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Date:

Dear Member

CABINET SCRUTINY COMMITTEE - WEDNESDAY, 19 JANUARY 2011

I am now able to enclose, in respect of the Wednesday, 19 January 2011 meeting of the Cabinet Scrutiny Committee, the following report(s) that were unavailable when the agenda was printed.

Agenda No	Item
C1	<u>Older Person's Modernisation</u> (Pages 1 - 22)

Witness statements which were circulated to Members before the meeting:

- A witness statement from Mr John Porter
- A witness statement from Ms Karen Baldwin, The Limes Focus Group
- A witness statement from Mr David Lloyd, UNISON

Documents which were tabled on the day:

- A map of the Cranbrook division, including key sites
- A scoping report of PFI sites in the Tunbridge Wells area
- Photographs of Bowles Lodge, the Swattenden Centre and Hawkhurst Castle
- A letter from Appledore Developments Ltd (dated 15 January 2011)
- A letter from Councillor Ron Weeden to the Chairman of the Cabinet Scrutiny Committee (dated 17 January 2011)

Yours sincerely

Peter Sass
Head of Democratic Services & Local Leadership

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Statement from Mr John Porter (Bowles Lodge)

Cllr Gibbens has said that:

"Clearly, there will be people who are unhappy that the decisions don't reflect their views. The key issue for me, however, has been the need to balance today's needs with the demands of the future. The consultation was important and useful - and I have listened carefully and thoroughly to the voices of people who did not agree with the original proposals, as well as those who do."

This is not, with respect, the key issue.

The key issue is this:

If you have the power of life and death for another human being and choose death are you not responsible before Man and before God?

Your decision may kill my mother. You know this because the Council has done an assessment and is aware that she is demented and that she may have heart failure. Your Officers will have told you of Professor Katona's expert opinion that stress raises the cortisol level in the blood. That this brings on heart attacks to susceptible people. And strokes to those who are vulnerable to these.

And yet, knowing this, your Officers did not carry out a risk report on my mother telling you whether your decision would lead to her death.

Your Officers may have told you about Court cases in Wolverhampton, Hull and Southampton. And how the Court was told that those Councils methodology was so good that the risk was minimised? Have they told you that 25 out of 54 died within months of traumatic news or moves? I have the data here. Each one of those dead was someone's child or mother. Like your child or your mother. And each was slaughtered by Councillors such as you.

I say this because the death train cannot run without a driver. That driver may be Government policy or desire to reap the value of land on which my poor mother's bed sits where she lays her head to sleep in safety.

But the train also cannot run without its ticket sellers and inspectors. It's men on the platform to help them onto the train. And these are you.

And if one man or woman of the bystanders letting it happen says "no, this is not about future provision. You could let these die in peace and still provide that way. This is about stopping that old lady suffering even unto death" then perhaps there is a righteous man who will answer "I cannot in all conscience put my name to this".

Is that righteous human being you?

Remember that for all the world's great faiths there is a last day. On that last day we stand before our Maker not in a Group but alone.

And on that day we cannot rely on Council policy nor on laws nor blame Cllr Gibbens. On that day the responsibility for what we have done is ours and ours alone.

As it is now.

And if my mother, so frail, could beg you she would beg for her life.

The Limes Focus Group's Written Statement for the Cabinet Scrutiny Committee

The Limes Care and Day Centres provides a valuable service to the vulnerable people aged 55+ in North West Kent.

Since the Limes reopened as a care centre, over 1,000 people have been admitted to the Limes and approx. 800 people have been able **to return to their own home** behind their **own front door, (to quote Graham Gibbens)**. Others have been assessed to require residential or nursing care, for the own safety and dignity. There is already a **bed crisis at Darent Valley Hospital** (DVH) since Queen Mary's Hospital (QMH) A & E, Sidcup closed. There has been a significant increase for patient care at DVH and we have it on good authority that in recent weeks, patients are waiting in corridors and being treated in ambulances.

At December's County meeting, Penny Cole asked for this to be taken into account (as the consultation ended, as QMH A&E shut). Mr Gibbens said he would take this into consideration once he had received the Limes report. Did this happen? Under the Freedom of Information Act, we want evidence.

Gareth Johnson has told the Limes Focus Group by email and at a meeting with us, informing that he had spoken to Graham Gibben's personally about the Department of Health's extra £162million that has been made available to local health and care services to spend this financial year on frontline services by the Health Secretary. (see attached). Why wasn't this taken into consideration and investigated? Gareth said he told Graham that he would be willing to go with him to approach Andrew Lansley and request funding, so that the Limes could remain open.

We have no knowledge that an Evaluation Panel had take place for the Limes for the Limes Focus Group proposal.(see attached) to be considered until we received a letter saying that it had not been recommended.

We would like to point out that there was 6 months allowed for consultation and preparation for the outcome report to be published but only 8 working days for 2 committees to debate the recommendations, 1 day later the Cabinet Member announced his decision and only 3 working days for the Cabinet Scrutiny and witnesses to read and prepare for this meeting. Somewhat unfair!

Why weren't the loss of respite beds based at Gravesham Place included in the consultation? Respite carers should have been given the opportunity to have their say, as these beds are now only going to be provided in the independent sector.

Day Centre Service Users are able **to stay in their homes and be independent – behind their own front door**. They socialise and interact with likeminded people and this helps their mental wellbeing. We are confident this supports them in keeping healthy and happy. We are **also provide the venue for the Falls Prevention Exercise Class** promoted by the West Kent NHS Trust Get Active Campaign. (See attached BBC news article).

No information about Sutton Court, as a possible venue for current Day Centre Service Users was passed onto front line staff before the report was published. Is there a copy of this proposal and under the Freedom of Information Act, can the Focus Group see this? The Day Centre is not even mentioned in the signed Record of Decision. Why?

Witness Statement from UNISON Kent LG Branch

Re: Proposed Closures of Residential Services for Older Persons for Scrutiny Committee

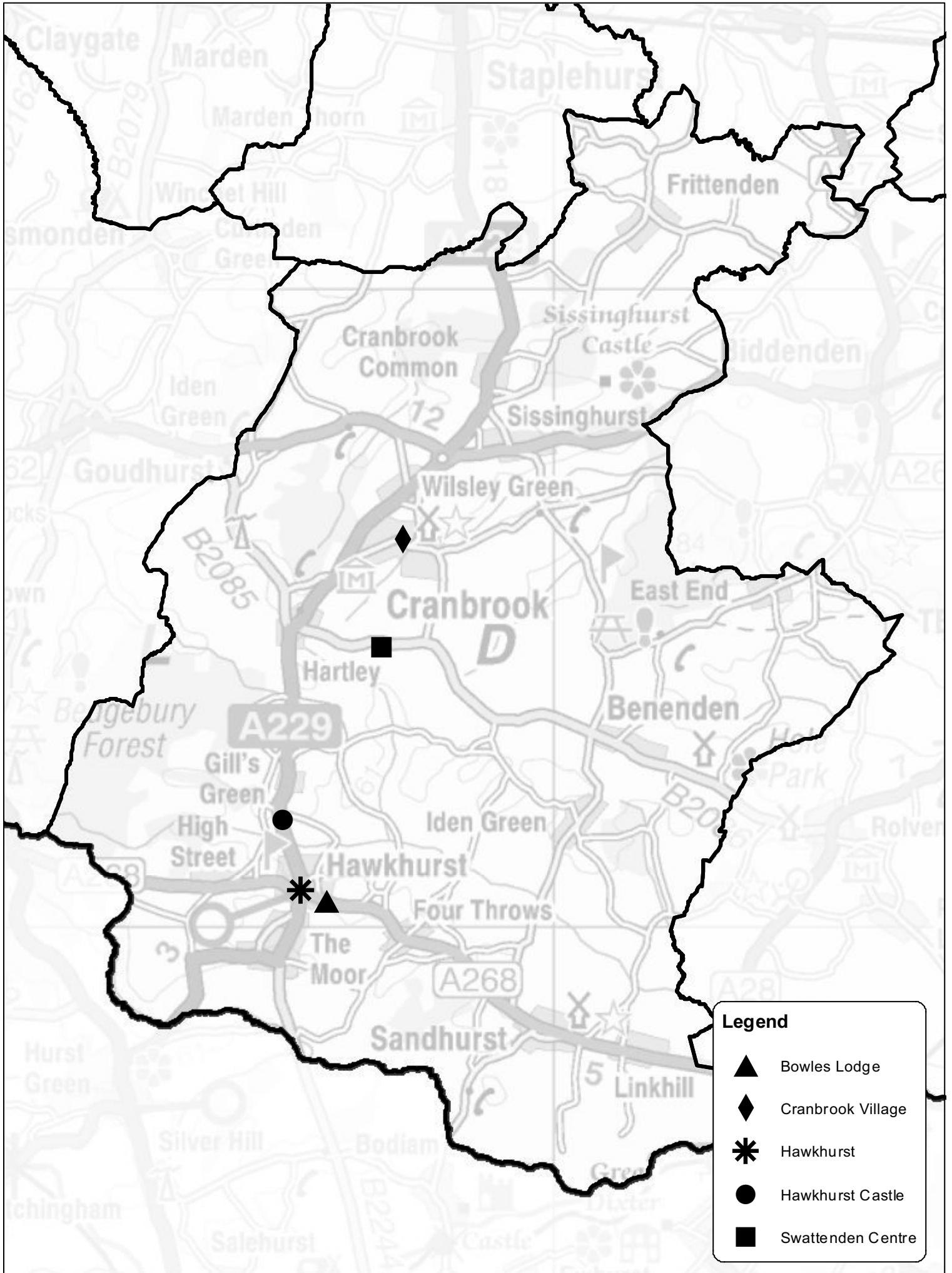
UNISON raises concerns in respect of the full consultation process. It is felt the report given to Council and the final report did not have any resemblance to public opinion nor the scale of the campaign carried out by UNISON and local focus groups. In KCC's own question in relation to the consultation it was perceived that 60% of people who took part in the survey were in favour of KCC in-house services. The impression was 3 out of 4 were in favour of keeping the older people's homes in-house.

All Homes managed by KCC have received good ratings by the Care Quality Commission. Local news items have highlighted that private care homes providers are stating they are not able to offer a much cheaper service. Suggestions that some private and voluntary providers will be running 50 bedded units to provide care services for the elderly. Good practice and research resulted in hospital wards and residential homes reducing their person bed capacity to 30 beds. KCC has not provided the evidence that suggests that the above mentioned research and good practice has changed.

We ask the Scrutiny Committee takes on board the need to thoroughly investigate and research in full all individual and global arguments and information given to KCC to establish what is visible to many people the residents who live in Kent want all the homes to remain in-house and be run by KCC.

What seems to be lacking in the Kent area are specialist residential homes. Kent County Council is best placed to turn the existing homes into much needed specialist units and run them. In doing so it keeps the Care market in control and they would be in a position to sell their services across the board. Keeping jobs and work in Kent is important for the economy of Kent.

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Future of Older Person's Provision

Report

By: Christy Holden – Project Manager
Date: 31 August 2010
Subject: Site investigation for Extra Care in Tunbridge Wells

Introduction:

Bowles Lodge has been identified as the preferred site for Extra Care Housing under the Excellent Homes for All Housing PFI in the Tunbridge Wells district.

The initial site identified for the Extra Care PFI was in Cranbrook and, in January 2010, an application for village green status, with over 70 evidence questionnaires, was submitted to Kent County Council (KCC) Public Rights of Way Team.

At the Public Meeting in Hawkhurst on 29th July 2010, KCC were asked to look at other sites within the local area to provide an alternative site for the Extra Care Housing. There was recognition that Bowles Lodge does not have a long term future and the view was that the Extra Care Housing could be built on an alternate site and the residents from Bowles Lodge could move there once built and Bowles Lodge could be closed and the site sold to generate any capital needed to fund the purchase of any alternative site.

KCC has made it very clear, both at the meeting on 29th July and through other communications, that Extra Care is not always going to be suitable for those currently living in residential care.

In order for the PFI credits to be agreed, a site needs to be confirmed by January 2011. There is a high risk currently attached to this element of the PFI project due to the uncertainty of the site. At this late stage, the element of funding for Tunbridge Wells is at risk.

Criteria:

The criteria for an eligible site includes:

- Must be owned by either KCC or Tunbridge Wells Borough Council
- To be vacated by September 2011
- To be large enough to accommodate a 40 unit Extra Care facility
- To have no restrictions for Planning

- To be highly likely to obtain Planning Permission

Alternative sites to investigate:

A search was undertaken prior to both the Cranbrook site and Bowles Lodge being selected. The site needs to be owned by either KCC or Tunbridge Wells Borough Council to avoid third parties being able to prevent the delivery of the whole project across the Kent, it needs to be large enough to accommodate a 40 unit Extra Care scheme, needs to have no planning restrictions and be highly likely to get planning permission by April 2011.

The sites suggested to investigate are:

- Hawkhurst Castle/Babies Castle
- Cranbrook Highway Depot
- The Swattenden Centre, Cranbrook
- Long Field, Cranbrook (as there is a view that the village green application can be withdrawn or processed quickly)

Sites were investigated by the Project Manager, the KASS Property Officer and in consultation with the owners of each site and with advice from Planners.

Findings:

Hawkhurst Castle/Babies Castle

The site is advertised for sale or lease with planning permission for a 65 bed care home and 11 extra care units. The Owner has made contact with KASS who has every intention of building the care home and wants to enter into discussions regarding block contracting arrangements once the home is built within 18 months. He is looking at a range of services including nursing care and EMI. He has met previously with officers of KASS while obtaining planning permission. Because the owner has every intention of developing services, we would not be able to consider this for the development of 40 Extra Care apartments under the PFI.

This site is discounted as an option

Highways Depot, Cranbrook

This is a Brownfield site owned by KCC. There is possible contamination and will be occupied until September 2011 but is dependent of the Aylesford Depot being ready. Planning is likely to be granted as a single storey development only. The site is outside the curtilage of the village.

This site is discounted as an option

The Swattenden Centre, Cranbrook

This is an operational site for Youth and Communities and Asylum, owned by KCC. It has lots of fields which some are used for sports. It is in an area of Outstanding Natural Beauty. It is believed that there is a Covenant on the site that restricts the use for Children's services only. This is a Greenfield site and there are no suitable buildings to knock down and build on. Planning would be extremely difficult. The site is isolated.

This site is discounted as an option

Long Field, Cranbrook

This site was previously the preferred option for the development but a Village Green application was submitted. The timescales of this take it past the deadline for confirmation of site. There is a strong case in support of the application with 70+ testimonies, one dating back to having free use of the site from 1930. There is too much of a risk to consider this site on the basis of the application (which cannot be withdrawn and will need to be referred to the Planning Inspectorate due to the potential conflict of interest of KCC both developing the site and considering the merits of the application.)

This has been discounted as an option

Implications:

The Project Director for the Excellent Homes for All PFI Project considers that a change of site from Bowles Lodge, Hawkhurst will create serious risks that will threaten both the delivery of 40 extra care apartments for the people in the Tunbridge Wells Borough and potentially for the 180 apartments for older people and other vulnerable people across the four other Districts in Kent.

This is because the two remaining bidders are already undertaking detailed designs for Bowles Lodge and to seek to replace or drop the Tunbridge Wells element would cause many months delay and lead to the project as a whole breaching the timetable agreed with the Homes and Communities Agency and the Treasury.

Given the Government review of Building Schools for the Future and many other PFI projects, such a delay, and the resulting increased costs for the project, could potentially lead to a withdrawal of £75m of PFI funding.

Therefore the Project Director and the projects professional advisors would strongly advise against changing any of the sites or scope of the project. This of course is subject to the final decision by KCC members following the consultation.

Conclusion:

Bowles Lodge remains the preferred option for the Extra Care PFI site as it is in the ownership of KCC, can be vacant by September 2011, is likely to get Planning Permission for a 40 bed extra care scheme and has the lowest risk for the PFI scheme.

Christy Holden
Project Manager
07920 780623

BOWLES LODGE
HANKHURST



THE SWATTENDEN CENTRE



HAWKHURST (BABIES) CASTLE



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Rec 17/1/11



15th January 2011

Mr R Manning
Bramley Dial
Cranbrook Road
Benenden
Kent
TN17 4ET

Dear Mr Manning

Hawkhurst Castle

I am writing to you, in your capacity as the local member for Cranbrook, on behalf of Appledore Developments LLP, the owner of Hawkhurst Castle, to clarify certain points.

Appledore Developments LLP, jointly owned by Appledore Developments Ltd and James Warner purchased Hawkhurst Castle and subsequently obtained planning permission for a sixty-five bed care home and eleven close care-cottages in 2008. The sole objective of the LLP was to obtain an attractive planning permission and sell the site to an appropriate party.

As part of the marketing process, James Warner had two or three discussions/meetings with KCC to investigate whether they would be interested in taking a certain number of beds in the completed car home, in order to make it more attractive to a prospective purchaser/operator.

KCC has never approached either Appledore Developments Ltd or James Warner with regard to a possible purchase. At no time during the discussions over beds was there any inquiry from KCC with regard to a possible purchase. Incidentally, there is a large 'For Sale' sign in front of the property.

I trust that the above-mentioned information clarifies the situation.

Yours sincerely

Peter Brotherton
(Chairman)



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The Chairman
Cabinet Scrutiny Committee
KCC
Maidstone
KENT

17th January 2011

Dear Sir/Madam

RE:- Cabinet Scrutiny Committee 19th January: Agenda regarding closure and redevelopment of Bowles Lodge.

As you will be aware I had requested to address to your Committee on 19th January in my capacity as Tunbridge Wells Borough Ward Member for Hawkhurst/Sandhurst, but I have suffered a slight stroke and am at present in the Conquest Hospital at Hastings. Therefore, would you kindly accept this written submission. I am aware that you have other speakers who will be presenting evidence regarding KCC logic and changes to the care service which has caused a raft of protest so I will focus on the so called Consultation, which in my opinion, is a disgraceful sham and has caused much local bad feeling against the County Council.

I have lived in Hawkhurst for over 30 years and about a year ago, along with other residents, picked up rumours that because of a land issue at Cranbrook the proposed Extra Care Housing Scheme would now transfer to Bowles Lodge, Hawkhurst site. Obviously over the following 3 or 4 months these rumours caused considerable concern but I was assured by KCC local Member, Roger Manning, that before anything was implemented there would be a full local consultation that would look at all angles. On 23rd June in conjunction with my wife, who is the Chairman of Springetts Trust which provides housing for older residents of limited means in Hawkhurst, we attended a meeting at the Queens Inn which consisted of Graham Gibben, Margaret Howard and 2 other KCC officers. My wife and I were the only two people of the local community present at the meeting.

In July Roger Manning attended a Hawkhurst Parish Council meeting and in answer to an outburst of public concern that there would be no proper consultation as the decisions had already been made and it was a "done deal", he undertook to arrange a public meeting and invite Graham Gibben as Cabinet Member and Director, Margaret Howard. He said he would ensure that they would present details and give necessary assurances about reacting to local opinion and by this include Cranbrook and Sandhurst. The meeting took place on July 29th and an estimated 250 people packed into the Primary School Hall. Although more assurances were given by Graham Gibben and Margaret Howard and questions recorded, at the end the general feeling was that the meeting was a PR exercise and the decisions had already been made. What did come out of the meeting was an

undertaking from Graham Gibben that, in conjunction with Roger Manning, he would thoroughly investigate 3 alternative sites; 2 large open sites at Swattenden (both owned by KCC), between Cranbrook and Hawkhurst; and Babies Castle (Hawkhurst) on the main A229 on the outskirts of the village. The Castle site is a large derelict building crying out for redevelopment, it has been up sale/lease for several years and has a large sign up outside. I knew from my Ward Councilor role that the site had Planning Consent for a 65 bed Care Home and 11 Close Care Cottages. Both TWBC and Hawkhurst Parish Council favor the redevelopment and my own view is that such a perfect opportunity must not be missed as it's development would address the very many concerns the whole community have about the plans already published and discussed at the public meeting. As important is the fact that Bowles Lodge – an exceptionally valuable site – would be perfect for redevelopment with housing – both private and affordable and it would also have the distinct advantage of addressing in part the perceived need for a further 192 properties, considered necessary between now and 2026 if present plans do not change. Such a sale and redevelopment would almost entirely liquidate KCC's costs and provide an adequate return for TWBC.

Such was my view that I attended a meeting at County Hall with Graham Gibben when I appraised him of the situation over Babies Castle and advised that my colleagues at TWBC were more than willing to get involved and finance could be available as a move from the Bowles Lodge site would free up a much needed housing site for the village. I told him that the sale of the houses would offset the purchase cost of Babies Castle. Amongst other things Graham promised to follow up the proposal with TWBC and approach the Babies Castle site owners. He undertook and promised to speak with Margaret Howard and then come back to me with the response.

After waiting several weeks, having not received any response from Graham Gibben and with local opinion mounting such that the in house "consultation" assessment had now become a total sham, I contacted Roger Manning who arranged another meeting with Graham. The meeting left me totally disillusioned as in a few minutes I was advised, together with Roger Manning, that under the PFI terms and conditions it was 2 years too late to change the site. Even so Appledore Developments, the owners of the site had been approached but they only wanted to "sell" beds in a complete development.

Graham said the reason he had not come back to me was because he had expected the (TWBC) local project team to investigate further. David Weiss was mentioned as the team coordinator and the following day I contacted Mr Weiss only to be told that there was no such team!!! Thus TWBC has not been fully involved.

It appears to me whatever suggestions have been put forward as alternatives to those proposed by KCC have been summarily dismissed. The so called 'public consultations' have been a total farce – nothing less than a public relations exercise to go through the motions to try and demonstrate that KCC have their residents welfare at heart. Perhaps this is best summed up with the quote that Graham Gibbens gave the Courier newspaper,

"we have looked at the other sites but have not found any to be as good as the proposed extra care sheltered housing at the Bowles Lodge site".

If I accept what Roger Manning has said, that he also has been left out of the local negotiations and like all of us has been misled by false information and unfulfilled undertakings Kent County Council's handling of the 'consultation' is called into question together with their credibility and integrity. In support of my Ward I am prepared to escalate this whole non-independent flawed consultation issue with our local Member of Parliament and I may support a call for a Judicial Review.

Hawkhurst Parish Council have never been consulted as a body by KCC to seek their collective view or invited to any consultation meeting. I am told that this also applies to Cranbrook and Sandhurst Parish Councils.

I request that your Committee seeks to delay the implementation of this unsafe Cabinet Members Decision to allow these disturbing consultation issues to be fully examined.

Yours faithfully

PP 

Cllr R J Weeden
Ward Member for Hawkhurst/Sandhurst
Tunbridge Wells Borough Council.

To whom it may concern.

I have authorized my wife to sign this letter on my behalf.

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