

CABINET

16 APRIL 2013

SALE OF ROBERT BEAN LODGE AND REPROVISION OF NAPIER UNIT

Portfolio Holder: Councillor David Brake, Portfolio Holder for Adult Services

Report from: David Quirke-Thornton, Assistant Director for Adult Social Care

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Summary

This report seeks Cabinet approval to delegate authority to the Assistant Directors Adult Social Care, Legal and Corporate service and Chief Finance Officer, in consultation with the Portfolio Holders for Finance and Adult Services, to declare the Napier Unit as surplus and to consider the options for the reprovision of the respite service for adults with learning difficulties.

1. Budget and Policy Framework

- 1.1 Cabinet approved the sale of Robert Bean Lodge and Nelson Court and the re-provision of services by Agincare on 12 February 2013 and this was in accord with the Council decision to outsource the Linked Service Centres. Given the unrestricted value of Robert Bean Lodge exceeded £1M, this disposal was agreed by Council on 21 February 2013.
- 1.2 The unrestricted value of the Napier Unit will be less than £1m, therefore, its disposal is a matter for Cabinet.
- 1.3 This matter is urgent as the progress of the sale of Robert Bean Lodge and Nelson Court is premised on the outcome of the discussions on the future of the Napier Unit. The mobilisation of the sale is planned over the next 6 weeks subject to agreement on the Napier Unit. The timescale and progress of the proposed sale is such that to bring the paper to the next Cabinet would have delayed the process significantly.

2 Background

- 2.1 A contract has been awarded to Agincare for the sale of Robert Bean Lodge and Nelson Court and the re-provision of services by the company on these

sites. This award included the sale of the freehold for both properties, which has raised discussions on the future of the Napier Unit, as this is part of the same building as Robert Bean Lodge and therefore deemed to be part of the freehold sale by Agincare.

- 2.2 The Napier unit is an 8-bed respite service for adults with a learning disability. There are no permanent residents at the unit.
- 2.3 The original tender documents specified that Robert Bean Lodge, including the Napier Unit would be subject to a 25 year lease rather than a freehold sale but there was no mention of the future of the Napier unit as part of the proposal.
- 2.4 This report seeks permission from Cabinet to include the discussion of the Napier Unit as part of the agreement of the award with Agincare. The Council will consider options for the re-provision of the Napier Unit or will continue with the 25 year lease of the Napier Unit as is currently part of the original tender.
- 2.5 The Council has a range of statutory duties and powers to provide services to vulnerable adults such as older people, people with learning disabilities, physically disabled people, people with mental health needs, drug and alcohol misusers and carers. Duties and powers are contained within the National Assistance Act 1948, the Chronically Sick and Disabled Persons Act 1970, the NHS and Community Care Act 1990, the Mental Health Act 1983 together with other statutes and regulations.
- 2.6 The service is subject to Section 23(1) of the Health and Social Care Act 2008, which requires the Care Quality Commission (CQC) to produce guidance for providers of health and adult social care, to help them comply with the regulations within the Act that govern their activities.

3. Options

- 3.1 This report seeks authority for Officers to look at the re-provision options for the Napier Unit as this was not considered in the report to Cabinet on the 12 February 2013 in discussion of the sale of Robert Bean Lodge and Nelson Court.
- 3.2 Two possible options for the re-provision have been identified in the exempt appendix. This information is exempt as it is commercially sensitive and part of the ongoing negotiations with Agincare regarding Robert Bean Lodge and Nelson Court.

4. Advice and analysis

- 4.1 The contract for the outsourcing of Nelson Court and Robert Bean Lodge has been agreed on the basis that the Council will sell the freehold of these properties to Agincare. The re-provision of the Napier Unit could benefit the adults with learning disabilities and families who use this service by providing the service on a site away from an older people's residential care home and would afford the service the opportunity to consider day opportunities and community access as part of the respite service.

5. Risk management

5.1

Risk	Description	Action to avoid or mitigate risk	Risk rating
The Council is unable to find suitable premises for the re-provision of the service.	This service provided is respite care and does not have any permanent residents.	The Council has in place the agreement of a 25 year lease.	

6. Consultation

- 6.1 Subject to member approval to explore the options for the re-provision of the Napier Unit, consultation with services users, family carers and staff will be taken forward. The Council has the option to maintain the current service but this is an opportunity to develop a new service to replace the existing facility. The re-provision requirements for a new service would be developed in consultation with service users, family carers, staff and other stakeholders.

7. Financial and legal implications

- 7.1 Detailed financial implications are outlined in the Exempt Appendix.
- 7.2 Legal implications are set out in the main body of the report.

8. Recommendations

- 8.1 Cabinet is requested to declare the Napier Unit as surplus and delegate authority to Assistant Director Adult Social care, in consultation with Portfolio Holders for Finance and Adult Services and Assistant Director Legal and Corporate Services and Chief Finance Officer, to obtain the best terms reasonably agreed for the disposal of the Napier Unit.
- 8.2 Cabinet is requested to delegate authority to Assistant Director Adult Social care, in consultation with Portfolio Holders for Finance and Adult Services, Assistant Director Legal and Corporate Services and the Chief Finance Officer to look at the options for re-provision of the services at the Napier Unit, over the

next 2 years. A paper with the options will be brought back to Cabinet for approval.

9. Suggested reasons for decision(s)

- 9.1 To ensure that options to secure the best provision possible for services users and family carers are fully explored and the opportunity that arises from the sale of Robert Bean Lodge is carefully considered.

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Background papers

Cabinet report/decisions 12 February 2013
<http://democracy.medway.gov.uk/mgIssueHistoryHome.aspx?IId=10120>

Council report/decisions 21 February 2013
<http://democracy.medway.gov.uk/ieIssueDetails.aspx?IId=10120&PlanId=0&Opt=3#A17757>