

Appendix 5 - Information provided by the Director of Adult Social Care and Health

Linden Court

1. Call-in

1.1 The call-in relates to two areas of concern and how these were taken into account in the decision making process:

- Whether the impact of the proposal on districts and borough councils was sufficiently considered; and
- Whether the interests of a future unitary authority were explicitly considered in the context of the agreement that has been made in principle between the District, Borough and County Council leaders in preparation for unitarisation processes, which includes: '...Decisions made by all sovereign bodies until vesting day [when the Unitary Authority takes control] will have the interests of future unitary council as an explicit consideration.'

2. Impact on District and Borough councils

2.1 A thorough review of all consultation responses and all other papers relevant to the proposals for Linden Court, indicates that the decision to close and re-provision Linden Court will not have a material impact on any Borough or District Councils. Borough and District Councils do not have any responsibilities for delivering adult social care services such as those provided at Linden Court.

2.2 The review of documentation included:

Appendix 2 – Report to Cabinet 25 February 2025

Appendix 3 – Minutes of Cabinet 25 February 2025

Appendix 4 – People Scrutiny Pre-decision Board comments to Cabinet

All written references to the impact of the closure and re-provision of Linden Court, from across the process are summarised in Appendix 6. Verbal references to the impact on other organisations, including District and Borough authorities, drawn from the Cabinet meeting on 25 February 2025 are listed in Appendix 7.

2.3 The Council ran a public consultation for 8 weeks, between 3 October and 28 November 2024, to understand any impacts that may arise from each of the proposals. The District and Borough Councils engaged extensively with these consultations, with their responses focussing on their concerns in relation to the proposals for the Housing Related Floating Support Service, Supported Accommodation Services and Drug and Alcohol Recovery Services. However, the District and Borough Councils chose not to comment specifically on the consultation relating to Linden Court and Beeching Park. This is not surprising in the context of the District and Borough Councils not having any responsibility for providing Adult Social Care services.

- 2.4 In particular, the response from Eastbourne Borough Council (i.e. the authority for the area in which Linden Court is based) set out concerns relating to the original proposals for Milton Grange, but did not include any comments specifically on Linden Court. We would not expect the proposals relating to Linden Court and Beeching Park to have an impact on District and Borough Councils, given the current division of statutory responsibilities, and no such impact was borne out through the consultation responses.
- 2.5 Similarly, the potential for proposals to impact on District and Borough Councils was raised by a number of members at the Cabinet meeting in the context of other proposals. However, no members raised any concerns at the meeting about the impact the Linden Court proposal would have on District and Borough Councils. This is consistent with the consultation responses and the fact that District and Borough Councils do not have any adult social care responsibilities.
- 2.6 Cabinet is required to take into account all relevant considerations. The weight to be given to any particular consideration, in reaching their decision, is a matter for Cabinet to determine.

3. Impact on a future unitary authority

- 3.1 As part of the Government's Devolution White Paper, all two-tier authorities were invited on 5 February 2025 to submit proposals for local government reorganisation. An interim plan for working up the proposal for East Sussex is being considered by Full Council and Cabinet on 20 March. Part of the proposal is to establish principles about how the Councils will work together and this includes the principle that *'Decisions made by all sovereign bodies until vesting day will have the interests of the future unitary Council as an explicit consideration'*. These principles will be considered as part of the plan, and a decision made on how to proceed.
- 3.2 Therefore, whilst working principles have been drafted with District and Borough Councils, these are yet to be considered through the County Council's formal decision-making process and therefore do not form part of the Council's policy framework. Notwithstanding, the Council continues to work with District and Borough Councils and the impacts of decisions on partners, including District and Borough Councils and any potential unitary authority have where relevant been considered as one of a number of factors within the decision making process, as noted above.
- 3.3 In discussions with the Boroughs and Districts it has also been recognised that each council remains sovereign and has legal responsibility to balance its budget until vesting day for a new unitary. Whilst all councils are committed to strong partnership working to consider fully impacts on other councils and/or the new unitary, the principle cannot be the only factor considered.
- 3.4 The potential to form a unitary was raised by a number of members at the Cabinet meeting, as well as how these proposals (or indeed a decision not to

proceed with them) would impact a future unitary authority. Similarly, it was expressly referred to in the comments from the pre-Cabinet Scrutiny Board which formed part of the Cabinet papers. Cabinet was therefore aware of this and considered it as one of the factors that was relevant to the decisions. The weight to be given to this particular consideration in reaching their decision is a matter for Cabinet to determine.

- 3.5 In the context of the requirement for ESCC to make savings to deliver a balanced budget for 2025/26, in making decisions on specific proposals the Cabinet considered all material considerations relevant to that proposal. When making the decision, It is evident that Cabinet did have regard to the impact on any potential new unitary authority, and put such weight as they considered appropriate on this consideration bearing in mind it relates to a future organisation, which as yet, has no worked up proposal in place, no government decision, and if agreed will not come into being for a number of years; this was balanced against all the other relevant and more immediate considerations.