

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held in COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE on Thursday, 19 January 2023 at 10.00 am.

PRESENT

Councillors Michelle Blakeley-Walker, Karen Edwards (Vice-Chair), Pauline Edwards, James Elson, Jon Harland, Alan James, Delyth Jones, Merfyn Parry, Cheryl Williams and Huw Williams (Chair)

Lead Member for Health and Social Care - Councillor Elen Heaton

Lead Member for Local Development and Planning – Councillor Win Mullen-James

Signatories for Agenda item 5 – Call in request - Councillors Bobby Feeley, Huw Hilditch-Roberts and Mark Young.

Observers - Councillors Jeanette Chamberlain-Jones, Terry Mendies, Andrea Tomlin and David Gwyn Williams.

ALSO PRESENT

Corporate Director: Economy and Environment (TW), Corporate Director: Governance and Business and Monitoring Officer (GW), Corporate Director: Communities (NS), Interim Head of Community Support Services (DS), Interim Head of Legal, HR & Democratic Services (LJ), Animal Welfare Officer (JR), Scrutiny Coordinator (RhE), Senior Committee administrator (KJ) and Committee administrators (SJ, NH and RhTJ)

1 APOLOGIES

Councillor Chris Evans, a signatory to the call-in request – agenda item 5 had tendered his apologies.

As the Chair was attending the meeting remotely from abroad he had arranged with the Vice-Chair that she took the chairing responsibilities for the meeting.

2 DECLARATION OF INTERESTS

The Monitoring Officer explained that Cabinet members had a prejudicial interest in business item 5 and therefore could not be in attendance at the meeting unless they had been invited by the Committee. Councillor Elen Heaton, the Lead Member for Health and Social Care, had been invited by the Committee to attend the meeting specifically for the discussion on business 5 and to answer members' questions in relation to the decision taken by Cabinet.

Councillor Alan James declared a personal interest in agenda item 6 - Mistreatment of Dogs as his wife Councillor Win Mullen James was the Lead Member for the report.

Councillor Mark Young declared a personal interest in agenda item 5- Review of Cabinet Decision Relating to The Recommendation of the Regional Fee Setting Group as he had attended events where the Chair and Chief Executive of Care Forum Wales had been in attendance.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised with the Chair of the meeting ahead of the commencement of business.

4 MINUTES

The minutes of the Communities Scrutiny Committee meeting held on the 8 December 2022 were presented for consideration.

Matters of accuracy – None

Matters arising – None

***RESOLVED**, that the minutes of the meeting held on 8 December 2022 be received and approved as true and correct record of the proceedings.*

5 REVIEW OF CABINET DECISION RELATING TO THE RECOMMENDATION OF THE REGIONAL FEE SETTING GROUP

The Chair welcomed officers and the Lead Member Councillor Elen Heaton to the meeting. Members were provided with background information and reasoning for the call in request. The Chair provided members with a detailed description of the call in procedure.

Members were reminded the reasons for the call were as stated in the report:

“To request that Cabinet reconsiders its decision of 13 December 2022 to accept the recommendations of the Fees Group given that both Gwynedd and Ynys Môn are recommending to pay care providers considerably more with a view to ensuring the future sustainability of the social care sector in their areas.”

The Monitoring Officer informed members that annex B to the report, was the report presented to Cabinet in December 2022. That report was deemed to include exempt information under the provisions of the Local Government Act 1972. Therefore, the press and public had been excluded from the consideration of that report at the Cabinet meeting. The exemption had been granted as per paragraph 14, of part 4 of schedule 12A of the 1972 Act as the report contained information relating to the financial or business affairs of an individual or an organisation, including that of the local authority.

Councillor Alan James proposed that the meeting be moved to Part II confidential business for the discussion on the remainder of the business item, Councillor Delyth Jones seconded the proposal. On being put to the vote 6 members were in favour of excluding the press and public and 3 were against. Therefore, it was:

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

EXCLUSION OF PRESS AND PUBLIC

Councillor Merfyn Parry provided members with the reasoning behind calling-in the Cabinet's decision for detailed scrutiny.

The Lead Member Councillor Elen Heaton stressed the next stage of the procedure, to consult with providers, had not yet begun due to the Cabinet decision being called-in for scrutiny. She also emphasised that whilst this year Cabinet had agreed to accept all the recommendations of the Regional Fee Setting Group, in previous years and under a different administration this annual decision had been taken via the Lead Members Delegated Decision process. She stressed the data used by the Fees Group in formulating the recommendations had been the most up to date information which had been provided to the Group by those providers who were willing to supply data to them. In addition to using the data available the Fees Group had followed a robust methodology in order to calculate the recommended fee levels.

The Chair allowed all signatories present at the meeting to put forward their reasoning for calling-in the decision with officers and the Lead Member also given time to respond. During the course of the debate:

- officers stressed the need to commit to a plan that as an authority was affordable and could be maintained.
- it was explained that the Fees Group's role was to establish the actual cost of care in North Wales based on the data available to them. However, in formulating the 2023/24 recommended fee levels the Fees Group had also applied a robust methodology which took into account the implications of paying staff the Real Living Wage as well as the high inflation rate prevailing at the time when the proposed fees levels were being calculated.
- outlined the various methods used to engage with care providers for collecting data on the actual costs of providing care. However, despite the various options available to providers to enable them to submit the required information, a number of them were unwilling to engage with the process.
- it was stressed that the Authority's door was always open to providers to come and discuss any barriers or pressures they encountered in delivering care procured by the Authority for Denbighshire residents. The Authority would not permit any provider to suffer if they engaged with the Council and were able to justify why an uplift in fees was required as long as they could demonstrate effective and efficient use of public funds.
- each local authority area had its own unique demographic profile therefore supply and demand differed between various geographical areas.
- it was confirmed that all six local authorities in North Wales along with the Health Board were members of the Regional Fees Group and had contributed to the work in calculating the proposed recommended fee levels. This included Gwynedd and Ynys Môn. The intention now was to consult

with care providers on these fee levels as part of the local fee setting process for 2023/24.

- the recommended fees were an indicative figure that assisted with the budget setting process. However, the fees paid to care providers for each individual differed, as this was based on each person's needs assessment. It was stressed that Social Care was a demand led service.
- it was confirmed that the Council had a good working relationship with its care providers and that the proposed increase for 2023/24 was one of the most generous in monetary value for a number of years.

Members were pleased to note that the six local authorities and the Health Board had worked together and communicated with each other in relation to this matter. They requested that every effort continued to be made to encourage care providers to regularly and effectively engage with local authorities and the Regional Fees Group in future, in order that the Group would be provided with relevant up to date data as this would aid the setting of realistic and affordable fee levels going forward.

Members also noted the requirement to meet the need for each individual to do what is best for each person.

Both sides to the debate were given an opportunity to summarise the reasons and rationale behind their viewpoints. At the conclusion of the summaries Councillor Merfyn Parry proposed the following:

“That the Committee asks Cabinet to reconsider their decision made on 13th December 2022 and in doing so that there be further consultation with providers and Care Forum Wales as a representative body to ensure that the fees are appropriate and sustainable, and also to use the new up to date data to re-address the figures.”

Prior to seeking the Committee to vote upon the above proposal the Chair asked the Monitoring Officer to clarify to Committee members what their options were in relation to the decision which had been called-in. The Monitoring Officer explained that the Committee when voting on the proposed recommendation could ask Cabinet to:

- reconsider its original decision on the basis of the grounds stated
- uphold the original decision as taken by Cabinet; or
- recommend to Cabinet that its original decision be upheld but in upholding the decision that Cabinet should explore further the aspects outlined in the recommendation put forward.

The recommendation proposed by Councillor Merfyn Parry, seconded by Councillor Pauline Edwards was then put to the vote. The Committee voted as follows:

4 members voted in favour of the recommendation

5 members voted against the recommendation

1 member abstained

Consequently, the recommendation was lost.

The Monitoring Officer then asked the Committee to clarify whether it wished to recommend to Cabinet that it explore any of the aspects outlined in the proposed recommendation when implementing its original decision. Committee members indicated that they would not be seeking Cabinet to follow that course of action.

Therefore, at the conclusion of an in-depth discussion, the Committee by a majority vote:

Resolved: - ***not to refer the 'Recommendation of the Regional Fee Setting Group' decision, taken by Cabinet on 13th December 2022, back to Cabinet for further consideration.***

The Monitoring Officer confirmed that on the basis of the Committee's decision Cabinet would now be in a position to proceed to implement its original decision.

At this juncture the Committee adjourned for a break.

PART I

6 MISTREATMENT OF DOGS

The Scrutiny Co-ordinator explained to members with the agreement of the Lead Member Councillor Win Mullen-James and the Chair it had been agreed to defer the presentation of this report to a later meeting.

7 SCRUTINY WORK PROGRAMME

The Scrutiny Coordinator introduced the report (previously circulated) seeking members' review of the Committee's work programme and providing an update on relevant issues.

There were two items listed for the next Communities Scrutiny Committee on 09 March 2023:

- New Waste and Recycling Model
- Second homes and Short-term Holiday lets.

Members agreed to include the deferred report on the mistreatment of dogs on the work programme for the March meeting.

The next meeting of the Scrutiny Chairs and Vice-Chairs Group was to take place following the meeting on the 19 January 2023.

Appendix 2 contained a copy of the Member Proposal form

Appendix 3 to the report was the Cabinet's forward work.

Appendix 4 – informed members of the recommendations made at the previous Scrutiny meeting.

The Scrutiny Co-ordinator highlighted the standard agenda item titled – Feedback from Committee Representatives. She informed members that all scrutiny

committees would in the near future be requested to appoint representatives to the service challenge groups. These groups met on an annual basis to review the services' performance and progress in the delivery of their objectives. Following the meetings representatives would be expected to provide feedback at the next committee meeting. Members would be provided with further information via email.

Councillor Merfyn Parry suggested a follow up report in six months on the progress made on the Regional Fee Setting Group. The Scrutiny Co-ordinator suggested the member completed the Member Proposal Form, which would be presented to the Chairs and Vice Chairs Group for inclusion on the committee's work programme.

The Committee:

Resolved: to receive the report and confirm the Committee's forward work programme as detailed in Appendix 1 to the report.

8 FEEDBACK FROM COMMITTEE REPRESENTATIVES

There was no feedback.

The meeting concluded at 12.40 p.m.