

Report to: People Scrutiny Committee

Date of meeting: 17 March 2025

By: Deputy Chief Executive

Title: Call-in: decision made by Cabinet regarding the proposal to close the Linden Court Day Service for people with a learning disability and merge it with Beeching Park day service

Purpose: To allow the Committee to consider the call-in in relation to the decision by Cabinet regarding the proposal to close the Linden Court Day Service for people with a learning disability and merge it with Beeching Park day service

RECOMMENDATION: The People Scrutiny Committee is recommended to consider the call-in in relation to the decision taken by Cabinet on 25 February 2025 regarding the proposal to close the Linden Court Day Service for people with a learning disability and merge it with Beeching Park day service and decide what action, if any, to take.

1 Background

1.1 The decision made by Cabinet on 25 February 2025 in relation to the proposal to close the Linden Court Day Service for people with a learning disability and merge it with Beeching Park day service, was called in by four Members of the People Scrutiny Committee - Councillor Cross, Councillor Field, Councillor Lambert and Councillor Webb on 4 March 2025. A copy of the call-in request, specifying the grounds of concern requiring consideration by scrutiny, is at Appendix 1.

1.2 The Monitoring Officer and Scrutiny Manager reviewed the call-in request and considered that it was in accordance with the requirements of the call-in process set out in the East Sussex County Council Constitution.

2 Supporting information

2.1 On the 17 February 2025 a report to Cabinet setting out the outcome of a consultation on the proposal to close the Linden Court Day Service for people with a learning disability and merge it with Beeching Park day service was published, with a recommendation to proceed with the closure of the service (Appendix 2).

2.2 The People Scrutiny Pre-decision Board met on 20 February 2025 to consider the proposal that was set out in the report. This pre-decision scrutiny forms a key part of the scrutiny and decision making process. It affords scrutiny Members the opportunity to consider proposals and ask key questions of officers. This provides an important opportunity for the Members of the Committee to express their views to Cabinet. The summary of comments agreed by the Board that was considered by Cabinet on the 25 February as part of its decision making process is

attached at Appendix 4 and formed part of the consideration by Cabinet. The Board discussed the impact of this proposal on vulnerable adults; increased travel time for clients and carers; and alternative provision. Members of the Committee did not raise the issue of the impact on district and borough councils in relation to this proposal at the meeting of scrutiny and therefore no concerns were recorded in the Committee's comments that were subsequently considered at the Cabinet meeting. No such concerns were raised at the meeting of the Cabinet, at which a number of Members attended and made representations.

2.3 The minute outlining Cabinet's decision is contained in Appendix 3.

2.4 On the 4 March the call-in request was received and was based on the following areas of concern in relation to the decision:

- Did not sufficiently consider that in principle, the agreement that has been made between the District, Borough and County Council leaders in preparation for unitarisation processes, includes this: '...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.'; and
- Whether the impact of the proposal on district and borough councils was sufficiently considered.

2.5 The People Scrutiny Committee has therefore been requested to consider these issues through the call-in process before a final decision is taken.

2.6 The Director of Adult Social Care and Health has provided information to the Committee in relation to the points raised in the call-in request (Appendix 5).

2.7 In summary this sets out that while working principles have been drafted with the District and Boroughs regarding how we will work together, including having regard to having the interests of the future unitary as a consideration, these have yet to be considered through the Council's decision making process and therefore does not form part of the Council's policy framework; proposals for a unitary authority are still at formative stage, we do not yet know what proposals will be considered by Government (these will be submitted in September) and if agreed, the changes will not come into being for a number of years.

2.8 This proposal is not anticipated to impact on any future unitary in any different way to how it would impact on the County Council now. In addition, officers do not consider that there will be any material impact of this proposal on district and borough councils. As the advice from officers is that they are not aware of any impacts on any subsequent unitary or the district and borough councils, the Committee may wish to seek further clarification from the Members who have expressed the concerns, as to any further information or evidence they have in support of the concerns that they have raised, set out at 2.4, which the Committee should consider and take into account.

2.9 The role of the People Scrutiny Committee is to consider the call-in in relation to the decision taken by Cabinet, and the additional information provided in response to the concerns raised, and decide whether to:

- take no further action – in which case the original decision will take effect; or
- refer the decision back to the Cabinet setting out in writing the nature of its concerns. On receipt of a response from scrutiny, Cabinet may then decide whether to proceed with the original decision or make an amended decision; or
- refer the matter to Full Council setting out in writing the reasons for the referral. On receipt of a referral, Council may decide to take no further action, in which case the decision will take effect, or to refer the matter back to Cabinet, setting out its views. Cabinet may then decide whether to proceed with the original decision or make an amended decision.

3. Conclusion and reasons for recommendations

3.1 The scrutiny committee cannot change the decision which, as an executive decision, rests with the Cabinet. The Committee's role is to consider the points raised in the call-in request and decide what action if any it wishes to take

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LOCAL MEMBERS

All.