

At a Meeting of the **OVERVIEW & SCRUTINY COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **29th** day of **OCTOBER 2013** at **2.00 pm**

Present: Cllr M V L Ewings – Chairman

Cllr D M Horn	Cllr J B Moody
Cllr D E Moyse	Cllr D K A Sellis
Cllr J Sheldon	Cllr D Whitcomb

Corporate Director (TW)
Committee and Ombudsman Link Officer
Community Manager
Community Projects and Policy Officer
Customer Services Manager
Head of ICT and Customer Services
Head of Planning, Economy and Community
Member Services Manager
Monitoring Officer

- *O&S 15 APOLOGIES FOR ABSENCE**
Apologies for absence were received from Cllr K A Clish-Green, Cllr C Hall and Cllr L J G Hockridge.
- *O&S 16 DECLARATIONS OF INTEREST**
Members and officers were asked to declare any interests in the items of business to be considered during the course of this meeting but none were made.
- *O&S 17 CHAIRMAN'S ANNOUNCEMENT**
The Chairman advised Members that there was an outstanding item from the previous meeting in relation to Devon Home Choice. A report was not on the agenda for the meeting, however, an update had been provided and this would be attached to the minutes as an appendix.
- *O&S 18 CONFIRMATION OF MINUTES**
The Minutes of the meeting held on 4 June 2013 were agreed and signed by the Chairman as a correct record.
- *O&S 19 UPDATE FROM THE CORPORATE DIRECTOR ON TRANSFORMATION PROGRAMME**
The Corporate Director (TW) advised that as Members had attended a Transformation Programme meeting earlier the same day that she would focus on the role of Overview and Scrutiny (O&S), assuming the Transformation Programme went ahead.

The O&S role was twofold - firstly to scrutinise the delivery of the programme, for example using the implementation timetable, and secondly a development role on some areas such as the locality model, commissioning and channel shift. This matter would be discussed later on the agenda under Draft Work Programme (Minute O&S 26 refers).

***O&S 20 MONITORING OF WEST DEVON COMMUNITY AND VOLUNTARY SERVICES AND CITIZENS ADVICE BUREAU SERVICE LEVEL AGREEMENTS 2012/13**

The Community Manager and Community Projects and Policy Officer presented a report (page 6 to the agenda) that asked Members to review the operation in 2012/13 of the Service Level Agreements (SLAs) with West Devon Community and Voluntary Services (WDCVS), including West Devon Volunteer Centre (WDVC), and West Devon Citizens Advice Bureau (WDCAB).

Following an introduction by the Community Projects and Policy Officer, the Community Manager advised Members that during previous discussions on budget cuts, a motion to cut funding to the voluntary sector had fallen so the contribution had not been offered up as a potential saving. Whilst Members could still look at savings in relation to voluntary funding, there was statutory guidance in place and the overall value for money and impact on the Council must be considered. If the Transformation Programme was approved, the Community Manager felt that the voluntary sector would play an important role in terms of commissioning. She also offered to undertake further work to better quantify the benefits received from the organisations.

One Member commented that he had concerns in relation to the CAB as one of its key roles was in debt advice yet there were a number of other organisations that could support people such as Step Change and Money Advice Service. He also felt that there may be a value for money issue and wanted to know how many referrals were made to the CAB from the Council. The Community Manager responded that they did not only receive referrals from the Council but they were a recognised organisation that people could go to for help. The Chairman added that the CAB would not look at a problem in isolation, but would look at a person or family as a whole as this approach could possibly identify other areas where help could be offered.

It was **RESOLVED** that Members had reviewed the performance of WDCVS, including WDVC, and WDCAB against the outcomes agreed in the SLAs. In terms of further action, work would be undertaken by the Community Manager to quantify the benefits from the WDCAB and a report brought back to a future meeting of the Overview and Scrutiny Committee.

***O&S 21 IMPACT OF WELFARE REFORM ON WEST DEVON**

The Head of ICT and Customer Services presented a report (page 45 to the agenda) in response to views expressed by the Overview and Scrutiny Committee that they should monitor the impact on the Council of the welfare reforms.

The Head of ICT and Customer Services advised that the expected change to Universal Credit had now been postponed to a likely implementation date of 2015. This had impacted on staff numbers, workload and performance, and a decision had now been taken to employ permanent staff to fill outstanding vacancies. He also gave Members more detail in relation to the Local Discretionary Welfare Support Fund and how it was being used.

Finally, in response to concerns about the customer experience at Reception, it was agreed that a feedback form be compiled and given to customers with the results being presented in a report to the next Overview and Scrutiny Committee.

It was then **RESOLVED** that the contents of the report be noted.

***O&S 22 OMBUDSMAN UPDATE AND ANNUAL LETTER**

The Monitoring Officer presented a report (page 53 to the agenda) that advised Members that the Local Government Ombudsman was changing the way in which he reported to Local Authorities and asked Members to consider the Ombudsman's Annual Letter 2013 regarding complaints received against the Council for the year 1 April 2012 to 31 March 2013.

The Committee and Ombudsman Link Officer was able to advise Members of the detail of specific complaints.

It was then **RESOLVED** that the Ombudsman's Annual Letter be noted.

***O&S 23 PERFORMANCE REPORT**

The Head of ICT and Customer Services presented a report (page 60 to the agenda) that provided Members with information on Key Performance Indicators at the end of quarter 1 for 2013/14, and the end of quarter 4 2012/13. The information was set out with the Balanced Scorecard showing broad performance levels. Further information for those indicators at 'red' status was provided along with a standard information report giving background information and context to workload.

The Head of ICT and Customer Services referred to the two performance indicators that had been at 'red' for two successive quarters, and he advised Members that the targets set for the indicators had been set some time ago.

The Department for Work and Pensions (DWP) had now set national performance indicators and he requested that for the next quarter their national performance indicator targets be applied. Following a brief discussion the Committee agreed to this, although it was noted that failure to meet these targets would result in further action.

One Member raised the question of dog fouling and asked if Penalty Charge Notices had been issued for dog fouling, or only for car parking enforcement. A detailed debate followed and as a result the Corporate Director would request that a full response to the points raised be circulated by the Head of Environment Services to the Members of the Overview and Scrutiny Committee.

The final area of discussion referred to phone calls and answering times. The Customer Services Manager advised that a number of issues had contributed to poor performance over the summer, such as fully trained staff being recruited into other departments. A great deal of work had been undertaken to train new staff and during October over 70% of calls were being answered within 5 seconds. The Head of ICT and Customer Services added that as a result of Welfare Reform, calls to the Council were more complex and were taking on average 18% longer. The Transformation Programme would help customers by routing some of the calls through alternative means to release front line resources.

It was then **RESOLVED** that:

- (i) The Key Performance Indicators for Q1 be noted and actions detailed considered to improve future performance; and
- (ii) Members adopt DWP national Performance Indicators for the next quarter and a report be brought back to the next meeting of Overview and Scrutiny Committee to assess the impact on the performance of average time to process change of circumstances benefit claims and average time to process new benefit claims.

***O&S 24 THE USE OF AGENCY STAFF**

The Head of Planning, Economy and Community presented a report (page 75 to the agenda) that provided the Committee with an overview on the use and costs of engaging agency workers.

The Head of Planning, Economy and Community advised Members that the use of agency workers was a useful component in managing services and as the Council moved forward with the Transformation Programme it would be important to think how to effectively manage agency staff to be able to keep redundancy costs down. Not all agency staff were more expensive than permanent staff and, in the medium term, agency staff would be used, particularly to manage peaks in workload. However, the long term objective would be to have permanent staff in place.

It was **RESOLVED** that the Senior Management Team continue to monitor the use and cost of using agency workers.

***O&S 25 REVIEW OF THE PROCESS AND DECISIONS THAT LED TO THE JUDICIAL REVIEW JUDGEMENT RELATING TO THE FORMER FOCUS DIY STORE, TAVISTOCK RETAIL PARK, PLYMOUTH ROAD, TAVISTOCK**

The Overview and Scrutiny Committee received a report from the Focus Review Working Group that advised Members of the conclusion of the work of the Focus Review Working Group. The Chairman introduced the report and advised the Committee that the recommendations of the Working Group should be monitored and that this should be an item for the future work programme for Overview and Scrutiny Committee.

It was **RESOLVED** that the conclusion of the work of the Focus Review Working Group be noted along with the subsequent decisions made by Council at its meeting on 8 October 2013 which were as follows:

- A protocol should be put in place to guide working practices between the Legal Department and the Planning Department
- Bi-monthly meetings with the Head of Planning, Economy and Community and the Link Lawyer, and monthly meetings with the Development Manager and the Link Lawyer, should be recorded/noted
- In cases where JR or other serious litigation proceedings are contemplated by the Council or brought against the Council there needs to be an initial meeting of senior officers and regular face to face meetings to ensure that matters are dealt with promptly and all issues fully explored.
- On any occasion where officers feel it necessary to brief Members on a significant issue which has legal, financial or reputational impact, a file note should be made and kept
- Early consideration should be given by the Head of Planning Economy and Community to the public interest in these cases so that the Ward Members and other key Members are properly informed. Agreement can then be reached on the level of input required of Members
- Reports to Members should include all options and an explanation of the potential impact and merits of each option.

***O&S 26 DRAFT ANNUAL WORK PROGRAMME**

The Corporate Director advised the Committee that there was work that could be undertaken by Members in respect of the Transformation Programme. One area to be developed was Locality and Commissioning. This would develop over the next twelve months and could be different at South Hams and West Devon, depending on what Members required. Members could take a leading role on this and it could be appropriate for the initial work to be undertaken by a Task and Finish Group to research how other authorities had progressed with Locality and Commissioning, to make phone calls to Members from those authorities, and perhaps internet research.

Following a brief discussion, it was agreed that Cllrs Ewings, Moyse and Sheldon would make up the Task and Finish Group, and that the Chairman would invite those who had given apologies for this meeting to be part of the Task and Finish Group if they wished.

***O&S 27 REGULATION OF INVESTIGATORY POWERS ACT 2000: REPORT ON INSPECTION AND AUTHORISATION**

As a standing item on the agenda, Members noted that there had been no requests to use the powers under RIPA during the last quarter.

(The meeting terminated at 4.05 pm)

Chairman

APPENDIX

- A major Policy Review is scheduled to commence in December. The main driver for this is the recognition that Local Authorities need flexibility within the Devon Home Choice Policy to reflect the wishes of their Members (particularly in light of the Localism Act). Any changes will be implemented from the 1st of April 2014. Opinions will be sought from Members, key partners, stakeholders & applicants
- All other Local Authorities & Registered Providers remain committed to the partnership. However unless we can find solutions and compromises for some partners, they may be forced to leave the partnership or the partnership may dissolve. West Devon need to be prepared for this and have an interim solution to allocate housing in the short-term
- As part of the major policy review a group of officers has been set up to look at the objectives & impacts (and how any negative impacts can be addressed) of the following changes which may be of interest to Members
 - One or more partners no longer registering Band E applications
 - Reviewing the limit on cross border moves
 - Additional Band D Categories for certain groups of applicants who had previously been in Band E (Teignbridge DC have introduced a “Community Contribution” banding)
- We will shortly be consulting with our applicants and Members
- If following the review, the Devon Home Choice Policy no longer meets the requirements to allocate social housing in the Borough we will need to consider a long term alternative. The cost of which would need to be met by the Council and some indicative costs given to the previous panel estimate the costs to be in excess of £90k.
- The new software contract will include a break clause, in which all Councils will be able to serve notice of there intention to leave giving a period of not less than 6 months (this is still to be finalised)