

MUNICIPAL YEAR 2014/2015 REPORT NO.

ACTION TAKEN UNDER DELEGATED AUTHORITY:

DECISION OF:

Director of Finance, Resources and Customer Services – James Rolfe

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Agenda - Part: 1	Item:
Subject: Lease renewal of 168 & 168a High Street, Ponders End, EN3 4EU	
Ward: Ponders End	
Key Decision 4001	
Cabinet Member consulted: Not applicable	

1. EXECUTIVE SUMMARY

- 1.1. The subject property is a Council owned Housing Revenue Account (HRA) shop.
- 1.2. It is currently let to Mr. Biswas who trades as Ponders End Post Office.
- 1.3. The tenant wishes to assign his interest to Mr. Hossain.
- 1.4. The Post Office requires any new Sub Post Master, which is the case with Mr. Hossain, to have an unexpired leasehold interest in the shop they intend to trade from of at least 16 years.
- 1.5. The current lease only has an unexpired term of 2 years and this will therefore fail the Post Office requirements.
- 1.6. It is therefore proposed to assign Mr. Biswas' interest to Mr. Hossain. Upon assignment we will simultaneously surrender the existing term and renew his lease for a term of 16 years.
- 1.7. Property Procedure Rules (PPR's) dictate that any lease to be granted which is greater than 15 years and/or where the cumulative value of the terms of the lease exceeds £250,000 will require approval from the Director of Finance, Resources and Customer Services. This lease renewal falls within this requirement.
- 1.8. A full delegated authority report (DAR), rather than a DAR light, is required as the proposed letting falls within the criteria of a Key Decision and as such has been placed on the forward plan under Key Decision 4001.
- 1.9. The proposed terms of the lease renewal are set out in part 2 and approval of these are required.
- 1.10. The Council's managing agents, the Spencer Craig Partnership (SCP), have confirmed that the terms represent market value and have recommended them for approval.

2. RECOMMENDATIONS

- 2.1.** That the Director of Finance, Resources and Customer Services approves the terms to the lease renewal of the HRA shop as detailed in the part 2 report.

3. BACKGROUND

- 3.1.** The subject property, 168 & 168a High Street, Ponders End EN3 4EU, is a Council owned HRA asset located in the Ponders End ward. It comprises a ground floor shop with a 2 bedroom flat above. The flat is to be used solely in connection with the business activities of the shop and cannot be sub-let.
- 3.2.** The shop is currently let to Mr. Biswas and is used as a Post Office, newsagents, tobacconists and general confectioners.
- 3.3.** Mr. Biswas is seeking to assign his leasehold interest to Mr. Hossain. However the Post Office requires any new Sub Post Master, which is the case with Mr. Hossain, to have a leasehold interest in the shop they intend to trade from of at least 16 years.
- 3.4.** The current lease is due to expire on the 9th February 2016 and this therefore does not meet the Post Offices requirement.
- 3.5.** It is therefore proposed to assign Mr. Biswas' interest to Mr. Hossain. Upon assignment we will simultaneously surrender the existing term and renew his lease for a term of 16 years.
- 3.6.** The Post Office facility is one which the Council, as landlord, is extremely keen to retain and the proposed lease renewal, on the terms agreed, will ensure the continuation of this use
- 3.7.** Property Procedure Rules (PPR's) dictate that any lease to be granted which is greater than 15 years and/or where the cumulative value of the terms of the lease exceeds £250,000 will require approval from the Director of Finance, Resources and Customer Services. This lease renewal falls within this requirement.
- 3.8.** The Council's managing agents SCP have agreed terms for the lease renewal, subject to approval. They have confirmed that the terms represent market value.
- 3.9.** A full delegated authority report (DAR), rather than a DAR light, is required as the proposed letting falls within the criteria of a Key Decision and as such has been placed on the forward plan under Key Decision 4001.
- 3.10.** See part 2 for the proposed terms.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. Do nothing

4.1.1. Not recommended. The Council cannot unreasonably withhold its consent, as landlord, to the proposed assignment of Mr. Biswas' leasehold interest to Mr. Hossain. However due to the lease term requirements of the Post Office around Sub Post Masters, Mr. Hossain is unlikely to proceed with the assignment without the ability to have a 16 year lease .

4.1.2. This could result in the closure of the Post Office facility in this area.

4.2. Assign to an alternative use

4.2.1. Not recommended. Mr. Biswas could seek to assign his interest to another interested party who would seek to change the existing use. The Council, as landlord, may not be able to withhold their consent to any alternative uses put forward.

4.2.2. This could result in the closure of the Post Office facility in this area.

5. REASONS FOR RECOMMENDATIONS

5.1. It will maintain the vital community facility within the area.

5.2. The tenant will be able to plan and build their business for the future and will continue to provide a service to Enfield residents.

5.3. By agreeing to the lease renewal the Council will maintain an income stream from this asset.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

6.1. Financial Implications

6.1.1. See Part 2

6.2. Legal Implications

6.2.1. As per paragraph 3.7 of this Part 1 Report, the Council's Property Procedure Rules dictate that any lease to be granted which is greater than 15 years and/or where the cumulative value of the terms of the lease exceeds £250,000 will require approval from the Director of Finance, Resources and Customer Services. The granting of the proposed lease falls within this requirement.

6.2.2. Section 123 of the Local Government Act 1972 requires that when granting a lease of more than 7 years a Local Authority

needs to demonstrate that it is getting the best consideration reasonably obtainable. The confirmation provided by the Council's managing agents, Spencer Craig Partnership, at paragraph 3.8 of this Part 1 Report demonstrates that this has been achieved.

6.2.3. The formal granting of the lease shall be in a form approved by the Council's Assistant Director (Legal Services)

6.2.4. The recommendations contained within this report are within the Council's powers and duties

6.3. Property Implications

6.3.1. See part 2

7. KEY RISKS

7.1. See part 2

8. IMPACT ON COUNCIL PRIORITIES

8.1. Fairness for All

8.1.1. The rent will be pooled and help fund spending priorities within the HRA, which in turn will help protect those functions deemed essential.

8.2. Growth and Sustainability

8.2.1. The annual rent will help fund prioritises within the HRA and maintain an income stream from this asset

8.2.2. It will help a local business plan and build for the future.

8.3. Strong Communities

8.3.1. The proposal will help the Council build strong communities within the borough.

9. EQUALITIES IMPACT IMPLICATIONS

9.1. An equality impact assessment/analysis is not deemed relevant or proportionate for the proposed lease renewal.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

10.1.

11. PUBLIC HEALTH IMPLICATIONS

11.1.

Background Papers



MUNICIPAL YEAR 2014/2015 - REPORT NO.

**MEETING TITLE AND DATE /
ACTION TO BE TAKEN UNDER
DELEGATED AUTHORITY**
(delete as appropriate)

PORTFOLIO DECISION OF
Donald McGowan

REPORT OF: Ray James
Director of Health, Housing & Adult
Social Care
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Agenda - Part: 1	Item:
	Subject: On-line deployment of self-assessment & information/advice tools
	Wards: All Key Decision No: (if applicable)
	Cabinet Member consulted: Donald McGowan

1. EXECUTIVE SUMMARY

- 1.1** Previous agreement was sought and received from cabinet on 15th June 2011 to deploy the Quickheart resource allocation system (RAS). This has been used by practitioners working with service users as a supported self-assessment tool. The RAS provides a transparent and up-front indicative personal budget allocation for those people assessed as eligible to receive funding for on-going support from Adult Social Care. The tool also provides a breakdown of needs where no funding is to be provided (non-eligible needs) so is Care Act 2014 compliant.
- 1.2** The department upgraded to version 9 of the Quickheart product in January 2014. Version 9 provides a full end to end solution which includes an on-line accessible resource allocation system linked to a support planning tool and an on-line marketplace. It is, therefore, currently possible to self-assess needs, create a support plan to meet those needs and shop for services, all on-line.
- 1.3** As part of the Council's offer for those people who are not eligible for Adult Social Care funding and as required by the Care Act 2014, it is also proposed to deploy Ask SARA, an online self-assessment and signposting tool, designed and managed by the Disabled Living Foundation (DLF). The tool provides a basic independent living assessment and can be used as a self-serve tool or as a guided assessment over the phone.
- 1.4** Adult Social Care will continue to validate all completed assessments where a request for Council funding is made, offering Enablement and brokerage services in the first instance before determining whether there is an eligible ongoing need.

1.5 The purpose of this report is to seek Portfolio holder approval for a managed, on-line roll-out of Version 9 of the Quickheart RAS by January 2015 and the triage tool and Ask SARA product by March 2015. These are consistent with both the Care Act 2014 and the Enfield 2017 transformation programme requirements.

2. RECOMMENDATIONS

2.1 It is recommended that DMT and the Portfolio holder agree the proposed full on-line roll out of Quickheart Version 9 and Ask SARA in for use by the public by March 2015.

3. BACKGROUND

3.1 Version 7 of the Quickheart product was originally purchased and introduced in June 2011. Within version 7 there was no link between the RAS and the E-market place. This tool and subsequent Version 9 are being used by staff currently as a supported self-assessment tool.

3.2 Following implementation and significant user testing by both staff and service users/carers, Version 9 of this product has been further developed to address all issues highlighted for improvement. Version 9 now offers a full end to end solution from information and advice, the Resource Allocation System, Support Planning and the E-Market Place.

3.3 The Ask SARA product offers a simple, accessible on-line assessment tool which can be used through self-serve or completed with telephone assistance. It has been created by the Disabled Living Foundation in order to assess the general wellbeing and independent living needs of people living within their own homes (not in a residential or nursing home setting).

3.4 It is proposed that, as part of the roll-out of both Quickheart and Ask SARA tools, clear, accessible guidance is produced which guides users to the tool which is right for them. Guidance will also make it clear that in the event that financial support from the Council is sought, a validation process will take place in order to determine whether enablement or other types of preventative service may be more appropriate. A personal budget will not be allocated by the Council without this validation process taking place first.

Care Act 2014 Requirements:

3.5 Wellbeing principle: section 1 - This section creates a new statutory principle which applies to all the functions under Part 1 of the Act (including care and support and safeguarding), and means that whenever a local authority makes a decision about an adult, they must promote that adults' wellbeing. The wellbeing principle is a new legal requirement.

- 3.6 Prevention: section 2** - requires local authorities to ensure the provision of preventative services - that is services which help prevent or delay the development of care and support needs, or reduce care and support needs (including carer's support needs). This duty builds upon existing requirements to provide certain preventive services (e.g. under Schedule 20 to the NHS Act 2006) and supports other duties, such as those to undertake joint strategic needs assessments. This expands current legal requirements, to reflect best practice in relation to local approaches to preventing and delaying needs.
- 3.7 Information and advice: section 4** - provides for an information and advice service to be available to all people in the local authority's area regardless of whether or not they have eligible care needs. This replaces existing duties in relation to information and advice, and updates those requirements to specify more detail on what a universal information and advice service must include. This is based on existing best practice.
- 3.8** Providing on-line access to both of these tools fulfils the Council's and the Enfield 2017 Transformation programme's requirements. These tools promote both a self-serve and supported assessment approach to the identification of needs both eligible and non-eligible. They also provide seamless, easy access to an Enfield market place where people can source all of the help and support they need.

4. ALTERNATIVE OPTIONS CONSIDERED

The department could decide not to offer an on-line self-assessment option. However, both the Care Act 2014 and the Council's Transformation programme, Enfield 2017 require the availability of self-serve and supported self-serve options wherever possible and appropriate.

5. REASONS FOR RECOMMENDATIONS

In 2013/14 the Access service dealt with over 10,500 telephone enquiries. Just under 5,900 of those enquiries resulted in the provision of information and advice. Screening officers within the Access service also completed just over 3,900 screening assessments. Over 600 of these screening assessments resulted in the provision of information advice, no further action (not eligible for services) or were referred elsewhere (signposted).

The new duties under the Care Act 2014 will also increase the number of assessments the department is required to complete. Work is underway to ascertain the extent of the increase in activity that will result from the new legislation. However, it seems clear that the activity described above would present a logical opportunity for more self-serve or supported self-serve. The

uptake of the new self-serve options will be closely monitored in order to understand the impact on more traditional telephone and face to face contacts the Council makes with its customers.

For those people funding their own support needs who wish to self-serve entirely without contact with the Council, these tools will provide a useful guide to how they may wish to meet their needs, guide prices for how much that support should cost and a market place now with over 300 providers of a wide variety of services, to buy those services.

For those people who self-assess and who do wish to ask for Council funding to meet their support needs, the self-assessment will replace the current screening tool used by the Access service. Again, over time it is anticipated that more of the information we currently collect from people over the phone will be provided on-line instead. This will also be closely monitored to measure the impact.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

6.1.1 The additional costs associated with upgrading to Quickheart Version 9 have already been met as part of the upgrade project and no further cost will be incurred as a result of rolling out Version 9.

6.1.2 Over time the use of Version 9 has the potential to release resources within the Access Service through the new online RAS, which will collect information that is currently taken over the phone by Access staff. This will have to be closely monitored.

6.1.3 The Ask SARA tool has an annual cost of £6,000 plus VAT, an amount which can be met from existing resources. The provision of Ask SARA, an online self-assessment and signposting tool, will enable people to self-serve, which is in line with Council policy around moving away from more staff intensive service delivery methods.

6.2 Legal Implications

6.2.1 The current statutory framework for Community Care Services is to be found in provisions within the National Health Service and Community Care Act 1990, the Chronically Sick and Disabled Persons Act 1970 and the National Assistance Act 1948. These legislations require a local authority to assess needs then to decide by reference to such an assessment whether the provision of relevant services are called for and then to make arrangements for the provision of those services.

6.2.2 The Care Act 2014 ('the Act') is due to come into force on 1 April 2015. It introduces new duties for local authorities, including the general duty of a local authority, when exercising a relevant function, to 'promote that individual's well-being' (section 1); the duty to 'provide or arrange for the provision of services, facilities or resources' which it considers will delay the development or reduce the level of need for care or support by adults in their area or their carers (section 2); and the duty to 'establish and maintain a service for providing people in its area with information and advice relating to care and support for adults and support for carers' (section 4). Section 4 (2) sets out in detail the matters on which advice must be made available.

The proposals set out in this report fall within the relevant sections of the Care Act 2014.

6.2.3 The Council has a duty to ensure that at all times, Best Value is sought and achieved in accordance with the Local Government Act 1999, which requires local authorities to show continuous improvement in the exercise of all functions of the authority, whether statutory or not, having regard to a combination of economy, efficiency and effectiveness. The Council has been using Version 7 of the Quickheart RAS as a tool to provide a transparent and up-front personal budget allocation to those people assessed as eligible to receive funding for on-going support from Adult Social Care. The roll-out of a managed, on-line Version 9 of the Quickheart RAS for January 2015 and the triage tool and Ask SARA product by March 2015 will ensure that the Council's Best Value duties are met and are consistent with both the Care Act 2014 and the Enfield 2017 transformation programme requirements.

6.2.4 The purchase of the products must be in accordance with the Council's Contract Procedure Rules.

6.2.5 Any resultant contract must be in a form approved by the Assistant Director of Legal and Governance Services.

6.3 Property Implications

N/A

7. KEY RISKS

The new requirements of the Care Act 2014 will place wider duties on the Council both with regard to service users and carers. These, together with the increase in demand due to population growth and the increasing number of people in Enfield with disabilities and limiting long term conditions or illness will result in a level of demand which is not sustainable. Providing further

accessible options for self-serve is a key mitigating factor within the Council's Enfield 2017 Transformation programme.

There is no financial risk to the department as it is not proposed here that a final personal budget is allocated to any person self-assessing without a validation check by an appropriately qualified member of adult social care staff.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The requirements of the Care Act 2014 are clear with regards to the provision of a variety of access routes for people into Adult Social Care. Having a full end to end self-serve solution promotes better access to information/advice, support planning and the care and support market through an additional channel for those people who wish to self-serve. Telephone support will be available for those who need it and we are planning to introduce a web chat service later on in the year.

8.2 Growth and Sustainability

With increasing demand for services and the wider duties of the Care Act 2014 providing a self-serve option will enable our services to meet this increasing demand in a variety of new ways. This will have to be closely monitored.

8.3 Strong Communities

These products represent a move towards the creation of more virtual on-line communities of interest where people can share information, solutions and experiences. As more of the people we work with become digital customers, providing them with useful and secure tools which support on-line interaction promotes the Council's aim of supporting safe, strong and useful digital communities.

9. EQUALITIES IMPACT IMPLICATIONS

As this is such a new area within Adult Social Care it is recommended that close monitoring of uptake and the impact both on the public and on services is done with a retrospective impact assessment done as part of a 12 month review post implementation.

Nevertheless, this option provides an additional point of access for people with social care support needs.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

All activity which takes place through this new access point will be closely monitored to assess the impact both on the customer and on adult social care

services. It is proposed that both AD and Director Management Teams receive monthly update reports post implementation to measure:

- Volume of self-assessments
- Demographic breakdown of volumes
- % of self-assessments resulting in requests for Council Funding
- % of self-assessments resulting in signposting or support planning for free or self-funded services
- % of self-assessments resulting in a final budget allocation with comparison against the Indicative Budget allocation
- Monitoring of volume of telephone referrals coming through the Access service
- Continued monitoring of activity levels across all services to show impact of self-assessment on assessment/review/service provision waiting times
- % of self-assessments resulting in a direct payment

11. HEALTH AND SAFETY IMPLICATIONS

N/A

12. HUMAN RESOURCES IMPLICATIONS

N/A

13. PUBLIC HEALTH IMPLICATIONS

The availability of on-line self-serve or supported self-serve options for people to access assessment tools or information and advice based around independent living and wellbeing will enable more people to make better informed choices to help keep them safe and well within their own homes.

These products will also provide those people who fund the cost of their own care and support with a useful guide on not only what types of support may be appropriate but also guide prices and an e-market place with guidance and advice on which services are regulated (by the CQC for example) and which are not.

Developing safe, online communities also provides more people with additional opportunities to interact with others who share their interests or experiences and so reduce social isolation. It is not, however, meant to replace physical out and about interaction.

Background Papers

None

