

Time commenced – 5.45pm
Time finished – 7.31pm

Children and Young People Board 5 November 2013

Present Councillor Whitby (Chair)
 Councillors Allen, Atwal, Bailey, Campbell, Dhindsa, Hillier, Skelton and
 Williams

In Attendance – Councillors Barker, Bayliss, Carr, Harwood, Hickson, Higginbottom, Ingall,
 Jones, Martin, Naitta, Pegg, Skelton, Tittley, Troup and Webb

24/13 Apologies for Absence

No Apologies were received.

25/13 Late items introduced by the Chair

There were no late items

26/13 Declarations of Interest

There were no declarations of interest.

27/13 Call-in procedure

The Chair introduced the Call-in procedure to be followed. The Chair announced that the only deviation from the procedure would be to allow a representative from Community Action to make a speech at the beginning of the Call-in.

28/13 Call-in of Council Cabinet decision 91/13: Voluntary, Community and Faith Sector 2013/14 and 2014/15 Funding Consultation

The Board received a speech from a representative of Community Action. Members noted that the representative was speaking on behalf of the voluntary sector and service users and that the sector provided support and care that fell outside of statutory responsibility. It was reported that the austerity cuts were making it harder for the sector and the Council to deliver services. The representative recognised that there were hard decisions to make but that the Council and the voluntary sector should be working together.

The Board considered a matter referred by Councillors Hickson, Higginbottom and Jones.

The call-in related to a decision of the Council Cabinet, which was made on 16

October 2013, namely:

Minute Number 91/13: Voluntary, Community and Faith Sector 2013/14 and 2014/15 Funding Consultation.

Decision

1. To approve the grant funding amounts listed at Appendix 3 for individual organisations and services.
2. To approve the notification to Hardwick Clinical Commissioning Group (lead funder) that the Council's funding for the Rethink Focus Line and Derbyshire Voice services will cease from 1st February 2014.
3. To approve the serving of notice of all changes to organisations listed in Appendix 3 from week commencing 28 October 2013.
4. To delegate to the Strategic Director of Adults Health and Housing, in consultation with the Cabinet Member for Adults and Health, authority to adjust the recommended funding amounts, within the overall budget and delegated authority limits.

Councillors Hickson, Jones and Higginbottom, signatories to the call-in notice, addressed the Board. It was reported that the Board 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
- A presumption in favour of openness
- Clarity of aims and desired outcomes

The signatories felt that with respect to the proportionality principal, the cuts would have a disproportionate affect on a wide range of people, especially the disabled. They could not understand why some groups received cuts and some did not and that many of them worked in similar areas but were cut differently. It was considered by the signatories that if a decision negatively impacted upon a person's quality of life, then it was disproportionate.

It was stated that, in respect of the consultation, 98 per cent of respondents did not agree with the proposal to reduce funding. The signatories wondered why consultation had taken place if it had not made any difference to the results. The signatories felt that consultation should be constructive and meaningful. It was pointed out that at Appendix 1 of the Council Cabinet report, under legal implications, the Council had a general duty to have due regard to the need to:

- Foster good relations between people who share a protected characteristic and those who do not.

The signatories believed that the consultation was flawed because it did not foster good relations.

In terms of respect for human rights, it was stated that the Equalities Impact Assessment (EIA) had been inadequate and flawed. They could find no evidence that the Council Cabinet had read the EIA. The signatories believed that the impact assessment only talked about percentage cuts and not the impact upon people's lives. It was also felt by the signatories that the Council had not mitigated in respect of the impact.

The signatories felt that, in respect of a presumption in favour of openness, there was no clear rationale on the decisions to be made and that the principles used to guide the funding recommendation for each service bore no relation to the old ones or the new ones. The signatories considered that the rationale was not open, fair or meaningful and that how the different percentage cuts were decided upon, was not clear.

The signatories reported that in respect of clarity of aims and desired outcomes, one of the principles from which the funding recommendations were derived, was a fresh principle that the voluntary sector did not know about. The signatories felt that the aims were not clear and had not been clearly communicated to the voluntary sector.

The Board asked one of the signatories how the consultation had differed in 2011/12 when the administration made cuts to the voluntary, community and faith sector grant aid funding. It was reported that the cuts were looked at with regard to the overall aims and objectives of the Council and that voluntary groups knew that they had to be fit for purpose.

Councillor Tittley, Cabinet Member for Adult Social Care and Health, addressed the Board.

In terms of proportionality, the Cabinet Member reported that the signatories believed that the proposed cuts would have a disproportionate effect on disabled people and that there was no evidence that such groups were consulted through the process. Members noted that 13 organisations delivered 14 services where disabled users were the primary users and that 11 of those responded to the consultation. It was reported that their responses and those of the general public and other stakeholders were contained within the report before the Board. The Cabinet Member stated that Appendix 3 of the report identified specific disability groups and the services affected. Members noted that there were approximately 20,000 people claiming Disability Living Allowance (Personal Independence Payment) and that those people could be considered as having a disability. It was reported that frontline voluntary sector services supported 1,780 people, which was 8.9 per cent of the total disability population. The Cabinet Member concluded that to claim the cuts were disproportionate was inaccurate.

It was reported that the Council had committed to finding savings in the voluntary grants budget. The Cabinet Member highlighted the 98 per cent of respondents to

the consultation who did not agree with the proposal to reduce funding and stated that this did not mean that the responses were not considered at point of decision. The Cabinet Member added that due regard was had for the findings and that there was no legal obligation to support the majority consultation findings in the final decision.

With regard for a respect for human rights, it was stated that when making a decision on the funding consultation, Council Cabinet had to have due 'regard to' its duties under section 149 of the Equalities Act 2010. In doing so, Council Cabinet had to take account of the impact the financial proposals could have on different equality groups and consider any ways of mitigating or avoiding any adverse impact. It was reported that to assist council Cabinet to make an informed decision on these matters, a full EIA was carried out.

In terms of a presumption in favour of openness, the Cabinet member reported that the signatories believed that the commentary in the summary about decisions on individual groups in most cases bore no relationship either to old principles or the new ones. The Cabinet Member explained that the funding rationale at Appendix 2 of the Cabinet report identified where a service supported the principles listed in 4.27 of the report and that the principles were closely linked or identical to those used in the 2011 grant funding round. Member noted that the principles were also stated in the overview that was provided for the consultation, or were essential for producing practical funding recommendations.

In respect of clarity of aims and desired outcomes, six principles were used, from which the funding recommendation for each service was derived. The Cabinet Member stated that only one could have been regarded as new and, as previously stated, was necessary to apply in order to arrive at practical funding recommendations.

The Board asked the about the Council's intention to adhere to the existing strategy and service specifications, to achieve the required savings in 2014/15. The Director – Business Intelligence and Sector Development addressed the Board. He reported that the existing strategy had been agreed with the voluntary sector and its aim was to assist people to remain as independent as possible within the community. It was confirmed that there had been no change in rationale from 2011/12 and that the only difference was that there had been an opening bidding round in 2011/12.

The Board asked if there was any support in place to help voluntary groups understand where they could go for funding. The Director – Business Intelligence and Sector Development reported that the Council provided funding for Community Action Derby to support and guide voluntary groups in respect of any opportunities for funding.

The Board questioned the rationale used in determining the percentage cuts received by individual voluntary groups. The Cabinet Member explained that the process used to arrive at the funding recommendations comprised of a twelve week consultation and an EIA. The Director – Business Intelligence and Sector Development added that the Council had also used an assessment of the

performance of the organisations and services against the Council's strategic grant aid priorities and that this was based on an analysis of information obtained through the annual review process. Members noted that the information provided had informed the principles at 4.27 of the report, upon which the funding recommendation for each service was derived.

The Board received summaries from Councillors Higginbottom and Tittley.

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

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

- Proportionality
- Due consultation and the taking of professional advice from officers
- Respect for human rights
- A presumption in favour of openness
- Clarity of aims and desired outcomes

Resolved to agree that the decision-making principles had not been breached in relation to Council Cabinet decision 91/13

MINUTES END