

**ADULT, COMMUNITY AND HOUSING SERVICES**  
**SCRUTINY COMMITTEE**

Tuesday, 4<sup>th</sup> March, 2014 at 6.00 p.m.  
in Committee Room 2 at the Council House, Dudley

**PRESENT:-**

Councillor Islam (Chair)  
Councillor James (Vice Chair)  
Councillors Baugh, Body, Harley, Herbert, J Martin, Miller, Mottram, Perks and Vickers

**OFFICERS:-**

Assistant Director, Customer Services (Lead Officer to the Committee);  
Director of Adult, Community and Housing Services, Assistant Director of Adult Social Care, Assistant Director, Quality and Commissioning, Head of Commissioning Efficiency (all Directorate of Adult, Community and Housing Services) and Mrs K Buckle (Directorate of Corporate Resources).

Councillor Branwood (Cabinet Member for Adult and Community Services) attended at the invitation of the Committee.

32. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Evans and M Wilson.

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33. **APPOINTMENT OF SUBSTITUTE MEMBERS.**

It was reported that Councillors Harley and Perks had been appointed as substitute members for Councillors Evans and M Wilson respectively.

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34. **DECLARATIONS OF INTEREST**

No member made a declaration of interest in accordance with the Members' Code of Conduct.

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35. **MINUTES**

**RESOLVED**

That, the minutes of the meeting of the Committee held on 4<sup>th</sup> December, 2013, be approved as a correct record and signed.

36. OPENING REMARKS OF THE CHAIR

The Chair welcomed those present to the meeting and outlined the procedure to be followed for the meeting including the procedure and purpose for Agenda Item No. 6 – New Bradley Hall – up-date and next steps.

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37. PUBLIC FORUM

There were no issues raised under this agenda item heading.

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38. NEW BRADLEY HALL – UP-DATE AND NEXT STEPS.

A report of the Director of Adult, Community and Housing Services was submitted providing an up-date on the development of work to secure a new provider to deliver the residential care services located at New Bradley Hall and requesting the Committee to comment on possible scenarios once a new provider had taken on the service. A number of requests and responses to information that had been made by various parties regarding possible scenarios were appended to the report submitted

In presenting the report submitted the Assistant Director, Quality and Commissioning referred to the number of staff employed at New Bradley Hall, the rooms available and the number which were allocated to permanent residents.

The Assistant Director also referred to the decision sheet process, which complied with the Council's Constitution, outlining the decision to take steps to procure a not-for-profit provider for New Bradley Hall, advising that the decision had not been "called" in under the Council Procedure Rules.

Details of the work to implement the decision were noted including the number of expressions of interest received, the publication of the tender documentation and lease in the relevant location and that arrangements were being made to meet with Unions in relation to those employed at New Bradley Hall.

The Assistant Director referred to the meeting of the Committee in September, 2013 when Members considered the wider context of the decision during their consideration of the "Making It Real" agenda in adult social care and referred to the engagement which had taken place as part of the Council's work to determine the best direction for the provision of residential care at New Bradley Hall and the weekly meetings with people living in the home and/or their carers to shape the Evaluation Criteria for the evaluation of Tenders.

The Assistant Director also referred to the public meeting that had been convened by a campaign group and had been attended by Officers of the Council and the Cabinet Member for Adult and Community Services, when following a suggestion made it had been agreed that this Committee would have the opportunity to consider a range of scenarios linked to the next steps which were being taken in relation to New Bradley Hall.

Following the presentation of the report submitted, Members asked questions and made comments and Officers responded stating that:-

- The Council has systems in place to scrutinise the quality of all registered care provision in Dudley Borough. Arrangements are in place to work in partnership with the Clinical Commissioning Group and Care Quality Commission to ensure a consistent and clear approach to understanding the quality of care provision.
- That under the terms of the Contract the not for profit provider must have access to the necessary capital to bring New Bradley Hall up to standard and if they do not, their tender would be unsuccessful, as the Council does not have the necessary capital, to invest in order bring New Bradley Hall up to standard.
- It was correct that the not for profit provider must either have the necessary capital resources referred to above or the means to attract and secure the necessary resources.

The Cabinet Member for Adult and Community Services referred to the decision sheet and subsequent "Call In" notice period, advising that the decision in relation to New Bradley Hall had neither been called in or raised at the subsequent meeting of full Council. The controlling party's desire that New Bradley Hall remain open, the continued delivery of a high level of care and the protection of jobs in unprecedented financial times and the subsequent production of solutions in order to achieve this aim were referred to.

- Should the new provider go bankrupt, the Council would take over the management of the home on a temporary basis pending further discussions with the Council and Cabinet, however it was accepted that as this was a hypothetical question a definite decision could not be taken at this stage as this would be dependent upon other factors including the financial climate and the Council's ability to provide services at a future date.
- The Director of Adult, Community and Housing Services reported that Tiled House Residential Home was funded solely by National Health Service providers.
- It was stated that the terms of the lease would allow internal adjustments and adaptations to New Bradley Hall however there would be tight controls in relation to wider development work.

- Following a Member's request that a working group be formed consisting of local residents, relatives of those at New Bradley Hall and Ward Councillors, the Cabinet Member for Adult and Community Services reported that it had been suggested that subject to further discussions with the new not for profit provider that a working group chaired by the manager of the new organisation be formed. It had also been suggested that this should be minuted and that those minutes should be distributed to the Council. It was agreed that local residents, nominated carers and Ward Members should be invited to attend Working Group meetings that could take place on a two monthly cycle. It was further suggested that a Council Officer should also attend meetings.
- The Director of Adult, Community and Housing Services stated that there were no requirements for Elected Member visits to care homes, however in view of continuing improvements which included the quality of life standards which would appoint members of the public to carry out audits of residential care homes and elected members requests to attend visits to care homes would be supported.
- The terms of the Lease could be revisited in consultation with the Council. The Council may need to support the organisation and the Lease could be terminated in a number of circumstances. There were no financial penalties should the Lease be terminated,

That the Lease and Service Contract were linked which included the transfer of staff to the new organisation who would have employment responsibilities to the staff and there would be a rolling programme of engagement with the organisation to provide service provision.

Mr Vanes introduced the New Bradley Hall Action Group and referred to the decision in relation to New Bradley Hall, stating that this had already been made. Reference was made to a number of criteria that should be adhered to in order to make the decision legal, stating that the correct procedure had not been followed in reaching the decision to outsource the provision of care at New Bradley Hall. He stated that the Council did not provide the affected parties with sufficient time to become involved with the decision.

Mr Vanes referred to signing off the decision sheet, the last date for Judicial Review, the date that the tender documents were sent out and the deadline for the conclusion of the decision. He stated that it was too late to make an application for Judicial Review.

Mr Vanes stated that the Consultation offered entirely different options to the outsourcing to a not for profit organisation and the Action Group had received no notification of a decision sheet and there had been no meaningful consultation in relation to the decision to outsource the care provision.

Mr Vanes referred to the overwhelming support during the consultation process to retain New Bradley Hall as a Council run care home, which had been "Option B", advising that redress would take place through the Ombudsman. He requested that proposal "B" be referred back to the Cabinet Member for Adult and Community Services and requested that the consultation process be re-opened.

Mr Scott, representative of the New Bradley Hall Action Group referred to the overwhelming support to keep New Bradley Hall open as a Council run residential care home following the formation of the Action Group indicating that the former Council administration had decided to set aside a decision to close New Bradley Hall following a Borough-Wide Consultation, again referring to Option "B" being the preferred option for the Hall. Mr Scott referred to the current Administrations canvassing to keep New Bradley Hall open as a Council run home and raised concerns in relation to the lack of communication and consultation with the Action Group in relation to the current decision to outsource the care provision.

Mr Scott referred to the possibilities of any agreement entered into with the new provider being changed at a later date and the proposals he had made to the former Deputy Leader and former and current Cabinet Members for Adult and Community Services in order to use grounds and establishments to raise money in order to keep New Bradley Hall open, however to date he had not received a response.

Mr Scott requested the Council to work with other Local Authorities in order to retain New Bradley Hall as a Council run care home indicating that the people of Dudley wanted to help in order to achieve this.

Arising from the presentation of the report submitted, members of the public asked questions and raised concerns as follows:-

- That New Bradley Hall remained the heritage of the residents of the Dudley Borough and a request to retain the home;
- A suggestion that the decision to outsource care provision be deferred until the position in relation to funding being returned to the Council for Adult Social Care was known;
- In relation to the £750,000 in order to renovate and update New Bradley Hall there was a suggestion that this work could be carried out on a more cost effective basis thus reducing the cost of the work required and Officers were urged to investigate this possibility;
- Was the £750,000 required now or is this to be found over a 10 year period, amounting to £75,000 each year?
- The experience of those tendering for New Bradley Hall should be investigated;

- Concerns were raised in relation to the costs of monitoring the not for profit organisation;
- Was it the Council's inability to meet the capital or operating costs of New Bradley Hall which had resulted in the decision to outsource the facility?
- The significant increase in income of another not for profit organisation was referred to;

Following comments and queries raised by members of the public Officers responded as follows:-

- The draft Lease and specification of the service to be provided is contained in the tender documentation which was made public on 31<sup>st</sup> January, 2014. The position in relation to those tendering could not be commented on until the tender process had concluded.

The Cabinet Member for Adult and Community Services advised that the Council's legal services had provided legal advice on the Consultation process and he confirmed that a full written response of the legality of the Consultation process and the legal advice provided and followed as part of the Consultation on New Bradley Hall would be provided to Members and the two representatives of the New Bradley Hall Action Group, Mr Vanes and Mr Scott.

The Cabinet Member also stated that the decision to appoint a single point of contact in relation to questions and requests for information had been made in view of the many and varied enquiries in relation to New Bradley Hall and that questions and responses to freedom of information requests had been posted on the Council's website.

- That the sum of £750,000 was required in the long term in order to refurbish and re-design New Bradley Hall and that £30,000 was the required expenditure on repairs per year during the last three years.
- Funding from Central Government in relation to Adult Social Care had reduced and the service had been given clear constraints to operate in order to meet legal requirements, there is no immediate prospects of the government reversing its' fiscal policy and it would not be prudent to budget on the basis of potential changes in the future

Councillor Harley echoed the request of Mr Vanes, proposing that the Committee request the Cabinet Member to suspend the decision process in relation to transferring New Bradley Hall to a not for profit provider pending a further Consultation with the New Bradley Hall Action Group.

It was moved by Councillor Harley and seconded by Councillor Miller that "the decision of the Cabinet Member for Adult and Community Services to transfer New Bradley Hall to a not for profit provider be suspended until the Committee receives clarification on legal advice given as part of this Consultation and why the Consultation process did not continue after the date of the 6<sup>th</sup> February, 2012 and 27<sup>th</sup> April, 2012 Consultation".

Following a debate, the motion was put to the vote and lost.

An amendment to the motion was proposed by Councillor Miller to delete the words following “suspended” and replace with the words “in order for the Committee to scrutinise the decision”.

The amendment to the motion was put to the vote and lost.

## RESOLVED

- (1) That the information contained in the report, providing an update about the developments of work to secure a new provider to deliver the residential care services located at New Bradley Hall together with Members comments, be noted.
- (2) That the Director of Corporate Resources be requested to provide Members and the two representatives of the New Bradley Hall Action Group, Mr Vanes and Mr Scott, with written confirmation of the legality of the consultation process and the legal advice provided and followed as part of the Consultation on New Bradley Hall.

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### 39. FEEDBACK FROM SITE VISITS TO QUEENS CROSS AND THE DEMENTIA GATEWAY.

The Assistant Director, Quality and Commissioning reported on feedback from Member site visits to the Dementia Gateway and Queens Cross advising of the overwhelming consistently good and positive feedback with Members expressing thanks and support for the wonderful, experienced staff and volunteers. Members also commented on the vast range of facilities available.

The Director of Adult, Community and Housing Services referred to the Gold Standard that had been achieved by the Council advising that the Council were focusing on individuals with complex needs and those with dementia, the provision of equal amounts of services to families, friends and relatives in order to provide support which was avoiding delays in care and long stays in residential care and hospital.

The Assistant Director, Quality and Commissioning agreed to arrange site visits to Queens Cross and the Dementia Gateway for Councillors Baugh, James and Mottram.

The Director of Adult, Community and Housing Services advised that in order to be allocated a place at the Centres, decisions would be taken on an individual basis and issues such as the level of support that people already had would be taken into account and that early diagnosis of dementia would have a positive impact on quality of life.

The Assistant Director, Quality and Commissioning referred to the Dementia Friendly Awareness Training that was available to Members advising of the contact email and telephone numbers in order that this could be arranged.

The Chair thanked those who made the arrangements for the visits and requested that details of the Training available be sent to all Members of the Council.

RESOLVED

- (1) That the information reported on and feedback from site visits to the Dementia Gateway and Queens Cross together with Members comments, be noted.
- (2) That the Assistant Director, Quality and Commissioning be requested to:-
  - (a) Arrange site visits to the Dementia Gateway and Queens Cross for Councillors Baugh, James and Mottram.
  - (b) Email to all Members of the Council details of the Dementia Friendly Awareness Training.

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40. TO RECEIVE FURTHER INFORMATION IN RESPECT OF THE FOLLOWING:-

- (a)
  - The Impact of Welfare Reform on Dudley Housing Stock.
  - The Impact of Welfare Reforms on Income Collection within Dudley.
  - The Development of Micro Provider Services in Dudley.

For Information Only:-

- (b)
  - The Homeless Prevention Strategy Annual Refresh 2013

Following discussion it was

RESOLVED

- (a)
  - (i) That the further information contained in the report on the Impact of Welfare Reform on Dudley Housing Stock, be noted.
  - (ii) That the further information contained in the report on the Impact of Welfare Reforms on Income Collection within Dudley, be noted.



- (iii) That the further information contained in the report on the Development of Micro Provider Services in Dudley, be noted.
  - (b)
    - (i) That the information contained in the report on the work undertaken to update the Homeless Prevention Strategy Annual Refresh 2013, be noted.
    - (ii) That the Director of Adult, Community and Housing Services be requested to email to all Members of the Council the Homeless Prevention Strategy Annual Refresh 2013.
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41. CLOSING REMARKS OF THE CHAIR.

This being the last meeting of the Committee of the current municipal year, the Chair thanked the Vice-Chair for his support and Officers and Members of the Committee for their contributions during the year.

Furthermore, the Vice-Chair thanked the Chair for his contributions to the work of the Committee.

The meeting ended at 9.00 p.m.

CHAIR