

NORTH YORKSHIRE COUNTY COUNCIL

CARE AND INDEPENDENCE OVERVIEW AND SCRUTINY COMMITTEE

4 APRIL 2011

CALL IN OF DECISION TAKEN BY THE EXECUTIVE MEMBER – ADULT & LIBRARY SERVICES - 14 MARCH 2011 RELATING TO UNIT COSTS FOR ADULTS SERVICES – REVISED SCHEDULE OF CHARGES FOR FULL COST PAYERS

1.0 PURPOSE OF REPORT

To enable the Committee to consider whether or not it would wish to refer the decision relating to unit costs for adults services back to the decision making person or Executive, or to the full Council and, if so, the nature of its concerns about the decision.

2.0 THE DECISION OF THE EXECUTIVE MEMBER ADULT & LIBRARY SERVICES - CONCERNING UNIT COSTS FOR ADULT SERVICES.

2.1 On 14 March 2011 the following decision was taken:-

To apply revised fees, as set out in an attached schedule, for NYCC managed care services for 2011/12.

The reason for the decision was that in the past a report has been presented to the Executive Member for Adult & Library Services to approve a rate for in-house residential care for older people and people with learning disabilities. This existed under the former Charging regime, to enable a charge to be levied to 'Maximum cost payers' ie those people receiving the service who had savings in excess of £23,350 (2010/11 rate) or sufficiently high income levels.

With the advent of personal budgets and greater freedoms for those receiving support via social services there is a need to be more transparent about the associated cost of purchasing services from NYCC and also the basis for subsequent personal care charges.

2.2 A copy of the report upon which the Executive Member – Adult & Library Services based his decision is shown at Appendix A, and the decision record at Appendix B. For background information, a copy of a report considered by the Executive at its meeting on 8 March 2011 is attached at Appendix C.

3.0 THE CALL IN

On 21 March 2011, written notice was received from 7 Members stating that they wished this decision of the Executive Member to be called in. Signatories to the notice were County Councillors John Clark, Stuart Parsons, Mike Cockerill, Polly English, John Blackie, Bill Chatt and Peter Popple.

The reasons given for call in were:-

- There are no comparative existing charges given for year 2010/11
- The increase of the Day Centre charge and others are prohibitive

- This level of charges is liable to lead to such a reduction in take-up that the whole process would become unviable
- The potential costs of not providing the service are not included.

3.1 The Council's rules in relation to the call-in of an executive decision are set out in paragraph 16 of the Overview and Scrutiny Procedure Rules in the constitution.

4.0 THE ROLE OF THE OVERVIEW AND SCRUTINY COMMITTEE

4.1 It is for the Committee to consider the decision which has been subject to call in and then to decide whether, or not, it wishes to refer it back to the decision making person or body (the Executive) for reconsideration, setting out in writing the nature of its concerns, or whether, or not, it wishes to refer the matter to full Council.

4.2 If the Committee does not refer the matter back to the decision making person or Executive, or refer it to the Council, the decision will take effect on the date of the Overview and Scrutiny Committee meeting. The relevant parts of the County Council's Overview and Scrutiny Committee procedure rules are set out below.

5.0 16. CALL IN

Note: Powers of call in apply only to functions which are the responsibility of the Executive.

- (d) If, having considered the decision, the Overview and Scrutiny Committee wishes to do so, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. If referred to the decision maker, they shall then consider the matter, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the overview and scrutiny committee does not refer the matter back to the decision making person or body the decision shall take effect on the date of the overview and scrutiny meeting.
- (f) Where the matter has been referred to full Council, but the Executive decides that the matter must be determined prior to the next Council meeting, they may proceed to determine the matter, and shall report the matter to the next Council meeting.
- (g) Subject to (f) above, if the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, (note: it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget) the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.

6.0 ISSUES TO BE DETERMINED

6.1 That the Committee considers whether, or not, it wishes to refer the decision back to the decision making person or Executive for reconsideration and, if so, the nature of

the Committee's concerns, or whether the Committee wishes to refer the matter to the full Council, or not.

CAROLE DUNN
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25 March 2011
JW

<u>Background Documents</u>	None
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