

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Adult Social Care Scrutiny Committee**
held on Friday, 13th April, 2012 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor M J Simon (Chairman)
Councillor B Silvester (Vice-Chairman)

Councillors I Faseyi, J Jackson, L Jeuda, F Keegan, B Murphy, J Saunders,
D Stockton, G Wait and W Livesley

Apologies

Councillors R Domleo, S Jones, D Bebbington and C Andrew

In Attendance

Councillors J Clowes, O Hunter, P Raynes, S Gardiner, S Wilkinson, P
Butterill, A Moran, D Flude and D Brickhill

Officers

Lorraine Butcher – Strategic Director of Children, Families and Adults
Jacqui Evans – Head of Local Delivery/Independent Living Services
Jill Greenwood – Commissioning and Provider Service Manager
Mark Nedderman – Senior Scrutiny Officer
Mark Grimshaw – Scrutiny Officer

59 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 15 March 2012 be
approved as a correct record.

60 DECLARATION OF INTERESTS/PARTY WHIP

None noted.

61 PUBLIC SPEAKING TIME/OPEN SESSION

A number of members of the public attended to speak with regard to item 5: Call-
in of the Decision of Cabinet dated 5 March 2011 relating to the permanent
Closure of Bexton Court.

Firstly Judie Collins, a Knutsford resident, asserted that there had been no public
consultation about the temporary closure of Bexton Court being made
permanent. She also raised a concern about the lack of interim arrangements
and services between the closure of Bexton Court and the potential opening of a
health and wellbeing centre in Knutsford.

Mabel Taylor, a Knutsford resident, also asserted that a full consultation had not taken place with regard to the permanent closure of Bexton Court. She stated that the closure of Bexton Court had proved to be a false economy for the Council as a number of former service users at the facility had moved into residential care at a cost to the Council.

Charlotte Peters Rock, a representative of the group Knutsford Area for Knutsford Action, argued that residents of the Knutsford area, in particular Family Carers and Service Users, had been put under pressure because of the loss of Day and Respite Care in the local area. She stated that this could potentially affect the health of family carers, forcing dementia sufferers into residential care – incurring an extra cost to the Council. She also asserted that the Council had not provided alternative and affordable specialist dementia care in the Knutsford area and therefore was failing to provide 'Local Care for Local People within Local Areas'. As a final point, she asserted that Bexton Court should not be viewed as a burden but rather as a money saving asset that would help the Council to provide local care for service users within the local area.

Mr Derek Empson MBE, a Knutsford resident, asserted it was wrong to close Bexton Court in light of the increasing number of elderly people living in Knutsford who – based on National statistics – would be affected by Dementia in the future. He called on the Council to retain services at Bexton Court so that local dementia and respite care could be provided and long journey's avoided.

62 CALL-IN OF THE DECISION OF CABINET DATED 5 MARCH 2011 RELATING TO THE PERMANENT CLOSURE OF BEXTON COURT

Mark Nedderman, Senior Scrutiny Officer, outlined the procedure for the Call In of the decision of Cabinet made on 5 March 2012 relating to the permanent closure of Bexton Court.

On behalf of the eight Members who had signed the Call In, Councillor D Brickhill addressed the Committee and outlined the reasons for the Call In.

Firstly, he stated that the Council had not entered into a full consultation over the permanent closure of Bexton Court as the most recent consultation had given the impression that the facility would remain closed only on a temporary basis. Councillor Brickhill made reference to a consultation which had been carried out in 2007 by Cheshire County Council but he contended that this was too historic to be deemed relevant.

Councillor Brickhill added that:

- The Call In meeting should have been held in Knutsford as to give local residents a chance to address the Committee.
- If Bexton Court was permanently closed, it would leave the residents of Knutsford with no alternative for the services formerly provided. This was in contrast to a similar situation in Crewe in which the services once provided in the closing Santune House were picked up in an alternative facility (Lincoln House).

- As Bexton Court had only been recently refurbished by Cheshire County Council and as it had been continued to be partly funded by the NHS in its temporary closure, it would prove to be a waste of public money to permanently close the facility.

Councillor Clowes, on behalf of the Cabinet explained the reasons for the decision, outlining that she would deal with the issue of whether the decision to permanently close Bexton Court was made within the context of proper consultation.

Councillor Clowes continued to respond to a number of points that had been made in the Call In Notice (Item 5: appendix 1):

- Regarding the assertion that there had been 'no consultation [in terms of the permanent closure of Bexton Court]', Councillor Clowes made reference to the 'Improvements to Adult Social Care Consultation Report' in appendix 2 of item 5, which documented and provided evidence of all of the consultation processes since September 2011. Additionally, she noted that the Council had given close regard to the best practice guide on consultation process from the Department for Communities and Local Government (DCLG). The Council had made additional steps to make contact with former service users of Bexton Court and their family/carers with extra letters, telephone calls and drop in sessions once it had been realised that they had not attended the public meetings.
- It had been asserted that the purported lack of consultation was unlawful. Councillor Clowes stated there was no statutory requirement to consult.
- Councillor Clowes stated that the claim that there was no alternative provision for the services once provided in Bexton Court was misleading. Bexton Court had been used as a Dementia assessment and respite centre with the actual provision of dementia care available elsewhere. This provision was still available through the market and residents could choose to use their direct payments to access this. She accepted that there would be no dementia respite provision in Knutsford for the foreseeable future. She noted that there was provision available in Macclesfield and for a number of service users who once attended Bexton Court; this was actually closer to their home.
- In terms of providing services for future dementia sufferers in Knutsford, Councillor Clowes asserted that the Council needed to be aware of the bigger picture. She stated that the Council had entered into a memorandum of understanding with the NHS over its involvement in any decision on what facilities were to be provided in a potential health and wellbeing centre in Knutsford.
- Attention was drawn to the statement allegedly made by Councillor Domleo which described how Cheshire East 'could not support such local care [as Bexton Court]'. Councillor Clowes asserted that this had been taken out of context and that the Council was committed to providing care that best met the needs of residents in the context of the current economic climate and taking into consideration resident's desires and preferences.

- Regarding the claim that the closure would result in job losses, Councillor Clowes confirmed that expertise would be retained as staff would move with the service users.

In response to questions from the Committee, the Health and Wellbeing Portfolio Holder assisted by the Strategic Director of Children, Families and Adults, Head of Local Delivery/Independent Living Services and the Commissioning and Provider Service Manager stated:

- That every attempt had been made to consult with the 11 former service users of Bexton Court and their family/carers.
- That both the general presentation and questionnaire involved in the building based review consultation referred explicitly to the permanent closure of Bexton Court.
- That all of the service users and carers that were spoken to understood that the consultation referred to the permanent closure of Bexton Court and no complaint had been made.
- That whilst Knutsford Town Council had recommended the re-opening of Bexton Court, this was dependent on the re-opening of the Tatton Ward which was at the behest of the PCT. Councillor Clowes read a statement from Councillor Stewart Gardiner, Mayor of Knutsford Town Council and a ward Member for Knutsford. This stated that the vast majority of people who had contacted Knutsford Town Council had done so regarding the Stanley Centre and not Bexton Court. Knutsford Town Council had set up three public meetings to look into issues around the building based review, supported by Cheshire East officers and no mention of Bexton Court had been made at these. The statement ended by asserting that whilst people might be disappointed that Bexton Court was closing, it could not be levelled at the Council that there hadn't been a full and proper consultation process.

Lawrence Tudin, a member of Cheshire East Local Involvement Network (LINK), attended to address the Committee. He stated that whilst LINK felt that the consultation process had been adequate there was a feeling that improvements could have been made to ensure it was 'appropriate'. For instance, he contended that as Bexton Court had already been closed for a number of months, it might not have been clear that the consultation related to the permanent closure.

Having answered questions, Councillors J Clowes, O Hunter and P Raynes declared a personal and prejudicial interest in this matter and withdrew from the meeting.

The meeting was adjourned for 5 minutes and resumed at 11.10am

The Committee then considered the report of the Borough Solicitor enclosing the grounds of the Call In, the options available to the Committee in respect of the Call In, together with the original report of the Strategic Director of Children, Families and Adults from the Cabinet meeting on 5 March 2012. The Committee also considered the formal response to the Call In from the Strategic Director of Children, Families and Adults along with the evidence gathered during the meeting.

RESOLVED – That the Committee offer no advice to Cabinet

The meeting commenced at 9.30 am and concluded at 11.20 am

Councillor M J Simon (Chairman)