

ADULTS, HEALTH AND HOUSING COMMISSION
12 MARCH 2012

Present Councillor Hussain (Chair)
 Councillors Atwal, Radford, Russell, Shanker and Webb

In Attendance – Councillors Dhindsa, Hillier and Skelton

83/11 Apologies for Absence

Apologies for absence were received from Councillor Ashburner and Councillor Whitby.

84/11 Late items introduced by the Chair

There were no late items

85/11 Declarations of Interest

Councillor Dhindsa declared a personal and prejudicial interest in item 86/11 because he was a voting member of Derby and Derbyshire Race Equality Commission (DDREC) Executive and Management Board.

Councillors Webb declared a personal interest in item 86/11 because he was a non-voting member of DDREC Executive and Management Board.

Councillor Shanker declared a personal interest in item 86/11 because he was a member of DDREC.

Councillor Webb requested clarification on Councillor Shanker's interests. The Monitoring Officer said that he had advised Councillor Shanker.

86/11 Call-in

The Commission considered a matter referred by Councillors Dhindsa, Hillier and Whitby.

The call-in related to a decision of the Council Cabinet, which was made on 21 February 2012, namely:

Minute Number 150/11: Voluntary, Community and Faith Sector Grant Aid Funding 2011-2015

Decision

1. To approve the funding recommendations listed in Appendix 3 of the report for individual organisations.

2. To approve the serving of 12 weeks notice on all organisations listed in Appendix 3 of the report from week commencing 27 February 2012.

Councillors Dhindsa and Hillier, signatories to the call-in notice, addressed the Commission. It was reported that the Commission had been requested to scrutinise Council Cabinet's decision because the decision was not taken in accordance with the Council's decision making principles, namely:

- proportionality
- Due consultation and the taking of professional advice from officers
- Respect for human rights
- Clarity of aims and desired outcomes
- Record of what options were considered and giving reasons for the decision

The signatories felt that with respect to the proportionality principal, 100 per cent cut to 12 organisations was disproportionate. To demonstrate the principles that had been breached, the signatories highlighted three organisations that would be subject to 100 per cent cuts; Derby and Derbyshire Race and Equality Commission, Derby Women's Centre, and Derby West Indian Community Association (DWICA).

It was stated that DDREC was a voluntary charitable third sector organisation providing strategic policy and equality legislative support and guidance to public bodies, racial harassment victim centred support, Police complaints, health inequalities, BME carers, amongst others.

It was stated that Derby Women's Centre was established in 1978 and had a history of developing services to meet the changing needs of women. The organisation offered information, advice and guidance and fielded over 2000 enquiries per year.

The signatories were concerned that there had been a failure on the part of the Council officers to understand both the work of the Women's Centre and its value to service users. It was stated that DWICA provided facilities for new and emerging communities. It provided a venue for various groups to meet and give support and it was focused on promoting social cohesion and health and wellbeing.

The signatories said that, in their view, the coalition Government and Derby's local government coalition promoted the "Big Society" and felt that this was meant to encourage volunteers and community and voluntary sector organisations to deliver service in place of state. The signatories felt that the cuts to the voluntary sector were the opposite of this and were disproportionate and unfair. The signatories felt that BME communities especially would be disproportionately affected.

The signatories said that they believed the Equality Impact Assessment (EIA) process had not been fair and equitable as officers assessed the generic impact to users of ceasing funding and not the impact on individual organisations.

The signatories said that they felt the grants assessment panel make-up had not

been fair and equitable as BME communities had not been represented.

It was considered by the signatories that the Council Cabinet report did not provide full and accurate information on the positive outputs and outcomes delivered by the DDREC. The signatories explained that both DDREC and the Women's Centre provided services not offered elsewhere and this was not consistent with aims and desired outcomes. The signatories suggested that inaccurate information was used by the Council in relation to the number of users of the Women's Centre.

Finally, the signatories reported that they believed the Leader of the Council and Cabinet provided inaccurate perceptions when he was reported in the media as stating that DDREC was no longer delivering suitable outcomes or a fit for purpose service.

Councillor Skelton, Cabinet Member for Adult Social Care and Health, addressed the Commission. Councillor Skelton reported that in terms of proportionality, cuts to the voluntary sector were less than the cuts being experienced by the Council budget as a whole. The Council budget was being reduced by 27% whilst the voluntary sector funding was being reduced by 23%.

With respect to the process, all the bids that were received were assessed by panels and the panels were not just made up of Council officers, but a wide range of experienced individuals with no prejudicial interests. The Cabinet Member stated that the process had been open and fair and that some of the cuts were to bring some groups in line with policies. It was stated that this was a fairness issue, such as with lunch clubs not charging at rates to cover their costs and we needed to have the same rule for all.

Councillor Skelton stated that if inaccurate information had been used in relation to Cabinet reports, there had been opportunity for groups to correct information. It was reported that EIA's had been carried out in accordance with the law and that there had been a 16 month consultation process.

The Director – Business Intelligence and Sector Development, addressed the Commission. He stated that the cuts had been to discretionary services and not statutory services and that process had been robust. This had started with the Derby Plan in 2010 and there had been significant input from the voluntary sector. The Director – Business Intelligence and Sector Development explained the consultation process and the competitive grants process. It was reported that a number of events had been held to aid voluntary and community sector groups in making grant applications.

The Commission sought confirmation that cuts to the voluntary sector had not been made to support statutory groups. The Director – Business Intelligence and Sector Development confirmed that this had not happened and that grants came from separate streams of money.

The Commission highlighted that 100 per cent cuts affecting some voluntary groups would have a very significant impact upon their viability. Councillor Skelton explained that the process had been ongoing for over a year and reported that voluntary organisations had plenty of opportunities to ask questions about the

process and the criteria for grant applications.

The Commission questioned the fairness of 12 groups being subject to 100 per cent cuts. Councillor Skelton explained that there had been no in-built assumption that some organisations would lose all their funding and that voluntary sector training had been organised to help bids be successful.

The Commission recognised that there was generally a low take up of adult services within ethnic minority groups and questioned whether this had been taken into account. The Strategic Director – Adults, Health and Housing, explained that it was important to be fair and equitable to all groups and DDREC, for example, had been unsuccessful in demonstrating how it could deliver on outcomes.

The Commission received summaries from Councillors Dhindsa and Skelton.

The Commission considered each of the five decision making principles that the signatories felt had been breached.

- Proportionality – breached. The Commission determined that the reduction in grant will have disproportionate impact on the 12 organisations.

The Commission agreed that the following principles of decision making had not been breached:

- Due consultation and the taking of professional advice from officers – not breached
- Respect for human rights– not breached
- Clarity of aims and desired outcomes– not breached
- A record of what options were considered and giving the reasons for the decision– not breached

The Chair and Councillors Russell, Shanker and Webb voted in favour of Council Cabinet decision 150/11 being referred back to Cabinet on the grounds that the decision making principle of proportionality had been breached.

Resolved that the decision making principle of proportionality had been breached in relation to Council Cabinet decision 150/11 and the decision be referred back to Council Cabinet.

MINUTES END