

Torbay Strategic Partnership

UPDATE

January 2011



LOCALISM BILL

A summary of the Government announcements prior to Christmas. Further details and updates can be found on the Communities and Local Government website www.communities.gov.uk.

Community Empowerment

Right to veto excessive council tax rises

- The public will be given the power to approve or veto excessive council tax rises - any local authority (including police and fire authorities) and larger parishes setting an increase above a ceiling set by the Secretary of State and approved by the House of Commons will trigger a referendum of all registered electors in their area.

Community Right to Challenge

- A right for voluntary and community groups, social enterprises, parish councils and local authority employees delivering a service, to challenge a local authority, by expressing an interest in running any service for which they are responsible.
- A local authority must consider and respond to this challenge. The challenge may trigger a procurement exercise for that service in line with the relevant procedure, which the challenging organisation could then bid in, alongside others. The right is part of the Government's aim to create a Big Society.

Community Right to Buy

- This will require local authorities to maintain a list of public or private assets of community value put forward for consideration by communities. When listed assets come up for disposal (either the freehold or a long leasehold), communities will be given the chance to develop a bid and raise the capital to buy the asset when it comes on the open market.

Local Referendums

- This measure gives people, councillors and councils the power to instigate a local referendum on any local issue. Although these referendums will be non-binding, local authorities and other public authorities will be required to take the outcomes into account in decision making.

Decentralisation and strengthening local democracy

General Power of Competence

- The general power of competence aims to provide local authorities, including certain parish councils, with all the same powers that an individual generally has, which will enable them to do anything apart from that which is specifically prohibited.
- This measure will mean that local councils will have new freedoms to run services. It aims to give local authorities

confidence in their legal capacity to act on behalf of their communities and to act in their own interest to generate efficiencies and savings.

Local Authority Governance

- These measures will allow councils, regardless of their size to return to the committee system of governance, should they wish.

Directly Elected Mayors

- Almost every major city in the world has a strong and powerful executive mayor. The Bill aims to address this discrepancy by giving areas the right to have a mayor.
- The Government is committed to creating directly elected mayors in 12 English cities. Following Royal Assent, the Government will make an Order, whereby the council leaders for Birmingham, Bradford, Bristol, Coventry, Leeds, Leicester, Liverpool, Manchester, Newcastle upon Tyne, Nottingham, Sheffield and Wakefield would become shadow mayors, and be given the powers available to existing council mayors. These cities and any other area that calls for a mayor will hold mayoral referendums on local Election Day in May 2012. For areas that vote in favour, mayoral elections would then be held on local Election Day in May 2013 using the Supplementary Vote system which is used for existing mayors, including London. Mayors will be elected for four year terms, the detail of which will be further explained during the course of the parliamentary process.

Predetermination

- This aims to give Councillors the freedom to campaign, to express views on issues and to vote on matters, without fear of being unjustly accused of having a closed mind on a particular issue because of it. Predetermination and bias have proved to be difficult and controversial issues for many local authority members in the past. The Bill aims to give councillors the assurance that they can campaign, discuss and vote on issues with confidence.

Standards Board for England abolition

- This means local authorities will not need to have a statutory standards committee. The Government are legislating to make it a criminal offence for members to deliberately withhold or misrepresent a personal interest. This means that serious misconduct that can at present lead to censure by a local authority standards committee and having to make an apology will instead possibly result in a criminal conviction.

Pay Accountability

- This aims to improve transparency and local democratic accountability in how senior pay is set within local government. Provisions are included in the bill that will require local authorities and fire and rescue authorities to approve and publish annually at Full Council (for FRAs, a meeting of members), a senior pay policy statement which authorities will be required to follow when setting senior pay. Where councils want to depart from the pay policy, these would need to be referred back to Full Council (or a meeting of members for FRAs) to vote on.

Scrapping Bin Taxes

- So-called 'bin tax' schemes would have allowed local councils to charge residents for household rubbish collections or fine families for having a full bin. This Bill will repeal sections 71 to 75 of, and Schedule 5 to, the Climate Change Act 2008 thus stopping these schemes taking place.



Reform of the Planning System

Abolition of Regional Strategies

- The removal of the primary legislation which sets the basis for Regional Strategies.

Community Infrastructure Levy

- The Community Infrastructure Levy allows local authorities to set charges which developers must pay when bringing forward new development in order to contribute to new infrastructure. The Bill introduces three changes to the Community Infrastructure Levy.
- Firstly, the Bill includes provisions to make regulations requiring some of these funds to be passed to neighbourhoods where the development has taken place.
- Secondly, it makes clear that funds can be spent on the ongoing costs of infrastructure, as well as the initial costs of new

infrastructure.

- Lastly, it gives local authorities greater control over setting their charging levels – while independent examiners will still consider whether the charging schedule is unreasonable, it will be for the authority to decide how to make it reasonable.

Local Plan Reform

- To give local authorities and communities greater choice and control by removing the ability of the Planning Inspectorate to re-write local plans - and by removing procedures on timetabling and monitoring.
- Planning inspectors will continue to assess local plans at a public examination, and authorities will only be able to adopt plans judged 'sound' by the inspector,
- Inspectors will only be able to suggest changes at the request of the local authority.
- Local authorities will be able to suggest changes during the examination and withdraw development plan documents before their adoption, without seeking clearance from central Government.
- Local authorities will also have to publish up to date information direct to the public on what planning documents they are preparing, while central government powers to direct changes will be more limited.

Neighbourhood Planning

- The Bill will introduce a new right for communities to shape their local areas. Neighbourhood plans will enable communities to permit development – in full or in outline – without the need for planning applications.
- The aim is to give neighbourhoods and local areas the flexibility to innovate, be creative, access new resources and control their own futures. The Government says that reforms will streamline decision-making and remove barriers to development.

Community Right to Build

- This measure will give local communities the power to take forward development in their area without the need to apply for planning permission, subject to meeting certain safeguards and securing 50 per cent support of the community through a referendum.
- It will be for communities to identify suitable land, sources of finance and secure support for their proposals, with the Government putting in place arrangements to provide help and guidance.

Duty to cooperate

- The Government are introducing a duty to cooperate to ensure that local authorities and public bodies cooperate with each other. The duty is seen as a key element of the proposals for strategic working once Regional Strategies are abolished. This works alongside the incentives that the Government are implementing, such as the New Home Bonus and Business Rates.

Pre-application consultation

- This aims to strengthen the role of local communities in planning, the Bill will introduce a new requirement for prospective developers to consult local communities before submitting planning applications for very large developments. This is intended to give local people a real chance to comment on proposed developments which may have an impact on them, and to collaborate on issues such as design at an early stage, when they still have a real chance to influence proposals before they are finalised.
- Developers will be required to have regard to any opinions raised during this consultation when deciding whether to make any changes before submitting their planning applications.

Enforcement

- In order to engage in the planning system individuals and communities need to have confidence that where people try to flout the system local planning authorities have the ability to take action. These proposals aim to tackle abuses like making deliberately misleading planning applications and running retrospective planning applications and enforcement appeals simultaneously.

Nationally Significant Infrastructure Projects (abolition of the Infrastructure Planning Commission)

- This measure will replace the Infrastructure Planning Commission with a new system that aims to provide a fast-track process for major infrastructure projects and ensures Parliamentary approval of National Policy Statements (National Policy Statements) before they can be designated.



Social Housing Reform

Social Housing Allocations reform

- This aims to give back to local authorities the freedom to determine who should qualify to go on their housing waiting list.
- The rules on eligibility will continue to be set centrally.
- Its aims to make it easier for existing social tenants to move within the social sector, by removing transferring tenants who are not in housing need from the scope of the allocation rules – they will no longer have to compete with those on the waiting list in housing need.
- Under the current system local authorities must include on their waiting lists for social housing anyone who applies, with the exception of some foreign nationals and people guilty of serious unacceptable behaviour. As social housing is in great demand and priority is given to those most in need, many applicants have no realistic prospect of ever receiving a social home.
- This measure will allow local authorities to set waiting list policies that are appropriate to their local area.

Reform of Homelessness legislation

- The Bill will give local authorities the flexibility to bring the homelessness duty to an end with an offer of suitable accommodation in the private rented sector without requiring the household's agreement. There will be safeguards: as now, an offer of private sector housing will only bring the duty to an end if the accommodation is suitable for the whole household. The private sector tenancy would need to be for a minimum fixed term of 12 months, and the duty would recur if, within 2 years, the applicant becomes homeless again through no fault of his or her own (and continues to be eligible for assistance).



Social Housing Tenure reform

- Currently, social landlords are normally only able to grant lifetime tenancies. The provisions in the Bill will enable local authority landlords to grant tenancies for a fixed length (the minimum length being two years). These 'flexible' tenancies will give more freedom to local authority landlords, allowing them to manage their stock more effectively and ensure that the occupation of social housing better reflects actual need

Reform of Council Housing Finance

- This reform will replace the current annual centralised system for subsidising council housing and replace it with a locally run system. Under the new system, councils will keep their rental income and use it locally to maintain their homes. To achieve this, the Bill will enable a one-off payment between Government and each council. This aims to put all local authorities in a position where they can support their stock and housing debt from their own income in future. Reform of the Housing Revenue Account is seen by the Government as a key plank of localism. It aims to give councils full control over a key area of spending and service provision.

National Homeswap Scheme

- This measure will take a power to set, via the social housing regulator a standard on mutual exchange - a swap of accommodation between two or more tenants where each party moves permanently into their exchange partner's property. This would require landlords to participate in web-based mutual exchange services that enable tenants to see a wide range of properties across providers in England. This aims to create more mobility within social housing stock and give greater choice to tenants over where they live.

Reform of Social Housing Regulation

- This measure makes reforms to the regulatory system for social housing; abolishes the Tenant Services Authority and transfers its remaining functions to the Homes and Communities Agency. It also makes changes to the Ombudsman regime applicable to social housing complaints. It aims to give social housing tenants stronger tools to hold landlords to account and a greater role for locally elected representatives in resolving problems in their area. A single Ombudsman specialising in complaints about social housing aims to ensure consistency, and provide a common route of redress for all social housing tenants.

Facilitating moves out of the social rented sector

- The Government is keen to see that support is given to help realise social tenants' ownership aspirations, which in turn can help to enable better housing outcomes for those in need through more effective use of social rented stock. The Bill aims to ensure that housing association tenants who are also members (e.g. share holders) of their landlord organisation are allowed to take up incentive schemes which facilitate moves out of the social rented sector into owner occupation.

Home Information Packs

- Home Information Packs were suspended on 21 May 2010 and all requirements relating to Home Information Packs have ceased to apply to responsible persons – either a seller or their estate agents and sellers. Energy performance certificates will still be required under separate legislation.

Joint Strategic Needs Assessment (JSNA) 2010

The latest version of the JSNA is in the final stages of production. Using feedback from the previous two JSNAs there are three levels to the 2010 version:

1. An overall summary which will be presented to TSP early in 2011 which gives an appraisal of issues for each area of the community plan at a summary level.
2. A snapshot of key indicators for Torbay at ward level.
3. A set of interactive tools which will allow users to interrogate the data themselves.

The JSNA will be available on the Council website soon and training will be made available to staff.

Public Health White Paper

The above paper was published at the end of November and sets out the Government proposals for the changes to the Public Health system in England. This includes the creation of Public Health England, a new dedicated service with a ring fenced grant. Some elements of the responsibilities for delivering Public Health outcomes, particularly health improvement, will be transferred to Local Government who will jointly employ the Director of Public Health.

Consultation papers have been issued on the funding and outcomes for the new Public Health Service. The overall vision is to 'improve and protect the nation's health and to improve the health of the poorest, fastest'. The Service will be responsible for:

1. Health protection & resilience.
2. Improving the wider determinants that cause ill health.
3. Helping people to make healthy lifestyle choices.
4. Tackling preventable ill health.
5. Addressing preventable mortality.



Economic Strategy

In December the Council considered the new economic strategy prepared by the Torbay Development Agency.

The strategy sets out the range of challenges facing the local economy and sets out measures that will ensure that Torbay provides the right environment for business growth that all the community can benefit from. It examines the potential of the local economy from the existing sectors such as tourism and the electronics sector where there are world leading businesses already in Torbay.



The vision of the strategy is:

To bring about the physical and economic regeneration of Torbay and deliver the benefits to the local community

With the re establishment of the Torbay Development Agency as Torbay's economic development company the coming 12 months actions from the strategy will include;

- The recommended appointment of a partner to deliver multi-million pound sustainable, private sector investment alongside the council to act as a catalyst for regeneration.
- A number of major projects which are complete or nearing completion: Paignton Library, Brixham Fish Quay and Cockington Court.
- Developing further the business support programme for Torbay and through the TDA's successful innovations centres, helping more businesses start up, develop and grow.
- The delivery of an investment development programme to harness success of thriving sectors and attract related industries and suppliers to create critical mass and increased profile in international markets.

These actions aim to support business growth in Torbay and help raise awareness Torbay as a business location with unique opportunities allied to an excellent quality of life. They will improve job opportunities for local people and help provide wider benefits for the local community.

Integrated Offender Management

What is Integrated Offender Management?

Integrated offender management (IOM) is a way of working that provides all agencies engaged in local criminal justice partnerships with a single structure to manage repeat offenders.

IOM is the strategic umbrella or overarching framework that brings together agencies across government to prioritise intervention with offenders who cause crime in their locality. It will manage a selected and locally defined cohort of offenders who are in the community. In targeting those offenders of most concern, IOM aims to manage them consistently, using pooled local resources to turn them away from crime and change their behaviours.

Why is IOM successful?

One of the drivers for IOM has been to look at how to build the case for more investment in community-based approaches for offenders, as an alternative to the 'revolving door' of short-term custody.

IOM is a recognition that different partners are involved in the lives of offenders at different points and for different purposes – for example, the police will want to know when a prisoner is about to be released because they will want to know his or her whereabouts; health services will want to continue an offender's mental health, alcohol or substance misuse treatment; and accommodation providers may be asked to help provide housing.

What will success look like?

Integrated offender management aims, among other things, to help local partners jointly to:

- Reduce crime and reoffending, improve public confidence in the criminal justice system and tackle the social exclusion of offenders and their families
- Address potential overlaps between existing approaches and programmes to manage offenders and address gaps
- Align the work of local criminal justice agencies and their partners more effectively, expanding or improving on partnerships that already exist at the local, area and regional level
- Simplify and strengthen governance to provide greater clarity around respective roles and responsibilities.

What are we currently working on?

Torbay Safer Communities partners are currently developing a project plan to introduce IOM as a way of working across the Bay. Part of the implementation is finding a suitable location to base the new integrated team so that the needs of the client group can be appropriately met.

Young offenders (those under 18 years) are already managed using an integrated approach through the Youth Offending Team. Integrated offender management builds on this by incorporating a wider range of partners for adult offenders.

Ofsted Action Plan

Ofsted and the Care Quality Commission undertook the announced partnership inspection of safeguarding and looked after children services between the 13 and 24 September 2010. Its report was published on the 22 October 2010.

Torbay Council Children's Services have immediately revised their existing action plan in order to fully respond to all of the recommendations in the inspection report. Both Action Plans focus on 4 key areas:

- Improving the quality of professional practice
- Improving the quality of operation management
- Embedding performance Management at all levels
- Securing excellent governance and partnership working

A series of immediate actions have been taken to maintain the "considerable momentum" that has been secured in improving safeguarding work. These immediate actions include:

- The introduction of a skills mix model into children's social care whereby social workers are supported by community care workers and administrators. The inspection report notes that this has been a positive development and relieved some pressures at the frontline line. The process is now underway to identify family support workers and social workers based in other areas of Children's Services who can be seconded into the Children In Need Service in order to reduce the pressures further. There is also a continual round of social work recruitment in progress.
- The establishment of added additional independent capacity and capability into the Children In Need Service. Children's Services have employed a team of 4 experienced social work senior practitioners (including a team manager) from Outcomes UK since August. There will also be further additions to the operational management capacity within the service through the temporary appointment of Sally Halls – previously a Children's Services and Learner Advisor based in the Government Office of the South West and a regional lead in safeguarding.
- The implementation of a partnership programme with research in practice entitled "think needs, think outcomes" in order to ensure that assessment, planning, intervention and review work is of the right quality. This will be supplemented with bespoke training sessions across children's social care.
- The implementation of much tighter systems around performance management and supervision. All social workers now participate in peer case file audits whereby they scrutinize the practice of another social worker via a case file audit. Six peer reviews have been undertaken since the inspection – demonstrating the emphasis being accorded to case file audits. Performance information is being scrutinised on a daily basis – so that those assessments coming up for their completion deadline are systematically identified, chased and quality assured by managers.



The safeguarding action plan sets out each action being taken in response to the inspection in detail. Progress against the action plan will be monitored by the Safeguarding Improvement Board (SIB), who had its inaugural meeting on the 22 November 2010. Independently chaired, the SIB will produce a formal report at the end of April 2011 detailing the progress that has been secured by that point. This report will be a public document and will be presented to Torbay Council's Cabinet, the Children Trust Commissioning and Delivery Boards, the Torbay Safeguarding Children Board and the Department for Education.

The children looked after action plan will also be closely monitored by the Torbay Children Trust, Commissioning Officers Group and Overview and Scrutiny.

Forthcoming meeting dates

27 January 2011	Hele Baptist Church 3-6pm
17 March 2011	Meadfoot Room, Town Hall, Torquay 3-5pm
26 May 2011	Meadfoot Room, Town Hall, Torquay 3-5pm
21 July 2011	Meadfoot Room, Town Hall, Torquay 3-5pm
15 September 2011	Meadfoot Room, Town Hall, Torquay 3-5pm
10 November 2011	Meadfoot Room, Town Hall, Torquay 3-5pm

This newsletter can be made available in other formats. Please telephone 01803 207056.