Purpose of report

This report asks members to receive the petition from the Save Glamis Hall for All Committee, and to determine what action, if any, will be taken on receipt.

Executive summary

The Save Glamis Hall for All Committee (SGHAC) has submitted a petition of more than 10,000 signatures asking the council to reconsider the decision of the Resources Committee on 25 June to close Glamis Hall and, with it, the day centre for the elderly.

Appendices

Appendix 1: wording of the petition from Save Glamis Hall for All Committee

Proposed action:

Council is invited to RESOLVE to agree to receive the petition and determine which one of the following courses of action:

4.1 Confirm the decision to close Glamis Hall from 1 January 2015; or

4.2 Refer the decision to close Glamis Hall back to Resources Committee on 16 September; or

4.3 Rescind the decision to close Glamis Hall and invite Resources Committee to consider the future of the building.

Background

5.1 As part of a budget review exercise, the day centre and community hall hire services at Glamis Hall were put up for tender in 2011. This process failed, in part because the building was seen as such a liability by potential providers. It was therefore agreed at Resources Committee on 23 November 2011 that “the services currently provided at Glamis Hall be retained in the short term whilst officers pursue other possibilities for cost savings.”

5.2 Following this, the council set up a working party to look into a wide range of options for the future use of the site and alternative locations for a day centre service.
5.3 In early 2012, the council commissioned a feasibility report on the Glamis Hall building, setting out costed options for the building over the next ten years. The conclusions to the report stated that, even if significant investment in the region of £360,000 (approximately £382,000 at 2014 prices) was committed for extensive refurbishment of the site, the retained core would remain, essentially, a poor building.

5.4 In 2014, having considered all possibilities and gained information about the Glamis Hall building as well as other potential locations, the Glamis Hall Working Party recommended to the Resources Committee that the building be closed and, with it, the day centre. The working party had been unable to identify sufficient capital funding to either completely refurbish Glamis Hall or build a new facility. As well as the potential capital costs associated with an ongoing day centre facility, the revenue costs were high in comparison with the number of people assisted by the service: a cost of approximately £170,000 per annum for around 180 people (as at June 2014). The number of people using the centre has now reduced to 160, representing an extremely small proportion of approximately 14,000 residents aged 65 or over in the borough.

5.5 The Resources Committee unanimously approved the working party’s recommendation on 25 June 2014, and the decision was received by Council on 22 July 2014.

5.6 Once the decision was published some of the users of the day centre and their families created a committee to save Glamis Hall, and a petition of more than 10,000 signatures was delivered to the council on 18 August 2014.

5.7 One person has also instructed solicitors to make an application for judicial review to the High Court to quash the decision made on 25 June. A formal pre-action letter has been received in accordance with the Civil Procedure Rules. The grounds for the threatened application are that the council failed to adequately consult on the decision, that it is in breach of its equality obligations in relation to the disabled, and that the committee did not have delegated powers.

5.8 Legal advice on the merits of the application is currently being obtained and an update will be provided at the meeting. Nevertheless the applicant has agreed through solicitors to take no further action until after 9 September. Since the court deadline for starting proceedings is 25 September, that is likely to happen in the absence of any response by the council.

5.9 The wording of the petition is set out in appendix 1. Because the petition has more than the required number of signatures (1,510) it has triggered a debate by the council.

6 Discussion

6.1 The elements of the SGHAC petition are set out below. Alongside each point there are considerations for members to take into account. At the end of this section the options for members are outlined.
6.2 **Keep Glamis Hall open until at least November 2015** – if this approach is taken Resources Committee will need to consider:

(a) a capital bid to carry out essential repairs to the building so that it can remain functional and safe for another year;
(b) the cost of running the service and whether the fees for attendance should be increased to cover its costs;
(c) the outcome of an independent review of the service which has been commissioned (an audit carried out by a health professional); there may be implications for both capital and revenue funding of the service if improvements need to be made;
(d) a course of action in terms of staffing if numbers of users attending the centre reduce because there is still the prospect of closure;
(e) what action should be taken in November 2015 if an alternative service has not been provided.

6.3 **In the interim period, work with the community to enable the day centre to continue in its present form either in the existing building or in a new building in the immediate vicinity** – if this approach is taken Resources Committee will need to consider:

(a) whether it should set aside capital monies for a project of this kind;
(b) whether it wishes to make an ongoing revenue commitment to a discretionary service, taking into account the needs of the local community and other services available. This will include the new health and wellbeing arrangements to be put in place by the county council for adults;
(c) what working “with the community” could look like, and what risks and commitments this would create.

6.4 **We would like the Resources Committee to work with representatives of the users of Glamis Hall to form a Joint Action Plan to save the services it provides for the future:**

(a) Members will need to have an understanding of the way a joint action plan might work. Much information on the service, its running costs and general operations have been provided to SGHAC, on the understanding that the organisation would put forward a proposal to the council for the future of the service.

6.5 **Set out below are the options for councillors following the receipt of the petition.**

(a) **Confirm the decision to close Glamis Hall on 31 December 2014:** The council has received notification that a user of Glamis Hall is likely to make application for judicial review. Whilst officers consider that the council has taken appropriate steps in arriving at the decision to close Glamis Hall and could continue with the decision to close, there is no certainty that a court would agree and a judicial review would be costly and potentially complex, even if the council’s approach is exonerated.
(b) **Refer the decision to close Glamis Hall back to Resources Committee on 16 September:**

This would give members the opportunity to fully consider a further comprehensive report on the pros and cons of closing the building (and day centre).

Since it became clear that the closure would be challenged, officers have commissioned additional reports/collated further information. Research has also been carried out in respect of potential alternative service provision.

All of this additional detail will be of use to members if the decision is referred back. The level of detail required will not be available until the meeting on 16 September, as work is still under way.

(c) **Rescind the decision to close Glamis Hall:**

This approach would answer the immediate concerns of the users and their families, but would still require the council to consider the future of Glamis Hall and, by association, day care provision in the borough.

Following consultation, a further comprehensive report will be required on the potential options:

- extend the life of this building and review the day care provision on offer (in accordance with the inspection due to be carried out);
- build a new day centre, either independently or with a private/public/voluntary sector partner;
- or sell the day centre to an interested party.

The SGHAC has indicated that it will put forward a proposal for the community to provide day centre facilities, but this has not yet been received.

Rescinding the decision avoids all immediate risk of legal proceedings but does not preclude eventual closure if the council is entirely open to other reasonable options that may be disclosed by further consultation.

7 **Legal powers and implications**

7.1 The council has always had a discretionary power to provide the day centre facility.

7.2 Section 1 of the Localism Act 2011 gives the Council the power (subject to certain boundaries that do not apply here) to do anything that individuals generally may do.
7.3 There is no general duty to consult on making a decision of this kind but the council must consider in every case whether that is appropriate in order to comply with its public sector equality duty under section 149A of the Equalities Act 2010, or with the provisions of section 3A of the Local Government Act 1999 or otherwise. The proposed judicial review is threatened on grounds that consultation was inadequate. Further legal advice is being obtained on whether that claim has merit. If it does, the council has the option of rescinding the decision, consulting further in an appropriate manner, and then reconsidering the whole matter in the light of that consultation. Such a consultation would have to make clear that the council was prepared to do something different from the decision of 25 June, but it could still close the centre if that was a reasonable thing to do having considered the further consultation responses.

8 Financial and value for money implications

As outlined above, any one of the three options has financial implications. This ranges from the cost of a judicial review to the longer term capital and revenue commitment relating to the ongoing provision of a day centre. There is the potential for working with other providers to reduce the financial commitment, including contracting out the service, selling the building or working with partners who part-fund the day centre. The likely outcome for users of the service is an increase in fees to offset the running costs of the day centre, regardless of whether the council or any other body provides it.

9 Risk analysis

9.1 The closure or continuing provision of day care services – either in the current shape or by some other means – will present a number of risks:

(a) The loss of the service to elderly residents and their carers, who view the day centre as a central part of their lives;
(b) The health and safety risks of a failing building, with the knowledge that essential repairs may mean that the day centre has to be closed for a number of weeks;
(c) The financial risks, as outlined above;
(d) The risk associated with running an unregulated day centre for vulnerable adults (day centres of this kind do not come under Care Quality Commission jurisdiction);
(e) Concern by local people about the stability of any interim arrangements and lack of confidence that long-term arrangements will continue.

10 Implications for resources

10.1 Potential implications for resources (staffing and property) include:

(a) Uncertainty in respect of the future of the service for all staff employed;
(b) Stress associated with uncertainty and the pressure from external sources (stress risk assessments have been carried out);
(c) Potential reduction in staffing requirements if the day centre remains open for a specified period;
(d) Experienced staff leaving because the day centre’s future is uncertain;
(e) Building condition continuing to deteriorate, exacerbated by another winter.

11 Implications for stronger and safer communities

Whilst the closure of this service would have an effect on the local community, it may also provide an opportunity to support and protect other similar schemes in the borough.

12 Implications for equalities

An equalities impact analysis has been completed. This shows that some protected groups are affected by changes in service. The full assessment will form part of the report to Resources Committee on 16 September.

13 Author and contact officer

Bridget Lawrence, Head of Resources

14 Consultees

John Campbell, Chief Executive
Liz Elliott, Head of Finance
Julie Thomas, Head of Planning and Local Development
Sue Lyons, Head of District Law
Geoff Hollands, Principal Solicitor

15 Background papers

Correspondence between Head of Resources and SGHAC or other interested parties.
Details of interviews with Glamis Hall users and staff (exempt at present, as the data is being analysed and collated).
Appendix 1

The petition: wording

We, the residents of Wellingborough and surrounding areas, petition Wellingborough Borough Council to keep Glamis Hall open until at least November 2015 and in the interim period, work with the community to enable the day centre to continue in its present form either in the existing building or in a new building in the immediate vicinity.

There is no other day care facility for the elderly in Wellingborough and for many of the 180 elderly people who attend the day centre it is their only opportunity to socialise. It provides an excellent service including transport to/from the centre, bathing, podiatry, hair dressing and a social atmosphere for some of our most vulnerable people. The building also provides recreation bookings and sports changing rooms in the evenings and at weekends.

We would like the Resources Committee to work with representatives of the users of Glamis Hall to form a Joint Action Plan to save the services it provides for the future.