

CHESHIRE EAST COUNCIL

REPORT TO: CABINET

Date of Meeting:	07 January 2013
Report of:	Lorraine Butcher, Director Children, Families and Adults
Subject/Title:	Universal Information and Advice Services Update
Portfolio Holder:	Councillor Janet Clowes

1.0 Report Summary

- 1.1 Further to the decision by Cabinet on 10 December 2012 to Grant Aid the provision of Universal Information and Advice Services across Cheshire East this paper seeks permission to amend the method for administering the grant.

2.0 Decision Requested

- 2.1 To directly Grant Aid Cheshire East Citizens Advice Bureau and Cheshire East Citizens Advice Bureau North for twelve months from 1 April 2013 – 31 March 2014.

3.0 Reasons for Recommendations

- 3.1 A public consultation on the proposed changes to the way funding is allocated to the Voluntary Community and Faith Sector (VCFS) highlighted concerns about the potential risk of including Universal Information and Advice Services provided by the Cheshire East Citizens Advice Bureau and Cheshire East Citizens Advice Bureau North in a competitive bidding process focused on adult social care defined groups.
- 3.2 An Equalities Impact Assessment of the proposed changes also highlighted that if clear provision is not made for the continued funding of the Cheshire East Citizens Advice Bureau and Cheshire East Citizens Advice Bureau North this would negatively impact on a number of groups with protected characteristics.
- 3.3 Further legal advice has therefore been sought (both internally and externally) and it is recommended that, as Cheshire East Council cannot currently specify these services for tender due to the changes resulting from the Welfare Reform Act, the Council should Grant Aid Cheshire East Citizens Advice Bureau and Cheshire East Citizens Advice Bureau North for twelve months from 1 April 2013 – 31 March 2014 to ensure continuity of support to service users, including those

groups with protected characteristics, during the forthcoming period of fundamental reform and uncertainty.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications

6.1 None

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

7.1 It is proposed that the direct award of Grant Aid should include all monies paid to the CABs in 2013/14 (excluding monies for Independent Mental Capacity Advocate (IMCA) and Independent Mental Health Advocate (IMHA) services which are subject to competitive tender) minus 15% to take account of the severe financial pressures on the budget. £197,212 will be awarded to Cheshire East Citizens Advice Bureau and £90,778 to Cheshire East Citizens Advice Bureau North. This spend is already accounted for through the Strategic Commissioning budget.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 The Council has the powers to award a grant to the CAB to support the organisation using its general power of competence in section 1 of the Localism Act 2011. In exercising the power the Council must satisfy its public law duties. In essence this means that in making the decision the Council must have taken into account only relevant considerations, followed procedural requirements, acted for proper motives and not acted unreasonably. The Council must also be mindful of public sector equality duties and the impact of its decision on service users that have a protected characteristic detailed in the Equalities Act 2010.

In awarding a grant the Council cannot exhibit the same amount of control over the organisation as is commensurate with a contract. Essentially, the terms of the grant should be set out with what the purpose of the grant is for and only claim claw back provisions in the case of the grant funding being used for other purposes or otherwise improperly. The Council will not be able to assess the quality of the services that are being provided to those requiring welfare advice and determine to withdraw grant funding on that basis (except at the end of the period of the grant funding).

9.0 Risk Management

- 9.1 Of the options available the direct provision of Grant Aid to Cheshire East Citizens Advice Bureau and Cheshire East Citizens Advice Bureau North for the continuation of universal information and advice services is the most effective in terms of minimising the potential risk to the Council.
- 9.2 It should be noted, however, that it is not possible to impose the same conditions of funding under a grant as a contract.

10.0 Background and Options

- 10.1 Further detail can be found within the Cabinet Report of 10 December 2012.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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