

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Adults and Health Committee**  
held on Monday, 30th May, 2022 in the Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillor J Rhodes (Chair)  
Councillor A Moran (Vice-Chair)

Councillors P Butterill, J Clowes, A Critchley, S Gardiner, L Jeuda, A Kolker,  
D Murphy, R Vernon, J Weatherill, N Wylie and D Edwardes

### **OFFICERS IN ATTENDANCE**

Jill Broomhall, Director of Adult Social Care  
Shelley Brough, Head of Integrated Commissioning  
David Brown, Director of Governance and Compliance  
Helen Charlesworth-May, Executive Director of Adult, Health and Integration  
(Attended virtually via Microsoft Teams)  
Mark Hughes, Senior Commissioning Manager  
Stephen Kelly, Senior Communications Officer  
Deborah Nickson, Legal Team Manager (People) Deputy Monitoring Officer  
Brian Reed, Head of Democratic Services and Governance  
Patrick Rhoden, Lead Finance Business Partner  
Karen Shuker, Democratic Services Officer  
Andrew Turner, Public Health Consultant  
Deborah Upton, Senior Lawyer, Governance (Attended virtually via Microsoft Teams)  
Dr Matt Tyrer, Director of Public Health

### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor B Evans. Councillor D Edwardes attended as substitute.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3 MINUTES OF PREVIOUS MEETING**

That the minutes of the meeting held on 28 March 2022 be approved as a correct record.

### **4 PUBLIC SPEAKING/OPEN SESSION**

There were no public speakers.

## **5 PLACE PARTNERSHIP BOARD UPDATE**

The committee considered a report which noted the progress on the new governance arrangements for local Health and Care services. The committee were asked to consider and comment on the proposed joint scrutiny arrangements for Cheshire & Merseyside and approve the amended 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside'.

The Committee heard that the joint health scrutiny arrangements would collectively take on the statutory responsibility to oversee and scrutinise the operation of the ICS at Cheshire and Merseyside level or any part of it, where more than one authority was affected.

There was extensive debate on how the figures on political balance had been arrived at, and members were advised that the Committee must be politically balanced across the whole region, which resulted in one Labour member from each Council and one Independent from Cheshire East, as this had the highest number of Independent councillors. Some members were unhappy with the political balance arrangements and a question was asked as to whether the Council could challenge the decision on political balance through the Secretary of State? It was agreed that the Director of Governance and Compliance would provide a written response to this question.

Members sought reassurance that Cheshire East would not be disadvantaged by the arrangements, and they were informed that this would not affect the ability of the Council to scrutinise health decisions which affect their area.

Members also questioned where the membership would be drawn from? Some members felt this should be from the existing Scrutiny Committee as they had expertise in this area.

**RESOLVED** that:

1. The progress to date on the Place Partnership Board be noted.
2. The Adults & Health Committee Recommend to Council that the establishment of a Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee be approved.
3. That the amended 'Protocol for the establishment of Joint Health Scrutiny Arrangements in Cheshire and Merseyside' be adopted.

(Councillor J Clowes, Councillor S Gardiner and Councillor A Kolker requested it be minuted that they voted against the recommendations).

## **6 ADULTS AND HEALTH BUDGETS 2022/23**

The committee received the report which determined the allocation of the approved budgets for 2022/23 to the Adults and Health Committee.

There would be monitoring reports coming to committee throughout the year which would demonstrate how the Council was measuring demand, dealing with price pressures, and how delivery of the planned savings was progressing.

There was a request that a footnote be inserted in relation to the European Social Fund Income for Journey First and Parents First to make it clear that this funding was administered from the Department of Work and Pensions.

Comments and questions were received from members in relation to the following:

- Had conversations started following the publication of the Newton report in respect of adult social care fees and the difficulties experienced with the care market;
- Public Health Grant – Were there specific things that this would be spent on.

It was agreed that a summary of the Newton report would be brought to committee and considered as part of the implementation of policy going forward.

**RESOLVED** (Unanimously) that :-

1. The decision of the Finance Sub-Committee to allocate the approved capital and revenue budgets, related policy proposals and earmarked reserves to the Adults and Health Committee be noted.
2. The supplementary estimates already approved as set out in Appendix B, Tables A and B of the report be noted.
3. The supplementary estimates set out in Appendix B, Table C of the report be noted.
4. That the Adults and Health Committee recommend to Council to approve the supplementary estimate set out in Appendix B, Table D of the report.
5. The financial reporting timetable as set out in Appendix C of the report be noted.

## **7 PROVIDING FINANCIAL INCENTIVES TO SUPPORT SMOKING CESSATION**

The Committee received a report which sought the views of the Adults and Health Committee on the appropriateness of commencing a project to test the effectiveness of using financial incentives to stop smoking.

The report outlined the issues and evidence in respect of a scheme based on financial incentives.

There was extensive debate and concerns were raised by some Members in respect of the pilot being susceptible to abuse. Members provided comments and questions which included:

- Should people be provided with financial incentives to give up smoking;
- Neither drug users or alcohol users are given finance incentives;
- To deliver this kind of service would require work with individuals within households, what service would Cheshire East Council provide?
- Can't implement services for pregnant women without looking at the entire household;
- Support the idea of providing Love to Shop vouchers rather than cash;
- Should we be trying to get an understanding of why people smoke

**RESOLVED** (by majority) that:-

1. Noted the contents of the report.
2. Agreed that a formal decision report be brought to the meeting of the Adults and Health Committee on the 18<sup>th</sup> July 2022, at which the Committee would make a final decision on which of the options presented in the report would be taken forward.

*The committee adjourned for a short break*

## **8 CHESHIRE EAST DAY OPPORTUNITIES STRATEGY 2022-2027 DELIVERY PLAN**

The Committee received a report which sought approval for the Cheshire East Day Opportunities Strategy Delivery Plan.

The delivery plan would support the development of the transformation of day opportunities, which would create a high quality and diverse range of provision in the borough. The delivery plan would be key to supporting the successful implementation of the Cheshire East Day Opportunities Strategy 2022-2027.

There was extensive discussion and concerns were raised by some Members about supporting the recommendation in the report without further detail in respect of timelines, safeguarding surrounding those purchasing services, and more details around those people that the Council would be working with.

It was also requested that the easy read version of the document be reviewed as it was felt that some users may find it difficult to understand.

The committee requested information from the project delivery group which had been set up to focus on the delivery plan of the strategy.

**RESOLVED** that:-

A quarterly report be brought to committee on the progress of the strategy.

*Councillor R Vernon left the meeting and did not return.*

## **9 UPDATE ON THE LEARNING DISABILITIES CONFERENCE**

The Committee received an update on the Learning Disabilities Conference scheduled for 20 June at Cranage Hall. There had been a good uptake on providers and the day would include presentations, market stalls, music with the theme focusing on the past, present, and future.

**RESOLVED:-**

That the update be noted.

## **10 APPOINTMENTS TO SUB-COMMITTEES, WORKING GROUPS, PANELS, BOARDS AND JOINT COMMITTEES**

The committee considered its appointments to the Cheshire East Health and Wellbeing Board and the Joint Extra Care Housing Management Board, with one member to be nominated by the committee to each.

**RESOLVED (Unanimously)**

1. That Councillor J Rhodes be appointed to the Cheshire East Health and Wellbeing Board as one its three voting councillors.
2. That Councillor A Moran be appointed to the Joint Extra Care Housing Management Board as one of the council's three members represented on the Board.

## **11 WORK PROGRAMME**

Consideration was given to the Committee's work programme.

It was agreed that the following items would be added to the work programme, dates to be confirmed:

- Day Opportunities Strategy Delivery Plan;
- A quarterly report be brought to committee on the progress of the Day Opportunities Strategy Delivery Plan following each meeting of the Project Delivery Group.

It was agreed that the Fair Cost of Care Market Sustainability Plan item scheduled for July would include the following:

- Economic justification of agency social workers rather than Cheshire East workers;

- Newton report summary.

A suggestion was made that members may find it useful to attend a site visit or a virtual tour as part of the Brocklehurst Centre item which was scheduled for the 18 July committee. It was noted that the Economy & Growth committee would also be considering this item so a request for a cross Council approach to that area be considered.

**RESOLVED:**

That the work programme be approved subject to the inclusion of the amendments outlined above

**12 MINUTES OF SUB-COMMITTEE**

Following a question in respect of quoracy at the meeting of the Cheshire East Health and Wellbeing Board it was agreed that the minutes of the meeting held on 22 March 2022 would be brought back to the next Adults and Health Committee.

**RESOLVED:-**

That the minutes of the Cheshire East Health and Wellbeing Board held on 22 March 2022 be brought to the 18 July Adults and Health Committee.

The meeting commenced at 10.00 am and concluded at 12.39 pm

Councillor J Rhodes (Chair)

## **Response to questions raised at 30 May Adults & Health Committee**

### **Agenda Item 5 (Minute No.5) Place Partnership Board**

It was agreed that the Director of Monitoring and Governance would provide a written response to the question raised in respect of whether the Council would be able to challenge the decision through the Secretary of State regarding how the proportionality and political representation was calculated

### **Response**

Dear Chair and Members of the Committee,

At your last Adults and Health Committee meeting it was agreed that the Director of Monitoring and Governance would provide a written response to the question raised in respect of whether the Council would be able to challenge the decision through the Secretary of State regarding how the proportionality and political representation was calculated. I have considered your question and having regard to the relevant regulatory regime I have concluded there are no grounds or legal basis that would merit a challenge the Secretary of State.

Health Scrutiny is governed by Regulations made by the Secretary of State in 2013 (the Local Authority (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013. [The Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2013/01/5137013000010001/eng/full/text.html) These regulations provide those local authorities must set up joint committees for the purposes of considering referrals from NHS bodies when they are seeking to carry out substantial variations or developments to their services. Unless specifically excepted by the Secretary of State under Regulations, all appointments to committees and joint committees have to be politically balanced under the Local Government and Housing Act 1989 (S15). It is my view that the Secretary of State had the opportunity at the time of drafting the Health Regulations in 2013 to exempt health scrutiny and joint health scrutiny from the political balance requirements but chose not to do so. Therefore, I do not consider that any appeal to the Secretary of State would be successful as it would require a change to legislation.

David Brown - Director of Monitoring and Governance

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### **Agenda Item 12 (Minute no.12) Minutes of Sub-Committees**

Following a question in respect of quoracy at the meeting of the Cheshire East Health and Wellbeing Board it was agreed that the minutes of the meeting held on 22 March 2022 would be brought back to the next Adults and Health

Committee.

## **Response**

### **Quoram**

30. Any of full meeting of the CEHWB shall be quorate if there is representation of **any** three of the following statutory members - the relevant NHS Cheshire CCG(s), Local Health Watch, a councillor and an officer from Cheshire East Council.

From those voting members who attended the meeting on the 22 March 2022 there was (1) a councillor (2) an officer from CE and (3) a rep from Health Watch, therefor the meeting was quorate.

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