

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Corporate Director for Corporate Services
to
Council
on
17th October 2013

Report prepared by: John Williams,
Head of Legal & Democratic Services

Petition re the Future of Priory House

Relevant Scrutiny Committee: People
Executive Councillor: Councillor Salter
Part 1 Public Agenda Item

1. Purpose of Report

To report on a petition received in respect of the future of Priory House signed by 8152 persons. Over 1500 of the signatories live in the Borough, so the petition must be dealt with as a "Petition Requiring Debate" in accordance with Standing Order 15 and the Council's Petition Scheme.

2. Recommendation

That the petition, attached at **Appendix 1**, be referred to the People Scrutiny Committee on 22nd October 2013 and then to Cabinet on 5th November 2013 to be considered in the context of the decision to be made on the future of Priory House.

3. Background

- 3.1 On 19th March 2013 the Cabinet considered a report on the options for the future of Priory House and Delaware House, including the options reviews undertaken by the Task & Finish Panel.

The Cabinet resolved:

"That the findings of the Task & Finish Panel be accepted and that officers be instructed to commence a formal consultation on all 4 options, with the preferred option being the planned closure of Priory House and future exploration of the opportunities to develop the Delaware House site to offer some dedicated facilities for Older People."

- 3.2 The consultation started on 3rd June 2013 and closed on 1st September 2013.

- 3.3 On 22nd October 2013 the People Scrutiny Committee will consider a report from the Corporate Director for People on the matter. The report will set out details of the responses to the consultation, including all petitions received; consequently the petition at **Appendix 1** will be referred to as well as one submitted by Unison in respect of both Priory House and Delaware House. The report will also deal with all other material considerations. It will be a pre-Cabinet scrutiny report and People Scrutiny Committee will be able to make recommendations to Cabinet on the future of the two Homes.
- 3.4 Cabinet will then consider a report from the Corporate Director for People at its meeting on 5th November 2013. The report will contain similar information to that contained in the report to People Scrutiny Committee referred to in 3.3, together with reference to the recommendations of the Committee. The Corporate Director will also make a formal recommendation to Cabinet.

The Cabinet will then be in a position to make a decision on the future of the two Homes, this being an executive function. The Cabinet's decision will be available for scrutiny, and could be referred back. However neither the People Scrutiny Committee, nor Council, can make a different decision from that of Cabinet.

- 3.5 The petition at **Appendix 1** opposes the closure of Priory House. It has been signed by 8152 persons. Over 1500 of the signatories live in the Borough, so the petition must be dealt with as a "Petition Requiring Debate" in accordance with Standing Order 15 and the Council's Petition Scheme. These arrangements permit the organiser of the petition (or a member of the Council on their behalf) to address the Council for 5 minutes, following which the petition can then be debated for up to 20 minutes.
- 3.6 As explained above it is the responsibility of the Cabinet to make a decision on the future of the two homes, since it is an executive function, although the matter will be subject to pre-Cabinet scrutiny before the Cabinet makes any decision. The decision of the Cabinet should be taken with detailed and proper consideration of all material considerations.

In advance of making that decision, it would be inappropriate for Members to move, and debate, a resolution recommending the decision that Cabinet should take. Indeed were any Member who will be involved in the formal decision making process to do so, this could amount to an unlawful pre-determination. Certainly this would include all Cabinet members, but also members of the People Scrutiny Committee and potentially all Members if the matter was to be referred up to Council at the People Scrutiny Committee.

- 3.7 Therefore the proper way to proceed is for the petition to be debated and then referred to the People Scrutiny Committee (22nd October 2013) and Cabinet (5th November 2013) for it to be duly considered (along with all other representations and any other petitions) in the context of the decision to be made on the future of the two Homes.

Of course all Members who will be involved in the decision making will also have been privy to the debate on the petition at Council on 17th October 2013, so this can inform the decision making.

4. Background Papers

None

5. Appendices

Appendix 1 – Petition opposing the Closure of Priory House

PETITION TO SOUTHEND-ON-SEA BOROUGH COUNCIL

Priory House in Prittlewell Chase which is a care home for the elderly and dementia sufferers has been recommended for closure by a group of local councillors.

We would like to send a strong message from the public to prevent this from happening.

Please show your support and take time to sign our petition to prevent the home's closure and retain this facility for existing and future elderly and vulnerable adults

Name <i>(Please print)</i>	Address	Signature	State if work or study in Southend (if not Southend resident)