

**ADULT AND COMMUNITY  
POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Minutes of the meeting held on 17<sup>th</sup> November 2009

**Present**

Councillor Judi Ellis (Chairman)  
Councillors Nicholas Bennett, Ruth Bennett, Roger Charsley,  
Carole Hubbard, William Huntington-Thresher, Charles Rideout,  
Karen Roberts and Brenda Thompson

Dr Angela Bhan, Barbara Langridge, Leslie Marks Keith Marshall,  
Lynne Powrie and Gill Rose.

**Also present**

Councillor Arthur (Portfolio Holder)  
Councillor Catherine Rideout (Executive Assistant)

**54. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Richard Lane.

**55. DECLARATIONS OF INTEREST**

Councillor Carole Hubbard declared a personal interest as an employee of Bromley PCT. In respect of Item 17, Councillor Hubbard declared a prejudicial interest as she was directly involved in the sexual health service. Councillor Hubbard had been notified by the Director of Legal Services that she would be able to comment on the item prior to leaving the room during the debate. Councillor Hubbard also declared an interest as a Trustee of Age Concern Bromley and the President of Alzheimer's Bromley, White Gables. In respect of Item 15, Mrs Lynn Powrie declared a prejudicial interest as Chief Executive of Carers Bromley and would leave the room during consideration of this item. Mrs Leslie Marks declared a personal interest as a Trustee of Bromley Mind and Age Concern Bromley. Councillor William Huntingdon-Thresher declared a personal interest as a Member of the Board of Broomleigh Housing Association. Councillor Karen Roberts declared a personal interest as a Member of Bromley Autistic Trust. Councillor Roger Charsley declared an interest as a Member of Bromley Autistic Trust and a Member of South London and Maudsley NHS Trust. Councillor Brenda Thompson declared a personal interest as her daughter worked for Bromley Mind. Councillor Judi Ellis declared a personal interest as her daughter was employed by South London and Maudsley NHS Trust.

**56. QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

A written question, attached as Appendix A was received from Mrs Sue Sulis and the Community Care Protection Group.

**57. INCIDENT CONCERNING SOUTH LONDON AND MAUDSLEY ABSCONDER – FRIDAY 13<sup>TH</sup> NOVEMBER 2009**

Due to the serious nature of this incident the issue was dealt with by the Committee as a matter of urgency. The Chairman read out a letter that had been received from the Chief Executive of South London and Maudsley NHS Trust outlining the events leading up to the incident and the actions that had been taken in response to the incident.

The Chairman expressed concern about the incident that had occurred which had caused a great deal to anxiety to residents and Ward Members. A special joint meeting between the Adult and Community PDS Committee and the Public Protection and Safety PDS Committee would be arranged to enable South London and Maudsley to explain what had happened, identify lessons that had been learnt from the incident and highlight the actions and procedural changes that would be put in place to stop similar incidents occurring in the future. It was intended that South London and Maudsley would also be invited to attend a future meeting of the PDS Committees in two to three months to update on and confirm the actions that had been implemented.

Councillor Nicolas Bennett as Ward Member reported that he had written to the Secretary of State to express deep concern about the incident. It was felt that the Trust had failed the community and had broken assurances that had been given to the council in 2008 regarding the security of patients. Councillor Bennett raised the issue of how the escorts had allowed the patient to abscond and stated that he had lost confidence in the Chief Executive and Chairman of South London and Maudsley NHS Trust.

The Chairman thanked Officers for the work that had been undertaken to bring the issue to the Committee.

**58. SOUTH LONDON HEALTHCARE NHS TRUST**

The issue of the transfer of elective surgery from Orpington Treatment Centre was dealt with by the Committee as a matter of urgency and Mr Stephen Cass and Dr Richard Morey attended the meeting as representatives of South London Healthcare NHS Trust.

The Chairman highlighted a number of issues of concern including the way in which the transfer of services from Orpington had been communicated, as well as the fact that the press release issued by the Trust stated that services would be moved to other sites. The Chairman asked the Trust to explain what would be happening in terms of service provision at Orpington Treatment Centre.

Mr Cass, Chief Operating Officer South London Healthcare Trust, outlined the changes that would be taking place, to service provision resulting from the A Picture of Health (APOH) consultation. Mr Cass explained that a draft timetable for APOH had been published in September 2009 and the Trust had recently begun engagement with staff regarding the changes. A series of options for how elective surgery would be transferred were now being developed and it was hoped that completion would occur by March 2011. Mr Cass reported that representatives from the Trust would be pleased to come to future meetings to set out any proposals in more detail.

Members raised concerns surrounding the proposed two-staged transfer of elective surgery from Orpington Treatment Centre. Representatives from the Trust stressed that this was just one option being considered. A number of services would remain at Orpington and any transfer of services would be undertaken in partnership with Bromley PCT. In terms of the capacity of the Princess Royal University Hospital (PRUH) Mr Cass explained that any transfer of services from Orpington would be considered across the whole Trust site and there would therefore be capacity to absorb services across the whole organisation.

The Chairman asked that the Trust, in forming their plans, took on board the strong views of the public. There were a number of reasons why Orpington was popular, including the fact that elective surgery at Orpington was separate in terms of infection control, the good accessibility of the site and the quality of staff.

Members commented that communication with the public would have to be very clear in order to provide adequate reassurance and ensure that residents were aware of changes in service provision.

The Chairman thanked Mr Cass and Dr Morey for attending the meeting at short notice and providing Members with an update.

The Chairman also reported that a special meeting would be held on 16<sup>th</sup> February 2010 in order to receive and review the Care Quality Commission (CQC) Inspection report. It was hoped that this meeting would start at 5pm.

**59. [MINUTES OF THE ADULT AND COMMUNITY PDS COMMITTEE MEETING HELD ON 29<sup>TH</sup> SEPTEMBER 2009](#)**

**RESOLVED that the minutes of the Adult and Community PDS Committee held on 29<sup>th</sup> September 2009 be approved.**

**60. [MATTERS ARISING FROM PREVIOUS MEETINGS](#)  
[LDCS09125](#)**

The Committee considered a report updating Members on the actions taken from previous meetings.

- (i) Members noted that London Ambulance Service had been invited to attend a Health Check Working Group meeting on 14<sup>th</sup> December 2009.

- (ii) Councillor Ruth Bennett reported that she would be following up the Direct Payments issue.

**RESOLVED that the report be noted.**

### **HOLDING THE PORTFOLIO HOLDER TO ACCOUNT**

#### **61. QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

Written questions were received from Councillor Colin Willetts and Sue Sulis, Community Care Protection Group and the responses are attached to the minutes as Appendix A.

#### **62. PORTFOLIO HOLDER DECISIONS TAKEN SINCE THE LAST MEETING**

**RESOLVED that the decisions taken by the Portfolio Holder since the last meeting be noted.**

#### **63. PRE-DECISION SCRUTINY OF ADULT AND COMMUNITY PORTFOLIO REPORTS**

The Portfolio Holder took the opportunity to provide the Committee with an update of some of the events he had been involved in since the last meeting such as the Full of Life Event, the Opening of Shop Mobility, the Landlords Forum, the consultation for 'Disabled Go' and the AGMs for Carers Bromley and Age Concern Bromley.

#### **(A) DRAFT BUDGET 2010/2011 Report ACS09092**

The Portfolio Holder introduced a report setting out the Draft 2010/11 Budget and the key issues over the next four years including cost pressures. The Executive had requested that each PDS Committee considered the "Draft 2010/11 Budget" report to the Executive on 4<sup>th</sup> November and provide comments to be considered prior to finalising the 2010/11 budget. The Portfolio Holder outlined work that was being undertaken to address the current £600,000 overspend and stressed that partnership working would continue to be key to the future.

Referring to Appendix 1 and staffing costs, a Member questioned whether savings would be made through redundancies or re-deployment. Officers confirmed that savings would be made through a mixture of both redundancies and re-deployment and that such savings would not impact on frontline service delivery.

The Committee considered the issue of the ageing population and the impact that this would have on future budgets. Officers confirmed that projections indicated that the age of the population would increase by 7.8% from 2009 to

2013. The Portfolio Holder highlighted the importance of social reform in light of this increase in the older population.

A range of other issues were considered by the Committee, including the continued commitment to public health and advances in technology used for social care. Members also considered the effect that fear of crime could have on the independence of individuals accessing services. Officers suggested that this was an issue that would to be included in the review of the Transport Reference Group.

The Chairman asked that the Committee was kept informed when decisions were taken concerning service provision so that full scrutiny of the proposed decisions could be undertaken

**RESOLVED that the report be noted and the Portfolio Holder be recommended to endorse the 2010/11 budget.**

**(C) PROCUREMENT STRATEGY FOR SUPPORTING PEOPLE  
SCHEMES FOR YOUNG PEOPLE**  
[Report ACS090103](#)

The Portfolio Holder introduced a report setting out the proposed procurement arrangements for Young People's Supporting People Services and the arrangements for undertaking a gateway review of these services. The report requested the extension of current contracts for eight months from 1<sup>st</sup> April 2010.

Members requested clarification surrounding what services the contracts covered. Officers explained that the contract covered support for individuals and that Look Ahead provided the building with rent being paid through Housing Benefit. The Committee also sought clarification surrounding the number of people who would benefit from the contract and Officers clarified that the contract would benefit 62 individuals at any one time. It was highlighted that the contract represented good value for money when compared with the cost of residential care.

Members asked for an explanation of the Southwark Judgement and the Assistant Director (Housing and Residential Services ) provided an overview of the judgement and its implications for Local Authorities and how LBB are responding this.

**RESOLVED that the Portfolio Holder be recommended to agree that the contract with Look Ahead for housing related support services for young people is extended for eight months until November 30<sup>th</sup> 2010.**

**(D) EMPTY PROPERTY STRATEGY AND POLICY**  
[Report ACS09106](#)

The Portfolio Holder introduced a report setting out how the Council and its partners would continue to tackle long term empty properties within the

Borough over the next three years. It identified the current and future priorities and areas of development.

A Member stressed the importance of respecting the right to private property but highlighted that owners had a responsibility to the community to keep their properties in good condition. It was suggested that the strategy should explicitly state that where properties were well-maintained there would be no action taken by the Local Authority.

The Portfolio Holder highlighted that neglected properties reduced house prices in an area and contributed to anti-social behaviour. The Portfolio Holder underlined that action on neglected properties should have the full support of Members. In referring to the written question that had been submitted by Councillor Willetts, it was suggested that the issue should be referred to the Executive and Resources PDS Committee as there was a resource implication.

The Committee considered the reasons why properties remained empty and how the Local Authority could bring properties back in to use. Officers outlined the tools that were available including support for individuals looking to rent properties and grants to assist homeowners undertake improvements to properties.

**RESOLVED that the Portfolio Holder be recommended to:**

- a) reaffirm the scoring criteria utilised for the prioritisation of formal action on empty properties (Appendix1 of the report); and
- b) approve the draft Empty Property Strategy.

**(E) SUPPORTING PEOPLE SERVICES FOR PEOPLE WITH LEARNING DISABILITIES**  
[Report ACS09108](#)

The Portfolio Holder introduced a report setting out proposals for the procurement of specialist supporting people services for people with learning disabilities.

**RESOLVED that In accordance with Contract Procedure Rule 13.1 which enables the Portfolio Holder to agree to a negotiated contract with one provider, the Portfolio Holder be recommended to agree to :**

- a) award a contract to Keyring for housing support for people with learning disabilities in independent housing for a period of 3 years from 1<sup>st</sup> April 2010 with the option to extend for up to a further 2 years, and
- b) award a contract for housing support to 3 people with autism living in Burgess House to Bromley Autistic Trust for a period of 3

**years from 1<sup>st</sup> April 2010 with the option to extend for up to a further 2 years.**

**64. BUDGET MONITORING 2009/10  
Report ACS09113**

The Portfolio Holder highlighted that a large overspend had been projected and the reasons for the overspend had been outlined in the report. The Chairman requested that further reports would be provided to future Committee meetings relating to client contributions and third party top-ups, and Officers agreed to bring back more detailed reports to the Committee in 2-3 months.

Around the issue of inflation, the Chairman sought confirmation that work was being undertaken to negotiate with contractors. Officers confirmed that providers had been contacted and discussions around efficiency were underway. The Head of ACS Finance confirmed that a sum of money had been set aside in the Central Contingency for inflation and suggested that a recommendation should be put to Executive for a draw-down of £200,000 from the Central Contingency Fund as this would reduce the overspend within the Portfolio. The Committee agreed to that this draw-down should be recommended.

**RESOLVED that (1) the latest projections that indicate that the Adult and Community Services Portfolio will be overspent by £652,000 and the financial risks impacting on the ACS Portfolio Relating to the recession be noted; (2) that the Executive be recommended to release £200,000 from the Central Contingency relating to 2009/10 inflation pressures.**

**65. ADULT AND COMMUNITY SERVICES MID-YEAR PERFORMANCE  
[Report ACS09104](#)**

The Committee considered a progress report on actions within the Adult and Community Portfolio Plan and an outline of the Care Quality Commission (CQC) framework for rating Adult Social Care performance. The Adult & Community (AC) 2009/10 Portfolio Plan reflected the Council's agreed vision for 'Building a Better Bromley' 2009 - 12 and the priority areas confirmed by key stakeholders at the annual Portfolio Holder's Planning Conference held in December 2008. The conference theme was Supporting Independence in Bromley, the three year transforming social care programme. The programme was about changing the way that care, support and services were delivered to people in Bromley, and changing the way Social Services engaged with people who need support.

A Member questioned whether the policy of paying Housing Benefit directly to non-Housing Association Tenants had been successful or whether additional support had had to be provided. The Assistant Director ( Housing and Residential Services ) reported that there had been no increase in evictions, which suggested that tenants were managing to cope. As expected, Landlords would have preferred Housing Benefit to be paid directly to them, but this was not seen to be a failure in the system. The Housing Needs service had also put

measures in place to assist with Housing Benefit or rent payment problems with Landlords and/or tenants where the Council had helped place a family or where there might be statutory homeless duties arising.

Issues surrounding the Local Area Agreement targets were considered and Members expressed concern around the difficulty in measuring and monitoring these targets. A Member highlighted that these targets were the responsibility of the Local Strategic Partnership, and therefore needed to be addressed collectively.

The Chairman asked for a further report outlining details of the project allocating self monitoring machines to patients with long-term conditions, referred to in Appendix One to the report. Officers confirmed that this project was being led by Supporting Independence in Bromley and so far 10 machines had been provided. Officers agreed that a further report would be presented to the Committee towards the end of 2010.

In referring to the target relating to Job Match, a Member suggested that it would be helpful if unpaid voluntary employment was included in the targets, as this was very important in building individuals confidence.

**RESOLVED that the progress that has been made against the actions in the 2009/10 Portfolio Plan be noted and the areas of strength and areas requiring further improvement as recognised by the Care Quality Commission be noted.**

**66. HOUSING AND RESIDENTIAL SERVICES MID YEAR REPORT**  
**[Report ACS09105](#)**

The Committee reviewed a report outlining the half year performance of Housing and Residential Services against the key objectives and targets for 2009/10, together with a summary of the priorities for the remainder of the year and measures being taken to deal with the pressures on the service as a result of the recession.

A lot of discussion ensued about a range of housing matters in the report and pressures resulting from the recession. The Assistant Director (Housing and Residential Services) explained that a report would be presented to the next meeting outlining the Mortgage Rescue Schemes operated by the service and the type of cases dealt with and resolved and a Member questioned whether any successful applications to the Government scheme had been processed since the scheme began. The Head of Housing Needs explained to the Committee that the Scheme was designed to assist in exceptional cases but that LB Bromley had recently processed one successful application. LB Greenwich had also recently successfully progressed one case. However, Officers at Bromley currently had 11 cases at various stages in the scheme. The Council had been in regular and detailed discussion with Government to have the scheme expanded, but in the meantime Officers had been developing a comprehensive toolkit which could be used to provide people with assistance.



Referring to accommodation provided by Registered Social Landlords (RSLs), a Member asked whether the use of new housing developments that were not progressing due to the recession had been considered as a way of maintaining a sufficient supply. The Assistant Director (Housing and Residential Services) responded that the problem with private sector developments was often that many units would not meet the necessary standards for social housing but negotiations had been progressed where the standards were suitable and the developer had approached the Council to see how this might be possible. The Assistant Director (Housing and Residential Services) also highlighted that as a result of the reduction in new housing developments, the number of affordable housing schemes being developed across the Borough had reduced and this had impacted on the housing supply as well as the income to the service generated from such supply.

The Chairman thanked all the staff in Housing and Residential Services for the work that continued to be undertaken. Members of the Committee commended staff for their commitment to the service and the excellent results that were continuously achieved.

**RESOLVED that the Portfolio Holder be recommended to agree the actions being taken, as detailed throughout the report, to meet the range of housing duties and needs in Bromley and to deal with increased pressures on the service resulting from the recession.**

## **POLICY DEVELOPMENT AND OTHER ITEMS**

### **67. SUPPORTING INDEPENDENCE IN BROMLEY UPDATE – COMMUNITY EQUIPMENT RETAIL MODEL** [Report ACS09109](#)

The Committee received a presentation and considered a report outlining proposals to implement the DoH Community Equipment Retail model in Bromley. The report explained the new service model, and the process for setting up the service.

Members expressed concerns that retailers would not have the specialist knowledge to provide the necessary support and information to people requiring the service. In response, Officers provided assurances that any retailers involved with the scheme would have to be accredited, with staff receiving training so they were able to provide accurate information and adequate support to clients.

In considering access to the service, a Co-opted Member queried whether the Occupational Therapists would be able to provide the necessary support and continue to carry out assessments. The Assistant Director for Older People assured the Committee that retail outlets would be in a position to provide advice and support to people about the range of equipment available, which would release time for occupational therapy staff to undertake assessment services.

A Member noted that Town Centre Managers would be an important resource to engage retailers in the scheme. The importance of engaging with smaller retailers as well as multi-national retailers was highlighted.

The Chairman raised concerns surrounding potential waste, as without a central store, equipment would not be recycled. Officers noted Members concerns and provided assurance that this issue would be addressed as the scheme was progressed.

**RESOLVED that the Portfolio Holder be recommended to endorse the proposals for the development of the Community Equipment Retail Model with the Policy Development and Scrutiny Committee and Portfolio Holder receiving a report evaluating the benefits of the service once it has been in operation for 6 months.**

**68. DAY CARE SERVICES FOR OLDER PEOPLE**  
**[Report ACS09112](#)**

The Committee considered a report setting out the longer term vision for Day Care Services for older people and the proposed approach to procurement to move towards delivering the vision.

The Interim Assistant Director for Commissioning and Partnerships outlined the vision and notified the Committee that a report concerning this issue would be presented to the meeting of the Executive on 9<sup>th</sup> December 2009.

A Member queried whether there were any plans for opening additional centres for people with dementia. Officers confirmed that provision for people suffering from dementia was being reviewed. A Co-opted Member highlighted the growing need for day centres and reported that a new centre in St Paul's Cray would be opening shortly.

The Committee considered transportation issues and Members highlighted the length of time it took to transport service users to day care centres. Officers agreed that this was a complex issue and provided assurances that alternative forms of transport were being considered. It was suggested that this should be an area that the Transport Reference Group included as part of their review.

**RESOLVED that the proposals to negotiate new day centre contracts with existing providers from 2010 for a period of two years with the option to extend for a further year be noted**

**69. REVIEW OF HOUSING AND SUPPORT FOR OLDER PEOPLE –  
PROGRESS REPORT**  
**[Report ACS09110](#)**

The Committee considered a report advising Members of a current review of housing and housing related support for older people. The review was seeking to identify future needs and recommend services relevant to current and

future requirements. The report also highlighted some of the review findings to date, sought Members' support for principles for the future provision of service, and advised members of the interim contracting arrangements being recommended to the Council's Executive in December 2009.

It was highlighted that communication with residents was of paramount importance. Officers stressed that the proposals would not seek to withdraw support from older people, but would ensure that support was better targeted to meeting the needs of future service users. The importance of integrating housing, support and care was highlighted.

A Co-opted Member representing the Bromley Federation of Housing Associations highlighted that some smaller providers were keen to keep resident wardens and that this was appreciated by residents as it provided added security especially to the more elderly and vulnerable residents.

**RESOLVED:**

**a) That the emerging findings from the review to date as set out in the report at paragraphs 1.10 – 1.17 be noted;**

**b) That the principles of the proposed approach to housing and support needs outlined in paragraphs 1.22 – 1.26 of the report be supported;**

**c) that it be noted that a report will be submitted to the Council's Executive on 9<sup>th</sup> December recommending that housing related support in sheltered housing schemes should continue to be delivered by the existing providers for up to 2 years from 1<sup>st</sup> April 2010 as set out in paragraphs 3.1 – 3.3 of the report; and**

**d) That it be noted that a further report will be submitted to the Adult and Community PDS Committee on the results of the review in April 2010.**

**70. VOLUNTARY SECTOR CORE CONTRACTS**  
**[Report ACS09111](#)**

The Committee considered a report advising Members of the proposed future arrangements with Age Concern Bromley and Carers Bromley in their capacity as strategic partners in the voluntary sector.

Officers highlighted that partnership working would become increasingly important in the future, and noted that the two organisations had the infrastructure to provide the generic services that residents in the Borough relied on.

The Portfolio Holder expressed his support for the longer term contracts, which would provide the stability to enable the two organisations to attract additional funding from external sources.

Members of the Committee commended the work undertaken by the two organisations and supported the recommendations outlined in the report.

**RESOLVED that the proposals for the future of the core contracting arrangements for Age Concern Bromley and Carers Bromley which will be considered by the Council's Executive on 9<sup>th</sup> December 2009 be supported.**

(Mrs Lynne Powrie had left the room for consideration of this item)

**71. UPDATE FROM THE CARE HOMES REFERENCE GROUP**  
**[Report ACS09017](#)**

The Committee reviewed a report advising Members on the activities of the Care Home Reference Group, which was set up by the Policy Development and Scrutiny Committee in 2007 to maintain an overview of the care home re-provision programme.

The Chairman of the Care Homes Reference Group highlighted that the group had dealt with many issues since it was established in 2007. Families involved in care home closures had been provided with reassurance, and a great deal of positive feedback had been received by both Officers and Members involved with the Reference Group.

The Chairman of the Committee expressed her thanks to all the Members of the Reference Group for the work they had undertaken.

**RESOLVED that the impact of the activities of the Care Home Reference Group in respect of the closure of care homes and the development of alternative accommodation for older people be noted.**

**72. UPDATE ON SEXUAL HEALTH SERVICES**  
**[Report LDCS09126](#)**

The Committee considered a paper from Bromley PCT providing a summary of the current strategic approach, to improving sexual health in Bromley. A recently completed sexual health needs assessment had driven the development of a new sexual health strategy that focused on developing an integrated sexual health service for Bromley.

Prior to leaving the room, due to her declared interest, Councillor Carole Hubbard highlighted the need to continue to provide sexual health services for people of all ages, and welcomed the idea that these services would be available under one roof.

Members noted that the report referred to providing sexual health support for gay men and Members highlighted that the service should be inclusive in supporting both genders. Dr Angela Bhan acknowledged that this was true but underlined that specific issues had been identified within the gay male

demographic. Dr Bhan stressed that the service was inclusive and this would need to be better reflected in the report.

Members welcomed the assessment and agreed a further update in Spring 2010.

**RESOLVED that the update be noted.**

**73. ADULT AND COMMUNITY WORK PROGRAMME 2009/10**  
**[LDCS09124](#)**

The Committee reviewed its work programme for 2009/10. The Chairman reported that she was going to contact the Department of Work and Pensions (DWP) regarding the impact of legislative changes to disability benefits. The Chairman also suggested that the Transport Reference Group should provide an update to the April 2010 Committee Meeting. The Committee noted that a further sexual health update would be provided in April 2010.

**RESOLVED that the work programme be updated to reflect the changes outlined above.**

The Meeting ended at 23:15

Chairman

**Appendix 1**

**Written Question from Councillor Willetts to the Portfolio Holder for Adult and Community**

***Would the Portfolio Holder execute the EDMO process to a long term empty property at 14 Broomwood Road, Orpington, BR5 2JH?***

**Response**

This property has been empty for approximately 7 years and scores sufficiently highly on the Empty Property rating system for EDMO or Compulsory Purchase action to be taken. Further details on the rating system and empty property action is included in a report on the agenda for tonight's meeting.

As well as the property being empty and unsightly, the garden – approx 200ft – is about 10ft high in what generally appears to be accumulated building waste. Clearance of this would be extremely expensive for the Council.

The owner has been spoken to and informed of impending EDMO action. As this is a somewhat lengthy process, to seek to get the garden cleared as soon as possible the Planning Division has served an Enforcement Notice for clearance by 9<sup>th</sup> November. Upon expiry, if not cleared, the Planning Enforcement Team will decide whether to prosecute or clear the site.

Once cleared then further consideration will be given to progressing with the EDMO.

**Written Question from the Community Care Protection Group to the Portfolio Holder for Adult and Community**

***1. Disability Discrimination Act Responsibilities and Access Audit of Council-Owned Sites.***

- (a) Has the Council carried out an audit of the sites it owns, to ensure, that where possible, modifications are made, so that disabled people are not denied access?***
- (b) Does it have a Statutory Duty to do so?***
- (c) If not, what are its responsibilities, and policies regarding the DDA?***

**Response**

(a) The Council has been carrying out a programme of Disability Discrimination Act (DDA) audits on all the operational sites it owns. The final programme of DDA audits is currently being undertaken and will be completed in the current financial year. The audits are used to assess compliance with the Act and to identify any reasonable adjustments that need to be made.

Any reasonable adjustments requiring changes to a physical feature of the building are then planned for subsequent adaptation works.

Reasonable adjustments of a non physical nature, such as changes to the local operation of a service, are then effected by the management operating the particular site.

(b) The authority does not have a statutory duty to carry out an audit, but it is a recommended action in the Disability Rights Commission's Code of Practice.

(c) The authority has adopted the good practice of carrying out DDA audits. The audits are analysed and used to determine any reasonable adjustments that should be carried out on a physical feature to ensure compliance with its duties under the Act.

**Written Question from the Community Care Protection Group to the Chairman of the Adult and Community PDS Committee**

***1. Late Committee Reports and the Right of the Public to Ask Questions on Them***

***The deadline for Public Questions for this meeting was 11.11.09, but 2 important reports were not circulated, or available on the Website. This is not the first time this has occurred.***

***Will the Committee: (a) allow questions to be submitted after the deadlines?  
(b) Request DACS officers prepare timely reports?***

**Response**

a) The aim is to publish Council committee reports with the agendas, however sometimes this is not possible. In these circumstances, to avoid delaying a report to a future meeting sometimes a report is published after the agenda. Public questions are considered if they are received 4 working days prior to a meeting. Where this timescale cannot be met due to a report being published later than an agenda, the chairman will use their discretion and will normally provide either a verbal or written reply to questions about reports published after the agenda.

b) Officers certainly will be reminded of the importance of meeting planned agenda deadlines.

***2. Residents Of Care And Nursing Homes Waiting Over 12 Months For An ACS Annual Careplan Review.***

***CCPG Public Questions to 26.10.09 Council elicited the figure of 118 residents without an Annual Review, but DACS claimed it was not possible to give a breakdown of the number of years waiting.***

- (a) Why does “CareFirst” software not provide this information?**  
**(b) Will the Committee consider a report on this issue?**

**Response**

a) CareFirst has the capability to produce a full range of information, however some information requests require specific reports to be developed and written and this applied to the information request in this question. As reported by the Portfolio Holder to the last Council meeting “Team managers are ensuring that priority is being given to those cases where reviews are outstanding for the longest periods” and the decision to focus on the production of information reports that support current case load and service information has been in line with this priority.

b) Yes, the Assistant Director, Care Services has been asked to provide an update on review performance for the ACS PDS meeting on 24th February 2010.