



MINUTES

Minutes of a meeting of the **COUNCIL** held in the Guildhall, Mill Street, Ludlow on **MONDAY 30th MARCH 2015** at 7.00PM.

FC/293 PRESENT

Chairman: Councillor Draper, Mayor

Councillors: Kemp; Lyle; J. Newbold; S. Newbold; Parry; Sheward and Smithers.

Officers: Naomi Brotherton, Senior Admin Assistant
Sean Turgoose, DLF Supervisor

Also in attendance: Mrs Ruth Houghton, The Head of Social Care Improvement and Efficiency, Shropshire Council

FC/294 HEALTH & SAFETY

The Mayor informed Councillors and members of the public of the fire exits, fire assembly point and asked that everyone sign the attendance log.

FC/295 APOLOGIES

Apologies for absence were received from Councillors Cobley, Ginger and Gill.

FC/296 DECLARATIONS OF INTEREST

Disclosable Pecuniary Interests

None declared.

Conflicts of Interest

None declared.

Personal Interests

None declared.

FC/297 PUBLIC OPEN SESSION (15 minutes)

There were 8 members of the public present.

Mr Peter Gillard, Shropshire Patients Group – Mr Gillard explained that he was a member of the Shropshire Patients Group and had attended Shropshire Councils Scrutiny Meetings and had concerns about their proposals for social care. He stated that the annual amount spent per head on the over 65s in 2003

had been £935. This had decreased by 2013 to £644 and it was planned that this would be further decreased by another 20% in the next two years. He reported that Shropshire Council was aiming to reduce costs for social care by £16 million and this in his opinion raised significant concerns. Shropshire would have an ageing population and that with age, it would be inevitable that ill-health would increase in the Shropshire. There would be a greater demand and Shropshire Council's strategy of relying heavily on volunteers carrying the workload was not ideal. Mr Gillard highlighted that his key concern was not just the decrease in physical care but the increase of levels in social isolation and the last survey showed that Shropshire was already in the red zone for social isolation. He urged Shropshire Council and the Town Council to take these points into consideration.

Ms Wendy Burnsell, Sheet Road, Ludlow - The Mayor read out a statement written by Ms Burnsell regarding the sudden withdrawal of support from Shropshire Council in relation to social care and the reply she had received via email. She appealed to the Town Council for its help and support to have this re-instated. A copy of her statement is attached to these minutes.

The Head of Social Care Improvement and Efficiency responded by stating that they were aware of Ms Burnsell's case and were currently responding to it.

FC/298 UNITARY COUNCILLORS SESSION

Unitary Councillor T Huffer – Ludlow East – Councillor Huffer requested clarification on the £72k cap mentioned in regards to the Care Act and whether the cap included board and lodging. Referring to deferred payments she asked if a residential property would have to be sold if one spouse was in residential care and the remaining spouse was still living in the property.

The Head of Social Care Improvement and Efficiency responded by stating that the cap on £72 would be covered in the presentation, as would the deferred payments and property question.

FC/299 CARE ACT PRESENTATION

The Head of Social Care Improvement and Efficiency delivered a Powerpoint presentation to Council. (A copy of the slides is attached to these minutes).

She explained that the Care Act 2015 was the largest change in legislation for the past 60 years. Much of the Act is prescriptive but there are a number of aspects relating to it that provide Local Authorities with some discretion. These include aspects relating to fees, charging and the Universal Deferred Payments Scheme. Shropshire Council was keen to get views via the current consultation, the deadline of which had been extended to the 28th April 2015. Final approval would be sought on the proposals at Shropshire Council's Full Council meeting in May 2015.

The first part of the legislation would come into effect this week and the rest would come into effect in 2016. The largest change in the legislation was to bring in well-being and preventative services onto an equal footing.

The Head of Social Care Improvement and Efficiency outlined that there were four levels of care and that Shropshire Council had adopted the substantial and critical level, which included continuity of care should clients move counties. Also the new legislation covered carers entitlements whether they be relatives, friends or neighbours with one direct payment. The legislation also covered privately owned properties and safeguarding for adults which brought it to a similar level as for children covered in the Childrens' Act.

Care Arrangement Fees

Turning to Care Act, the Head of Social Care Improvement and Efficiency explained that if a private individual had a certain amount of capital the Council would then make a charge for arranging care in their own homes from the 1st June 2015.

However this would not apply to those in care homes, although this would come into effect when the law allowed in April 2016.

It was intended that this fee would not be income generating for Shropshire Council but would be on a cost recovery basis.

Cost of Care

She continued by saying that the cost of care would be separate to the arrangement fee and all adults would be means tested before a contribution for care made. She added that the Department of Work and Pensions (DWP) regulations stated that fees for care, for individuals in their own home, currently cannot be backdated for domiciliary care, but if a resident was in a Nursing Home this cost could be backdated. The new legislation meant that all care could be charged for from the start date, making charging more consistent and fair.

Charges for Carers and Replacement Care

Regarding Carers, the Head of Social Care Improvement and Efficiency explained that under the Care Act, a Local Authority could charge the carer an assessed contribution, however, Shropshire Council were not proposing this.

However if replacement care was required, which replaces care provided by a family carer, to enable the carer to have a break, this replacement care could be charged to the adult needing that care. Currently only a percentage of replacement care was being charged for and that in order to ensure fairness and consistency it was proposed that all replacement care would be charged to the cared for person.

Universal Deferred Payment Scheme

The Head of Social Care Improvement and Efficiency responding to an earlier question from Councillor Huffer explained that the deferred payment scheme was an arrangement whereby the person agrees to pay some of their fees at a later date. Shropshire already had a local scheme for deferred payments. However, the Care Act provided a national single legal framework the establishment of a universal deferred payment scheme but allowed for some discretion. She verified that these payments would not be collected in the lifetime of the individual requiring the care and that if the remaining spouse was still living at home the property would not be sold to pay for these costs until they themselves required care.

The Universal Deferred Payment Scheme is intended to be cost neutral to Local Authorities, therefore under the Care Act Shropshire Council would charge a fee for administering the Deferred Payment Agreement and would be an annual fee.

She continued by saying that the Care Act allowed Councils to charge interest between 0% and a maximum set by Government (currently at around 2.65%). Shropshire Council was proposing that the maximum rate of interest would be charged for deferred payments and applied to both mandatory and discretionary deferred payments.

The Head of Social Care Improvement and Efficiency explained by stating that the Care Act allowed Councils to offer a deferred payment where the adult had an interest in land or other property which was not their main or only home and where a first legal charge capable of registration may be secured, she gave example of land, vehicles or art as possible items of security. However, in these cases requests of this nature would be considered on a case by case basis.

FC/300 QUESTION AND ANSWER SESSION

Q: Does Shropshire Council have current policies for Carers, Users etc on a website and are they transparent?

A: All Guidance Statements will be available on Shropshire Council's website by Wednesday 1st April 2015.

Q: Will there be a clear assessment for charging?

A: Yes, this is why residents and users have been invited to complete the current consultation.

Q: Will the income from any payments which have incurred interest be paid into the Social Care Fund to be re-used, or will this interest go into Shropshire Council's General Fund?

A: Any income collected currently is paid into the Social Care budget and it is thought that this will continue.

Q: There will be a disparity regarding carers arrangement fees, as some Ludlow residents will be able to pay fees and those not so fortunate. How will this be addressed?

A: With legislation coming into effect in 2016 of a cap of £72k is being made, where individuals will not be asked to pay over this amount, however this will be an assessed contribution.

Q: If Carers need a break will you help volunteers claim carers allowance?

A: Carers Allowance is means tested and therefore some are not eligible. However Carers can receive help and advice from outside agencies such as AgeUK.

Q: How do you judge the assessment fee and how much to charge for care, e.g when dementia and some disabilities will require a higher level of care? Is it a blanket fee?

A: The assessment charge is cost recovery and for arranging the care only. The assessment is not charged for and would determine the level of care required. This care can be paid for in several ways, it could be a direct payment, paid by the carer, it could be paid from an individual fund by the care provider or could be paid for by the Councils personal budget. All suppliers charge a standard rate regardless of health and level of need. Any charges made to the individual would be based on their income and ability to pay.

Q: If someone makes their own care arrangements, can they go ahead and pay for this themselves?

A: Yes, many people do.

Q: How does the Act cater for carers and the replacement care charge if the carer is a child or if the individual is unable to pay for replacement care?

A: Children are covered under the Children's Act and if an individual is unable to pay deferred payments could be arranged.

Q: Although Shropshire Council has decided to apply the maximum interest rate on deferred payments, has any other Council chosen a lower interest rate?

A: Not to my knowledge.

Q: The consultation doesn't seem long enough and have you made provision for those who do not have access to the internet?

- A:** Yes all current recipients of care have had a paper copy. The deadline has been extended until the 28th April 2015.
- Q:** If an individual has no income and is living in a housing association property and their carer requires a break, would you be charging the carer for the individuals care?
- A:** No, we would not charge the carer and we would build into their care some support grant and this cost may be free but would be assessed.
- Q:** People who only have an income of £23k may not be able to afford care, would Shropshire Council still charge for care?
- A:** As the new Scheme would be national under the new Care Act legislation, there is the option for deferred payments.
- Q:** I do not believe that people will be better off, in fact the opposite. Shropshire Council would seem to benefit from the income. Will the charges be capped and will the income be paid back into the Social Care budget?
- A:** Yes I will need to check that the income will be paid back into the Social Care budget but as it is currently is, it will probably be the same.
- Q:** If one spouse goes into a nursing home and the second spouse living at home passes away, is the care cost then collected by Shropshire Council?
- A:** Yes as the individual would be self-funded.
- Q:** If you have a case where a carer is looking after an individual but not maintaining a property, can help be sought?
- A:** Yes, under the Mental Health Act an individual can be supported and also there are Adult and Safeguarding Rules. These cases however are not rare but are usually complex.
- Q:** Given that this is a new Act and legislation has been set down already, is the consultation just a paper exercise?
- A:** All the consultations are discretionary and will be going to Shropshire Council's Full Council in June and if agreed come into effect on the 5th June 2015.
- Q:** Can we submit an application directly as a Town Council or would you recommend that we do it individually?
- A:** Either, although individually will provide more opinions than a collective submission.

RESOLVED (unanimous)
PK/JS

That individually Councillors complete the consultation forms and return them, if they wish to the Guildhall by the 21st April to be submitted to Shropshire Council.

7.15pm Councillor Kemp left the meeting.

FC/301 RESTORATION OF THE FOUNTAIN, CASTLE GARDENS

The Chair explained that following the previous Full Council meeting on the 16th March 2015, he had received a letter from the Civic Society unhappy with the delays they felt were being imposed by the Town Council and had decided to withdraw from the project of refurbishing/restoration of the fountain in Castle Gardens.

Councillor Lyle sympathised with the Civic Society's decision as she felt that the organisation had come to the Town Council full of enthusiasm and knowledge to enable the project to be completed.

RESOLVED (unanimous)
JS/PD

That:-

- i) a letter of apology is sent to the Civic Society for the delays and asking them to reconsider the project;
- ii) the matter be brought to the next Services Committee meeting with any reply from the Civic Society.

The meeting closed at 7.50pm.

 Town Mayor

 Date

N.B. Closed Session Minutes will **not** be issued.

