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Date: Wednesday, 30 March 2011

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Town Hall
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Dear Member

CABINET - Tuesday, 5 April 2011

I am now able to enclose, for consideration at next Tuesday, 5 April 2011 meeting of the Cabinet, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
<u>5.</u>	<u>Churston Golf Club Proposals - Call-In</u> To consider Report 83/2011 setting out the recommendations of the Council regarding the call-in of the Mayor's decision on the Churston Golf Club Proposals.	(13 - 16)
<u>6.</u>	<u>Princess Parade, Princess Gardens, Marina Car Park, Pavilion and Theatre, Torquay - Call-In</u> To consider Report 84/2011 setting out the recommendations of the Council regarding the call-in of the Mayor's decision on Princess Parade, Princess Gardens, Marina Car Park, Pavilion and Theatre, Torquay.	(17 - 20)
<u>7.</u>	<u>Annual Strategic Agreement 2011/12 with Torbay NHS Care Trust</u> To consider Report 85/2011 setting out the recommendation of the Council regarding the Annual Strategic Agreement 2011/12 with Torbay NHS Care Trust.	(21 - 38)
<u>8.</u>	<u>Implementation of New Refuse and Recycling Service by TOR2: Lessons Learned</u> To consider Report OSB/3/11 setting out the recommendations of the Overview and Scrutiny Board on the lessons learned in respect of the implementation of the new refuse and recycling service by TOR2.	(39 - 54)

Yours sincerely

Teresa Buckley
Senior Democratic Services Officer

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Briefing Report No: **83/2011** Public Agenda Item: **Yes**

Title: **Churston Golf Club Proposals – Call-In**

Wards Affected: **Churston with Galmpton Ward**

To: **Cabinet** On: **5 April 2011**

Contact Officer: **Teresa Buckley**

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1. Key points and Summary

- 1.1 At its meeting on 17 February 2011, the Overview and Scrutiny Board considered the Notice of Call-in of the decision of the Mayor (taken at the Cabinet meeting on 2 February 2011) to grant a variation to the lease of Churston Golf Club (as set out in Report 34/2011). The Board resolved that the decision of the Mayor be referred to Council for consideration. The Council considered Report OSB/4/11, at its meeting held on 24 March 2011, which set out details of the Notice of Call-in and advice from the Monitoring Officer.

It was proposed by Councillor Thomas (J) and seconded by Councillor Oliver:

“that the Mayor be requested to consider making a decision on the points outlined in Report 34/2011. The Council also recommend that all parties concerned are contacted to reach a compromise decision.”

In accordance with Standing Order A19.4, a recorded vote was taken on the motion. The voting was taken by roll call as follows: **For:** Councillors Amil, Baldrey, Carter (C), Carter (R), Charlwood, Darling, Doggett, Ellery, Excell, Faulkner (J), Hodge, Horne, Hytche, Lewis, Manning, McPhail, Mills, Morey, Oliver, Pentney, Phillips, Richards, Scouler, Stocks, Stringer, Thomas (D) and Thomas (J) (27); **Against:** The Mayor, Councillors Aiton, Bent, Butt and Parrott (5); and **Absent:** Councillors Addis, Faulkner (A) and Tolchard (3). Therefore, the motion was declared **carried**.

- 1.2 The 3 reasons for the call-in as outlined in Report 34/2011 were:

- 1) The Mayor was wrong to assert that if the Golf Club became bankrupt that the whole area would be built on.
- 2) There is a lack of evidence that a compromise solution has been considered.
- 3) The Mayor is abdicating his responsibility by hiding behind the Planning Process.

1.3 The Mayor is therefore requested to consider the recommendation of Council set out in paragraph 1.1 above.

2. Introduction

2.1 At the adjourned meeting of Cabinet held on 2 February 2011, the Mayor considered Report 11/2011 which provided an update on the proposals regarding the variation to the lease of Churston Golf Club, to enable residential development on part of the land, following consideration of a petition at the Extraordinary Council meeting on 3 November 2010. The Report responded to the issues raised at the Council meeting and included Report 267/2010 which provided detailed background information regarding the proposals. The Mayor agreed:

- “(i) that the Head of Legal Services be authorised to complete the documentation contained in Appendix 2 to report 267/2010 (which provides for a surrender by the Golf Club of that part of the Club’s lease shown edged red on plan EM1950 and the grant a long lease of that land to Bloor Homes conditional upon planning permission being obtained) and make any amendments in consultation with the Mayor that may be necessary to the documentation provided such amendments do not materially alter the terms of the transaction; and
- (ii) that Bloor Homes be advised that the above documentation is to be entered into by the Council, as landowner, and is without prejudice to any discussions/decisions made by the Council as Local Planning Authority/Highway Authority and that the appropriate planning/highway procedures will need to be followed in the normal way.”

2.2 The Mayor’s decision was called-in and considered at the Overview and Scrutiny Board meeting on 17 February 2011 where Members referred the matter to the Council for consideration. The Council considered the call-in at its meeting held on 24 March 2011 and their recommendation is set out in paragraph 1.1 above.

2.3 The Mayor must consider the Council’s recommendation and either:

- (i) confirm the decision without modification; or
- (ii) confirm the decision with modification; or
- (iii) rescind the decision.

Richard Thorpe
Executive Head of Governance

Appendices

None

Documents available in members’ rooms

None

Background Papers:

The following documents/files were used to compile this report:

Report OSB/4/11 – Churston Golf Club Proposals – Notice of Call-In
Minute 484.1/2/11

Report 11/2011 – Churston Golf Club Proposals

Report 267/2010 – Churston Golf Club Proposals

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Briefing Report No: **84/2011**

Public Agenda Item: **Yes**

Title: **Princess Parade, Princess Gardens, Marina Car Park, Pavilion and Theatre, Torquay – Call-In**

Wards Affected: **Tormohun Ward**

To: **Cabinet**

On: **5 April 2011**

Contact Officer: **Teresa Buckley**

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1. Key points and Summary

- 1.1 At its meeting on 16 March 2011, the Overview and Scrutiny Board considered the Notice of Call-in of the decision of the Mayor (taken at the Cabinet meeting on 3 March 2011) to authorise the Chief Executive of Torbay Development Agency to investigate and deliver a solution to the repairing liabilities at Princess Gardens, Princess Parade, the Pavilion and Princess Pier. The Board resolved that the decision of the Mayor be referred to Council for consideration. The Council considered Report OSB/6/11 which set out details of the Notice of Call-in and advice from the Monitoring Officer.

It was then proposed by Councillor Thomas (J) and seconded by Councillor Oliver:

“that the Mayor be requested to reconsider his decision in light of the following:

- (i) whilst the Council acknowledge the need for redevelopment in the Princess Gardens area, it would wish to safeguard what makes Torbay special; and
- (ii) the Council shares the concerns listed on the call-in notice namely:
 - (a) the Mayor’s decision authorises the Chief Executive of the Torbay Development Agency to “investigate and deliver a solution to the repairing liabilities” in consultation with the Mayor, Portfolio Holder for Regeneration, the Environment Commissioner and the Executive Head of the Torbay Harbour Authority. What input will there be into this project from the Harbour Committee, Harbour users, the wider community and elected representatives?;
 - (b) the Chief Executive of the Torbay Development Agency is being asked to “revisit the principle” of a Torquay Inner Harbour Pontoon Berthing Project. How will the Council

ensure that residents can secure affordable berths in the inner harbour? What consultation has the Mayor undertaken on this? How will the Executive Head of the Tor Bay Harbour Authority be involved?; and

- (c) the Mayor has failed to give any clear guidance as to what would or would not be acceptable in terms of development.”

In accordance with Standing Order A19.4, a recorded vote was taken on the motion. The voting was taken by roll call as follows: **For:** Councillors Amil, Baldrey, Butt, Carter (C), Carter (R), Charwood, Darling, Doggett, Ellery, Excell, Faulkner (J), Hodge, Horne, Hytche, Manning, McPhail, Mills, Morey, Oliver, Pentney, Phillips, Richards, Scouler, Stocks, Stringer, Thomas (D) and Thomas (J) (27); **Against:** The Mayor, Councillors Aiton, Bent, Lewis and Parrott (5); and **Absent:** Councillors Addis, Faulkner (A) and Tolchard (3). Therefore, the motion was declared **carried**.

- 1.2 The Mayor is therefore requested to consider the recommendation of Council set out in paragraph 1.1 above.

2. Introduction

- 2.1 At the meeting of Cabinet held on 3 March 2011, the Mayor considered Report 41/2011 which set out a proposal that would lead to the regeneration of the Princess Gardens, Princess Parade, Marina Car Park, Pavilion and Theatre area of Torquay in accordance with the Torbay Harbour Area Action Plan and at the same time addressing the Council's significant repairing liability for the Princess Gardens, Princess Parade, Princess Pier and the Pavilion. The Mayor agreed (Minute 574.2/3/11 refers):

“(i) that the Chief Executive of Torbay Development Agency, in consultation with the Mayor, the Portfolio Holder for Regeneration, the Environment Commissioner and the Executive Head of Tor Bay Harbour Authority, be authorised to investigate and deliver a solution to the repairing liabilities at Princess Gardens, Princess Parade, The Pavilion and Princess Pier which may incorporate a combination of a) and b) below:

- (a) Private sector investment to deliver, subject to planning consent, appropriate levels of commercial and residential development on-
 - (i) the site of the Marina Car Park;
 - (ii) additional land on Princess Parade;

with such development to include the refurbishment of, and the incorporation of, the Pavilion as well as any associated car parking; and

- (b) Torbay Council officers being asked to identify funding sources and financial implications of meeting some or all of the costs of repairs including possible new funding sources that may become available in the near future;

- (ii) that if the approved private sector development does not fund all of the repairs then the Chief Executive of Torbay Development Agency, in consultation with the Mayor, the Portfolio Holder for Regeneration, Environment Commissioner and the Executive Head of Tor Bay Harbour Authority, be permitted to procure the design and the costing of a schedule of works which would take into account all of the options available for the area under consideration;
- (iii) that the Chief Executive of Torbay Development Agency be authorised, on Torbay Council's behalf, to apply for grant funding from all appropriate sources to contribute towards the cost of the repairs detailed in (ii)(b) above;
- (iv) in addition to the grant funding in (iii), the Chief Executive of Torbay Development Agency, in consultation with the Council's Chief Finance Officer, look at and report back to the Cabinet and if necessary the Harbour Committee, on the funding options and costs to meet the works covered in (ii)(b);
- (v) that, if necessary, once the works in (ii)(b) above have been identified and agreed, and once the funding for these works has been secured, Torbay Development Agency be allowed to procure these works in accordance with appropriate European Union Procurement Regulations, if applicable;
- (vi) that the Chief Executive of Torbay Development Agency in consultation with the Head of Legal, the Harbour Committee and the Mayor be authorised to advertise and sell, at best value, a long lease of The Marina Car Park, the Pavilion and such additional land required to carry out the development covered in (i);
- (vii) that the Chief Executive of Torbay Development Agency, working with the Harbour Committee, be asked to revisit the principle of a Torquay Inner Harbour Pontoon Berthing Project, as outlined in report 150/2009; and
- (viii) that the Chief Executive of Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority be asked to prepare a further report on the Torquay Inner Harbour Pontoon Berthing Project, including private sector investment options, for consideration by the Harbour Committee, the Mayor and/or Council."

2.2 The Mayor's decision was called-in and considered at the Overview and Scrutiny Board meeting on 16 March 2011 where Members referred the matter to the Council for consideration. The Council considered the call-in at its meeting held on 24 March 2011 and their recommendation is set out in paragraph 1.1 above.

2.3 The Mayor must consider the Council's recommendation and either:

- (i) confirm the decision without modification; or
- (ii) confirm the decision with modification; or
- (iii) rescind the decision.

Richard Thorpe
Executive Head of Governance

Appendices
None

Documents available in members' rooms
None

Background Papers:

The following documents/files were used to compile this report:

OSB/6/11 - Princess Parade, Princess Gardens, Marina Car Park, Pavilion and Theatre,
Torquay – Notice of Call-in

Minute 574.2/3/11

Report 41/2011 - Princess Parade, Princess Gardens, Marina Car Park, Pavilion and
Theatre, Torquay



Briefing Report No: **85/2011** Public Agenda Item: **Yes**

Title: **Annual Strategic Agreement 2011/12 with Torbay NHS Care Trust**

Wards Affected: **All Wards in Torbay**

To: **Cabinet** On: **5 April 2011**

Contact Officer: **Teresa Buckley**
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1. Key points and Summary

- 1.1 At the Council meeting held on 24 March 2011 Members considered Report 76/2011 and the recommendations of the Mayor on the Annual Strategic Agreement (ASA) for 2011/12 between the Council and Torbay NHS Care Trust for the delivery of Adult Social Care. A revised Appendix 1 to Report 76/2011 was circulated prior to the meeting.

It was proposed by Councillor Bent and seconded by the Mayor:

- (i) that the Council be recommended to approve the Annual Strategic Agreement for 2011/12 as set out in Revised Appendix 1 to Report 76/2011 circulated prior to the Council meeting on 24 March 2011; and
- (ii) that the remaining risk related to the delivery of the required performance outlined and the ability to deliver a balanced budget, given the level of resources allocated for the delivery of Adult Social Care, be deemed acceptable.

An amendment was proposed by Councillor Thomas (J) and seconded by Councillor Oliver:

“that the Council refers the Annual Strategic Agreement for 2011/12 back to the Mayor to allow full consideration of the revised agreement (revised Appendix 1 to Report 76/2011) circulated on 24 March 2011.”

On being put to the vote the amendment was declared **carried**.

The substantive motion (to refer back to the Mayor) was then before Members for consideration.

On being put to the vote, the substantive motion was declared **carried**.

- 1.2 The Mayor is therefore requested to consider the recommendation of the Council set out in bold type in paragraph 1.1 above. The revised Appendix 1 to Report 76/2011 is attached as Appendix 1 to this report.

2. Introduction

- 2.1 The Annual Strategic Agreement with the Torbay NHS Care Trust is one of the Council's Policy Framework documents and the process for approving and amending a Policy Framework Document is set out in the Council's Standing Orders in Relation to Budget and Policy Framework.

- 2.2 The Mayor must consider the Council's recommendation set out in paragraph 1.1 in accordance with Standing Order F4.9 and:

- (i) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet/Mayor's reasons for any amendments made to the draft plan or strategy, to the Council for its consideration; or
- (ii) inform the Council of any disagreement that the Cabinet/Mayor has with any of the Council's objections and the Cabinet/Mayor's reasons for any such disagreement.

F4.10 Subject to Standing Order F4.11, when the period specified by the Council referred to in Standing Order F4.9 has expired, the Council must, when:

- (i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy; or
- (ii) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- (iii) adopting (with or without modifications) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet/Mayor's reasons for those amendments, any disagreement that the Cabinet/Mayor has with any of the Council's objections and the Cabinet/Mayor's reasons for that disagreement, which the Elected Mayor submitted to the Council, or informed the Council of, within the period specified.

- 2.4 The Annual Strategic Agreement 2011/12 with Torbay NHS Care Trust and the recommendations of the Mayor will be considered at the Annual Council meeting on 24 May 2011.

Richard Thorpe
Executive Head of Governance

Appendices

Appendix 1 – Revised Appendix 1 to Report 76/2011 - Annual Strategic Agreement between Torbay Council and Torbay NHS Care Trust for the delivery of Adult Social Care 2011/12

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Report 76/2011 – Annual Strategic Agreement 2011/12 with Torbay NHS Care Trust

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Revised Appendix 1 to Report 76/2011

**Annual Strategic Agreement between Torbay Council and Torbay
NHS Care Trust for the delivery of Adult Social Care 2011/12**

Note: up to date comparative data has now been added and recalibrated data for some NIs are now included in the Agreement – these are shown in bold type.

Contents

1. Introduction
2. Performance Outcomes
3. Spending Decisions and Key Decisions
4. Revenue Budget 2011/12
5. Chargeable Services – Rates 2011/12
6. Roles and responsibilities

v10 updated for presentation to Council on 24 March 2011

1. Introduction

1.1 Overall strategy

The Care Trust will continue to pursue a strategic direction that is designed to maximise choice and independence for those requiring adult social care support and care. As far as possible, within FACS and the constraints of resources, the Care Trust will seek to promote active and healthy lifestyles. In particular the DASS will play a lead role in developing a refreshed Active Ageing Strategy and in contributing to its implementation.

1.2 Financial context

At a national level the funding arrangements for Adult Social Care (ASC) are under review. There is no immediate prospect of this review reporting in a timescale that would propose changes in 2011/12. Therefore the financial arrangements for 2011/12 are based on what is known at present.

The ability of the Care Trust to absorb financial risk from ASC spending has been reduced owing to the loss of NHS Commissioning responsibilities from the Care Trust with effect from April 2011. The Care Trust and the Council will work to secure the engagement and support of NHS Commissioners (in practice the support of Baywide GP Consortium) to any financial risk share arrangement applying in 2011/12.

1.3 NHS Reforms

The NHS White Paper and the NHS policy of Transforming Community Services have implications for the arrangements between the Care Trust and Torbay Council. The requirement for PCTs to separate out NHS Commissioning and Provider functions represents a significant change.

Formal agreements between the Council and the Care Trust about exactly how the arrangements will develop are yet to be made and will need to be reflected in the finalisation of this agreement. The working hypothesis at time of writing is that the range of functions delegated under the present Partnership Agreement will continue to be delegated. The Council has supported in principle the development of a South Devon provider unit as an interim position for up to 2 years while the Council, the Torbay Care Trust and other partners continue to work on a longer term solution.

1.4 Health and Wellbeing Board

The Care Trust will play a full and active role in supporting Torbay Council with the design and development of this Board. No detailed implications for delegated ASC functions have yet been seen.

1.5 Public Health

The Care Trust will play a full and active role in preparing for the changes heralded in the Public Health White Paper. The Trust and the Council will support the five

outcomes for public health specified in “healthy lives/healthy people” and work to support the new statutory duties including the JSNA which accrue to local government over the next 24 months. This includes exploring the role of the South Devon provider in locality working in the Bay.

1.6 CQC Assessment Regime

This agreement remains structured on the seven outcome areas of the former CSCI/CQC performance assessment regime. No detail is available on the performance/assessment regime that will be applied by CQC in 2011/12. This agreement will need to flex to accommodate the requirements of any new performance regime as it becomes known.

2. Development priorities and performance outcomes

To work in partnership to set and achieve a realistic trajectory for the delivery of the Transformation in Social Care, focussing on improving safeguarding, personalisation and preventive services.

To maintain a standard of performing well overall: focussing improvement on increasing choice and control; freedom from discrimination and harassment; and economic well-being.

2.1 Outcome 1: Improving Health and Emotional Wellbeing

To ensure that adult social care issues are included in the development of wider integrated care opportunities

To work in partnership to close the gap in health inequalities through the development of a neighbourhood management pathfinder and assist with its development in other deprived areas subject to successful evaluation of improved outcomes in the pathfinder area.

To play a full role in developing and implementing the ASC contribution to an Active Ageing Strategy.

Develop an integrated prevention strategy to safeguard vulnerable adults in partnership with the Crime Reduction Partnership.

Maintain current performing excellently CQC rating.

Performance Framework	Definition	2010/2011 Targets	2011/2012 Targets	Top 25% CIPFA Group 2009/10	Top 25% All England 2009/10	Comparator group average
NI 125	Achieving independence for older people through rehabilitation/ intermediate care	75%	78%	86.7%	86.1%	83%
NI 131	Delayed transfers of care	17.5	9	10% Reduction Proposed (Based on December 2010 Position)		
*New Indicator	Emergency readmission rate for over 65s within 28 days	Not reported in 2010/11	10% Reduction Proposed	New Indicator Construct 10% reduction when 10/11 outturn known		
*New Indicator	Emergency bed days for over 75s with 2+ admissions to acute hospital	Not reported in 2010/11	5% Reduction Proposed	New Indicator Construct 5% reduction when 10/11 outturn known		
*New Indicator	Falls for over 65 patients living in a care home which result in a hospital admission	Not reported in 10/11	5% Reduction Proposed	Proposed Quality Measure Establish 10/11 baseline by end April and produce trajectory.		

2.2 Outcome 2: Improved quality of life

In line with CQC's recommendations the Trust should improve performance on the provision of telecare, telehealth and community equipment within agreed budgets.

Implement the Dementia Strategy for Torbay.

Review and re-commission the range of services that facilitate the delivery of home care, including Home Improvement Service, Joint Equipment Store, Handypersons schemes and the allocation of Disabled Facility Grant by October 2011.

Maintain current performing well rating.

Performance Framework	Definition	2010/2011 Targets	2011/2012 Targets	Top 25% CIPFA Group 2009/10	Top 25% All England 2009/10	Comparator group average
NI 136	People Supported to live independently through social services (all adults)	2701	2911	3254	3749	2967
*New Indicator	Number of people supported through telecare & telehealth	Not reported in 10/11	1100	New Indicator No comparison data available (913 clients based on December 2010)		

2.3 Outcome 3: Making a positive contribution

To ensure a systematic approach to knowing and understanding service users & carers experiences and levels of satisfaction and to develop a collaborative approach with the Council and other partners to engaging them in the commissioning and monitoring of services.

Develop self assessment mechanisms to ensure the delivery of more personalised services.

To foster the broad agenda symbolised by the Government's "Big Society" intentions. Specifically to direct activity towards self care and towards fostering voluntary and community activity.

Introduce an outcomes-based accountability approach to transforming social care to ensure the intended positive effects are realised. To do this via the mechanism of goal setting and review in personal care plans.

To adopt a client led approach to commissioning, reviewing and delivering services, building on the positive lead from Supporting People.

Maintain current performing well rating.

Performance Framework	Definition	2010/2011 Targets	2011/2012 Targets	Top 25% CIPFA Group 2008/9	Top 25% All England 2008/9	Comparator group average
*New Indicator	Develop indicator demonstrating effectiveness of carer support mechanisms	Not reported in 10/11	To be determined	New Indicator No comparison data available (Determine upon completion of evaluation of the Carer Demonstration Site Pilot In June 2011)		
* New Indicator Carer Numbers	Number of people on Carers' Register	Not reported in 10/11	10% increase	New Indicator Local indicator – no national comparison (Set at 10/11 Outturn)		
Young Adult Carers	Number of young adult carers in contact with Care Trust	Not reported in 10/11	25	New Indicator Local indicator – no national comparison		

2.4 Outcome 4: Increased choice and control

Review and recommission appropriate models of Information, Advice and Advocacy to support the preventative and independence agenda including further website development and the further development of information and advice consortia.

To successfully complete the review of Learning Disabilities Services and begin implementation of subsequently approved recommendations

To take forward, in partnership, the development of extra-care housing in Torbay with an associated wide range of enablement services. To extend the scope of care to a Virtual Extra Care model supported by community hubs offering care and support by piloting this approach in Shiphay.

Continue to improve partnership working with Children's Services to improve transitions from children's to adult services.
To ensure the development of a thriving third sector through better joint commissioning that adopts the principles outlined by the Office of the Third Sector.

Improve current rating of performing adequately to performing well through the effective mainstreaming of personalisation across Paignton, supported by more widespread use of assistive technology (including Telecare) and the development of social capital, incorporating the paragraph above.

Performance Framework	Definition	2010/2011 Targets	2011/2012 Targets	Top 25% CIPFA Group 2009/10	Top 25% All England 2009/10	Comparator group average
NI 130 – Note calculation methodology has changed, from numeric to percentage	Social Care clients receiving Self directed support per 100,000 population	30%	40%	12.7%	16.3%	10.2%
NI 132	Timelines of social care assessment (all adults)	79%	75%	81.1%	86.8%	79%
NI 133	Timelines of social care packages following assessment	90%	85%	93.7%	94%	91.3%
NI 135	Carers receiving needs assessment or review and a specific carer's service, or advice and information	38%	35%	30.7%	31.9%	27.1%
NI 145	Adults with learning disabilities in settled accommodation	39%	45%	72.4%	70.8%	60.7%
NI 149 DPT Provision	Adults receiving secondary mental health services in settled accommodation	29%	35%	72.5%	74.7%	57.1%
*New Indicator – replaces PAF C72	No. of people aged 65 or over living in residential or nursing homes	602 (Dec 10 position)	570	New Indicator No comparison data available		
*New Indicator – replaces PAF C73	No. of LD and MH <65 people living in residential or nursing homes	188 (Dec 10 position)	180	New Indicator No comparison data available		

Performance Framework	Definition	2010/2011 Targets	2011/2012 Targets	Top 25% CIPFA Group 2009/10	Top 25% All England 2009/10	Comparator group average
*New Indicator	Proportion of total over 65 spend on care home placements	61%	58%	New Indicator Use of Resources suggests this should be approx. 40%		
PAF D39	People receiving a Statement of Needs (TCT +DPT)	DPT – 90% TCT – 93%	95%	No longer part of National Indicator Set Only outdated comparison information available		
PAF D40	Clients receiving a Review	DPT – 85% TCT - 85%	85%	No longer part of National Indicator Set Only outdated comparison information available		

2.5 Outcome 5: Freedom from discrimination or harassment

People independently funding their own residential care will receive discretionary care management support services only if they are in need of protection or other exceptional circumstances exist. This is to balance the need for independence and autonomy whilst offering protection to those who may require it. This is to be reviewed as part of the Transformation in Social Care.

Ensure that people from black and minority ethnic groups and other equality groups have appropriate access to assessment.

To develop and then apply a more direct source of customer feedback to provide meaningful data and assurance. This will, in all likelihood, lead to the development of more meaningful metrics in this area, e.g., with reference to fulfilment of personal care plans.

To increase the CQC judgement from performing adequately to performing well.

Performance Framework	Definition	2010/2011 Targets	2011/2012 Targets
PAF E47	Ethnicity of older people receiving assessments	1.25%	1.25%
PAF E48	Ethnicity of older people with services	1%	1%

2.6 Outcome 6: Economic Wellbeing

Torbay Council and Torbay Care Trust work together to ensure that people in Torbay have timely access to welfare and benefits advice and assistance, as part of a whole system review, options appraisal and re commissioning of information, advice and advocacy by September 2011.

Torbay Care Trust will work to maximise benefits income of its customers and to use this to support the costs of care required.

To work with the Council and other employers to improve access to employment for the disabled and other vulnerable groups by reviewing recruitment policies and procedures and agreeing mutual targets for supported work placements.

To work with the Council and other partners to foster the development of community and social enterprises and the use of apprentices. In particular to support opportunities for older people to remain active, retain economic independence, in care and support and for the intrinsic health benefits of this.

To increase the CQC judgement from performing adequately to performing well.

Performance framework	Definition	2010/2011 Targets	2011/2012 Targets	Top 25% CIPFA Group 2009/10	Top 25% All England 2009/10	Comparator Group Average
NI 146 ** Note shared target across all public agencies to improve	Adults with learning disabilities in employment PSA 16	3.40%	5%	7.6%	8%	6.7%
NI 150 DPT Provision	Adults receiving secondary mental health services in employment	5%	5%	12.3%	10.6%	9.1%

2.7 Outcome 7: Maintaining personal dignity and respect

Seek ways to continue to raise the standards to meet the Dignity in Care agenda.

To ensure that the findings of the independent safeguarding review are incorporated into commissioning and operational practice and improve joint working with children's safeguarding.

The Care Trust will pursue its policy of not commissioning care services from poorly rated providers. NB: CRILL data collection is no longer required.

Performance data from Adult Safeguarding activity will appear in TCT Board reports and Council reports. The annual SAB report will be reported to both TCT Board and the Council. A dashboard of Safeguarding Performance Measures is to be approved by the SAB in January 2011 and will be attached to this agreement.

To restore the CQC judgement of performing well (improving from adequate in 09/10).

Performance framework	Definition	2010/2011 Targets	2011/2012 Targets
*New Indicator	Proportion of safeguarding calls triaged in less than 48 hours	Oct to Dec 10 Performance is 57%	80%
*New Indicator	Proportion of safeguarding strategy meetings held with 5 working days	Oct to Dec 10 Performance is 71%	75%
*New Indicator	Proportion of safeguarding case conferences held with 20 working days of strategy meeting	Oct to Dec 10 Performance is 2%	70% (To be achieved from end July '11)
*New Indicator	Number of repeat safeguarding referrals in last 12 months	10/11 Baseline to be determined by April 11	10% reduction on 10/11 outturn

Please Note: safeguarding measures have not been previously collected across the region so no comparison data available.

2.8 Outcome 8: Leadership

The parties work to raise the profile of Adult social care, its importance and contribution to the fabric of Torbay and work to ensure sustainability for plans and personalisation that will provide high quality services and choice for people. This should include the engagement of all elected members to promote understanding in the work of adult social care services and joint working initiatives as a result of the Care Trust arrangements.

To work with Torbay Council to explore further integrated working to improve outcomes and efficiency. To engage with the TSP and the development of the pathfinder Health and Wellbeing Board in the context of the emerging South Devon provider model.

The DASS will contribute to the corporate work of the Council and contribute to the changes mentioned in the introduction above.

2.9 Outcome 9: Commissioning and use of resources

To ensure a maximisation of benefits of joint commissioning and investigate ways in which this can be further consolidated.

The Care Trust will undertake robust monitoring of its contracts to ensure safe and effective service delivery, as appropriate. Links with Commissioning Strategy, and links with the regional commissioning consortia, Provider Development in Devon will be developed.

Deliver a balanced budget, whilst seeking to deliver the outcomes articulated in Putting People First – a shared vision and commitment to the transformation of Adult Social Care, pertaining to safeguarding, personalisation and preventative services and managing the current performance of the organisation in this challenging environment.

To use the Care Trust's commissioning leverage to manage and develop the local provider market to ensure a supply of high quality local services, which provide value for money. In particular to further develop alternatives to long term residential care, focussing on the development a commissioning strategy for housing, support and care, with practical support to providers to reconfigure the current market.

To seek further integration opportunities between the partners to the agreement to obtain seamless service delivery and maximise efficient use of combined resources

Work in partnership with Torbay Council to make the most effective use of capital assets to enable improved outcomes for service users.

To complete the changes following decisions on in-house residential and intermediate care services at St Edmunds and in-house day care services at St Edmunds and Fernham.

To finalise plans for the redevelopment of St Kilda's on the Brixham Hospital site which takes account of the mayoral pledge to the long-stay residents.

To accelerate the implementation of the Learning Disability strategy and to restore learning disability spending to budgeted levels.

To work in partnership to develop reablement schemes which optimise the health and well-being of Torbay's residents.

2.10 Financial Risk Share and efficiency

For 2011/12 the pooled budget arrangement contains three sections. The Care Trust will accept the financial risk on the NHS component and the joint operational component (i.e. directly managed) will fall to the NHS. On the more volatile and demand led commissioning of social care, the normal monthly financial monitoring will be supplemented by a quarterly review and re-profiling of commissioned spend to retain both financial control, performance and statutory responsibility.

Torbay Care Trust demonstrate the delivery of required efficiencies in a timely and robust manner in line with former indicator NI 179 equating to £1.9m efficiency savings.

Performance framework	Definition	2010/2011 Targets	2011/2012 Targets
NI 179	Value for money – total net value of gains that have impacted since the start of the financial year	4%	4% (£1.9m)

3 Decision making

3.1 This agreement reiterates section 22.3 of the Partnership Agreement, i.e. the Care Trust may not make decisions unilaterally if they meet the criteria of a 'key decision'.

3.2 Key decisions are made by Torbay Council in accordance with its constitution. In Schedule 8 of the Partnership Agreement, a key decision is defined as a decision in relation to the exercise of Council Functions which is likely to:

- result in incurring additional expenditure or making of savings which are more than £250,000
- result in an existing service being reduced by more than 10% or may cease altogether
- affect a service which is currently provided in-house which may be outsourced or vice versa
- and other criteria stated within schedule 8 of Partnership Agreement.

When agreeing what constitutes a key decision, consideration should be given to the level of public interest in the decision. The higher the level of interest the more appropriate it is that the decision should be considered to be key.

4 Social Care Revenue Budget 2011/12

	2010/11	2011/2012
	£	£
Base budget	42,103	39,089
Transforming Social care Grant	877	0
Sub-Total	42,980	39,089
Central Govt Funding		2,322
TOTAL	42,980	41,411

- 4.1. For 11/12 there is an additional non-recurrent sum of money (recurrent for the CSR period but years 3 and 4 have yet to be confirmed) made available by Central Government for Adult Social Care of £2.3m which is built into the above baseline.

5 Charges for Services 2011/12

a) Non-residential Services:

	Rates 2009/10	Rates 2010/11	2011/2012
	£	£	£
Domiciliary care P/H	14.50	15.00	15.50
Day Care charge	24.00	26.00	28.00
Night Care rate (per night)	(Charged at hourly dom care rate)	50.00	50.00
Maximum Rate (Day & Dom Care)	300.00	No Maximum	No Maximum
Transport	Nil	Nil	Nil
Community Meals	3.50	4.00	4.25

As part of the personalisation agenda the Care Trust like all other Local Authorities has to formulate and implement a policy on calculating an individual's contribution to their personal budget. This matter is currently under consideration by the Personalisation Board and a policy is in the process of being developed and will be implemented in 2011/12.

b) Residential Services:

The Residential and Nursing increases will not be known until the CRAG (Charging for Residential Accommodation Guide) Regulations are published in 2011.

Residential charges to be implemented each April as directed by the Department of Health CRAG (Charging for Residential Accommodation Guide).

Client contributions for both long and short stay placements are based on an individual financial assessment of capital and income.

There is no charge for services provided under Intermediate Care or Continuing Care.

The Care Trust will ensure that all clients in receipt of a chargeable service receive a full welfare benefit check from the FAB team and an individual financial assessment in accordance with Department of Health circular LAC(2001) 32.

6 Roles and Responsibilities

Torbay Council

- **Role of Torbay Council Chief Executive** – has delegated her authority to the Care Trust for the provision of Adult Social Services and will monitor performance of the DASS in line with the honorary contract. To hold the DASS to account.
- **Role of Adult Social Care Cabinet Member** - to provide political steer to the Trust and the Council in adult social care. To challenge/monitor and drive performance.
- **Role of Adults and Operations Commissioner** - Provide client function
- **Executive Head Finance** – to take a lead responsibility on behalf of the Council in relation to the delegated budget.

Torbay Care Trust

- **Role of Torbay Care Trust Chief Executive** – to fulfil the statutory role of the designated Director of Adult Social Services (DASS). When performing this role, the Chief Executive will be directly accountable to the Chief Executive of Torbay Council and contribute to the Commissioning Officers Group (COG) and report to Cabinet.
- **Role of Torbay Care Trust Chief Operating Officer** – to fulfil the role as the Trust's Nominated Director and to take lead responsibility for the provision of adult social services and to lead responsibility for the relationship with the Council and for managing performance.
- **Role of Deputy Director of Finance** – to take a lead responsibility on behalf of the Trust for managing the pooled budget.
- **Role of Company Secretary** – to lead on the self assessment process and performance management of adult social care with the Care Quality Commission.
- **Role of Head of Information** – to be responsible for the quality of all the performance data contained in this Annual Strategic Agreement and to be the lead for target setting within the Trust.



Report OSB/03/11 of the Overview and Scrutiny Board to the Mayor

Implementation of New Refuse and Recycling Service by TOR2: Lessons Learned

1. Introduction

- 1.1 The purpose of the Overview and Scrutiny Board's review was to consider and identify further lessons learned from the implementation of the new service that began in September 2010. The purpose was not to question or examine the principle of the introduction of TOR2 or the need to increase the recycling rate in the Bay. The Board's aim was to determine what lessons could be learned from the implementation of the new refuse and recycling service.
- 1.2 At its meeting on 7 February 2011 the Overview and Scrutiny Board considered Report 21/2011 which set out information on the implementation of the new refuse and recycling service by TOR2¹. The meeting was attended by representatives of TOR2's Board, the Environment Commissioner, the Cabinet Member for Community Services, and the Service Manager (Town Services). Report 21/2011 is attached as Appendix One and the minutes of the meeting of 7 February 2011 as Appendix Two.

2. Reasons for Review

- 2.1 While the Mayor has indicated (through the local news media) that he would be extremely unlikely to ever consider changing the refuse and recycling service again, Overview and Scrutiny Board members are mindful TOR2 has only an initial ten-year contract to provide services. Moreover, large-scale changes to service are possible during this ten-year contract period and in the interests of best value the Council would be expected to examine other procurement options before any extensions of the contract period are agreed. The Overview and Scrutiny Board additionally consider that many of the lessons identified can, if implemented, help improve the performance of future projects other than TOR2 and across the Council.

3. Findings and Recommendations

- 3.1 With reference to Report 21/2011, Board members considered the lack of focused information provided to the Board to inform their review of the implementation as extremely disappointing, particularly given the special meeting of the Board arranged to consider the

¹ TOR2, is a Joint Venture Company (owned by May Gurney (80%) and Torbay Council (20%)) created in July 2010 to take over operational delivery of certain services in Torbay, including waste and recycling collections.

issues and its rearrangement (from early December 2010) at the request of the Cabinet Member for Community Services. (It was noted that council officers felt that the original brief was responded to fully.)

- 3.2 Overview and Scrutiny Board Members found a lack of evidence that lessons had actually been learned by TOR2 and others as a result of the problems experienced during implementation of the new service. For example, Board members heard from a member of TOR2's Board that with hindsight the implementation of the new refuse and recycling service could not have been enacted differently and that resources to assist the change could not have been increased. Board members had hoped those responsible for implementation would bring together insights gained to usefully apply in future and put forward recommendations on 7 February 2011.
- 3.3 Following its investigation the Overview and Scrutiny Board framed 10 recommendations where it judged lessons could be learned. These recommendations are considered below, with a statement of the Board's reasons accompanying each.
- 3.4 **Recommendation 1: If adopting a strategy likely to lead to sustained high levels of customer enquiries, such as a big-bang deployment, ensure that measures and capacity are planned and implemented to deliver an acceptable service level.** Better call centre forecasting and planning to meet the volume and intensity of calls might have enabled the call centre to achieve an acceptable service level; however, Board members doubt the limited work station capacity of the call centre was adequate for the demand created by a big-bang deployment and the relatively late release of information to the public. The Board received evidence indicating that, despite the Council's in house staff commendably taking on additional hours and responsibilities, the arrangements to handle calls relating to the service change were inadequate. Board members were also mindful that the customer service for Council customers with non-TOR2 enquiries was affected adversely during the deployment period.
- 3.5 **Recommendation 2: Ensure that a customer-oriented approach is central to frontline service changes and transitions and make certain that Service Level Agreements and service specifications both reflect such a focus and are met.** Board members found that in terms of customer service, the rationale for a big-bang deployment compared to a longer scale staged deployment approach was not established. Board members found evidence that in relation to customer service the merits of a longer-scale staged deployment were unduly downplayed by representatives of TOR2 and other decision-makers in favour of a big-bang deployment. For example, the Board was advised by representatives of the TOR2 Board that such a significant service change was expected to create a 'hiatus' in the refuse and recycling service and to take three or four collection cycles to settle down. Board members were also aware of the apparent inconsistency from representatives of TOR2 between acknowledging that a break in continuity of service was expected and yet also citing judgement and forecasts of the transition plan as exemplary.
- 3.6 Board members would caution against any outlook that tolerates the notion that significant changes to the recycling and refuse collection are accompanied unavoidably by such problems as experienced in Torbay. Moreover, the rationale put forward to explain the speed and timing of the introduction of the new service (outlined in Appendix One) suggests customer service was compromised by a timetable driven by concerns with possible LATS (Landfill Allowance Trading Scheme) fines and efficiencies in operational planning; the

implementation options were compromised by time crunch as decisions were made to fit a timescale.

- 3.7 **Recommendation 3: Ensure that high-quality information is given to all stakeholders in a timely and appropriate manner – make certain a robust Communications Plan is developed and implemented, for example, one with a clear strategy and a stakeholder analysis.** The provision of more information to residents at a far earlier stage prior to the implementation of the deployment may well have proved worthwhile, particularly given the lack of public consultation (discussed below). Board members were advised by a member of TOR2's Board that experience elsewhere suggested information relayed early in a deployment process would not be remembered by the majority of the public; however, given the lack of public consultation there was a strong case for widespread information-giving to customers at the earliest possible stage in the process prior to implementation. Such an approach could have reasonably been expected to both reduce the number of overall enquiries from customers concerning the actual service change and reduce the peak in enquiries and complaints during the big-bang deployment phase of implementation.
- 3.8 **Recommendation 4: Ensure that communicating the anticipated benefits for stakeholders, the rationale for change, is accorded a sufficiently high priority in the implementation of service changes – make certain a robust Communications Plan is developed and implemented, for example, one with a clear strategy and a stakeholder analysis.** The advantages and improvements of the service change (and the shortcomings or limitations of the existing in-house service system) could have been communicated better to the public prior to implementation. Enhanced communication would have been expected to alleviate customer dissatisfaction issues with implementation, particularly concerning the appropriateness of the changes to the service. For instance, the issues could have been framed more suitably in terms that more members of the public were better able to engage with through the use of a consistent message containing more information about the limitations of the in-house service. Although perhaps judged less favourable to the Council in the immediate short-term, provision of information to the public on the shortcomings of the in-house service compared to the proposed service could have aided the implementation. For example, members of the public perceived the new service as inferior to the previous service with respect to the recycling of soft plastics. If information had been forthcoming that not all the materials collected under the previous co-mingled green bin service had been recycled (namely, soft plastics) then the likelihood of a more ready and widespread acceptance for the changes would have been increased. Additionally, the reported improvements in recycling rates attributed to the service change might have been questioned less by the public.
- 3.9 **Recommendation 5: In combination with recommendation 4, seek to ensure comprehensive planning and contingency planning processes are put in place, especially when a big-bang implementation is adopted.** If viewed in terms of meeting a tight implementation timetable, the rationale for a big-bang deployment compared to a longer scale staged deployment approach appears clearer, but is not entirely convincing. The potential difficulties of a big-bang deployment compared with a staged deployment are significant: for example, switching all users at once in contrast with converting neighbourhoods at a time; or large scale disruption to collections versus minimal disruption. While acknowledging the advantages to TOR2 of operating one system, rather than two, the Board members found clear evidence that TOR2 and others failed to spot the magnitude of some issues and to address them sufficiently in advance of the big-bang deployment. By opting for a big-bang deployment the need for comprehensive planning

and contingency planning processes was essential, more so than with a staged deployment implementation.

- 3.10 **Recommendation 6: Acknowledge explicitly that frontline service changes are most successful when members of the public understand and accept them.**
- 3.11 **Recommendation 7: Ensure that public consultation is central to the planning of service changes, especially frontline services, and factored into project plans.** The lack of public consultation concerning the change to recycling and waste collection services ultimately hindered the implementation phase of the change. While the Board members understood the commercial sensitivity and procurement timescales put forward to explain the lack of consultation, greater public input on a matter that affected every household in the Bay would have been advisable – even when not seeking views to influence implementation, making information available to the public (as discussed in Recommendation 3 above) would have aided the service change. Conceivably, earlier engagement with the public would have exposed to public scrutiny the implementation options under consideration and those rejected.
- 3.12 **Recommendation 8: Ensure that the potential value of a pilot in large scale service change is thoroughly appraised.** In terms of customer service and satisfaction, the decision to not adopt a staged roll-out deployment with a pilot or a big-bang deployment with a pilot appears unsound. The Overview and Scrutiny Board heard that learning from a pilot in one locality within the Bay might have limited applicability to other Bay localities; however, although a pilot might not have been expected to add anything new or important to the main deployment it could have been reasonably expected to flag up and work out any implementation issues on a small-scale, rather than on the Bay-wide scale likely with a big-bang deployment. A pilot could be expected to reduce the number of unanticipated problems prior to implementation and ultimately improve quality and efficiency.
- 3.13 **Recommendation 9: Acknowledge explicitly that most credit for the success of the new refuse and recycling service should go to both TOR2 operatives and members of the public for their efforts and resilience throughout the implementation of the new service.**
- 3.14 **Recommendation 10: With specific reference to TOR2 collection vehicles, seek to ensure the expeditious movement of traffic on the local authority's network.** The Overview and Scrutiny Board agreed the need for better planning of scheduled times of collection along busy main roads to minimise traffic hold-ups. Board members welcomed confirmation from representatives of TOR2 that this was an issue that would be revisited.

4. **Conclusion**

- 4.1 Notwithstanding the perceived and stated advantages of and need for a big-bang deployment, the Overview and Scrutiny Board consider that the merits of a staged roll-out option appear not to have been considered adequately or the implementation was an example of an unrealistically tight timetable imposed upon a project. In terms of customer service the rationale put forward by TOR2 to justify the decision to pursue a big-bang deployment is unconvincing: either, customer service and satisfaction were lowly criteria or the risk assessment and contingency planning were defective or perhaps implementation was subject to time crunch – a decision made to fit a timescale. Success criteria which included how customers and the Council were affected by the implementation would seem

pertinent to any such high-profile frontline service change.

- 4.2 At the risk of stating the obvious, there needs to be comprehensive planning and superior contingency-planning processes when adopting an ambitious big-bang deployment. Any notion that even with hindsight the implementation of the new refuse and recycling service could not have been enacted differently or that resources to assist the change could not have been increased was judged by Overview and Scrutiny Board members as unhelpful. For example, Board members judged that improved communication in terms of language, responsiveness, timeliness, and planning could have ameliorated the big-bang deployment decision.
- 4.3 Given both the adverse publicity of the implementation and the purpose of the special Overview and Scrutiny Board meeting on 7 February 2011, Board members were surprised that there was not more atonement offered for the problems accompanying the service change. Equally Board members expected more evidence from representatives of TOR2 and others of reflection upon what they would do differently if they could go back and start over again. Board members were looking for more ready acknowledgement that things could have been done differently, and would be if similar circumstances or changes to service arose again. In contrast, the Board heard that a similar approach to deployment had been adopted by May Gurney in the introduction of new services elsewhere (in Bridgend and in West Oxfordshire).
- 4.4 The Overview and Scrutiny Board advises against any expectations developing in the local authority that significant changes to the recycling and refuse collection are inevitably accompanied by problems such as those experienced in Torbay. Similarly, Board members would challenge sentiments expressed by the Executive that every local authority that changes its refuse and recycling collection system has problems similar or on the scale experienced in the Bay.
- 4.5 As stated above, the Overview and Scrutiny Board consider that many of the lessons identified can, if implemented, help improve the performance of future projects across the Council. Accordingly, the Overview and Scrutiny Board request the Mayor prepare a report, setting out his response to this report, within 2 months.

5. **Response from TOR2**

- 5.1 TOR2 have considered the draft recommendations issued by the Overview and Scrutiny Panel regarding the new kerbside waste collection and recycling service introduced in September 2010.
- 5.2 Within the 10 recommendations and conclusion two main themes are apparent, namely Communications and Method of Roll Out.
- 5.3 In finalising the recommendations it is appropriate to recognise both the approaches and efforts taken to date and also the very positive progress and success achieved as set out below.
- 5.4 **Communications**

In any change process effective communication and consultation is vital and, in retrospect, there will always be elements that could have been done differently, both in the period

leading up to the change and throughout the process.

In considering recommendations going forwards consideration should be given to what was actioned and continues to be actioned:

- Comprehensive Communications Plan launched
- Call Centre - 25 additional Staff provided by TOR2 in recognition of the additional short term workload
- Teams of Waste Doctors and Canvassers engaged
- Additional lines of communication established to support Call Centre including Website, telephone helpline, and twitter page
- Extensive range of explanatory leaflets explaining recycling to every dwelling
- Many presentations to Community Groups and Public Forums
- Press and radio articles and adverts including Council's Torview magazine
- Specific training to Staff on briefing Residents
- Ongoing PR and communications programme to keep residents informed of service changes and improvements

5.5 Method of Roll out – Planning and Sequencing

Considerable attention to detail was given during the planning stages as to the most effective way of introducing the service change which was the largest change from co mingled collection in the UK. Factors which needed to be taken into account included:-

- The close knit nature of Torbay's Urban Community. Operating different systems in close proximity would cause inevitable confusion ,concern and inefficiencies
- The Recycling Depot does not have the capacity to accommodate multiple types of collection services and would necessitate the expensive provision of a 3rd party transfer station
- Training of Operatives and Staff would take longer and be more complex
- The inefficient use of plant ,vehicles and equipment would be inefficient reducing the viability for capital investment
- The available timescale set by the Council

The implementation in practise had also to contend with the accuracy of the data inherited from the previous regime including 12,000 properties unclassified on the LLPG. This resulted in the need to gather the critical information as the service was rolled out. It was also necessary to assimilate an increase of 77% in assisted collections.

5.6 Successes

- The single stage mobilisation generated the maximum possible savings in running costs from day 1
- The Council's exposure to landfill charges was reduced
- The Council were able to start meeting it's objectives under the Government Waste Strategy for England 2007 legislation
- New jobs were created earlier and support for local employment initiatives
- Positive and constructive response to Customers' concerns and queries
- Collection service fine-tuned to meet Customer circumstances where practical

- High participation and engagement by the Community
- Positive feedback on conscientious and caring approach by TOR2 employees
- Recycling rates already up from 37% to 44% in 6 months
- The upgrading of the HWRC site for the Public
- Development of good partnering relationships with Clients
- Successful launch of Schools Liaison programme raising the importance of recycling

Appendix One: Report 21/2011, Implementation of new refuse and recycling service, Overview and Scrutiny Board, 7 February 2011

Appendix Two: Minutes of Overview and Scrutiny Board, 7 February 2011



Briefing Report **21/2011** Public Agenda Item: **Yes**
 No:

Title: **Implementation of new refuse and recycling service**

Wards Affected: **All Wards in Torbay**

To: **Overview & Scrutiny** On: **7 February 2011**

Contact Officer: **Steve Hurley**
 Telephone: **01803 207680**
 E.mail: **Steve.hurley@torbay.gov.uk**

1. Key points and Summary

1.1 This report has been produced in response to the request from the Overview and Scrutiny Board to review the implementation of the new refuse and recycling service by TOR2.

The Board would like to review lessons learnt from the exercise and how improvements are continuing to be made.

The Board have identified a number of specific areas which they wish to address during this review which have been circulated to the relevant Council Officers and TOR2 senior management. The report is presented in a question and answer format so as to provide an initial response to the points raised and to allow the opportunity for further discussion as each issue is addressed.

2. Introduction

2.1 Torbay Council has commissioned the delivery of the refuse and recycling service from a newly formed company TOR2 following an extensive tender and evaluation process. TOR2 has been formed jointly by Torbay Council and May Gurney with May Gurney holding the majority interest in the company.

As part of this process the Councils existing resources including the Council staff undertaking these services prior to commissioning, transferred into the new organisation.

During the tender process, in respect of the refuse and recycling service, bidders were asked to propose options for meeting Torbay Councils targets to improve the level of recycling and to reduce the amount of waste going to landfill. The option selected by the Council through the evaluation process, whilst essential to meet our recycling challenges has required both staff within the service delivery and residents to adapt to new processes for refuse collection and recycling. This change of process for the delivery of this large scale and vital service through a new organisation has presented considerable challenges.

TOR2 commenced delivery of the new refuse and recycling service in July following a lead in

period to put in place the necessary processes and equipment. Actual domestic collections did not commence until September. The service collects from approximately 63,000 households, or 12,000 per day, each with up to 5 separate containers.

Since its introduction there has been considerable support from the public for the new recycling process, however, as may be expected with the introduction of a new service on this scale there have been difficulties during the implementation and mobilisation period. The Council and TOR2 have been meeting regularly during this period working to resolve issues and to move the service forward.

Clearly dealing with the issues that have arisen has presented the opportunity to learn how to do more of what has worked well and where improvements might be made when undertaking similar projects in the future.

The issues identified are addressed in more detail below as response to the specific points raised by the Overview and Scrutiny Board.

1. What was the rationale behind the speed and timing of the introduction of the new refuse and recycling service? What is it more to serve to the mobilisation of the new company rather than to serve the community?

The early implementation of the new refuse and recycling service was essential to avoid paying increased LATS fines, due to the reduction of biodegradable waste to landfill target from 2009/10 to 2010/11 by 3,589 tons.

In addition, the Council has a target within its agreed waste strategy to offer at least two types of recyclable to every householder across the bay by December 2010, without the early mobilisation of TOR2 the Council would have missed this target.

Mobilisation of this new service across the Bay rather than area by area was anticipated to minimise confusion for residents whilst offering efficiencies in work planning. This approach has also delivered efficiencies in relation to the purchase, provision and delivery of new equipment including vehicles.

Efficiencies through this approach and any potential savings would obviously enable other community services to be supported.

2. What were the obligations of TOR2 in relation to introducing new refuse and recycling service? The Board would wish to see the appropriate section of the contract in relation to this.

Supply Schedule 2 of the contract in Members Room

3. Why did the re-used wheelie bins have the wrong information on them? How is this being rectified?

Approximately 10,000 wheelie bins were collected from twin bin customers, emptied, cleaned and redistributed to customers who previously had seagull sacks. In the cleaning process a sticker on the inside of the green bin lid providing information on the previous co-mingled recycling bins should have been removed. We know that this was not always the case. This is being rectified by crews sticking a new sticker on the lid to confirm to

customers that these green bins are now for residual waste only. Various communications have been sent to support this message.

4. Was an Equality Impact Assessment carried out prior to the implementation of the new scheme? What issues were identified? How have these been addressed?

An Equality and Diversity Impact Assessment has been completed prior to the implementation of the new refuse and recycling service.

The assessment considered the profile of residents within Torbay who would be receiving the service taking into account the high percentage of older residents and the existing number who required assistance with recycling and refuse collection.

The assessment also drew attention for the need to ensure information can be provided in various forms to meet the needs of the community, including, braille, large print and different languages and that new and existing staff are trained to be able to support customers with disabilities.

Provision for assisted collections has been included within the contract which during implementation included the support of waste doctors to meet with those members of the community receiving this support to agree suitable collection arrangements.

Consideration has also been given to the logistics of some less accessible premises and alternative collection arrangements made including the use of alternative size refuse collection containers.

5. How was the level of phone calls about the introduction of the new scheme so badly underestimated? What additional resources were needed to meet demand? Could these have been put in place earlier?

It was agreed through the project board that the Councils Customer First team would handle calls relating to TOR2 provision of services including the refuse and recycling service.

TOR2 have an obligation to support this team when a service change has a significant impact on call volumes. TOR2 planned to provide this support to the call centre pre service change and to maintain this support for three and a half months reacting to increases in call volume. There were some initial difficulties in providing adequate resources and in retaining suitably trained agency staff.

Additional staff peaked at twenty five with a normal shift total of fifteen personnel which was the maximum capacity that the call centre had work stations for. For a two week period the call centre worked extended hours including evenings and Saturdays. In addition to this, calls were being handled by TOR2 admin team, dedicated Waste doctor email and phone line which involved a further eight personnel.

Lessons learned during this period relate to the use of agency support and the fluctuation in the availability of these staff and their varying abilities to undertake this demanding work. In addition the Council call centre management have experienced communication problems when having to arrange for agency staff indirectly through TOR2, which has on occasions led to confusion as to when staff would be available to support demands in service. To

combat these issues the Council's in house staff have been required to take on additional hours and responsibilities.

6. Can we have a monthly breakdown of “missed assisted collections” since implementation compared with the same period for the previous year? Does this continue to be a significant problem? How is this being addressed?

Missed **assisted** collections were not and are not logged separately, but included in the overall missed bins. The contract states that TOR2 have one calendar month from application to put an assisted collection in place, so with a large increase in requests, this issue took time to settle down. The month allowed time for TOR2 to make the necessary contact and agree arrangements; however the majority of such applications have been added to collections rounds immediately and issues resolved at front line level to speed up this process.

There were some issues relating to the accuracy of assisted collection information held for existing customers which may have not been up to date and led to some confusion

Improvements are now being made with the implementation of in cab technology which will enable assisted collection data to be sent directly to the front line operators and up dated as changes in arrangements are required.

TOR2 are currently providing assisted collections for 6,800 households

7. Can we have a monthly breakdown of “missed bins” since implementation compared with the same period for the previous year?

Reported Missed Collections 2010/2011

Total of reported missed collections as recorded on Civica call centre log.

November 2010 0.04% (1404 reported missed collections)

December 2010 0.02% (863 reported missed collections)

January 2011 0.04% (1050 reported missed collections)

Comparable figures are not available for the same period last year as the service is now delivered using a completely different process.

8. What level of performance deductions have we received (or are due to receive) from TOR2 since its inception? What's the breakdown of those deductions?

To date in respect of the refuse and recycling service the following deductions have been made which are subject to ongoing discussions

July- 15%

August- 15%

September – 10%

October – 10%

These deductions relate to front line service delivery and the supply of performance information/reports.

Payments are made as a twelfth of the agreed annual sum each month

9. On a general point, what performance targets have been set for the payment of invoices by TOR2 to its suppliers? Are these in line with the targets/requirements placed on the local authority? What sanctions are there for non-compliance with this target?

No performance targets were set within the contract for TOR2 on the payment of suppliers as this was considered to be a business decision to be made by the company acting as a limited company outside the Council's control.

It is expected that good business practice would require suppliers to be fully aware of TOR2 trading terms prior to agreeing to supply goods and services to the company.

Whilst it is acknowledged that TOR2 is a limited company outside the Council's control and therefore free to set its own terms of trade, the Council is fully cognoscente of both its and TOR2's responsibilities regarding the future and needs of local businesses. As such the Council's Chief Financial Officer and the Council's Director on the board have both made clear to the management of TOR2 the impact that adverse terms of trade could have on local businesses and asked that the company reconsider the quoted terms of trade or ensure that local businesses are fully aware of them before entering into any agreement.

TOR2 have agreed to discuss alternative terms with individual suppliers where the standard terms may be causing difficulties.

Name of Head of Business Unit	Sue Cheriton
Title of Head of Business Unit	RVS Executive Head

Appendices

None

Documents available in members' rooms

Schedule 2 of Contract

Background Papers:

The following documents/files were used to compile this report:

TOR2 contract

Minutes of the Overview and Scrutiny Board

7 February 2011

-: Present :-

Councillor Thomas (J) (Chairman)

Councillors Baldrey, Darling, Excell, Manning, McPhail, Parrott, and Richards

(Also in attendance: Councillors Butt and Oliver)

510. Implementation of new refuse and recycling service

The Board considered Report 21/2011 which set out information on the implementation of the new refuse and recycling service by TOR2. The Board was advised that the joint venture company approach of TOR2 was innovative, was predicted to save approximately £1million revenue expenditure per annum, and would avoid future landfill fines. The Board was advised that alternatives to the new refuse and recycling service would not have produced such recycling outcomes as were achieved and anticipated in Torbay.

The Board was advised that services had improved significantly since the roll out of the new refuse and recycling service. A member of TOR2's Board apologised for the problems experienced during the deployment of the new service and indicated that difficulties had been anticipated with such a significant change in service. The Board was informed that official assisted collections had increased by seventy-seven per cent compared with the previous in-house service. The Board was advised that under the previous in-house service a large number of assisted collections had been provided by operatives and not recorded. Members were informed that there was an average of thirty to forty collections per day missed during refuse and recycling collections across the Bay.

In response to questions, the Board was advised that between thirty and forty new posts had been created through the new refuse and recycling service. The Board was advised that although members of original in-house crews were still employed by TOR2 the local knowledge of operatives had been diluted somewhat during the change in service.

Members asked how many members of staff from the in-house service were employed still at TOR2 and were advised that the number could be provided.

Members questioned why the contract establishing TOR2 did not take contain any element concerning bringing the Council into disrepute. Board members questioned the level of information contained within Report 21/2011 and were advised that the

report was intended to facilitate discussion and further information could have been provided if requested.

Members were advised of the roll out of refuse and recycling services in Somerset. In response to questions, the Board was informed that the service change in Somerset had been introduced over an eighteen month period as the councils involved had decided to compromise on savings.

In response to questions, the Board was advised by the Environment Commissioner, Torbay Council, that the decision to introduce the new system as a big bang deployment had not compromised customer service. The Board was advised that issues had arisen during deployment that had not been foreseen in planning. In reply to questions, members were advised that a staged rollout was judged likely to cause more confusion for customers and difficulties than the approach employed.

The Board was advised that the big bang deployment used for the new kerbside-sort refuse and recycling service, unlike a longer scale staged deployment, avoided the difficulties of operating two systems at one depot.

Members questioned the rationale of the big bang deployment approach compared to a longer scale staged rollout or deployment approach. In reply, the Board was advised that a consultant engaged had judged the transition plan to be exemplary.

Members questioned the lack of information and education that had led to a public perception of a reduction in the recycling service for soft plastics. In response, the Board was advised that under the previous co-mingled green bin service materials were sorted and sold if possible but there had not been a market for soft plastics. A member of TOR2's Board indicated that the public perception the new service was recycling less than the previous service was understood.

Members questioned the lack of emphasis on home-composting and suggested the value of introducing Compost Ambassadors to help minimise waste.

In reply to questions from members, a member of TOR2's Board stated that with hindsight the implementation of the new refuse and recycling service could not have been enacted differently and that resources to assist the change could not have been increased. The Board was advised that implementation of such a significant service change was expected to take three or four collection cycles to settle down. The Board was advised that TOR2 did not anticipate the Facebook campaign that sought to create more complaints concerning the new service.

In response to questions, the Board was advised that at the launch of the new refuse and recycling service there was one driver and two loaders per collection vehicle and that most collection rounds had since reduced to one driver and one loader. A representative of TOR2 advised that two operatives was the preferred number as three started to get in each other's way once they became more practised and familiar with the role. Members were advised that on Mondays approximately seventy per cent of collection rounds had two loaders per vehicle at present but this was planned to reduce in line with operational requirements. Members questioned the reduction in loaders, with particular reference to busy roads and the exacerbation of traffic hold-ups.

Members suggested that the publicity and advance notice relating to information and education events about the new service could have been better.

Members recounted difficulties experienced in reporting problems such as fly-tipping to TOR2 and suggested there had been a communications gap experienced by councillors and perhaps by members of the public also. Members were advised that TOR2 only collected fly-tipping from local authority controlled land.

Members questioned the absence from Torbay of the relevant Cabinet Member at the commencement of the new refuse and recycling service.

Members questioned TOR2's standard terms of trade, with particular reference to payment of invoices, and were advised that Council officers had asked the company to reconsider its terms of trade.

Members were advised that the financial results for TOR2 would be published in an annual report and made available to Councillors.

Members questioned the merit in using a big bang deployment with such an innovative system, the apparent lack of detailed planning for the deployment, the scale of the problems encountered, and suggested the three to four month period of difficulties was a significant period for those members of the public affected. In response the Board was advised that the merits of big bang deployment had been established elsewhere, communication and planning could have been better, and due to commercial sensitivity and procurement timescales there had not been time for consultation. The Board was advised by a member of TOR2's Board that experience elsewhere suggested information relayed early in the deployment process would not be remembered by the majority of the public. The Board was also informed that a similar big bang deployment approach had been adopted in the introduction of new services in Bridgend and in West Oxfordshire.

Members recapped key information presented and considered possible lessons to be learned from the implementation of the new service. A number of points were raised during the ensuing discussion, including:

- the lack of focused information provided to the Board to inform their review unacceptable;
- Members' lack of confidence that lessons had been learned from the problems of the implementation;
- the provision of more information to residents at a far earlier stage prior to the implementation of the deployment would have proved invaluable;
- the apparent inadequacy of the consultants' report that informed the implementation of the new service, the value of penalty clauses in contracts employing consultants, and the possible merit of pursuing any such clause in this instance;
- the impact of the changes on the workforce;

- the merit in looking at scheduled times of collection along main roads, to minimise traffic hold-ups;
- improved communication in terms of language, responsiveness, timeliness, and planning could have ameliorated the implementation of the new service;
- the merit of a longer-scale staged deployment, with the potential advantages of less disruption to customer service;
- the potential limited value of a pilot to assess suitability and learn lessons prior either to a big bang deployment or to a staged deployment;
- the need for comprehensive planning and better contingency-planning processes, particularly when adopting a big bang deployment approach; and
- agreement concerning the resilience of both the public and TOR2 operatives throughout the implementation of the new service, to who most credit for the success of the new refuse and recycling service should go.

Resolved: that the findings of the Overview and Scrutiny Board concerning lessons learned from the implementation of TOR2's new refuse and recycling service be finalised by Board members and provided to appropriate decision-makers.

Chairman