
Council Meeting

18th September, 2012

Booklet 2

Recommendation Minutes

CABINET

11th September 2012

Cabinet Members Present: -	Councillor Duggins (Deputy Chair) Councillor Harvard Councillor Kelly Councillor Kershaw Councillor J. Mutton (Chair) Councillor O'Boyle Councillor Ruane Councillor Townshend
Non-Voting Opposition Representatives present:-	Councillor Blundell Councillor Taylor (Substitute for Councillor Foster)
Other Members Present:	Councillor Fletcher Councillor Hetherton Councillor Lakha
Employees Present:-	H. Abraham (Customer and Workforce Services Directorate) F. Collingham (Chief Executive's Directorate) L. Commane (Finance and Legal Services Directorate) P. Fahy (Community Services Directorate) C. Forde(Finance and Legal Services Directorate) J. Forde(Chief Executive's Directorate) C. Green (Director of Children, Learning and Young People) P. Jennings (Finance and Legal Services Directorate) L. Knight (Customer and Workforce Services Directorate) M. Morrissey (City Services and Development Directorate) J. Parry (Assistant Chief Executive) M. Rennie (Finance and Legal Services Directorate) B. Walsh (Director of Community Services) C. West (Director of Finance and Legal Services) T. Zhang (Finance and Legal Services Directorate)
Apologies	Councillor Foster Councillor Khan Councillor Mrs Lucas Councillor McNicholas (By Invitation)

RECOMMENDATIONS

35. **Department for Education Consultation - Replacing Local Authority Central Spend Equivalent Grant (LACSEG): Funding Academies and Local Authorities for the functions that devolve to Academies**

The Cabinet considered a joint report of the Director of Finance and Legal Services and the Director of Children, Learning and Young People, which set out a

proposed response to the Department for Education consultation on proposals to replace Local Authority Central Spend Equivalent Grant (LACSEG) from 2013/14.

The Government was proposing to transfer funding for central education functions for maintained and academy schools from the Department for Communities and Local Government to the Department for Education. This would mean that the level of funding the Council received in Formula Grant would reduce and be replaced by a separate un-ringfenced grant payable to both local authorities and academies, proportionate to the number of pupils for which they were responsible. The consultation document contained a limited set of proposals for the distribution of the new grant and the proposed response to these proposals was appended to the report submitted.

The Cabinet noted that the proposal was intended to be cost neutral for a local area (including funding for a local authority and academies within the local authority area. Compared with the current LACSEG recoupment methodology, the new approach should not cause adverse distributional impact between the local authority and the number of existing academies. However, as more maintained schools convert into academies, the level of funding the local authority would receive would reduce. The local authority would need to respond to the reduction in funding by reducing the cost of fulfilling its statutory responsibilities for education services, by finding savings in other areas, or by generating more income from academies.

RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet recommend that the Council approve the proposed response to the school funding consultation set out in appendix A for submission the Department for Education by 24th September 2012.

36. Consultation Responses - Draft Care and Support Bill, New Safeguarding Power, Future of Independent Living Fund, draft guidance on Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies, and allocation options for the funding for Independent Mental Health Advocate Services and the treatment of Armed Forces' compensation in charging for social care

The Cabinet considered a report of the Director of Community Services, which proposed responses to five separate Government consultations that related to adult social care and health, in particular:

- Draft Care and Support Bill
- New Safeguarding Power
- Future of the Independent Living Fund
- Draft Guidance on Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategies
- Allocation Option for the Funding of Independent Mental Health Advocate Services and the Treatment of Armed Forces' Compensation in Charging for Social Care.

The Department of Health published the White Paper 'Caring for our future: reforming care and support', in July 2012 (Care and Support White Paper). It was accompanied by a draft Care and Support Bill, which would provide the necessary legislation for adult social care reforms. The Bill would create a single framework for adult care and support, replacing more than a dozen pieces of outdated legislation. The Bill had been published for pre-legislative scrutiny and comments would feed directly into the process of parliamentary scrutiny. The Council was responding to the themes of the Bill rather than to each individual clause. This was not considered to be a formal consultation. It was proposed that the response should indicate that the Council would support the consolidation of legislation, but indicate that some areas of the Bill should be strengthened.

The draft Care and Support Bill included a proposed duty on local authorities to make enquiries where there was a safeguarding concern. It stated that local authorities "must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken". The Department of Health launched a formal consultation as to whether it was necessary within the Bill to include specific power to support this duty. This could be in the form of a power of entry, enabling a local authority to speak to someone with mental capacity who they think could be at risk of abuse and neglect, in order to ascertain that they were making their decisions freely. It was proposed that the response should indicate that the Council were in support of this proposed separate power, but considered it should only be used in exceptional circumstances.

The Department for Work and Pensions (DWP) was consulting on proposals that the Independent Living Fund (ILF) be devolved from an executive non-departmental public body, under the sponsorship of DWP to local government from April 2015. The original fund was created in 1988 and the aim of ILF monies was to provide a cash payment directly to disabled people, so that they could purchase care directly to support them to live independently in their communities rather than in residential care. The report indicated that the Council would support the transfer of funding to the local authority, but had concerns about the level of funding post 2015. It was proposed that the response should also indicate that the Council was concerned about the impact on people who currently receive ILF monies but were not currently receiving support from adult social care and who following assessment, may not meet the eligibility for care and support.

The Department of Health had published draft statutory guidance intended to support health and wellbeing boards and their partners in undertaking and contributing to Joint Strategic Needs Assessments (JSNA) and Joint Health and Wellbeing Strategies (JHWS). It was consulting on the clarity, effectiveness and potential impact the guidance would have on ensuring JSNAs and JHWSs improve the health and wellbeing on the local community and reduce health inequalities for all ages. The Council welcomed the guidance which it believed would support the Health and Wellbeing Board to discharge its duties in this area. However, the proposed response also indicated that the Council considered that the guidance could be further strengthened to provide clear drivers to reduce health inequalities.

In April 2013 the statutory duty for Independent Mental Health Advocate Services would transfer from the NHS to local authorities. Funding would come from a Department of Health grant and the Government was consulting on options for the allocation of funding. The proposed response indicated that the Council would support funding allocation based on the adult social care needs formulae.

It was noted that the Care and Support White Paper contained details of an amendment to social care regulation and charging guidance that meant that, from October 2012, Armed Forces' Guaranteed Income Payment (GIP) compensation would be exempted from the means test for social care. The Council supported this change and the report indicated that the Council already disregards the total sum of a veteran's war pension, including GIP in its policy for charging for non-residential social care. A change to the local policy for residential care would need to be made, however. Funding would be issued as a Department of Health grant and the Government was consulting on its option for distributing the funding.

RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet recommend that the Council approve the proposed consultation response.

37. Response to Consultation - Local Government Resources Review: Proposals for Business Rate Retention

The Cabinet considered a report of the Director of Finance and Legal Services, which set out a proposed response to a Government consultation on Local Government Resources Review: Proposals for Business Rate Retention.

The Council approved a report on 18th October 2011 giving its response to the Local Government Resources Review: Proposals for Business Rates Retention scheme. The key impact of the scheme, set out within the current Local Government Finance Bill, would be that a proportion of future local increases or decreases in Business Rates would be retained or managed by local authorities. Currently these local movements in Business Rates were balanced within national funding arrangements.

As part of developing these proposals the Government had issued a technical consultation paper, setting out the detail of the way the scheme and the wider resource allocation system would operate. The scheme would entail a move away from a needs based resource allocation system, to one based in part on the level of business rates increase in an area. This raised the possibility that Coventry would suffer a reduction in funding over time.

It was proposed that main focus of the response to the consultation, should be that any new system should adequately take into account the assessment of need when allocating resources.

RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet recommend that the Council approve the proposed consultation response.