

## **CABINET**

**Decision Notices and Minutes of a meeting of the Cabinet held on Tuesday, 7<sup>th</sup> December, 2010 at 5.00 p.m. at the Civic Offices, Telford**

**PUBLISHED ON MONDAY, 13th DECEMBER, 2010**

**(DEADLINE FOR CALL-IN: THURSDAY, 16<sup>th</sup> DECEMBER, 2010)**

**PRESENT:** Councillors A.J. Eade (Leader and Chairman), S. Bentley, S.P. Burrell, E.J. Greenaway, M.B. Hosken, S.M. Kelly, A. Lawrence and J.M. Seymour

**ALSO PRESENT:** Councillors R.K. Austin, G.M. Green and V. Tonks (Opposition Group Leaders)

### **CB-97      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Cabinet held on 23rd November, 2010 be confirmed and signed by the Chairman.

### **CB-98      APOLOGIES FOR ABSENCE**

Councillor E.J. Carter

### **CB-99      DECLARATIONS OF INTEREST**

Councillor S.P. Burrell declared a personal and prejudicial interest in relation to Agenda item 4 – Direct Payments Policy, and stated that he would withdraw from the meeting during consideration of that item

### **CB-100      DIRECT PAYMENTS POLICY**

Councillor Burrell withdrew from the meeting room.

**Key Decision** identified as **Review of Direct Payments Policy and Procedure for Community Care Services** in the Forward Plan published on 16<sup>th</sup> November 2010.

Councillor J.M. Seymour, Cabinet Member: Adult Care & Support, presented the report of the Social Care Specialist that provided Members with an update of changes to the Direct Payments Regulations and proposed amendments to the Council's Direct Payments Policy.

Direct Payments were monetary payments made by Councils directly to individuals who have been assessed as having eligible needs for social care services. At the end of 2009, new Regulatory Guidance was issued to reflect changes in legislation and policy. The broad effect of the guidance was to

extend the current Direct Payments system and to remove exclusions that had previously applied to people who were subject to various provisions under mental health legislation.. With certain exceptions, Councils now had a duty to make Direct Payments in respect of a person lacking capacity, provided that there was a willing “suitable person” who met all the conditions set out in the Regulations. Payments could be made to the suitable person, who would receive and manage the payments on behalf of the person who lacked capacity.

As a result of the new Guidance, officers had been working to the new Regulations whilst a review of the Council’s Policy and Procedure was undertaken. Amendments had been made to the Policy to reflect the Guidance, and greater clarity had also been given about the Council’s responsibilities for people who were in receipt of a Direct Payment and who chose to live in another country. A copy of the draft revised Policy was appended to the report. The Procedure Guidance for staff had also been reviewed and updated to take account of the changes in national and local policy. If approved, it was proposed that the revised Policy be subject to a short period of consultation to be undertaken through service user advocacy organisations.

In response to a question regarding monitoring of direct payments, the Cabinet Member advised that monitoring did take place to ensure that clients were spending their payments on services and goods that were appropriate to meet their eligible needs.

**RESOLVED –**

- (a) that the amendments to the Direct Payments Policy, in order to reflect the changes introduced by the Department of Health, be approved;
- (b) that authority be delegated to the Director of Adult Social Services, in consultation with the Cabinet Member for Adult Care & Support, to approve a final version of the Policy following a short consultation through Advocacy Organisations and Partnership Boards.

**CB-101      EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** - that the press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**CB-102      PROVISION OF INTERMEDIATE CARE BEDS**

**Key Decision** identified as **Contract Awards for Intermediate Care Residential/Nursing Care Beds** in the Forward Plan published on 16<sup>th</sup> November 2010.

Councillor J.M. Seymour, Cabinet Member: Adult Care & Support, presented the report of the Head of Care & Support which informed Members of the outcome of the tender process for the provision of residential Intermediate Care beds.

The provision of Intermediate care was an important element in alleviating pressures in the local social care and health systems, such as prolonged hospital stays and avoiding long-term residential care. The service was jointly funded with the Primary Care Trust through a pooled budget arrangement. The existing service provision was for ten intermediate care beds, with the contract due to expire on 31 March 2011. A formal, competitive tendering process, in accordance with the Council's contract procedure rules, had been undertaken for a new five year contract from 1 April 2011. One tender had been received in response, and further details were provided in the report.

**RESOLVED –**

- (a) **that the award of tender for the provision of Intermediate Care beds following a competitive tendering process be endorsed;**
- (b) **that a 5 year contract (with the option to extend for a further three years subject to satisfactory performance) be awarded to the preferred provider in accordance with the Council's Constitution and subject to the terms and conditions recommended by the Head of Governance;**
- (c) **that authority be delegated to the Head of Care & Support, following consultation with the Cabinet Member for Adult Care & Support, to enter into the contractual agreement;**
- (d) **that authority be delegated for the Common Seal of the Council to be affixed to the resulting contractual documentation as, in the opinion of the Head of Governance, is appropriate under Part 4 of the Constitution.**

**CB-103      BOROUGH TOWNS INITIATIVE – OAKENGATES REGENERATION**

**Key Decision** identified as **Oakengates Regeneration** in the Forward Plan published on 16<sup>th</sup> November 2010.

Councillor S.M. Kelly, Cabinet Member: Efficient, Community Focussed Council, presented the joint report of the Head of Property & ICT and the Head of Environmental Services which set out proposals for the regeneration of Oakengates, as part of the Council's overall Borough Towns Initiative programme.

An outline regeneration framework for Oakengates had been developed through extensive public consultation and design workshops, which had

identified a range of opportunities to support development, provide public open space and improve access and movement through the town centre. The key proposals were for:

- a new 4,000 sq ft single storey retail store with adjacent car parking and a redesigned bus station;
- improvements to public realm in Market St/Oxford St, including junction improvements at Market St/Lion St.;
- a new Theatre approach, including an expanded Theatre Square between The Place and Market St to provide an opportunity for the Theatre to play a more prominent role in the local economy and community.

Details of the proposed works were contained in the report, and included the proposed acquisition and demolition of certain properties in order to facilitate the delivery of public realm improvements. There was a planned budget of £3.1m for the regeneration proposals, and details of the funding arrangements within the Council's capital programme were outlined in the report.

The Cabinet Member added that a meeting had been held with Oakengates Town Council the previous week, and the Town Council had fully endorsed the proposals.

During the ensuing discussion, comments were raised by Councillor R K Austin (Labour Group Leader) regarding the need for sequential development and that young people should be fully involved and consulted on the plans for the expanded use of the Theatre Square. In response, the Cabinet Member advised that a number of workshops and walkabouts had been held with local people and their representatives to get their views on the design of the Square and its potential uses. Local people would continue to be fully involved in the regeneration of the area. Councillor V Tonks (TAWPA Group Leader) stated that the experience from developments in other Borough Towns could also be valuable for the implementation of the Oakengates scheme. A number of Members also congratulated Cllrs Carter and Kelly and the Officers who had worked on the regeneration proposals.

**RESOLVED –**

- (a) that the investment in new retail premises in Oakengates be approved, and authority be delegated to the Head of Property & ICT to agree terms of a lease and let all contracts, within approved budgets, as detailed in the report;**
- (b) that the funding package outlined at Paragraph 6 of the report be approved as part of the overall capital programme submitted for Council approval as part of the 2011/12 budget process;**
- (c) that authority be delegated to the Head of Property & ICT to acquire property (as identified in the report) and demolish the properties to facilitate the delivery of public realm improvements;**

- (d) that authority be delegated to the Head of Governance to agree and execute all necessary documentation to give effect to the resolutions above;
- (e) that authority be delegated to the Head of Environmental Services, in consultation with the Cabinet Members for Housing, Regeneration & Prosperity and Environment & Rural Area, to let a contract, within approved budget limits, for delivery of priority public realm and junction improvements, as outlined in the report.

**CB-104      CONTRACT FOR BAILIFF SERVICES/DEBT RECOVERY**

**Key Decision** identified as **Contract for Bailiff Services/Debt Recovery** in the Forward Plan published on 16<sup>th</sup> November 2010.

Councillor S.M. Kelly, Cabinet Member: Efficient, Community Focussed Council, presented the report of the Head of Customer Services, Leisure & Libraries regarding the Council's contract with an external company for the supply of debt recovery and bailiff services.

The contract was due for renewal in March 2011, and it was proposed to re-tender the contract in order to build on the existing provision and to test the market for a quality and cost effective service. The contract period was for 3 years, with the option to extend by a further year. Further information on the tendering process was set out in the report.

**RESOLVED** – that authority be delegated to the Head of Customer Services, Leisure & Libraries, following consultation with the Cabinet Member: Efficient, Community Focussed Council, to proceed with an OJEU tender process and award the contract to the successful supplier.

The meeting ended at 5.22 p.m.

**Signed for the purposes of the Decision Notices**

**Jonathan Eatough**  
**Head of Governance**  
**Date: 13th December 2010**

**Signed:** .....

**Date:** .....