AT A MEETING of the Health and Adult Social Care Select Committee of HAMPSHIRE COUNTY COUNCIL held at the castle, Winchester on Thursday, 14th March, 2019

Chairman:
p Councillor Roger Huxstep

Vice Chairman:
p Councillor David Keast

p Councillor Martin Boiles	a Councillor Jane Frankum
p Councillor Ann Briggs	p Councillor David Harrison
p Councillor Adam Carew	p Councillor Marge Harvey
p Councillor Fran Carpenter	p Councillor Pal Hayre
p Councillor Tonia Craig	a Councillor Neville Penman
p Councillor Alan Dowden	p Councillor Mike Thornton
a Councillor Steve Forster	p Councillor Jan Warwick

Co-opted members
a Councillor Tina Campbell
a Councillor Alison Finlay
a Councillor Trevor Cartwright

Also present with the agreement of the Chairman: Councillor Liz Fairhurst, Executive Member for Adult Social Care and Health

114. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Steve Forster and Councillor Neville Penman. Councillor Lance Quantrill, as the Conservative standing deputy, was in attendance in their place.

Apologies were also received from Councillor Jane Frankum, and co-opted members Councillor Tina Campbell and Councillor Alison Finlay.

115. DECLARATIONS OF INTEREST

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

No declarations were made.

116. **MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Health and Adult Social Care Select Committee (HASC) held on 11 February 2019 were confirmed as a correct record and signed by the Chairman.

117. **DEPUTATIONS**

The Committee received five deputations regarding the Call In of the Orchard Close decision:

Will Haines (parent of service user)
His son uses Orchard Close and likes it there, and as a parent he could relax knowing he was in safe hands. He was surprised it was being proposed to take money out of the Adult Social Care budget. He welcomed the position the Select Committee had taken when they pre-scrutinised the decision, and hoped for support to the Executive Member with exploring options other than closure.

Irene Macarthur (parent of service users)
Her two children use Orchard Close and were distressed at the prospect of the unit closing and the delay before a final decision would be made. Her children had chosen Orchard Close in preference to other centres. This would be the third centre her children had attended that ended up closed. She would prefer the decision be changed to save Orchard Close and find the money elsewhere.

Edith Bosman (parent of service user)
Her son used Orchard Close and looked forward to staying there. Two facilities he had stayed at previously had been closed and the prospect of Orchard Close closing was distressing. She was surprised officers were proposing to make savings that impacted some of the most vulnerable members of society. She queried why the County Council was spending on refurbishing country parks when those funds could be used to support services like Orchard Close instead. The prospect of not knowing what would happen to Orchard Close until at least the autumn created stress for carers.

Karen Sarjeant (parent of service user)
The prospect of having to use another service instead of Orchard Close filled her with dread. The County Council purported to take a person centred approach, but didn't listen to the feedback from carers in the consultation. She planned to take legal action if closure of Orchard Close was pursued. Delaying making a decision was unhelpful and she would prefer the Executive Member to take the prospect of closure off the table.

Amanda Coker (parent of service user)
Her son used Orchard Close and she felt it was the only respite centre suitable for him. The level of stimulation was better there than at other units. She would prefer that Orchard Close be saved from closure and alternative ways to make savings found. The decision to delay making a decision was positive if it meant genuinely looking at alternatives, but negative to keep the option of closure open and just put off this outcome. The uncertainty over the future of Orchard Close

was stressful for her, and she wanted the Select Committee to refer the decision back to the Executive Member to re-consider.

118. CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

119. CONSIDERATION OF REQUEST TO EXERCISE CALL-IN POWERS

The Select Committee received a report from the Head of Law and Governance and Monitoring Officer (see Item 6 in the Minute Book) regarding the request initiated by a quorum of the Committee, for the Committee to consider exercising their Call In powers in regards to the decision of the Executive Member for Adult Social Care and Health taken on 27 February 2019 regarding Orchard Close respite centre.

The options open to the Select Committee were either to recommend that the Executive Member for Adult Social Care and Health should re-consider her decision, or that she should not re-consider her decision. The decision she had made was: 'That the Executive Member for Adult Social Care and Health requests that further work is undertaken prior to any decision being made, as to all possible wider options and that further reports will be submitted not before autumn 2019 to the relevant Executive Member/s for consideration.'

Members asked questions for clarification and heard that:

- The decision that had been taken was within the agreed budget and policy framework of the County Council. The Executive Member was within her rights to take a decision that reflected the budget envelope for the services within her portfolio.
- The Executive Member was not required to follow the recommendation made by the Select Committee when it pre-scrutinised the proposals. This was one factor the Executive Member was required to take into account, but they could also take account of other factors in coming to a decision

The Members who had requested the Call In were invited to explain their reasons. Members debated whether to ask the Executive Member to reconsider her decision. During the debate the following points were made:

- Members noted that the service users and carers who had made deputations had expressed that the Decision created stress for them, as it created uncertainty about the future of Orchard Close until the autumn at the earliest. Committee Members commented that it would be preferable to provide clarity to the service users and staff about the future of Orchard Close respite service.
- Committee Members commented that it would be their preference to find the required savings another way and keep Orchard Close open.
- Members commented that there had been an example of a savings proposal affecting community transport, and following political pressure the decision had been made to find the savings elsewhere. Therefore it was their suggestion that a similar approach be taken to Orchard Close,

given the strength of feeling from service users and cross party Members of the HASC.

- Members noted that the savings from closing Orchard Close equated to 1% of the total savings the Adults Health and Care Department were required to make, and therefore felt there should be flexibility to manage this level of saving another way.
- One Member commented that it was reasonable to keep all options on the table until they were all reviewed, to enable consideration of the impact of the closure proposal compared to the impact of alternatives.
- Another Member commented that it was preferable to spend a further seven months exploring options to avoid closure, than to take a decision now to close the centre.
- Members indicated that it would be preferable to give service users and staff certainty over when Orchard Close would remain open until.
- The Monitoring Officer indicated that it was not possible to make a decision that would fetter the ability to take future decisions.

The Executive Member for Adult Social Care and Health was invited to speak to explain her decision. Councillor Fairhurst indicated that the reason for the decision to delay was to look for ways to keep Orchard Close open. Time was needed to explore any such possibilities. She would like to work with carers to explore the options.

Members commented that it would be helpful to have a cross party working group, to input to and oversee the work to consider the options. The Chairman agreed this could be considered at the next HASC meeting.

Councillor Harrison suggested that the HASC ask the Executive Member to re-consider and proposed wording to go with the recommendation to the Executive Member as explanation for why the Select Committee recommend the decision be reconsidered. This was seconded by Cllr Thornton:
'The Committee thanks the carers for their dignified and informed deputations and recognises the value of Orchard Close. The Select Committee urges the Executive Member, in the strongest possible terms, to rule out closure of Orchard Close as an option'

The Chairman put recommendation a) from the report along with the wording proposed by Councillor Harrison to the vote and this was carried by 13 in favour and 1 against. It was therefore:

RESOLVED:

1) The Health and Adult Social Care Select Committee consider that the Executive Member for Adult Social Care and Health should re-consider her decisions as set out in the Decision Record attached at Annex 1 to the Call In report.

2) That the following wording be included as explanation for why the Select Committee recommend the decision be reconsidered: 'The Committee thanks the carers for their dignified and informed deputations and recognises the value of Orchard Close. The Select Committee urges the

Executive Member, in the strongest possible terms, to rule out closure of Orchard Close as an option'

3) Consideration of the initiation of a Working Group to feed in to the consideration of options be added to the agenda for the next HASC meeting.

Chairman,