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CABINET
19/12/2016 at 6.00 pm



Present: Councillor Stretton (Chair)
Councillors Akhtar, Brownridge, Chadderton, Harrison, and
F Hussain

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Jabbar and Moores.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF THE CABINET MEETING HELD ON 5TH
DECEMBER 2016.**

RESOLVED – That the minutes of the meeting held on the 5th December 2016 be approved as a correct record.

6 **PREFERRED ACCOMMODATION AND TOP-UP
ARRANGEMENTS FOR ADULT SOCIAL CARE**

Consideration was given to a report of the Executive Director, Health and Wellbeing which sought approval of a proposed policy for Adult Social Care Preferred Accommodation and 'Top Up' Arrangements.

It was reported that where a person's eligible adult social care needs had been identified to be met in a residential or nursing home setting, shared lives environment or supported living accommodation, the person may choose a setting that is more expensive than the amount identified for the provision of care within their personal budget or the Council's residential, care price framework. The difference between the cost of the Council commissioned market rate and the more expensive accommodation was described as an additional cost or 'top-up' arrangement.

To enable effective risk management of the duty placed on the Council for the liability of payment of the fees relating to top up arrangements, it was proposed that the local arrangements for the administering and management of 'top-ups' should be undertaken by the Council.

Options/Alternatives considered

Option 1: Adoption of a new policy and supporting infrastructure to administer 'top-up' arrangements

The proposed policy had been developed in line with The Care Act 2014. The Care and Support Statutory guidance recommended that local authorities should administer and

manage all 'top-up' arrangements relating to vulnerable adults who had eligible social care needs.

The policy sought to implement:

- a) An internal financial assessment process to ensure that 'the payer' was willing and able to pay the 'top-up' fee for the duration of the placement, as per Regulation 5 of the additional cost condition. Under section 4 of the Care Act 2014 there was a requirement to establish and maintain a service for providing people with information in its area relating to care and support service including different providers, care charges and information to make informed financial decisions. To ensure compliance with this duty, all people who wished to consider a top-up arrangement would be signposted to our residential advice service administered by Age UK, prior to any assessment being completed
- b) Implement a written contractual arrangement which would be signed by both the authority and the payer (Appendix 3 of the policy);
- c) Adopt an annual review process to ensure that the 'top-up' arrangement continued to be financially viable, as per the requirements of the Care and Support Statutory guidance; and;
- d) Adopt a termination process, where the 'top-up' arrangement was no longer viable, either due to sustainability or as a result of non-payment. In these cases, the following steps would be taken to ensure that the main focus is on the individuals wellbeing:
 - negotiate with the provider on behalf of the person receiving care and support to see if they would accept the Council's commissioned rate or reduce the level of 'top-up';
 - identify if another third party would agree to pay the 'top-up', subject to the sustainability test;
 - carry out a review, with the client, to identify if the needs can only be met in the current accommodation or if the risk of the move is significant to the wellbeing of the person with care and support needs, and as such, the Council should fund the full cost of the care;
 - arrange for alternative accommodation, at the Council's commissioned rate, where the provider was unable or unwilling to negotiate or the eligible needs can be met elsewhere and the person can be moved (following the completion of a risk assessment considering issues of safety) or an alternative third party cannot be identified.

Whilst the policy identified how future 'top-up' arrangements would be administered and managed, consideration also needed to be given to the existing 'top-up' arrangements which the authority would be liable for, should they fail. To manage

this liability, a 6 month project reviewing all existing arrangements would commence in September 2016. All existing providers would also be written to by Strategic Procurement to inform them of the change to the Council's policy on Top Up Arrangements and confirm that in future the Council would be liable for the full fee, where the additional cost condition had been met.

Existing providers would be contacted to ascertain the number of top-up arrangements. All of these arrangements would be subjected to a sustainability test. Those arrangements which were assessed as sustainable would be invited to enter into a written agreement with the council.

For those cases which were not sustainable, or 'the payer' did not wish to enter into a written agreement with the Council, the arrangement would be terminated and actioned as per 3.2d above.

All existing 'top-up' arrangements would be reviewed and transferred or terminated by 1 April 2017.

Option 2 – Retain the current option of 'top-up' arrangements being managed by providers.

The other alternative was for providers to continue to manage their existing arrangements for 'top-ups' without the Council's involvement.

However, this would not diminish the Council's liability to meet the cost of the 'top-up' fees, should the arrangement fail with the provider and 'the payer', and would not ensure effective oversight and risk management.

In addition, the Council would risk not being compliant with our duties under the Care Act 2014, which includes a requirement to review 'top-up' arrangements annually and provision of appropriate information and advice.

RESOLVED – That the Policy for the Preferred Accommodation and 'Top-up' Arrangements for Adult Social Care be approved, specifically:

1. The management of 'top-up' arrangements in the borough be transferred to the local authority, enabling appropriate oversight and management of potential financial liabilities;
2. The approach to reviewing any 'top-up' arrangements where it is no longer sustainable or is terminated;
3. Adoption of the annual review cycle to ensure arrangements continue to be sustainable for the payer; and
4. A review of existing 'top-up' arrangements with providers and the transfer of those to the council.

OLDHAM'S AUTISM STRATEGY

The Cabinet gave consideration to a report of the Executive Director, Health and Wellbeing which sought approval to publish jointly with Oldham NHS Clinical Commissioning Group, Oldham's Autism Strategy 2017-2020.

The aim of the strategy was to improve both the design and delivery of services and support by working together to ensure improved outcomes for people and achieve better value for money spent on commissioned services for children, adults and older adults with autism in Oldham.

It was reported that since 2014 the Autism Way Forward Partnership Board had been developing autism strategy for Oldham. Partners involved in developing the strategy had included partner and provider organisations, individuals with autism and their family members as well as professionals from education, health and social care.

Options/Alternatives considered

Option 1 – Approve the publication of Oldham’s Autism Strategy.

Option 2 – Not to approve the publication of Oldham’s Autism Strategy.

RESOLVED – That the publication of Oldham’s Autism Strategy 2017-2020 be approved.

8

LOCAL AUTHORITY POLICY ON FREE SCHOOLS

The Cabinet gave consideration to a report of the Director of Education and Early Years which sought approval of the Oldham Local Authority Policy and Process on Free Schools. It was reported that given the current educational landscape is was vitally important that Local Authorities sought to have maximum influence over the choice of trust/sponsor for every Free School established in Oldham.

The economic future of the Borough and the life changes of its young people were closely linked with the quality of its education system.

The report provided details of the recommended policy on Free Schools and the criteria the Local Authority would apply for any provider hoping to run a Free School within Oldham including working in partnership with the Local Authority and working with the Oldham Education and Skills Commission to develop and improve the education offer for parents, young people and the community.

Options/Alternatives considered

Option 1 – To continue to manage Free School applications separately without an approved set of criteria.

Option 2 – To formally adopt the attached Free School Policy as detailed at appendix 1 to the report which would provide a framework for securing the best possible schools in order to drive forward the Local Authority’s educational objectives.

RESOLVED – That:

1. The attached policy and guidance be approved for distribution to all education providers who wish to establish or provide support to Free Schools in the Borough.
2. Authority be given to the Director of Education and Early Years and the Cabinet Member for Education to authorise all associated agreements and consultation in respect of Free School applications and approve any changes to the policy resulting from changes to primary legislation.

3. where there was a requirement to approve specific pension funds transfers and/or pooling arrangements, such decisions would be made by the Cabinet Member for Finance and HR and the Cabinet Member for Education in consultation with the Director of Finance and the Director of Education and Early Years

9 **YOUTH JUSTICE STRATEGIC PLAN 2016/17**

The Cabinet gave consideration to a report of the Executive Director, Health and Wellbeing which sought approval of the Youth Justice Strategic Plan 2016/17.

It was reported that the Youth Justice Plan 201/17 as attached at appendix A to the report set out the strategy for Oldham's Youth Justice Service demonstrating how it would achieve its primary functions and key objectives.

Options/Alternatives considered

Option 1 – To approve the strategic delivery plan for 2016/17

Option 2 – Not to approve the strategic delivery plan for 2016/17

RESOLVED – That the Youth Justice Strategic Plan 2016/17 be approved.

10 **COUNCIL PERFORMANCE REPORT SEPTEMBER 2016**

Consideration was given to the Council Performance Report 2016.

The report provided the Cabinet with an overview of the Council's performance against priorities outlined within the Corporate Plan, which had been monitored in the period July to September 2016.

It was reported that of the rated measures detailed within the report 60% had met the target, 2% more than the previous quarter and 96% of the Corporate Plan Actions for this quarter were on track or had been met.

Options/Alternatives considered

To note the Council performance September 2016

RESOLVED – That the Council Performance Report September 2016 be noted.

11 **LAND TO THE REAR OF THE FORMER CENTRE FOR PROFESSIONAL DEVELOPMENT, ROSARY ROAD, FITTON HILL**

Consideration was given to a report of the Executive Director, Economy, Skills and Neighbourhoods which provided options available to the Council following the completion of a statutory advertising exercise in respect of the Council's intention to dispose of public open space to the rear of the former centre of Professional Development, Rosary Road Fitton Hill.

Options/Alternatives considered

Option 1 - To retain the land edged red and keep as public open space as well as the land hatched red and include within a sale of the former Centre for Professional Development (CPD) site at an early future date thereby maximising the capital receipt from disposal of this asset (ie Asset No: 214).

This option was not recommended for the following reasons:-

- The Council would retain an on-going responsibility & revenue liability for the continued maintenance of the land as public open space.
- Disposal of the land hatched red in its entirety as part of the sale of the former CPD site would potentially stymie any future use of the land edged red as access will be difficult to achieve off Rosary Road.
- It would also be contrary to the Council's continuing commitment to good Asset Management ie to seek wherever possible to make best use of its land and property assets.

Option 2 - To seek to reduce the extent of land hatched red and provide only that sufficient for access as part of the Fitton Hill Bulldogs (FHB) proposal and include the balance within a future sale of the former CPD site.

This option was not recommended for the following reasons:-

- FHB had indicated that it would use the land hatched red as access, car parking and locating its pavilion (at least at the outset) thereby maximising use of the land edged red for sports pitches.
- Reducing the land to provide access only would result in FHB incurring additional development costs ie to provide a car park for Club users as well as concrete base for siting of its proposed prefabricated pavilion building.
- Furthermore it would potentially result in "on street" car parking on Rosary Road, which currently has quite a narrow carriageway and would therefore create traffic management / congestion problems in this area.

Option 3 - The Council acknowledges there are wider social and environmental well-being benefits resulting from the Club's proposals and in light of this the Council is prepared to dispose of its land by way of a 25 year lease.

Any disposal will be on the proviso that the Club would, in consultation with the Rugby Football League, develop a sufficiently robust plan to grow participation in the sport to aid the Club's prospects in attracting external grant funding.

RESOLVED – That the Cabinet would consider the commercially sensitive information at Item 14 becoming making a decision.

12

TEMPORARY STAFFING SUPPLY

The Cabinet gave consideration to a report of the Executive Director, Corporate and Commercial Services which sought approval for the Council's re-contracting for a temporary staffing supply provider from the 28th January 2017 as part of an AGMA collaboration.

The report set out the current collaborative contract with 11 other Local Authorities as well as blue light services, transport and housing organisations, that was due to end on the 27th January 2017.

The contract had been retendered by the collaboration and a preferred supplier had been selected.

Options/Alternatives considered

Option 1 –Run a separate procurement process independently as a Council. This would prove costly and negate the benefits including a cost effective service delivered through greater economies of scale achieved by the successful supplier and a forum through which benchmarking, sharing of good practice and effective contract management.

RESOLVED – That the Cabinet would consider the commercially sensitive information contained at Item 15 of the report before making a decision.

13

EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they contain exempt information under paragraphs 3 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

14

LAND TO THE REAR OF THE FORMER CENTRE FOR PROFESSIONAL DEVELOPMENT, ROSARY ROAD, FITTON HILL

The Cabinet gave consideration to the commercially sensitive information in relation to Item 11 – Land to the rear of the Former Centre for Professional Development, Rosary Road, Fitton Hill.

RESOLVED – That:

1. The grant of a 25 year lease to Fitton Hill Bulldogs on heads of terms to be approved by the Director of Economy and Skills for the purposes of providing rugby league pitches along with associated sports facilities and a pavilion for the benefit of all within the local community be approved.
2. The proposed letting of the land edged red on the plan at Appendix 1 for a period of 25 years constituted a disposal at less than best consideration and approval was given to an “undervalue” in accordance with the General Disposals Consent 2003, ie Secretary of State Consent was not required where the undervalue was less than £2 million and the disposal also contributes to the promotion or improvement of the economic, social or environmental well-being of the area.

15

TEMPORARY STAFFING SUPPLY

The Cabinet gave consideration to the commercially sensitive information in relation to Item 12 – Temporary Staffing Supply.

RESOLVED – That:

1. The outcome of the procurement process be noted and the award of the contract to Reed to provide temporary staffing supply for the next three years (with an option for

a one year extension) effective from the 28th January 2017 be approved.

2. The analysis of agency spend with view to reducing expenditure as per the report be approved.

16

RESPIRE AND SHORT TERM SUPPORT FOR PEOPLE WITH DEMENTIA

The Cabinet gave consideration to a report of the Executive Director Health and Wellbeing which set out proposals for the commissioning of the respite and short term support services for people with dementia and the provision of accommodation for adults with learning disabilities and or complex needs.

RESOLVED – That the 4 recommendations as contained within the commercially sensitive report be approved.

The meeting started at 6.00pm and finished at 6.17pm