

## **OVERVIEW AND SCRUTINY BOARD**

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

**Wednesday, 3 May 2017**

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 Lewis (C) (Chairman)

Councillor Barnby  
Councillor Bent  
Councillor Bye  
Councillor Stockman

Councillor Stocks  
Councillor Tolchard  
Councillor Tyerman  
Councillor Doggett

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

Penny Burnside, Diocese of Exeter

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**A prosperous and healthy Torbay**

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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 Board.
  
2. **Minutes** (Pages 4 - 6)  
To confirm as a correct record the minutes of the meeting of the Board held on 15 March 2017.
  
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. **Rationalisation of Discretionary Welfare Funds** (Pages 7 - 12)  
The Executive Head – Customer Services to present a progress report on the rationalisation of the various discretionary welfare funds administered by the Council.  
  
The Mayor and the Executive Lead for Planning Transport and Housing to answer Board’s questions.
  
6. **Transformation Programme - Update** (To Follow)  
The Director of Adult Services and Transformation to present an update on the current position in relation to the Transformation Programme.  
  
The Mayor to answer the Board’s questions.

The Board to determine which elements of the Transformation Programme should be added to its Work Programme for 2017/2018.

**7. Overview and Scrutiny Annual Report**

(Pages 13 - 17)

The Board to agree its Annual Report for 2016/2017 and submit it to Council in accordance with the Constitution.

**8. Exclusion of press and public**

To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

**9. Future Operation of Children's Services**

To receive an update from the Director of Children's Services on the future of Children's Services.



## Minutes of the Overview and Scrutiny Board

15 March 2017

**-: Present :-**

Councillor Lewis (C) (Chairman)

Councillors Barnby, Bye, Doggett, Lewis (B), Stockman, Stocks,  
Thomas (D) and Tyerman

(Also in attendance: Councillors Brooks, Darling (S), Ellery, Haddock, King, Manning,  
Morey, Parrott and Sanders)

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### **71. Apologies**

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Board had been amended to include Councillors Lewis (B) and Thomas (D) in place of Councillors Bent and Tolchard, respectively.

### **72. Minutes**

The minutes of the meeting of the Board held on 15 February 2017 were confirmed as a correct record and signed by the Chairman.

### **73. Community Services Reconfiguration**

Representatives from the South Devon and Torbay Clinical Commissioning Group (the CCG) and Torbay and South Devon NHS Foundation Trust (the Trust) attended the meeting and provided an update on how the decision of the CCG in relation to the reconfiguration of community services was being implemented by the Trust.

The Board was reminded that the CCG and the Trust had made assurances during the consultation process that changes would not be made to existing services until the new provision was in place and was operating at a level where there was confidence that demand could be met. It was noted that the parameters had been met for the removal of beds and community and specialist out-patient clinics from community hospitals. The parameters had not yet been met in order for minor injury units to be removed from community hospitals.

Two members of the public addressed the Board.

The Board raised a number of questions with the CCG and Trust around admissions to Paignton Hospital, the make up of the Multi Disciplinary Teams making up the health and wellbeing teams in each locality, assessments of health and social care needs and the location of the clinical hubs and health and wellbeing centres.

**Resolved:** that the Board note the report and understand the implementation plan, as much as possible; however the Overview and Scrutiny Board still have concerns and as such suggest that ongoing monitoring continues through Council representation on the local implementation groups with feedback being provided to the Overview and Scrutiny Briefings.

#### **74. Exclusion of press and public**

Prior to consideration of the items in Minute 75, 76 and 77, 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).)

#### **75. Masterplans - Town Centre Regeneration**

The Board considered a draft report which was due to be considered by the Council at its meeting to be held on 6 April 2017 which set out the proposed Transformation Strategy for Torbay's town centres.

**Resolved:** that a revised report be prepared for consideration at the meeting of the Council in April 2017 which:

- (i) sets out more specific proposals on how town centre regeneration will be delivered (including the phasing of and rationale for the proposed projects);
- (ii) includes a proposal to fund the delivery of the programme of town centre regeneration (potentially through the use of prudential borrowing); and
- (iii) provides a mandate to the Chief Executive to progress the town centre regeneration programme at pace and scale.

#### **76. Lease for Football Ground at Plainmoor**

The Board received an update from the Executive Head – Business Services on the current position in relation to the lease of the football ground at Plainmoor, Torquay.

**Resolved:** that the Mayor be requested to present a full report to the Overview and Scrutiny Board before any decision is made in relation to the lease of the football ground at Plainmoor, Torquay.

#### **77. Leases to Torbay Coast & Countryside Trust**

The Board received an update from the Executive Head – Business Services on the current position in relation to the Council's leases with Torbay Coast and Countryside Trust.

**Resolved:** that members of the Board receive a further update in the coming weeks ahead of any decision by the Mayor.

**(Note:** Prior to consideration of the item in Minute 77, Councillor Tyerman declared a personal, prejudicial interest and withdrew from the meeting.)

Chairman

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**Meeting:** Overview and Scrutiny

**Date:** 3 May 2017

**Wards Affected:** All

**Report Title:** Progress Report – Rationalisation/Review of Discretionary Welfare Funds

**Executive Lead Contact Details:** Cllr King, Executive Lead for Planning, Transport and Housing, [mark.king@torbay.gov.uk](mailto:mark.king@torbay.gov.uk)

**Supporting Officer Contact Details:** Bob Clark, Executive Head of Customer Services, [bob.clark@torbay.gov.uk](mailto:bob.clark@torbay.gov.uk), (01803) 207420

## 1. Introduction

- 1.1 The Council's Crisis Support Scheme (Local Welfare Assistance) came into effect from April 2013 when responsibility for administering the discretionary Social Fund, which consisted of Crisis Loans and Community Care Grants, was transferred from the Department of Works and Pensions (DWP) to the Council and funding was made available to administer the scheme.
- 1.2 The mindset of the transfer of responsibility to Local Authorities was that the Local Authorities were best placed to be able to devise their own schemes to meet the needs of the local population and by being in closer contact with customers would be able to target spending more effectively.
- 1.3 Local Authorities were encouraged to look at new ways of meeting the needs of local people at times of crisis which would be more effective than the old cash based scheme operated by the DWP.
- 1.4 In Torbay, Officers devised a scheme to make best use of the funding. Where possible goods and services, rather than cash, are provided to ensure that funds are targeted effectively and used for their intended purpose. We work with Local Charitable organisations to provide goods and services therefore supporting these organisations within the local community.
- 1.5 Although repayable Crisis Loans were offered under the DWP scheme, the DWP's advice during transfer of responsibilities was that they would not advocate the use of loans under Local Authority Schemes. This was because Local Authorities were not given the same power to recover loans from state benefits as existed under the DWP scheme. Torbay's Crisis Support Scheme was therefore implemented as a grant only scheme.

- 1.6 At the scheme outset in 2013, Torbay Council was allocated £1.32 million to cover Local Welfare Assistance for the financial years 2013/14 and 2014/15. The funding allocation was based on historic cash spending under the DWP scheme.
- 1.7 By devising new ways of working and service provision under its Crisis Support Scheme, Torbay was able to be more cost effective, spending around £700,000 in the first two years.
- 1.8 In 2015/16 the Revenue Settlement Grant (RSG) included an undefined amount for Local Welfare Assistance. As funding has never been ring fenced, the Council is not obliged to spend a set figure on the Crisis Support Scheme.
- 1.9 Due to budgetary pressures, consideration was given to ending an annual budget allocation for Crisis Support from 2016/17, utilising remaining reserves to continue to operate the scheme instead. The reserves, including under spend to the end of 15/16, stood at c£700,000 as of April 2016.
- 1.10 A report was presented to the Priorities and Resources Review Panel (P&R) on 13/01/2016 regarding this proposal.
- 1.11 As part of the report to P&R a number of options were presented and subsequently adopted by Council with a view to protecting the longevity of the scheme. These were:
- (a) Council wide replacement of Cash Deposits with an enhanced deposit bond scheme.
  - (b) Partial replacement of the grant only Crisis Support Scheme with a loan scheme, operated in conjunction with the local Credit Union, to cover furniture, white goods, removals and storage.
  - (c) Retention of grant awards for rent in advance and daily living expenses.
  - (d) Review of all Discretionary Funds operated by the Council to avoid duplication and ensure effective use of the funds.
- 1.12 As well as Crisis Support other Discretionary funding streams are available within the Council as follows:

<b>Fund</b>	<b>Area of Responsibility</b>	<b>Purpose/Description</b>	<b>Budget</b>
Crisis Support	Revenues and Benefits	Assistance to local residents in Crisis. Non-ring fenced fund	No annual budget allocation. Scheme to be run for as long as possible using reserves of C£700K
Discretionary Housing Payments	Revenues and Benefits	Assistance with housing associated costs for local residents suffering hardship and receiving Housing Benefit. Main provisions-deposits and rent in advance, help with ongoing rent shortfalls Statutory provision	£328,445 ring fenced 2016/17
Fix it/Prevention Fund	Housing Options	Homelessness prevention tool	£44,800 2016/17



Section 17 Fund	Children's Services	Assistance for Children in need	£142,000 2016/17
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1.13 This is an update on the progress and outcomes since July 2016 when we last reported to overview and scrutiny

## 2. Progress since July 2016

### 2.1 The new Deposit Bond Scheme

- (a) Went live on 15 August 2016.
- (b) Since the go live date 44 bonds have been agreed to the value of £22,465.
- (c) The scheme offers a deposit indemnity to landlords for a 2 year period during which tenants are expected to save their own deposit to replace the bond. Preventing the need for cash deposits to be paid from Crisis Support or Discretionary Housing Payments helps protect the longevity of the Crisis Support Scheme and allows the ring fenced Discretionary Housing Payment Fund to be used in other ways for the benefit of local residents. For example the Discretionary Housing Payment Team recently carried out a rent arrears take up campaign with Local Social Landlords and was able to provide many thousands of pounds worth of assistance with rent arrears during March to tenants who were at serious risk of eviction.
- (d) No cash is paid to the landlord unless there is a claim against the bond. Historically Bond claim rates have been 15% of the live caseload. We have so far paid £900 against bond claims which represents 4% of the total value of bonds issued. As most tenancies last for a minimum of 6 months and bonds are issued for two years it is a little too early to gauge actual cost.
- (e) The Bond Scheme includes an inspection visit to ensure that the accommodation is safe and fit for purpose which is a positive step to improve accommodation standards across the bay particularly for more vulnerable residents who are likely to have less accommodation choices. It enables the Council to inspect properties that we would otherwise be unlikely to have the opportunity to.
- (f) We have retained flexibility to ensure that the most vulnerable or problematic cases can still be assisted where a Bond is unavailable However there is a wide variety of Local landlords who are happy to accept the Bond.
- (g) Some tenants fund their own deposit in cases where a landlord is unwilling to accept a bond. We can still assist with rent in advance in such cases but the cost to the Local Authority is generally halved reducing the financial burden.
- (h) The annual spend on deposits in 2015/16 from Crisis Support and Discretionary Housing Payments alone amounted to £60,000 and £86,000 respectively. There is additional spend on deposits from the Housing Options fix it fund amounting to approximately £30000 per annum in 15/16. During 2016/17 the Crisis Support Deposit spend was reduced to £18000 and Discretionary Housing Payments to £21000 approximately. Further reductions are expected during 17/18 as the Bond will be available for the full financial year.

- (i) Next Steps: Wider promotion of the Bond and building on relationships with landlords and local agents.

## 2.2 Crisis Support Loan Scheme

- (a) The Loan Scheme has been live since 1 May 2016.
- (b) Since the Loan Scheme was brought in, there have been 243 applications of which around 30 applicants have been granted loans to the value of circa £12,000. Roughly half of the total loaned amount remains outstanding with only 5 clients behind with repayments.
- (c) 43 out of the 243 loan applications in 2016/17 failed on affordability grounds i.e. 17%.
- (d) The most common reason for a loan not being granted was failure to provide information/withdrawn applications which amounted to around 84 applications or 33% of the total number of applications received.
- (e) There has been a dramatic reduction in cost of over £50,000 for items under the loan scheme compared to the grant scheme spend.
- (f) In view of the lack of resistance there has been to the loan scheme it would seem that the loan scheme has perhaps helped target assistance to those who the scheme is intended for who have no other means of support.
- (g) The Council has no capital outlay in respect of loans as they are cash flowed by Plough and Share. Plough and Share only ask the Council to cover the cost of a loan where the claimant has defaulted on repayments and the recovery options open to them have been pursued but unsuccessful. To date we have not been asked to do so. The only charge in respect of the administration and recovery work carried out by Plough and Share is a small admin fee.
- (h) Loans are offered on an interest free basis and in doing so the Council is providing access to affordable loans for the Local Community who may otherwise only have access to less main stream and very expensive forms of borrowing such as door stop lenders and payday loans.
- (i) We continue to use Local Charitable Organisations to provide goods and services under the loan scheme so that the service they provide to the local community continues to be supported and an applicant's indebtedness is minimised.
- (j) Crisis Support Loan clients are offered the opportunity to open savings accounts with Plough and Share with a view to achieving increased financial independence for the future.

In 2016/17 the net Crisis Support expenditure has been reduced to less than £40000. The implementation of the loan and bond schemes as well as changes in the use of the Discretionary Housing Payment fund have been the major factors in the large reduction in the cost of the scheme ensuring that we will be able to run on the remaining reserves of c£650,000 for a number of years to come. Although, radical changes have been necessary it is very pleasing that at Torbay we will be

able to continue to provide a Crisis Support Scheme to help local residents when many Local Authorities have been unable to continue their schemes due to financial issues.

The Discretionary Housing Payments Team have worked very hard to maximise the use of the Discretionary Housing Payment fund in 2016/17 spending to within 88p of the £328,445 government ring fenced allocation and have been able to reduce the Crisis Support spend as a result of implementing new ways of working. A number of Local Authorities return Discretionary Housing Payment funds to the government as under spends losing monies which could be utilised to help local residents in hardship.

Both Discretionary Teams work closely with each other, the Bond Officer and the Housing Options Team to ensure that the funds we have are used to improve outcomes for local residents. A number of initiatives and policy changes have been undertaken in consultation with the Housing Options Team with a view to providing a more holistic service. Credit must go to the staff in each team who have pulled together to ensure successful outcomes and have always been willing to make suggestions for change and implement new ways of working.

### **2.3 Avoidance Of Duplication with Section 17**

- (a) Some work has been undertaken by the IT Team around the viability of developing a software programme to identify duplicate claims. Because of the different identifiers used by the teams it has proven difficult to produce meaningful reporting and considerable manual checking would be required.
- (b) It is suspected that due to the general lack of cash payments there is likely to be little duplication in terms of high value awards for bigger items as that would mean suppliers being paid twice.
- (c) An overview of recent section 17 spending shows few payments which could potentially be eligible for assistance under Crisis Support or Discretionary Housing Payments. There may be a minority of payments made out of Section 17 funds which could have been met through the Government funded ring fenced Discretionary Housing Payment Scheme e.g. rent arrears or rent in advance.
- (d) Because such cases are very small in number it may be possible for Children's Services finance Team to carry out checks on such cases to establish whether the Social Worker or Support Worker should have assisted with a DHP claim rather than making payment from Children's Services budgets and if so the funds could be reclaimed through Discretionary Housing payments.
- (e) There may be some repeat claims for things like food parcels where claimants "share" their requests for help across the Discretionary Funds. We could build into the decision making process checks with other relevant Council Funds before making awards but this would be quite time consuming. Repeat claims could indicate families who need extra support such as budgeting advice.
- (f) There may be an argument for more stringent verification of section 17 applications along similar lines to financial checks that take place already in

Discretionary Housing Payments and Crisis Support. We would be happy to advise if helpful.

## Annual Report 2016/2017



### Foreword

It has been a busy year for the overview and scrutiny team. I would like to thank all those Members of the Board and the other Councillors who have played their part. In particular, I would like to thank the Vice Chairman and Overview and Scrutiny Lead Members who have worked so hard during the year chairing the task and finish groups, review panels and other meetings.

I would also like to thank the officers who have supported the Board over the past twelve months. A special thank you to Kate Spencer for all her hard work and dedication to the role of lead officer for overview and scrutiny.

Once again it has been a challenging time for the Council with the difficulty of finding millions of pounds worth of savings in the budget. The Board has played a valuable role in scrutinising the proposals for these savings. The Board has also been involved in the changes taking place in the health service locally. I would like to thank Councillors Bent and Barnby for the lead they took on this important issue. They had a number of vital meetings with the CCG both locally and at a regional level.

In August, the Board took a lead role in developing the Efficiency Plan holding meetings in August and providing advice to officers and the Executive. The delivery of the Plan continues to be a priority for the Board going forward. Therefore, the Board's Work Programme for next year will be focused around the numerous Transformation Projects detailed within the Plan.

The following twelve months will continue to be challenging both for overview and scrutiny and the Council as a whole. We will continue to play our part and work with the Executive and officers to create a prosperous and healthy Torbay, meaning that our communities are able to thrive.

Councillor Chris Lewis  
Overview and Scrutiny Co-ordinator

## **Introduction**

Overview and scrutiny...

- is one of the ways the Council improves services and the quality of people's lives in Torbay
- acts as the Council's "watchdog" and challenges decisions taken by the Mayor and looks at decisions in more detail
- reviews existing policies and issues of concern
- is a constructive and independent way of looking at an issue, highlighting areas that work well and suggesting where improvements can be made.

The Council agreed that the overview and scrutiny should operate in accordance with following principles:

- Focusing on the issues which matter:
- Policy Development is of equal importance to "holding to account"
- The Forward Plan is the key tool for managing the decision making process
- The relationship between overview and scrutiny and the executive should seek to complement one another
- All Councillors should have the opportunity to help shape policy decisions at an early stage

This report gives details of the work which has been undertaken by the Overview and Scrutiny Board over the course of 2016/2017.

### **The operation of overview and scrutiny**

The Council re-appointed Councillor Lewis as the Overview and Scrutiny Co-ordinator in May 2016. He is supported by Councillors Barnby, Bent, Doggett and Stocks as Overview and Scrutiny Lead Members.

The membership of the Overview and Scrutiny Board comprised Councillors Barnby, Bye, Bent, Doggett, Lewis, Stockman, Stocks, Tolchard and Tyerman.

### **Focusing on the issues which matter**

The Overview and Scrutiny Board has continued to undertake its healthy scrutiny duty and established a review panel to consider the Clinical Commissioning Group's proposals to reconfigure community services in Torbay and South Devon. The Board has also scrutinised the development of the Sustainability and Transformation Plan and the merging review of acute services.

The Board has worked closely with the Director of Children's Services and the Executive Lead for Children's and Adults Services on the development of the Children's Services Medium Term Financial Strategy. The Board will continue to monitor the implementation of the Strategy over the coming year.

### **Equal importance placed on policy development**

The Board provided feedback during the development of a number of policies over the course of the year, including:

- Parking Strategy
- Destination Management Strategy
- Healthy Torbay Supplementary Planning Document

In accordance with the Constitution, the Mayor also referred other policy framework documents to the Board to review (such as the Local Transport Plan Implementation Strategy). Members of the Board reviewed these documents before determining that no formal response should be submitted to the Mayor as part of the consultation process.

New policies, including the Capital Investment Fund and the creation of a Housing Company, were considered by the Board and recommendations made to the Council for consideration as decisions were made.

### **Complementing the work of the executive**

The Overview and Scrutiny Board continue to seek to complement the work of the Mayor and his executive. The Board has held discussions with executive members on issues such as the lease of Torre Valley North playing fields, the creation of a Youth Trust for Torbay and the amendments to the Council Tax Support Scheme.

The Overview and Scrutiny Board also held a series of meetings to discuss the Mayor's proposals for the budget for 2017/2018.

### **Shaping policy decisions at an early stage**

Early debates have been held by the Overview and Scrutiny Board on issues such as the development of the Efficiency Plan and the progress of implementing the Masterplans which will see the redevelopment of Torbay's town centres.

### **Call-ins**

The call-in process is one of the mechanisms which can be used to hold the Mayor to account.

The purpose of call-in is to examine the decisions reached by the Mayor (or other decision maker) and the reasoning behind those decisions. The process enables further public debate to be held on the subject. The Overview and Scrutiny Board can then consider whether the decision was appropriate and make recommendations accordingly.

Over the course of the year, the Overview and Scrutiny Board have considered three call-ins.

## **Moving Forward**

The structure that has been in place for overview and scrutiny during the course of the year has been refined based on discussions with the Overview and Scrutiny Co-ordinator. The establishment of the two Monitoring Working Parties for Children's Services and Adults and Public Health will replace the Liaison Group for the Joint Commissioning Team. The Liaison Group for the Joint Operations Team will continue.

Feedback from the Monitoring Working Parties and the Liaison Group will be provided at the Overview and Scrutiny Briefings. The Overview and Scrutiny Board will continue to meet on a monthly basis. By having earlier discussions, the annual review of the Mayor's budget proposals is expected to be more focused and, as a result, take place with fewer meetings.

Task-and-Finish Groups will continue to be established to review specific issues with formal reports and recommendations being agreed by the Overview and Scrutiny Board.

The structure of the Council's overview and scrutiny function for the coming year is shown at the end of this document.

## **Future Work Programme**

The Board will continue to set its Work Programme with the Forward Plan being the key tool for managing the decision making process. In focusing on the issues that matter, the Board will take an active role in ensuring that the Council's Transformation Programme is delivered. The Board will continue to respond to the Mayor's consultations on his proposals for the Policy Framework.

The Council continues to be in a financially challenging position and the Board will maintain its focus on ensuring that prioritised action continues at pace to deliver the changes that are needed to be made. In accordance with the Principles of Overview and Scrutiny, the Board will seek to involve all members in forthcoming issues from an early stage and to complement the work of the executive. It hopes that the Mayor and Executive will abide by these Principles as well.

The formal Work Programme will be agreed by the Overview and Scrutiny Board at its first meeting in 2017/2018 although it will continue to have the flexibility to react to issues as they arise, including holding the Mayor and Executive to account for their decisions and performance.

## **Contact Details**

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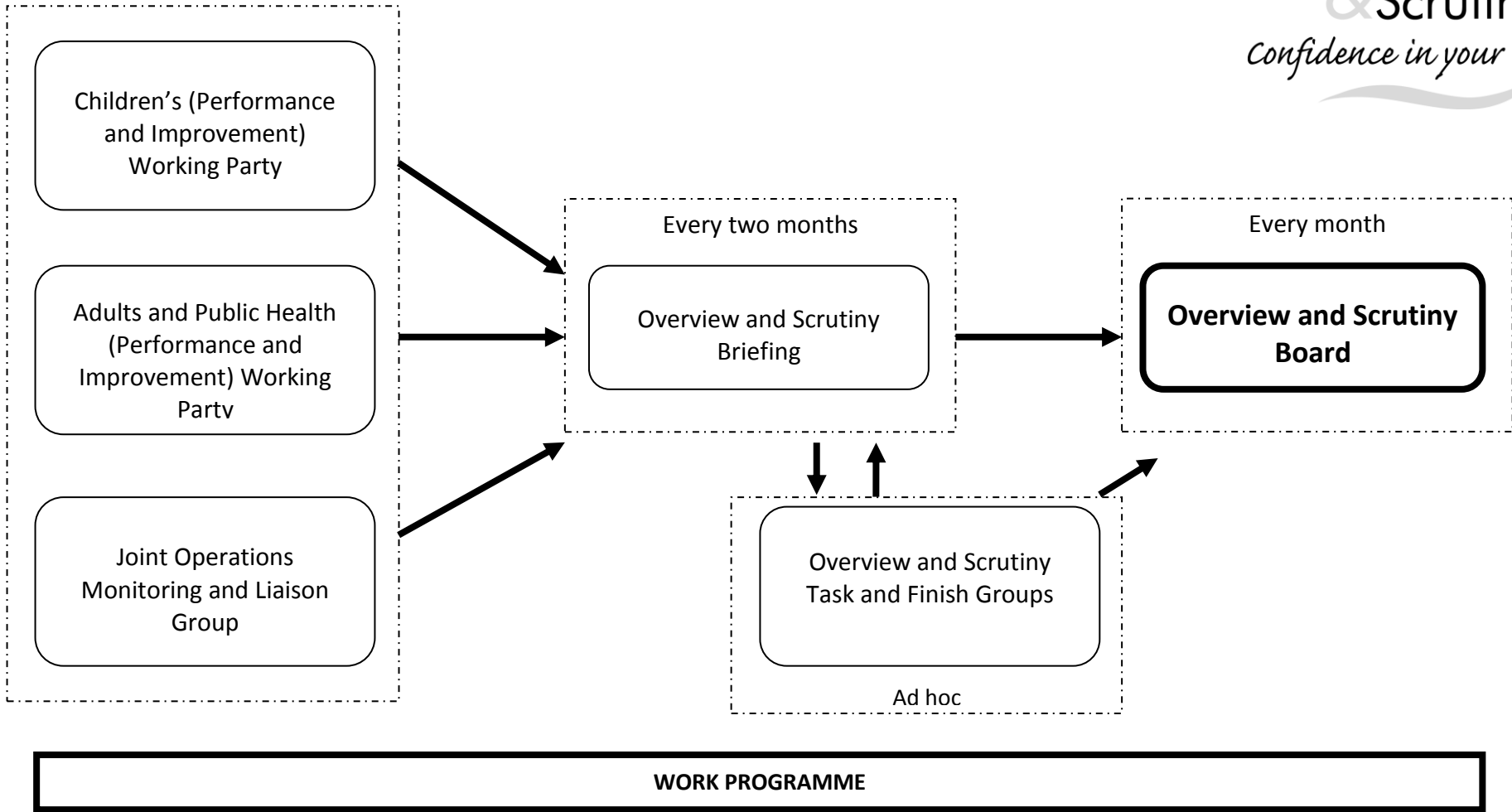
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## Operation of Overview and Scrutiny in Torbay



Page 17



## Review of Priorities and Resources

