

## **OVERVIEW AND SCRUTINY BOARD**

A meeting of **Overview and Scrutiny Board** will be held on

**Wednesday, 9 October 2013**

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Board**

Councillor Thomas (J) (Chairman)

Councillor Bent  
Councillor Darling (Vice-Chair)  
Councillor Pentney  
Councillor Stockman

Councillor Hytche  
Councillor Davies  
Councillor McPhail  
Councillor Kingscote

### **Co-opted Members of the Board**

Penny Burnside, Diocese of Exeter

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**Working for a healthy, prosperous and happy Bay**

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For information relating to this meeting or to request a copy in another format or language please contact:

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# OVERVIEW AND SCRUTINY BOARD AGENDA

## 1. Apologies

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

## 2. Minutes

To confirm as a correct record the minutes of the meetings of the Board held on 18 September 2013.

(Pages 1 - 5)

## 3. Declarations of Interest

- a) To receive declarations of non pecuniary interests in respect of items on this agenda

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

## 4. Urgent Items

To consider any other items that the Chairman decides are urgent.

## 5(a) Domestic Abuse Services in Torbay

To consider the draft report of the Priorities and Resources Review Panel on Domestic Abuse Services in Torbay and to follow-up any outstanding issues.

(To Follow)

## 5(b) Re-modelling of accommodation services for victims of domestic abuse

To consider the proposals in relation to the re-modelling of accommodation services for victims of domestic abuse including the results of the recent consultation exercise and the draft Equality Impact Assessment.

(To Follow)



## Minutes of the Overview and Scrutiny Board

18 September 2013

-: Present :-

Councillor Thomas (J) (Chairman)

Councillors Bent, Darling (Vice-Chair), Davies, Hytche, Kingscote, Pentney and Stockman

(Also in attendance: Councillors Cowell, James and Pritchard)

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### 23. Minutes

The minutes of the meeting of the Board held on 10 July 2013 were confirmed as a correct record and signed by the Chairman.

### 24. Torre Valley North Playing Field

Following a Councillor Call for Action raised by Councillor Pountney at the previous meeting, the Board considered a briefing note which had been prepared on the recent transfer of part of Torre Valley North Playing Field to Cockington Primary School.

The Board had before it a briefing note which had been prepared by the Director of Children's Services which answered the Board's questions and set out the background to the proposal. It gave a chronology of events and further details about each stage of the transfer of land between the two Council departments.

It was noted that:

- The Council has a statutory responsibility to provide school places. However, there is no duty placed on individual schools to expand to take account of the need for school places. Given the school system is becoming more diverse, the process of providing enough school places is more challenging and is one of agreement and consensus.
- The birth rate in Torquay is rising but many of the school sites in Torquay are very restricted.
- Following consultation, a £3.5 million capital project is planned at Cockington Primary School to provide an additional 210 school places for the central Torquay/Chelston area. A very substantial amount of the school's current hard play area will be taken by the new school extension.

- In order to provide additional play space, it was proposed to transfer part of Torre Valley North Playing Field to Cockington Primary School. Residents and Visitor Services informed sports clubs of the transfer of land and Sport England were consulted. A planning application was submitted and approved for the new playground and work began in May 2013.
- At this stage, concerns were raised about the implications to the Cricket and Rugby Clubs of the reduction in size of Torre Valley North Playing Field. The contractors were instructed to cease all work until further notice at the end of June 2013.

The Chairman of the Board read out a note from the Monitoring Officer which gave his view that he did not consider that what had occurred was sufficient to give rise to a successful claim for maladministration by the Cricket Club against the Council.

The Executive Lead for Children, Schools and Families attended the meeting and stated that he was comfortable that the correct process had been followed but accepted that communication between departments and with councillors could have been better. The Director of Children's Services also stated that lessons had been learnt and that the processes for the current proposals at Roselands Primary School had been changed.

The Board raised questions about impact of the transfer on the status of Torre Valley North as a Queen Elizabeth Jubilee Field, the possible discrepancies in the size of the strip of land to be transferred and the policy of incrementally increasing the size of schools rather than building a new school. The Board was satisfied with all of the answers it received to these questions.

There remained, however, queries about the planning process in that members asserted that all planning applications relating to Council-owned land had always previously been considered by the Development Management Committee (or its predecessors). Whilst information about how the planning application had been considered was provided in the briefing note, the Board requested that further clarification on this issue be sought from the Executive Head – Spatial Planning.

## **25. Welfare Reform**

During the course of 2012/2013, the Board had given consideration to the welfare reforms being implemented by central government, not least the introduction of the Council Tax Support Scheme to replace Council Tax Benefit and the changes to Housing Benefit. These changes also included the amalgamation of different hardship funds as well as the transfer of some of those schemes to the local authority.

The Board's report had been considered by the Council at its meeting on 6 December 2012.

As part of its Work Programme for the current year, the Board had agreed to review the impact of the changes to the welfare system, how those impacts were being mitigated and how future service changes may further impact those affected by welfare reform.

The Board had issued a “call for evidence” to different departments within Torbay Council, Torbay Citizens’ Advice Bureau (CAB), registered social landlords and comparator authorities. The public were also invited to make representations. The Board had before it the information which had been submitted as a result of the call for evidence.

The Executive Head – Finance and Revenue and Benefits Manager from Torbay Council attended the meeting together with the District Manager of Torbay CAB.

The Board noted that the number phone calls made to the Council’s Contact Centre in relation to Housing Benefit had more than doubled in April 2013 compared to the same month in the previous year. Further figures were circulated at the meeting which showed that the increase in the number of phone calls had continued for each subsequent month compared to last year. However, the Board was concerned about the proportion of those calls which had been abandoned which had peaked at 49.6% in April 2013 but ranged from 39.1% to 48.2% between May and August 2013.

It was suggested that a dedicated telephone number solely for Housing Benefit queries could improve the handling rate of such calls.

Within the report from the Torbay CAB, members noted that Employment Support Allowance remains a significant enquiry area for the Bureau with a 28% increase in the number of people needing help with appeals. Nationally 40% of clients who appeal against their work capability assessment had won; within Torbay the CAB had been successful with 95% of the appeals that it had undertaken.

The District Manager of CAB told the Board that a House of Commons Select Committee had been critical of the process being used to make work capability assessments. He asserted that, whilst those claimants who sought advice from CAB were helped to make appeals, there were others who were not appealing.

The Board also had before it reports which had previously been submitted to the Cabinets of Portsmouth City Council and Sefton Metropolitan Borough Council on their approach to mitigating the effects of welfare reform in their areas.

**Recommended:** that the Executive Director of Operations and Finance explore the establishment of a dedicated phone line for Housing Benefit queries in order to increase the numbers of calls which are answered and resolved.

**Resolved:** (i) that Torbay Citizens’ Advice Bureau be requested to prepare a fuller report on the work it is carrying out in relation to the Employment Support Allowance which can be shared with Torbay’s two Members of Parliament to lobby on the community’s behalf;

(ii) that the Director of Adult Services be requested to provide further information about how Torbay Council is mitigating the impacts of welfare reform from a strategic point of view and whether, specifically, there is

anything the Council can learn from the approaches adopted by Portsmouth City Council or Sefton Metropolitan Borough Council; and

(iii) that the Board receive a further update in three to six months time.

## 26. Livermead Sea Wall/Torbay Sea Defences

Following its meeting held on 30 April 2013, the Board had issued a “call for evidence” on the circumstances surrounding the breach of the sea wall at Livermead over Easter 2013 and the subsequent response to determine if lessons could be learnt.

Information had been received from Torbay Council and South West Water and, following consideration of that information, members of the Board had requested a further opportunity to discuss:

- Communications
- Involvement of South West Water in the tender process
- Future sea defence issues

Representatives of the Council and South West Water attended the meeting to answer the Board’s questions.

The information provided to the Board showed that South West Water were not involved in the tender process until the contractor had been appointed. There then appeared to be a delay in undertaking the works whilst approval for the method of working was sought. South West Water told the Board that, depending on the works, it was sometimes easier for them to be involved in the process earlier than had been the case in this instance.

The Executive Head – Residents and Visitor Services accepted that lessons had been learnt for any future works which were in the vicinity of South West Water’s rising main especially at Meadfoot and Livermead.

In terms of the communications following the breach of the sea wall, the Board were told that the Council had followed its Emergency Plan procedure and that the Council had worked well with the South West Water press team.

**Recommended:** that where works to Council assets may also have an impact on other significant assets of value to the community, bidding contractors be encouraged to have early consultations with the appropriate parties.

**Resolved:** (i) that the Board remains concerned that the Council’s communication in relation to the breach of the sea wall at Livermead was not as open and transparent as possible; and

(ii) that a written response be provided to the Board’s questions in relation to the future of Torbay’s sea defences.

**27. Capital Investment Plan Budget 2013/2014 - Quarter 1 Monitoring**

The Board considered the report of the Priorities and Resources Review Panel giving its views on the Capital Investment Plan update for Quarter 1 of the 2013/2014 financial year.

**Resolved:** that, subject to the inclusion of the following additional recommendation,:

That the Mayor be requested to revisit his decision not to lend to housing associations given the need for affordable housing in Torbay and the income opportunities such lending provides.

the report be adopted and forwarded to the Council.

Chairman

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