

## Executive Scrutiny Committee

A meeting of Executive Scrutiny Committee was held on Thursday, 10th April, 2008.

**Present:** Cllr Robert Gibson (Chairman), Cllr Baker (vice Cllr Cains), Cllr David Coleman, Cllr Mick Eddy, Cllr Maurice Frankland, Cllr Colin Leckonby, Cllr Lee Narrowway, Cllr Noble (vice Cllr Mrs Cains), Cllr Mrs Jean O'Donnell, Cllr Maurice Perry, Cllr Mrs Maureen Rigg, Cllr Rix (vice Cllr Mrs Nesbitt), Cllr Andrew Sherris, Cllr Mrs Allison Trainer, Cllr Mick Womphrey, Cllr Bill Woodhead.

**Officers:** A. Baxter, S. McEneaney, H. Grant (CESC); A. Briggs, N. Schneider, R. Poundford, N. Laws, J. Allport (DNS); J. Grant, M. Henderson, F. Shayler (LD).

**Also in attendance:** Cllr Cook (Cabinet Member - Regeneration and Transport) Cllr Mrs McCoy (Cabinet Member - Adult Services and Health), Cllr Steve Walmsley, Cllr Ken Dixon, Cllr Eileen Craggs, Cllr Lynne Apedaile, Cllr Tina Large and Cllr Sylvia Walmsley

**Apologies:** were submitted on behalf of Cllr Dick Cains, Cllr Mrs Ann Cains, Cllr David Harrington, Cllr Mrs Liz Nesbitt and Cllr Mike Smith.

### **EXC     Declarations of Interest**

**1/08**

Councillor Narrowway indicated that, in relation to Agenda Item No. 4, he had predetermined his judgement and would not be entering into the meeting with an open mind and therefore stated that he would observe during this item and not take part in any discussion or voting.

Councillor Perry declared a personal/non prejudicial interest in relation to Agenda Item No. 4 further to a family member attending Parkview Care Home.

Councillor Mrs Rigg declared a personal/non prejudicial interest in relation to Agenda Item No. 4 further to a relative receiving assistance from the authority in receiving aids and adaptations.

Councillor Mrs Craggs declared a personal/prejudicial interest in relation to Agenda Item No. 4 as she was a Member of the Adult Services and Health Select Committee that had undertaken a Review of Parkview Care Home.

Councillor Dixon declared a personal/prejudicial interest in relation to Agenda Item No. 4 as he was a Member of the Adult Services and Health Select Committee that had undertaken a Review of Parkview Care Home.

Councillor Mrs Apedaile declared a personal/prejudicial interest in relation to Agenda Item No. 4 as she was a Member of the Adult Services and Health Select Committee that had undertaken a Review of Parkview Care Home.

Councillor Eddy declared a personal/non prejudicial interest in relation to Agenda Item No. 5 further to being a Thornaby Town Councillor.

Councillor Mrs Trainer declared a personal/non prejudicial interest in relation to Agenda Item No. 5 further to being a Thornaby Town Councillor.

Councillor Mrs Craggs declared a personal/prejudicial interest in relation to Agenda Item No. 5 as she was a Member of Thornaby Town Council and Chairman of the Thornaby Heritage Group.

**EXC  
2/08**      **Call in Procedure**

Members were provided with the Call in Procedure that would be followed for Parkview Care Home and Thornaby Town Hall.

**EXC  
3/08**      **Parkview Care Home**

Prior to the consideration of business, Members were informed that a letter had been received from Dari Taylor MP relating to an unattributed comment made at a consultation event into the future of services at Parkview. The comment was included as an appendix in the original Cabinet report and suggested that staff, at Parkview, had contacted their local MP and "...they had not been interested". Dari Taylor wished the Committee to know that this was not the case and that she had offered her assistance to the Village Park Residents Association who enjoyed her full support in keeping the home open.

Also, prior to consideration of business Councillor Mrs Craggs handed, to the Chairman, a copy of a newsletter that had been distributed to residents by Stockton South Labour Party. Mrs Craggs indicated that she was of the opinion that the contents of the newsletter proved that Labour Party Members had predetermined their view on Parkview.

The decision of Cabinet, taken on 13th March 2008, in relation to Parkview Care Home, Thornaby has been subject to a valid call-in. The reasons for the call in related to the following principles of decision making:

- Proportionality
- Due Consultation
- Respect for Human Rights
- A presumption in favour of openness
- An explanation of what options had been considered and giving the reasons for decisions.

Members were provided with the following papers:-

- A report on Parkview Care Home considered by Cabinet at its meeting held on 13th March 2008 together with the resultant Decision Record.
- Call in form and papers, which included the reasons for call in
- A response paper to the call in, prepared by the Corporate Director of Children, Education and Social Care.

Cllr Walmsley, on behalf of the Members requesting the call in, explained the reasons for calling in the decision, stating that the closure of the home was premature and that the Homes for Life Strategy was not fully established. As a consequence residents affected by the closure of Parkview could not possibly receive the full care required in their own homes. He indicated that the consultation was inadequate and didn't highlight alternative options. Cllr Walmsley stated that public perception was that the decision to close the home had been determined prior to consultation beginning and had taken place behind closed doors, which did not square with openness. He considered that there had been little respect for the human rights of the residents of Parkview and effectively their surrogate family would be broken up and they were

powerless to stop it happening. In 2001/02 when other residential care homes were closed Parkview was retained and it was felt that during the years following this the care home should have been brought up to a decent standard.

Members and Officers were given the opportunity to ask questions and or seek clarification.

Clarification was requested on an amendment to the Council budget requested at full Council on 27th February, 2008 in relation to Parkview. It was stated that the amendment would have seen the retention of Parkview and was budget neutral. The amendment was defeated.

Other non Council members were given the opportunity to speak. Peter Brennan spoke on behalf of Village Park Residents Association and suggested that there had been a lack of consultation and it had appeared that the closure had been sneaked through. He indicated that he and other local people had only become aware of the possible closure via rumours. He felt human rights had not been observed and vulnerable people had been left with uncertainty about their future. The home was an important part of the community and its closure would have a negative affect. He requested that the decision be looked at again.

Members and Officers were given the opportunity to ask questions of the non Council members and asked for clarification of when rumours had originally began to surface about the possible closure.

Members that had declared a personal and prejudicial interest were given the opportunity to speak.

Councillor Mrs Apedaile stated that she felt that the final report for the Review of Parkview Care Home did not fully reflect the conclusion of the Select Committee and was weighted towards closure. She indicated that the report had been changed several times from the production of the draft report, following the Select Committee's final meeting, to submission to Cabinet. In view of this four of the Members involved had made there own statement at the Cabinet Meeting on 13th March and she repeated this statement to the Committee. Copies of the statement were also circulated to Members of the Committee.

Councillor Mrs Craggs reiterated Councillor Apedaile's comments and stated that Parkview Care Home was a quality home that should be retained by the authority.

Councillor Dixon stated that he had requested maintenance records for the lift and heating system, which he had still not fully received. He went on and suggested that the home's lift and heating system should have been maintained to an appropriate standard.

The Members with personal/prejudicial interests then left the meeting.

Councillor Mrs McCoy (Cabinet Member - Adult Services and Health) made a statement supporting the decision to close Parkview Care Home and establish an after care facility in conjunction with a housing provider. She fully supported the Homes for Life Strategy that the Council had introduced seven years ago,

however, the Strategy was a 10 to 20 year vision. Stockton Borough Council was meeting 3 out of 4 of the categories of need used for supplying aids and adaptations and she felt that this could be built upon. She hoped that the authority would soon be meeting all 4 categories of need, however, this could only be achieved with a re focusing of resources.

Members were given the opportunity of asking questions and queried whether the initial review should have been longer or could have been undertaken in a different manner.

Councillor Mrs McCoy indicated that, previously, consideration of such issues had been undertaken over long and short periods; both ways had attracted criticism. She went on and explained that officers had followed the procedure the Council wished them to. Officers could not enter into consultation until Cabinet had agreed that they do so.

Ann Baxter, Corporate Director of Children Education and Social Care explained that National policy encouraged the support of people in their own homes. Homes for Life was the strategy that sought to achieve this. Parkview was a residential home and consumed a disproportionate level of resources, those resources could be redirected and reinvested in the development of the Homes for Life Strategy.

It was explained that a review of services, which included Parkview had began at the beginning of 2007 and a report was presented to Cabinet in December 2007, requesting that consultation on the future of the home begin. Details of the consultation undertaken were provided.

With regard to any interference in human rights it was explained that the Council had to balance the needs and interests of those affected by the closure against and the needs and interests of the wider community.

Members noted that decisions not to progress identified works, such as the lift and heating system, at the home were taken because discussions were taking place about future services at Parkview. This was considered to be prudent.

Members of the Committee and Members requesting the call in were given the opportunity to ask questions and or seek clarification from Officers and the Cabinet Member or other Members as appropriate.

In response to a query about where the proposal to develop an Extra Care facility had come from it was explained that this had arisen through the Cabinet, Scrutiny and consultation process, particularly when comparisons of existing care models had been made.

Members of the Committee discussed all of the information received and whether any issues had been raised that should be referred back to Cabinet.

RESOLVED that the original decisions taken, relating to this matter, should not be referred back for reconsideration by Cabinet and therefore may be implemented with immediate effect.

**EXC Thornaby Town Hall**

The decision of Cabinet, taken on 13th March 2008, in relation to Thornaby Town Hall had been subject to a valid call-in.

The reasons for the call in related to the following principles of decision making:

- Proportionality
- Due consultation
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- An explanation of what options had been considered and giving the reasons for decisions

Members were provided with the following papers:

- A report on Thornaby Town Hall considered by Cabinet at its meeting held on 13th March 2008 together with the resultant Decision Record.
- Call in form and papers, which included the reasons for call in
- A response paper to the call in prepared by the Corporate Director of Development and Neighbourhood Services.

Cllr Walmsley, on behalf of the Members requesting the call-in, explained the reasons. He stated that Thornaby Town Hall had been neglected for many years, required extensive renovation and was therefore being sold for an amount far below its true value. He suggested that the Town Hall should have been maintained for the current and future generations. Cllr Walmsley indicated that he was aware of a developer's scheme that proposed shared ownership with the community and asked why this and other options had not been considered by Cabinet. It was felt that there had been a lack of public consultation with the Thornaby community and local ward Councillors and the decision had not been made in an open manner.

Members and Officers were given the opportunity to ask questions and/or seek clarification.

Non Council members were given the opportunity to speak.

Louise Hamill stated that the Town Hall was a historic building and raised the issue of a breach of Human Rights of Thornaby residents, as she felt that the Town Hall should be within the ownership of the community. She also referred to accessing different funding streams or working with other organisations to deliver a scheme submitted by Thornaby Heritage Group.

Peter Brennan spoke on behalf of the Village Park Residents' Association and stated that the Town Hall should be used to promote the history of the town. He explained that it was a significant building in Thornaby and was a focus for the community. Selling the Town Hall would be a massive blow to the people of Thornaby.

Members and Officers were given the opportunity to ask questions of the non Council members.

Members that had declared a personal and prejudicial interest were given the

opportunity to speak.

Councillor Mrs Craggs distributed a copy of a research document produced by Durham University on the Heritage of Thornaby. She explained the importance of the Town Hall to Thornaby and how it had been neglected, resulting in considerable damage.

With regard to a submission made by the Heritage Group Councillor Mrs Craggs explained that it had been intended that the delivery of the proposals in the submission would have involved assistance from other sources. She explained that the proposal, involving digital services, would need time to develop and that rigid timescales should not be a major consideration in an issue as important as this. However, the group's submission had been rejected by the officer panel. She repeated that the Town Hall was an important part of the community and belonged to the Thornaby People. The submission by the Heritage Group would have allowed the retention of the Town Hall for the community.

Councillor Mrs Craggs raised concerns at the long term public access to the Council Chamber and the use of the Town Hall in general, given that it would be in the ownership of a private company.

Cllr Mrs Craggs referred to other buildings owned by the Council where funding had been accessed for restoration works.

Members and officers were given the opportunity of asking questions or seeking clarification.

The Members with personal/prejudicial interests then left the meeting.

Chief Officers, Cabinet Members or other Members as appropriate were given the opportunity to explain the reasons for the cabinet decision and respond to any issues raised by the call-in.

Richard Poundford, Head of Regeneration and Economic Development, stated that the proposals made were to minimise the expense to the tax payer by bringing the Town Hall back into use, removing the need for ongoing maintenance costs. He was not aware of a proposal that would provide shared ownership. Achieving a profit had not been the primary goal and a range of criteria had been used to assess bids including community uses and restoration of historic features. The submitted proposal would refurbish the building and would provide a focal point for the Heritage Group and Thornaby Town Council. It was intended that long term community and Town Council use of the building would be protected through legal mechanisms.

Mr Poundford pointed to a range of consultation that had been undertaken during the marketing phase which had involved Thornaby Heritage Group and Thornaby Town Council. He went on and explained that the decision was taken at a public meeting of Cabinet and no agreement had been made ahead of this.

Councillor Cook (Cabinet Member - Regeneration and Transport) made a statement supporting the Cabinet decision and referred to previous attempts to develop the Town Hall. He stated that there had been a suggestion made by Thornaby Town Council to consider private development. The Chairman held a

copy of this letter, which was sent to the Authority during February 2007.

Members of the Committee and Members requesting the call in and other parties were given the opportunity to ask questions and or seek clarification.

Members asked a number of questions relating to the extent and timing of consultation and particularly consultation with local Members. Members also queried who had appointed the officer group who assessed the submissions.

Councillor Mrs Trainer requested information on the roof of the Town Hall that was currently being repaired and asked whether the Tower Clock would be repaired at the same time. It was stated that the Tower Clock had not been included within the current works. Councillor Cook stated that he would look into the matter further.

Members of the Committee discussed all of the information received and Councillor Eddy proposed that the matter be referred back to Cabinet on the basis that consultation had not been adequate. This was seconded by Councillor Mrs Trainer and Cllr Narroway. Cllr Narroway felt that the Town Hall was an important, tangible part of Thornaby's history and wider consultation on its future should be undertaken.

A vote was taken and the proposal was defeated.

Councillor Walmsley requested that it be recorded that all Labour Party Members, serving on the Committee, voted against the proposal. The Chairman agreed to this request.

**RESOLVED** that the original decisions taken, relating to this matter, should not be referred back for reconsideration by Cabinet and therefore may be implemented with immediate effect.