire and Rutland Safeguarding Adult Board Annual Report 2015-16 be noted;
- (b) That the comments of the Committee be forwarded to the Cabinet for consideration at its meeting on 16 September.

28. Dates of Future Meetings.

It was noted that the future meetings of the Committee were scheduled to take place at 2.00pm on the following dates:-

8 November 2016
17 January 2017
7 March 2017
6 June 2017
12 September 2017
14 November 2017.

11.00am - 2.44pm
06 September 2016

CHAIRMAN