



Minutes of the Overview and Scrutiny Board

25 January 2017

-: Present :-

Councillor Lewis (Chairman)

Councillors Bent, Bye, Cunningham, Darling (S), Stockman, Stocks,
Tolchard and Tyerman

(Also in attendance: The Mayor and Councillors Amil, Brooks, Ellery, Excell, King,
Manning, Mills, Morey, Parrott, Robson and Thomas (D))

50. Apologies

It was reported that, in accordance with the wishes of the Conservative and Liberal Democrat Groups, the membership of the Board had been amended to include Councillors Cunningham and Darling in place of Councillors Barnby and Doggett respectively.

51. Minutes

The minutes of the meetings of the Board held on 30 November and 14 December 2016 were confirmed as a correct record and signed by the Chairman.

52. Urgent Items

The Board considered the items in Minutes 57 and 61, and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

53. Improving the quality of care homes provision in Torbay

The Board considered a request from the Mayor that the Overview and Scrutiny Board work with Healthwatch, care home providers and carers to develop a residents charter. This would use Care Quality Commission information on standards and other information to identify what good care homes should look like in Torbay.

Resolved: that the Overview and Scrutiny Leads for Joint Commissioning meet with the Director of Adult Services to determine how the development of a residents charter can best be progressed and report back to a future meeting.

54. Revenue Budget 2016/2017 - Quarter 3 Monitoring

The Board noted the report on the projections in relation to the revenue budget for 2016/2017. It was noted that it was currently predicted that there would be an overspend of £2.2 million primarily as a result of expenditure pressures in both children's and adults social care.

The Director of Adult Services attended the meeting and provided detail of the pressures within the Integrated Care Organisation and the actions which were being undertaken to address them. The Head of Finance highlighted that the current issues in relation to adult social care impacted on the level of risk that was associated with the 2017/2018 revenue budget. He explained that it was hoped that the risk could be mitigated to some extent with the forthcoming budget proposals.

Members of the Board raised concerns that the current pressures within the local health system had not been anticipated and the Director of Adult Services undertook to provide a briefing note to the Board in this regard.

The Board also wished to acknowledge the work which was ongoing within the Joint Operations Team to identify underspends and savings which were being used to offset the overspends within the Joint Commissioning Team.

55. Capital Plan 2016/2017 - Quarter 3 Monitoring

The Board noted the report on the capital expenditure and funding for the current year compared with the last quarter.

The Board asked questions in relation to the replacement CCTV system, South Devon Highway and affordable housing. It was felt that the inclusion of the Investment Fund distorted some of the figures within the report and that consideration should be given to expressing those differently.

(Note: Prior to consideration of the item in Minute 55, Councillor Stocks declared a non-pecuniary interest through running a club from Ellacombe Nursery.)

56. Children's Services Revised Financial Plan

The Executive Lead and Director of Children's Services presented the proposed Children's Services Medium Term Financial Strategy. The objectives of the Strategy included bringing staffing and support costs and placement costs more in line with statistical comparator authorities and aligning activity to reduce expenditure with improvement activity.

The Strategy also aimed to ensure that the Children's Services budget was stabilised to support the transition of the service to an alternative delivery model.

The Strategy included a Financial Improvement Plan covering the period up to 2020/2021. Whilst the Board were comfortable with the figures within the Plan for the next financial year, it was felt that there was still further work to be undertaken to determine whether all of the future years' savings could be delivered.

The proposed Strategy was noted and the Board indicated that it would monitor its implementation on a regular basis.

57. Review of Reserves

The Board considered the report which set out the annual review of reserves. The report highlighted the significant risks facing the Council in 2017/2018 and future years and how it was essential that the Council's reserves provide sufficient contingency to meet the increasing risk.

Resolved: (i) that a task-and-finish group be established to consider the report in detail and make any recommendations to the Council; and

(ii) that the Mayor acknowledges the Chief Finance Officer's statement in relation to the financial challenges that the Council continues to face and is requested to present a revenue budget to the Council which assumes that Council Tax will be increased by a further 1% for Adult Social Care purposes in 2017/2018.

58. Update of Tourism Strategy - English Riviera Destination Management Plan 2016-2021

The Board considered the proposed English Riviera Destination Management Plan which would become the Council's Tourism Strategy (which formed part of the Council's Policy Framework). A task-and-finish group had previously discussed the Plan with the Executive Lead and Executive Head.

Resolved: that the following comments be forwarded to the Executive Lead as part of the consultation on the English Riviera Destination Management Plan:

1. The Plan should make it clear that it is a completely separate piece of work from that being undertaken by the English Riviera Business Improvement District Company (ERBIDCo).
2. However, whilst the Plan explains how it fits within the Council's Policy Framework and with the overarching policies of Devon County Council and the Local Enterprise Partners, the Plan should also be clear on how it fits with the plans and strategies of the Council's private sector partners, in particular the ERBIDCo.
3. The action plan should include the timescales for implementation, the outcomes to be achieved and the resource requirements prior to it being presented to the Council for approval.

(**Note:** Prior to consideration of the item in Minute 58, the Mayor declared a pecuniary interest and withdrew from the meeting.)

59. Exclusion of press and public

Prior to consideration of the items in Minute 60 and 61 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended.)

60. Torbay Development Agency (TDA) Draft Business Plan

The Board considered the draft Business Plan for the TDA (which formed part of the Council's Policy Framework) and received a presentation from members of the TDA Board.

Resolved: that the proposed TDA Business Plan be supported.

61. Lease of part of the 4th Floor of Tor Hill House, Union Street, Torquay

The Board considered the details of a call-in by at least five Members of the Council of the decision of the Deputy Mayor to grant a 10 year lease to a local media company for the south side of the 4th floor of Tor Hill House, Union Street, Torquay following the vacation of Children's Services from Tor Hill House.

In addressing the Board, the Call-in Promoter highlighted that he believed that the Deputy Mayor's decision was contrary to the Council's Policy Framework. He made reference to the Corporate Plan and Corporate Asset Management Plan both of which made reference to generating income from and making effective use of the Council's buildings.

The Deputy Mayor and other members of the Executive were invited to respond to the points in the call-in and to the questions raised by members of the Board.

Members of the Board indicated that they were minded to agree that the decision was contrary to the Council's Budget and Policy Framework and, at that point, the Monitoring Officer provided advice to the Board.

Resolved: (i) that having listened to the advice of the Monitoring Officer, the Board is of the view that the Deputy Mayor's decision is contrary to the Policy Framework as it does not conform with the Corporate Plan or the Corporate Asset Management Plan and therefore the matter is referred to the Council; and

(ii) that the report to the Council include the views of the Director of Children's Services setting out the risks in relation to the proposed decision, any mitigating actions that he would recommend and whether those mitigating actions would be, in his opinion, sufficient to allow the lease to be granted.

(Note: Prior to consideration of the item in Minute 61, the Mayor declared a pecuniary interest and withdrew from the meeting.)

Chairman
