

COUNTY COUNCIL

18 JUNE 2014

QUESTION FROM MR LIIV

I have tried getting a response from Mr Ian Vickers, relating to how many garages they had on unification and how many are now left and the amount destroyed every year. Even though he knew I was coming to council - I got an obstructive response and put the matter in the hands of my councillor.

Unfortunately due to a lacklustre response I have no information, except, that roughly half the garage stock in Easington has been destroyed.

Wake up you are losing money - but are happy to put council tax up every year.

As a long standing tenant I can be given a months' notice to quit if East Durham Homes decide to destroy my garage. You created this situation by stopping the sale of garages to private ownership so they could be looked after. Now all we get is inflation busting rent rises, failed maintenance and evasive comments from EDH and yourself on the long term plans for garages in general.

What rights do garage tenants have - we are not even consulted on the proposed handover

1. When should I complain that I have been given a months' notice to quit and how fast are you going to react?

It took 5 years to find an empty garage outside my house. I find this unacceptable.

2. If I am given notice to quit - Will I be able to purchase the garage and as it will be condemned by some report you organised - buy it at reduced price so it can be better maintained. (you introduced the massive increase in garage prices – but have refused to sell any).

If East Durham Homes get the go ahead and you hand over your holdings -

3. Are you handing over garages or garages AND the land the garages are on and are you handing over destroyed garage plots?

The point to note – at no time has any of the garages next to my house been empty since the Council Compulsory Purchased the land and had them built. That is until one of the residents died 3 months ago and East Durham Homes failed to allocate it even though it has a tenant waiting.

RESPONSE

I'd like to thank Mr Liiv for the question posed to Council which provides opportunity for me to set-out the work being undertaken by East Durham Homes, on our behalf, to manage and maintain council garages.

Following Local Government Reorganisation in April 2009, the Council took ownership of 1,682 garages in the east Durham area. At the end of last financial year (31 March 2014) the total number of council garages in east Durham reduced to 1,625 meaning we have only demolished 57 garages in total in the five years since LGR. All of these demolitions have taken place to address health & safety concerns with structurally unsafe garages.

We acknowledge investment in the council's garage stock in the east Durham area has been limited in recent years, primarily because we have sought to ensure our available resources are directed towards bringing all homes in our ownership up to the Decent Homes standard. East Durham Homes, on our behalf, have however continued to address urgent repair needs and significant structural defects with garages during this time, particularly when raising immediate health & safety concerns, and are currently working with the county council to review and prioritise future investment needs. Full structural stock condition surveys have recently been commissioned and work is also underway to map and assess demand levels.

In relation to Mr Liiv's specific questions I would like to respond as follows;

1. Our records show Mr Liiv's partner is a council garage tenant in Seaham. We have not issued any Notices to garage tenants at this location and our initial structural survey work has not raised any health and safety concerns or inherent structural defects which could cause us to consider its future. We are aware of one vacancy at this location at the current time. It is our intention to recover the keys and let the garage asap.
2. Prior to Local Government Reorganisation, the former Easington District Council operated a local policy which provided opportunity for garage tenants to buy their garage after a period of time (similar to RTB provisions). Since LGR the county council has elected not to replicate this policy as it created a number of management and maintenance problems for us, including absent owners. Where blocks of garages need to be demolished due to health and safety concerns, we are looking at the merits of 'buying back' previously sold garages. This process could be protracted and will add to the cost of demolition and regenerating sites.
3. As part of the council's housing stock transfer proposals it is envisaged council garages in the east Durham area will transfer to East Durham Homes. We will be contacting all garage tenants in the coming months about this proposal.

I would like to close by reassuring Mr Liiv that before any decisions are taken around the future of garages, the council and East Durham Homes will consult fully with existing garage tenants and neighbouring residents. Where there are underlying health and safety concerns however, tenants will be asked to leave until a decision is taken on its future.

COUNTY COUNCIL

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QUESTION FROM DR SPURR

With the impending closure of Newtown House will Respite Care be as stress free for elderly carers

RESPONSE

Arrangements for respite care are based on individual assessments and designed to meet assessed needs at a given time. Individual assessments, wherever possible, take into account the needs and views of carers.

As Newtown House will not be available for respite provision in the future, and in order to minimise the stress in organising alternative facilities, trained and experienced social work staff will be able to offer support in identifying alternative facilities in the County.

Whilst the closure of any one of the homes may mean a change to past patterns of service, future arrangements should be clear and understood by carers and, as a consequence, as stress free as possible.

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18 JUNE 2014

QUESTION FROM MR HEATHERINGTON

At a meeting on December 9th 2013 Head of Commissioning for Children and Adult Services gave an assurance that each of the homes recommended for closure would be considered individually. The stated purpose of document (CAS 07/13) to cabinet on 16th April 2014, was “to make recommendations on the future of each of the homes”. Point 234, listed the recommendations for each home separately, and the use of the phrase “In the event of any home being closed” in point (f) strongly suggests that cabinet may have decided a different outcome for each home. **Why then was cabinet not given the opportunity to vote on each home individually?**

The wording of the motion put to Cabinet at the end of the meeting to close all homes 'en bloc' in a single vote was in fact, not a motion about each of the homes, but a motion to discontinue council run residential care. This made it impossible for members to consider special need when voting. The special needs of Newtown House had been recognised by Council in 2010 - namely that Newtown House serves the needs of a remote community where there is no alternative provision. The decision discriminates against the communities and the elderly in western Durham because while other communities in the county will still be served locally by the independent sector there is no alternative provider in Weardale and the closure of Newtown House means a complete loss of residential care home services. I respectfully ask Council to reconsider the decision to close Newtown House.

RESPONSE

Thank you for your question. The final report to Cabinet made separate recommendations in respect of each of the homes. It also set out in detail the findings from the extensive consultation. In accepting all the recommendations in the report, Cabinet was not making a decision “on block.” Considerations in respect of Newtown House were set out in detail in the report and fully considered in the course of making the decision. The Council’s constitution was revised following changes introduced by the Local Government Act 2000. Under its current constitution a decision of this kind is made by the Cabinet which is held to account by Overview and Scrutiny under what is known as the ‘call in’ process. This decision was not called in and was implementable from 30th April 2014. The Council is unable to reconsider the decision to close Newtown House.

COUNTY COUNCIL

18 JUNE 2014

QUESTIONS FROM MRS JOAN HEATHERINGTON

QUESTION 1

There are always going to be people at the end of their life who require residential care. The NHS is advocating that Health and Social Care be integrated and that care should be closer to home. How, then do DCC justify the closure of Newtown House thus taking care of its elderly residents further away from their home? Surely Newtown House where residents have dignity and respect, and the adjacent Weardale Community Hospital should be part of the Council's and NHS long term solution to provide integrated health and social care in western Durham. How can DCC provide a comprehensive integrated health and social care solution close to people's homes in Weardale if residential care is missing from the equation ?

RESPONSE TO QUESTION 1

The reasons for making the decision to close Newtown House are comprehensively set out in the report to Cabinet of 16 April 2014. The report acknowledges that in the future some people may have to travel further to receive a service. It considered that possibility against a number of factors which supported the decision to close. There is an independent sector provider of residential care in Weardale.

QUESTION 2

Cabinet Member Councillor Lucy Hovvells and Director of Adult & Children's Services, Ms Rachael Shimmin, have both made very misleading statements regarding the small size of rooms and the lack of en suite facilities at Newtown House. Rooms at Newtown House vary greatly in size and some do have en suite facilities.

Will the above named please acknowledge that the statements, which they have repeatedly used in the claim that Newtown House is 'not fit for purpose', are both inaccurate and misleading.

Those who have experience of having, or have had, relatives in residential care, are all too aware that it is not always desirable nor indeed safe or at all practical for those with impaired mobility to be provided with en suite facilities.

Perhaps Councillor Hovvells would be helpful enough to clarify if she inspected all of the rooms at Newtown House or a 'carefully selected' few of the smaller rooms without en suite facilities.

RESPONSE TO QUESTION 2

The decision to close Newtown House was based on the comprehensive report to Cabinet of 16 April 2014. It was not based on anything said by either the Director, Rachael Shimmin, or the Cabinet Member, Lucy Hovvells, as your question suggests.

COUNTY COUNCIL

18 JUNE 2014

QUESTIONS FROM MR PAUL SIMPSON AND KATHRYNE WRAY

QUESTION 1

Since its introduction by the Local Government Act in 2000, on how many occasions has the Overview and Scrutiny Committee exercised its right to 'call in' a key decision after the Cabinet has voted?

RESPONSE TO QUESTION 1

Since 2000, the County Council's Overview and Scrutiny Committee/Overview and Scrutiny Management Board has exercised its right to call-in a key decision of the Cabinet on three occasions.

QUESTION 2

With regard to the recent public consultation carried out in connection with the remaining council-run care homes, in which respondents overwhelmingly expressed their opposition to closures, could Council explain the precise criteria used for measuring how much importance was attached to the outcome of the public consultation?

RESPONSE TO QUESTION 2

The report to Cabinet of 16 April 2014 gave a detailed account of the matters to be considered in respect of Newtown House including information gained from the consultation. Paragraphs 223 – 226 describe factors to be considered in making the decision. The information from the consultation was fully considered in the course of making the final decision. No separate criteria were used for measuring significance in the way your question suggests.

QUESTION 3

On how many occasions in the recent past has the outcome of a public consultation subsequently been clearly reflected in the decision taken by Durham County Council?

RESPONSE TO QUESTION 3

This Council is committed to consulting and engaging the public in its decisions. The very name of this Council in 2008, was decided by public consultation. We have conducted some of the most extensive and inclusive consultations on the Government's spending reductions and how these impact on the Council's budget. We have built a national and, to some extent, international reputation for consulting well and acting on the outcomes of consultation and been visited by a number of groups. Over 20,000 people have given us their views on where the council should reduce spending and we have acted on these results. For example the council has

made almost two thirds of reductions from support services and efficiencies to protect frontline services as far as possible; and management has been reduced at three times the rate of frontline services. In addition, the council has continued to protect and then increasing expenditure to invest in a large capital programmes to support job creation whilst also increasing expenditure on winter maintenance and child protection - all in line with the wishes of the public.

It is however impossible to make £224 million spending reductions, or around 40% of our revenue budget, without impacting on frontline services. Where we have to change service provision, we also consult extensively on the options available given our financial constraints. We have carried out many extensive consultations on almost every service – from libraries and leisure centres; to how we collect and dispose of household waste; to care homes and home to school transport. All of these decisions are made on the basis of comprehensive reports, including the outcomes of consultation and impact assessments. All of these decisions are guided by the outcomes of consultation. Where the consultation identifies options that can deliver the required savings, the council has acted upon these. Examples include transferring leisure facilities to community ownership rather than closing them and altering the opening hours of libraries and recycling centres instead of reducing the number of facilities.

As the Council faces yet more years of financial austerity, we remain committed to consulting widely and using the outcomes of consultation to guide decision making.

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18 JUNE 2014

QUESTION FROM JOY URWIN

The residents of Weardale responded to the Care Homes Consultation with an unprecedented 646 individual letters and petitions bearing 3,332 signatures. The respondents replied in good faith raising genuine and evidence based concerns about common issues.

Today, before Newtown House has been closed, those concerns have proved to be overwhelmingly well founded.

- Suitable and appropriate alternative provision is proving very difficult to source.
- Suitable and acceptable 'holding' Respite Provision is proving very difficult and sometimes impossible to source.
- Distance and mileage ~ almost 60 miles round trip for some visiting families is proving financially challenging and visits, through necessity of increased travelling time, have had to be reduced.
- Residents who have moved are unsettled, fearful and many are very unhappy.
- Mental health issues are therefore proving worrying to families.
- Many families feel that they have had little or no support.

The unique position of Newtown House was not fully understood by those who made the decision.

We all make mistakes.

Will the County Councillors please now have the grace and dignity to just accept that this decision was flawed and regain the respect of the public by agreeing to reconsider this damaging decision to close Newtown House

RESPONSE

The decision made by Cabinet on 16 April 2014 to close the five residential care homes followed an extensive period of consultation and took into account all the comments received during this period.

In reaching its decision, Cabinet fully appreciated how the Weardale community valued Newtown House and the strength of feeling that people had about the proposals. The comprehensive report which set out the recommendations to Cabinet dealt with those matters at length.

Under Durham County Council's Constitution the decision taken at Cabinet on 16 April was subject to what is known as the "call in process" by Overview and Scrutiny. The decision was not "called in" meaning that the decision was implemented from 30 April 2014. Decisions made by Cabinet which are not "called in" are final and are not subject to reconsideration.

Residents and their families are being supported in the move by experienced and qualified staff who are fully aware of issues about dignity and respect, and are arranging appropriate alternative provision following individual needs assessments.

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18 JUNE 2014

QUESTION FROM MRS PAULINE ROBINSON

The Councils decision to close the Care Home, Newtown House in the Parish of Stanhope without ensuring alternative facilities are available within Weardale will clearly occasion a detriment to the rights of not only me but also to my family and as a consequence we require Durham County Council to put adequate provision in place prior to initiating such a closure.

Crosshill Nursing Home, also in Stanhope, provides nursing and dementia care but even with the proposed new bedrooms will still not be able to supply adequate provision for the whole of Weardale.

What arrangements do you propose to provide adequate care for the people of Weardale in Weardale?

RESPONSE

In making a decision to close Newtown House, Cabinet accepted, and acknowledged, that in the future, some people may have to travel out of Weardale in order to have their care needs met. It made that decision reluctantly, in the face of unprecedented reductions in central government funding. I am confident that we will be able to meet the social care needs of all County Durham residents for the future. It would not be possible within current resources, to do so without travelling in some instances.

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18 JUNE 2014

QUESTIONS FROM MR STEVE ROBSON

QUESTION 1

Government guidelines on Rural Proofing state:-

“Rural proofing is not optional” and suggest that local authorities should:

Ensure that the NEEDS and interests of rural people , communities and businesses are properly considered.

Ensure the FAIREST solutions in rural areas.

Consider the likelihood and POSSIBLE SCALE OF RURAL IMPACTS.

Allow local delivery bodies flexibility to find the best solutions and avoid a ‘ONE SIZE FITS ALL’ approach.

ENGAGE with rural stakeholders.

REDUCE THE NEED TO TRAVEL,

Consider better integration or improvement of TRANSPORT LINKS.

Allow for HIGHER RURAL COSTS. (Defra: Gov.UK Rural Proofing Guidelines 2013)

Given the above guidelines and the clear evidence of the consultation period and beyond, is it not clear that DCC should attempt to meet the unique needs of the ageing population in the Rural community of Weardale and find a way to ensure the superb resource of Newton House remains open?

RESPONSE TO QUESTION 1

Rural Proofing is not a statutory requirement for the Council however as Durham is a predominantly rural authority (as defined by DEFRA) we have looked to reflect the rural proofing guidance published by DEFRA. For example whilst developing the County Durham Plan, policy has been assessed with regard to its impact on rural Durham.

In this case the analysis undertaken as part of the process recognised that a home in a rural area has a greater catchment area than one in an urban centre.

QUESTION 2

In reply to a letter to Minister of Health - Jeremy Hunt, regarding the closure of Newtown House, the Department of Health state:

"Local authorities should make all reasonable efforts to ensure care homes remain viable and stay open"

Have DCC made a reasonable effort to ensure that Newtown House remains viable and remains open?

RESPONSE TO QUESTION 2

The reasons for closing Newtown House are set out in detail in the Cabinet report of 16 April 2014. In reaching its decision Cabinet reluctantly concluded that it was not possible to keep the home open.

The NHS and Community Care Act 1990, which came into force in 1993, made it more costly for local authorities to run residential care services than to commission them. The cost difference has continued to increase over the years and many authorities closed their homes a long time ago

QUESTION 3

My father Don Robson has lived in Newtown House for the last 18 months. Our family made this very difficult decision based purely on the fact that he was moving to Newtown House, a provision which we feel meets his needs perfectly. We can, and do visit him every day. No other provision would have been considered, and having lived through the stress of the "Consultation period" and awaiting the DCC decisions, we can find no other provision which will adequately meet Dad's needs. Do DCC agree that my father's Human Rights have been violated by forcing him to move to a distant community, and do DCC feel they have respected the "United Nations Principles on Rights of Older Persons" (1991) with regard to his "participation, self-fulfilment & dignity"?

RESPONSE TO QUESTION 3

The Council does not agree that requiring residents to move to other residential care accommodation is a violation of their Human Rights.

As the Cabinet report made clear, Article 2 of the Human Rights Act has been dealt with previously in the European Court of Human Rights, and the Council is following the best practice outlined in that case, which actually acknowledged that "any interpretation must not impose an impossible or disproportionate burden...including in respect of operational choices."

The requirements of Article 3 are being met, as outlined in the Cabinet report, with the Council managing the issue by providing skilled and qualified social work professionals to ensure that everyone's dignity is respected and that alternative provision is appropriate to their needs, including consideration of the needs of carers where it is applicable.

Article 8 also allows for action to be taken by the Council provided that there is a justification and that a balancing exercise has been carried out. This was demonstrated in the Cabinet report prior to Members making the decisions to close the homes.

As was made clear in the Cabinet meeting on 16th April, all factors, including those raised in the consultation, were taken into account when making the difficult decision to close the homes. The principles under the UN charter for older people can continue to be complied with in any new provision.