

## **SCRUTINY COMMITTEE**

**Meeting to be held on Monday 17 December 2012 at 3.30 pm**

**Council Chamber, Williton**

### **AGENDA**

**1. Apologies for Absence**

**2. Minutes**

Minutes of the Scrutiny Committee held on 19 November 2012, to be approved and signed as a correct record – **SEE ATTACHED.**

**3. Declarations of Interest**

To receive and record any declarations of interest in respect of any matters included on the Agenda for consideration at this Meeting.

**4. Public Participation**

The Chairman to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

**5. Notes of Key Cabinet Decisions/Action Points**

To review the Key Cabinet Decisions/Action Points from the Cabinet Meeting held on 5 December 2012 – **SEE ATTACHED.**

**6. Cabinet Forward Plan**

To review the latest Cabinet Forward Plan published 27 November 2012 – **SEE ATTACHED.**

**7. Review of Asset of Community Value Decision – Notley Arms, Monksilver**

To consider Report No. WSC 170/12 to be presented by Sam Rawle, Scrutiny and Performance Officer – **SEE ATTACHED.**

The purpose of the report is to review the Cabinet decision to accept the nomination of the Notley Arms, Monksilver as an asset of community value.

**8. Scrutiny Review of Benefit Fraud Investigation Service**

To consider Report No. WSC 169/12 to be presented by the Benefit Fraud Task & Finish Group – [SEE ATTACHED](#).

The purpose of the report is to present to the Scrutiny Committee the final report of the benefit fraud investigation task and finish group.

**9. Scrutiny Committee Workplan Review**

To review and scope items for the Scrutiny Committee Workplan for 2012/2013 – [SEE ATTACHED](#).

**COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS**

## RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

**Risk Scoring Matrix**

<b>Likelihood</b>	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
<b>Impact</b>							

<b>Likelihood of risk occurring</b>	<b>Indicator</b>	<b>Description (chance of occurrence)</b>
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.



**SCRUTINY COMMITTEE****Minutes of the Meeting held on 19 November 2012 at 3.30 pm****Present:**

Councillor K J Ross .....Chairman  
Councillor G S Dowding..... Vice-Chairman

Councillor M O A Dewdney  
Councillor P N Grierson  
Councillor R P Lillis

Councillor J Freeman  
Councillor B Heywood  
Councillor D D Ross

**Members in Attendance:**

Councillor E May  
Councillor M A Smith  
Councillor K H Turner

Councillor D J Sanders  
Councillor T Taylor  
Councillor D J Westcott

**Officers in Attendance:**

Corporate Director (B Lang)  
Scrutiny and Performance Officer (S Rawle)  
Group Manager – Environment, Customer and Community (S Watts)  
Group Manager – Housing and Economy (I Timms)  
Section 151 Officer (S Campbell)  
Principal Accountant (S Plenty)  
Principal Benefits and Fraud Officer (P Lamb)  
Efficiencies and Performance Manager (K Batchelor)  
Administrative Support (H Dobson)

**Also in Attendance:**

Piers Feilden, Chairman of Magna West Somerset Board  
Tony Murray, Magna West Somerset Director

**SC42 Apologies for Absence**

An apology for absence was received from Councillor M J Chilcott.

**SC43 Minutes**

(Minutes of the Meeting of the Scrutiny Committee held on 22 October 2012 – circulated with the Agenda).

**RESOLVED** that the Minutes of the Scrutiny Committee held on 22 October 2012 be confirmed as a correct record.

**SC44 Declarations of Interest**

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No	Description of Interest	Personal or Prejudicial	Action Taken
Cllr P N Grierson	All Items	Minehead	Personal	Spoke and voted
Cllr K J Ross	All Items	Dulverton	Personal	Spoke and voted
Cllr K H Turner	All Items	Brompton Ralph	Personal	Spoke
Cllr D J Westcott	All Items	Watchet	Personal	Spoke

**SC45 Public Participation**

No member of the public had requested to speak on any item on the agenda.

**SC46 Notes of Key Cabinet Decisions/Action Points**

(Copy of Notes of Cabinet Decisions/Action Point, circulated with the agenda).

**RESOLVED** that the Key Cabinet Decisions/Action Points for 7 November 2012, be noted.

**SC47 Cabinet Forward Plan**

(Copy of the Cabinet Forward published 9 November 2012, circulated with the agenda).

**RESOLVED** that the Cabinet Forward published 9 November 2012, be noted.

**SC48 Magna – Annual Report**

(Half year review report, circulated with the Agenda).

The purpose of the report was to receive a half year review report from Piers Feildon, Chairman of Magna West Somerset (MWS) Board and Tony Murray, MWS Director, with regard to their activities in the last year and to provide information to the Scrutiny Committee in order to monitor the effectiveness of the Council's working arrangements with Magna.

During the course of the discussion, Members noted the following main responses:

- Magna's decision not to borrow more was mainly a result of trading being currently very difficult, due to proposed increased rates on existing and new loans. However, there was scope for small projects, should the Board approve and Exmoor National Park (ENP) were to re-word their policy (yet to be adopted) which could help to provide further housing in the ENP area.
- Magna were putting together a flood plan with the Environment Agency; the first Housing Association in the South West to do so. It was hoped that a plan would be in place within the year for properties at high and moderate risk. Residents would be advised of any recommendations accordingly.

- There were currently 1900 Magna properties in West Somerset. Priority was not given to one area over another i.e. towns and villages, however, attention was prioritised depending on need. In the past it had been difficult to obtain HCA grant for small settlements, so in spite of Magna's intention it was not always possible to develop plans for small scale developments in villages.
- This year Magna had sold three properties with two more to be sold; completion was expected by the end of March 2013. The money was being used to create conversion funding to build 33 homes at Alcombe. Magna's Board considered potential empty properties to be sold by taking into account the associated long term costs, demand issues and management issues. The properties sold to date were spread throughout West Somerset: two in Brompton Regis, one in Porlock, one in Skilgate and one in Watchet.
- The MWS Director confirmed that Magna had an existing policy that took into account personnel leaving the armed forces.
- Concern was expressed regarding the introduction of the social housing size criteria and that not all residents would be able to down-size to a smaller property to avoid the penalty as the smaller properties were not available. Magna recognised the seriousness of the issue and confirmed that they had made that point to central government many times. It was likely that some residents would find themselves in that position. It was possible to take in a lodger, which might suit single residents; also there was a big increase in the number of residents wanting to exchange accommodation, which could resolve some problems. The issues had not been quantified as yet. He recognised that it could increase the number of homeless, which would impact upon the Council, which was a concern.

**RESOLVED (1)** that Piers Feilden, Chairman, and Tony Murray, Director of Magna West Somerset, be thanked for their informative report.

**RESOLVED (2)** that the next annual report of Magna be presented to the Scrutiny Committee in early summer, June/July 2013.

**SC49 Review of Financial Regulations 2012**

(Report No. WSC 148/12, circulated with the Agenda).

The purpose of the report was for the Scrutiny committee to offer comment on proposed changes to Financial Regulations for 2012, attached as Appendix A to the report.

**RESOLVED** that Cabinet be advised that the Scrutiny Committee noted the changes to the Financial Regulations, attached as Appendix A to the report.

**SC50 Corporate Performance Report , April – September 2012/13**

(Report No. WSC 152/12, circulated with the Agenda).

The purpose of the report was to provide members with an update on progress in delivering the corporate priorities, performance of council services including

budgetary information and customer satisfaction covering the period from 1 April 2012 to 30 September 2012.

The Leader presented that part of the report relating to quarterly performance. The Lead Member for Resources and Central Support presented the financial information contained in the report and highlighted the underspend of £99,097. She advised that the council tax collection rates usually contained in the report would now be reported to the Audit Committee.

During the course of the debate the points raised included:

- The car parking income was down due mainly to the poor economic situation.
- Noted that development control indicators were generally above target.
- Noted that with regard to key task 10.2 on page 78 of the report, attached to the agenda, savings on Ground Maintenance, the update be amended so that the second statement ends after the word 'materialised'.
- Noted that the data required for quarter 2 relating to KPI 10, '% of council tax collected in the year' was 68%.
- Members praised staff who had assisted the Land Charges service in reaching its target of 90% of searches being returned within 5 days for the whole quarter whilst the service suffered reduced resources.
- Noted that the capital spending programme had been quite significant this year and that an update was scheduled for the Scrutiny Committee meeting to be held in January 2013.

**RESOLVED (1)** that the progress in delivering the Corporate Priorities for 2012/13, be noted.

**RESOLVED (2)** that the performance against Group and Service Indicators, including Budget Monitoring indicators, be noted.

#### **SC51 Draft Localised Council Tax Benefit Scheme**

(Report No. WSC 150/12, circulated with the Agenda).

The purpose of the report was to inform Scrutiny Committee of the results of the consultation undertaken and seek their recommendations with regards to the proposed draft scheme relating to the Council Tax Support Scheme.

The Lead Member for Community presented the report and highlighted the Community Policy Advisory Group's concerns relating to the results of the consultation on the seven proposals that could combine to create a scheme that lowered liability to 70% and how it would impact upon vulnerable residents of West Somerset on a very low income, which, in turn, could be financially detrimental to the Council.

Members noted the confirmation that the suggestions listed in 4.8 of the report, attached to the agenda, would enable the Council to generate more income, which could support the most vulnerable residents in West Somerset. However, bearing in mind the Council's current financial position it was

important that any extra income generated should be considered in relation to the overall picture of savings to be identified.

In response to questions the Principal Benefits and Fraud Officer advised that it had been estimated that approximately £93,000 would not be recovered if the scheme was adopted based on 70% liability. Further, he advised that the scheme could be reviewed every year; if there were significant changes proposed then those changes would have to be consulted upon.

Members expressed concern that given the deadline in getting the scheme adopted by 31 January 2013, and the current financial position of the Council, that it was difficult to make a recommendation without further information.

The Group Manager – Housing and Economy advised that if the liability were to change from 70% there may not be time to re-consult with the major preceptors in time to deliver the Localised Council Tax Benefit Scheme for 31 January 2012.

**RESOLVED (1)** that the results of the public consultation for the proposed scheme and the feedback obtained from West Somerset residents be noted.

**RESOLVED (2)** that the Scrutiny Committee noted the detailed Equality Impact Assessment, attached as Appendix A to the report.

**RESOLVED (3)** that the Scrutiny Committee recommend to Council to design a Council Tax Support Scheme based on 85% liability.

## **SC52 Scrutiny Committee Workplan Review**

(Scrutiny Committee Workplan, circulated with the Agenda).

The Scrutiny and Performance Officer advised that the draft Fraud report would go the Task and Finish Group and then to the Scrutiny Committee meeting in December 2012.

Members were advised that the Council had received an appeal against an Asset of Community Value (The Notley Arms) and that a report in this respect would be presented to the Scrutiny Committee for consideration at its next meeting.

**RESOLVED (1)** that the report of the Fraud Task & Finish Group be considered by the Scrutiny Committee scheduled for 17 December 2012.

**RESOLVED (2)** that a report regarding an appeal against an Asset of Community Value be considered by the Scrutiny Committee scheduled for 17 December 2012.

**RESOLVED (3)** that the Workplan be noted.

The meeting closed at 5.48 pm.



**Meeting:** CABINET

**Date:** 5 December 2012

**NOTES OF KEY DECISIONS**

*Note: The details given below are for information and internal use only and are not the formal record of the meeting*

AGENDA ITEM	DECISION	CONTACT LEAD OFFICER
Forward Plan (Agenda Item 5)	<p><b>Agreed</b> that, subject to the following amendments, the Forward Plan published 27 November 2012 be approved:</p> <p>(1) the following reports be delayed</p> <ul style="list-style-type: none"> <li>• Budget Strategy Update</li> <li>• Implementing Value for Money Strategy</li> </ul> <p>(2) deleting 'Technical Changes to Council Tax' which had been duplicated in the Plan.</p>	Corporate Director
Cabinet Action Plan (Agenda Item 6)	<p><b>Agreed (1)</b> that, subject to receiving clearer guidance from central government on the retention of business rate relief, CAB60 – Discretionary Business Rate Relief Scheme recommendation to Council be postponed until January 2013.</p> <p><b>Agreed (2)</b> that CAB61 – Request for Allocation of Planning Obligations Monies, be deleted as actioned.</p>	Corporate Director/
Review of Financial Regulations (Agenda Item 7)	<p><b>Agreed</b> that Council be recommended to approve the changes to the document appended to the report.</p>	Principal Accountant
Non-Domestic Rate (Business Rate) Write Off Requests (Agenda Item 8)	<p><b>Agreed (1)</b> that the five Non-Domestic Rate (Business Rate) sums totalling £80,817.75 be agreed to be written off as recovery avenues have been exhausted therefore the debts are deemed uncollectable.</p> <p><b>Agreed (2)</b> that Scrutiny Committee be asked to consider initiating a review surrounding the emerging new issues of business rate retention.</p>	Recovery Manager/ Chief Executive
Trial Parking Permit Scheme – April 2013 (Agenda Item 9)	<p><b>Agreed (1)</b> that a twelve month temporary parking permit scheme from 1 April 2013 to 31 March 2014 at a cost of £25.00 per permit exclusive of VAT be introduced.</p> <p><b>Agreed (2)</b> that the permits will be subject to the conditions of operation given at section 4.4 of the report.</p> <p><b>Agreed (3)</b> that the scheme be regularly reviewed during this period and in the event of an adverse impact on the expected car park revenue, the scheme be withdrawn.</p> <p><b>Agreed (4)</b> that the continuation of the scheme be determined as part of the Fees and Charges report due to be presented for the 2014/15 budget.</p> <p><b>Agreed (5)</b> that the importance of undertaking an intensive marketing and advertising programme be noted and that the progress be reported informally to Cabinet.</p>	Group Manager – Environment, Customer and Community

Corporate Performance Report April – September 2012/13 (Agenda Item 10)	<b>Agreed (1)</b> that the progress in delivering the corporate priorities for 2012/13 be noted. <b>Agreed (2)</b> that the performance against Group and Service indicators, including the Budget Monitoring indicators, be noted. <b>Agreed (3)</b> that staff be thanked and commended for their hard work as the majority of key actions contained in the service plan reports were either completed or on-track.	Corporate Director
Consideration of nomination received to list Minehead's Old Hospital as an Asset of Community Value under the Community Right to Bid Legislation (Agenda Item 11)	<b>Agreed</b> that the nomination for Minehead (Old) Hospital to be listed as an Asset of Community Value be accepted.	Corporate Director
Hinkley Point C – Development Consent Order – Technical Support (Agenda Item 12)	<b>Agreed</b> that the procurement process be noted and that Ove Arup and Partners Limited be appointed under Sedgemoor District Council's Framework Agreement for the Provision of Technical Support to provide technical and professional support in connection with the Hinkley Point C Development Consent Order for both West Somerset Council and Sedgemoor District Council.	Planning Manager
National Grid – Response to Stage 3 Consultation (Agenda Item 13)	<b>Agreed</b> that the key principles of the Council's response (set out at 4.19, 4.22, 4.24 and 4.26 of the report) be endorsed and that delegated powers be granted to the Planning Manager to finalise and submit the response on behalf of the Council by 18 December 2012.	Planning Manager

For a record of the reasons for the decision; details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made; a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service, please use the attached link below, to the Council's website where the minutes and relevant reports can be viewed: -

<http://www.westsomersetonline.gov.uk/Council---Democracy/Council-Meetings/Cabinet-Meetings/Cabinet---5-December-2012>

Date: 6 December 2012

Weekly version of Forward Plan published on 27 November 2012

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/13/1/01 25/09/2012	9 January 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Allocation of Section 106 funds held – Quarter 3</b>  Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Ian Timms, Group Manager - Housing, Welfare and Economy 01984 635271
FP/13/1/02 25/09/2012	9 January 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Draft Capital Programme 2012-13 and Capital Strategy</b>  Decision: to present the draft Capital Programme 2012/13 and draft Capital Strategy for recommendation to Council.		No exempt / confidential information anticipated	Section 151 Officer 01984 635253 01823 355482
FP/13/1/03 25/09/2012	9 January 2013 By Councillor D J Westcott – Lead Member Community and Customer	Title: Review of Customer Access  Decision: to review customer access.		No exempt / confidential information anticipated	Steve Watts, Group Manager Environment, Customer and Community 01984 635261
FP/13/1/04 02/11/12	9 January 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation  Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

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FP/13/1/05 07/11/12	9 January 2013 By Councillor C Morgan – Lead Member for Environment	Title: Somerset Waste Partnership (SWP) Business Plan 2013 – 18  Decision: To approve the contents of the Draft SWP Business Plan on behalf of the Authority.		No exempt / confidential information anticipated	Steve Watts, Group Manager Environment, Customer and Community 01984 635261
FP/13/1/06 09/11/12	9 January 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Technical changes to Council Tax  Decision: To agree technical changes to Council Tax		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/13/1/07 25/09/2012	9 January 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Budget Strategy Update  Decision: to advise members of the progress to date in formulating a new budget strategy to succeed the current strategy.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/13/1/08 25/09/2012	9 January 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: Implementing Value for Money Strategy  Decision: to agree way forward to implement Value for Money Strategy.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212
FP/13/1/09 26/11/2012	9 January 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: New Scheme for Localisation of Council Tax Support  Decision: to recommend Council approve the new scheme for		No exempt / confidential information anticipated	Section 151 Officer 01984 635253 01823 355482

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/13/1/10 26/11/2012	9 January 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	localisation of council tax support  Title: Council Tax Technical Reform  Decision: To agree new levels of discounts applicable to empty properties and second homes		No exempt / confidential information anticipated	Section 151 Officer 01984 635253 01823 355482
FP/13/1/11	9 January 2013	Title: Allocation of Community Safety Money and Inflation Uplifts on Contributions – Hinkley Point C s106 Agreement  Decision: to approve the allocation of community safety money and approach to interest		No exempt / confidential information anticipated	Andrew Goodchild, Planning Manager 01984 635245
FP/13/2/01 25/09/2012	6 February 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Annual Budget &amp; Council Tax Setting 2013-14</b>  Decision: to provide Members with all the information required for Council to approve the revenue budget and capital programme for 2013/14 for recommendation to Council.		No exempt / confidential information anticipated	Section 151 Officer 01984 635253 01823 355482
FP/13/2/02 25/09/2012	6 February 2013 By Councillor T Taylor – Leader of Council	Title: <b>Draft Corporate Plan for 2013-14</b>  Decision: to introduce the draft West Somerset Council Corporate Plan 2013/14 for recommendation to Council.		No exempt / confidential information anticipated	Adrian Dyer, Chief Executive 01984 635212

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FP/13/2/03 02/11/12	6 February 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/3/01 25/09/2012	6 March 2013 By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Corporate Performance &amp; Budget Monitoring Report 2012-13 – Quarter 3</b> Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/3/02 23/11/12	6 March 2013 By Councillor D Westcott – Lead Member for Community and Customer	Title: Consideration of nomination/s received under the Community Right to Bid Legislation Decision: To approve listing		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/4/01 25/09/2012	3 April 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Allocation of Section 106 funds held – Quarter 4</b> Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/13/6/01 25/09/2012	June 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	<b>Title: Cabinet Appointments on Outside Bodies</b> Decision: to appoint representatives to serve on outside bodies for the period to the Annual Meeting in 2014 (except where specific periods are stated).		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/7/01 25/09/2012	July 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	<b>Title: Allocation of Section 106 funds held – Quarter 1</b> Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271
FP/13/7/02 25/09/2012	July 2013 By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	<b>Title: Corporate Performance &amp; Budget Monitoring Report 2012-13 – Quarter 4</b> Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/7/03 25/09/2012	July 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	<b>Title: Review of Financial Regulations [FR2]</b> Decision: to offer comment on the Financial Regulations.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

Forward Plan Ref / Date proposed decision published in Forward Plan	Date when decision due to be taken and by whom	Details of the proposed decision	Documents and background papers to be available to decision maker	Does the decision contain any exempt information requiring a resolution for it to be considered in private and what are the reasons for this?	Contact Officer for any representations to be made ahead of the proposed decision
FP/13/7/04  25/09/2012	July 2013  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Medium Term Financial Plan Update</b>  Decision: to present the updated Medium Term Financial Plan.		No exempt / confidential information anticipated	Section 151 Officer 01984 635253 01823 355482
FP/13/7/05  25/09/2012	July 2013  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Fees and Charges</b>  Decision: to propose levels of fees and charges for the period 1 April 2013 to 31 March 2014 (in some cases fee increases will be implemented earlier, this will be stated in the relevant sections of the report).		No exempt / confidential information anticipated	Section 151 Officer 01984 635253 01823 355482
FP/13/10/01  25/09/2012	October 2013  By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Allocation of Section 106 funds held – Quarter 2</b>  Decision: to make proposals for the allocation of monies secured through planning obligations to individual schemes, and to update members with the current funding position.		No exempt / confidential information anticipated	Ian Timms, Group Manager Housing, Welfare and Economy 01984 635271
FP/13/10/02  25/09/2012	October 2013  By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Corporate Performance &amp; Budget Monitoring Report 2013-14 – Quarter 1</b>  Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

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FP/13/12/01 23/11/2012	December 2013 By Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Review of Financial Regulations [FR2]</b> Decision: to offer comment on the Financial Regulations.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200
FP/13/12/02 23/11/2012	December 2013 By Councillor T Taylor – Leader of Council and Councillor K V Kravis – Lead Member Resources & Central Support	Title: <b>Corporate Performance &amp; Budget Monitoring Report 2013-14 – Quarter 2</b> Decision: to provide Members with an update on progress in delivering corporate priorities, performance of council services including budgetary information and customer satisfaction.		No exempt / confidential information anticipated	Bruce Lang, Corporate Director 01984 635200

Note (1) – Items in bold type are regular cyclical items.

Note (2) – All Consultation Implications are referred to in individual reports.

The Cabinet comprises the following: Councillors T Taylor, C Morgan, K V Kravis, S J Pugsley, D J Sanders, K H Turner and D J Westcott.

The Scrutiny Committee comprises: Councillors K J Ross, R Lillis, M J Chilcott, M O A Dewdney, G S Dowding, J Freeman, P N Grierson, B Heywood and D D Ross.



REPORT NUMBER WSC 170/12  
 PRESENTED BY SAM RAWLE, SCRUTINY AND PERFORMANCE OFFICER  
 DATE 17<sup>TH</sup> DECEMBER 2012

## Review of Asset of Community Value Decision – Notley Arms, Monksilver

### 1. PURPOSE OF REPORT

- 1.1. To review the Cabinet decision to accept the nomination of the Notley Arms, Monksilver as an asset of community value.

### 2. RECOMMENDATIONS

- 2.1. That the Committee give consideration to the relevant issues and undertake a review of the decision to list the Notley Arms, Monksilver as an asset of community value.

### 3. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
The key risk is reputational in that the council considered not to have dealt with the matter appropriately	3	3	9
<i>Approved processes in place. CMT considering the nomination and Cabinet determining the nomination. Scrutiny to undertake any internal reviews requested by the land/building owner</i>	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix attached to the agenda. Each risk has been assessed and scored both before and after the mitigation measures have been actioned.

### 4. BACKGROUND INFORMATION

- 4.1. The Localism Act 2011 places requirements on the council to maintain a list of land/buildings in its area that it considers land of community value. The Community Right to Bid provides the right to nominate land/buildings as Assets of Community Value.
- 4.2. Under this process, nominations will initially be evaluated by the Corporate Management Team (CMT) who will make a recommendation for Cabinet to determine. This part of the process shall be completed within 8 weeks of the nomination being received.
- 4.3. Two Nomination applications have been received to list the Notley Arms, Monksilver as an Asset of Community Value. Notwithstanding the number of applications received, a

building will only be listed once. The information submitted by both applicants has been considered when determining the nomination request.

- 4.4. Both nominations applications were from a relevant body, one from Monksilver parish council and another from a community group consisting of 21+ local members. The Notley Arms, as a public house, is not in any of the excluded categories.
- 4.5. The information submitted supports the definition as an asset of community value, furthering the social wellbeing or social interest of the local community and it is therefore recommended by CMT that the Notley Arms, Monksilver be listed as such. Evidence to support the nomination is provided in Section 3 of the application forms submitted [see Appendix A-application from Monksilver Action Group-Notley Arms] and [see Appendix B-application submitted by Monksilver Parish Council]
- 4.6. CMT considered the nominations that are the subject of this report on 29/10/12 and made a recommendation to Cabinet to accept the nomination for the Notley Arms, Monksilver to be listed as an Asset of Community Value
- 4.7. Cabinet considered the nomination at its meeting of the 7<sup>th</sup> November, 2012 and resolved that the nomination for the Notley Arms, Monksilver, TA4 4JB to be listed as an Asset of Community Value be accepted.
- 4.8. In accordance with section 91 of the Act, both the owners of the property and Monksilver Parish Council have been notified of the decision.
- 4.9. In accordance with section 92 of the Act the owner has requested that the Council carry out an internal review of its decision to accept the nomination. In line with the Council's adopted procedure, Scrutiny Committee will carry out this review. The property will remain listed while the review is carried out. The owner's representations are attached at Appendix C. They have been notified that Scrutiny Committee will be undertaking the review.
- 4.10. There is no specific additional statutory guidance on what factors the committee should have regard to when undertaking a review of the decision. The Committee should therefore assess the matter on the same basis as Cabinet undertook at the initial stage with the addition of taking into account the representation now received from the owner. For ease of reference the criteria that Cabinet were asked to follow were: -
  - 1) It is clear that if a land/building is in the local authority's area, is nominated by a 'relevant body' is not an is not an excluded land/building type and meets the definition of community value then the local authority must list it and inform the interested parties.
  - 2) A 'relevant body' is defined as a parish council, a voluntary/community body, a neighbourhood forum or a community group with 21+ local members.
  - 3) An excluded land/building type is defined as a wholly residential property including associated land and a residential caravan park.
  - 4) The asset furthers the social wellbeing or social interest of the local community. This includes in particular cultural, recreation and sporting interests.
- 4.11. The options open to the Committee are to either to confirm the inclusion of the Notley Arms on the list or to remove the entry from the list and to give reasons for such removal. If removed this will be on the unsuccessful nominations list including the reasons why

## **5. FINANCIAL/RESOURCE IMPLICATIONS**

- 5.1. If the Building/land is put up for sale and the Assets of Community Value moratorium applies, the owner can make a claim to the council for compensation. The council are liable for compensation costs up to £20k in any financial year, this can be from a number of small claims or a single large claim. Any compensation costs over the £20k will be covered by DCLG.

## **6. SECTION 151 OFFICER COMMENTS**

- 6.1. A sum of £20k to cover potential compensation claims has been included in the draft Medium Term Financial Plan in accordance with the Council's request.

## **7. EQUALITY & DIVERSITY IMPLICATIONS**

- 7.1 The Community Right to Bid policy objectives encourages a greater diversity of service provider as it provides for the ability for voluntary and community sector bodies to compete to run services.
- 7.2 The Assets of Community Value policy offers greater opportunities for community involvement in the consideration of community assets, potentially leading to increased community benefit.

## **8. CRIME AND DISORDER IMPLICATIONS**

- 8.1. None in respect of this report

## **9. CONSULTATION IMPLICATIONS**

- 9.1. In accordance with the requirements of the Localism Act 2011- Part 5 and the council's agreed process, the owner of the property being nominated and the local parish council are given notice of the nomination application. The council will also notify the relevant member/s, whose ward the property being nominated is within.
- 9.2. The council will notify the relevant body that submitted the nomination, the owner, parish council and ward member/s of the decision to list the property as an asset of community value. If the nomination is unsuccessful, the council must provide the relevant body that made the nomination with the council's reasons for its decision.
- 9.3. In accordance with the requirements of the Localism Act 2011- Part 5, the council must maintain a list of assets of community value and a list of assets nominated unsuccessfully. These lists will be published on the council's website and made available for free inspection by any person at the council's offices in Williton and Minehead.

## **10. ASSET MANAGEMENT IMPLICATIONS**

- 10.1. None specific to the nominations being considered in this report

## **11. ENVIRONMENTAL IMPACT IMPLICATIONS**

- 11.1. None in respect of this report

## **12. LEGAL IMPLICATIONS**

- 12.1 This report arises from the Council needing to put in place processes to ensure that it fulfils its obligations under the provisions of the Localism Act 2011.

**REPORT TO A MEETING OF CABINET TO BE HELD ON 17<sup>TH</sup> DECEMBER 2012**

**CONTACT OFFICER: SAM RAWLE**  
**TEL. NO.DIRECT LINE: 01984 635223**  
**EMAIL: SJRAWLE@WESTSOMERSET.GOV.UK**

## **Assets of Community Value – Nomination Form**

### **Monksilver Action Group-Notley Arms**

#### **Section 3 - SUPPORTING INFORMATION FOR THE NOMINATION**

##### **3. What are the reasons for nomination this land/building for consideration as an asset of community value?**

**Please provide as much information as possible, including how the asset might promote or improve the social, economic and environmental well-being of the area.**

The pub is a landmark in the centre of our village since the 19<sup>th</sup> Century. It has been hugely popular over many years and the community wish to ensure it remains as a great rural meeting place. There is a threat that it will become residential accommodation. There is overwhelming support for the pub to open again and be the successful business that it once was, providing a much needed facility in the local area.

*Please use and attach additional sheets of paper if you need to*

Thank you for your nomination

We will acknowledge receipt of your nomination and will also check through your form and let you know if any further information is required.

For any further information or advice in filling in the form check our website:

[www.westsomerset.gov.uk/community](http://www.westsomerset.gov.uk/community)

Or contact:

Corporate Support by:

Email – [CorporateSupport@westsomerset.gov.uk](mailto:CorporateSupport@westsomerset.gov.uk) or Telephone: 01984 635264

Please email this completed nomination to [CorporateSupport@westsomerset.gov.uk](mailto:CorporateSupport@westsomerset.gov.uk)

Or post to:

**Corporate Support**

**West Somerset Council**

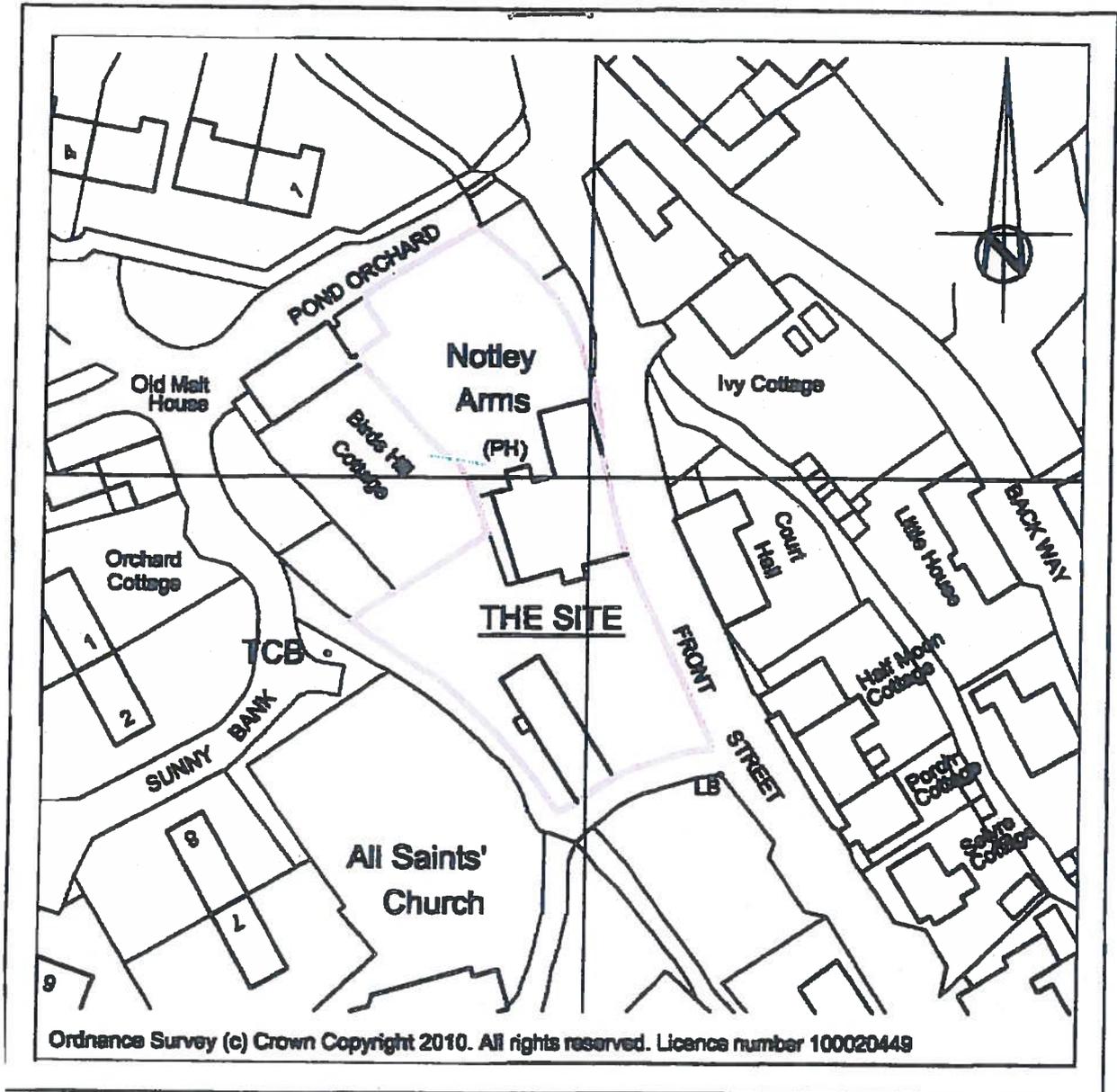
**West Somerset House**

**Killick Way**

**Williton**

**TA4 4QA**

# 1:1250 Location Plan



DRAWING N° NA/S/01

61231121105

**ENPA PLANNING**  
24 SEP 2012  
FILE No. 1

## **Assets of Community Value – Nomination Form**

### **Monksilver Parish Council**

#### **Section 3 - SUPPORTING INFORMATION FOR THE NOMINATION**

**3. What are the reasons for nomination this land/building for consideration as an asset of community value?**

**Please provide as much information as possible, including how the asset might promote or improve the social, economic and environmental well-being of the area.**

The pub is a grade ii listed 19<sup>th</sup> Century pub. It has been much loved within the area for many years and was a very successful business. The community is desperate to have the pub trading again, but its future is threatened by the stated wish of the owner to sell it as a residential property. The residents of Monksilver and the community of West Somerset strongly oppose this.. .

*Please use and attach additional sheets of paper if you need to*

Thank you for your nomination

We will acknowledge receipt of your nomination and will also check through your form and let you know if any further information is required.

For any further information or advice in filling in the form check our website:

[www.westsomerset.gov.uk/community](http://www.westsomerset.gov.uk/community)

Or contact:

Corporate Support by:

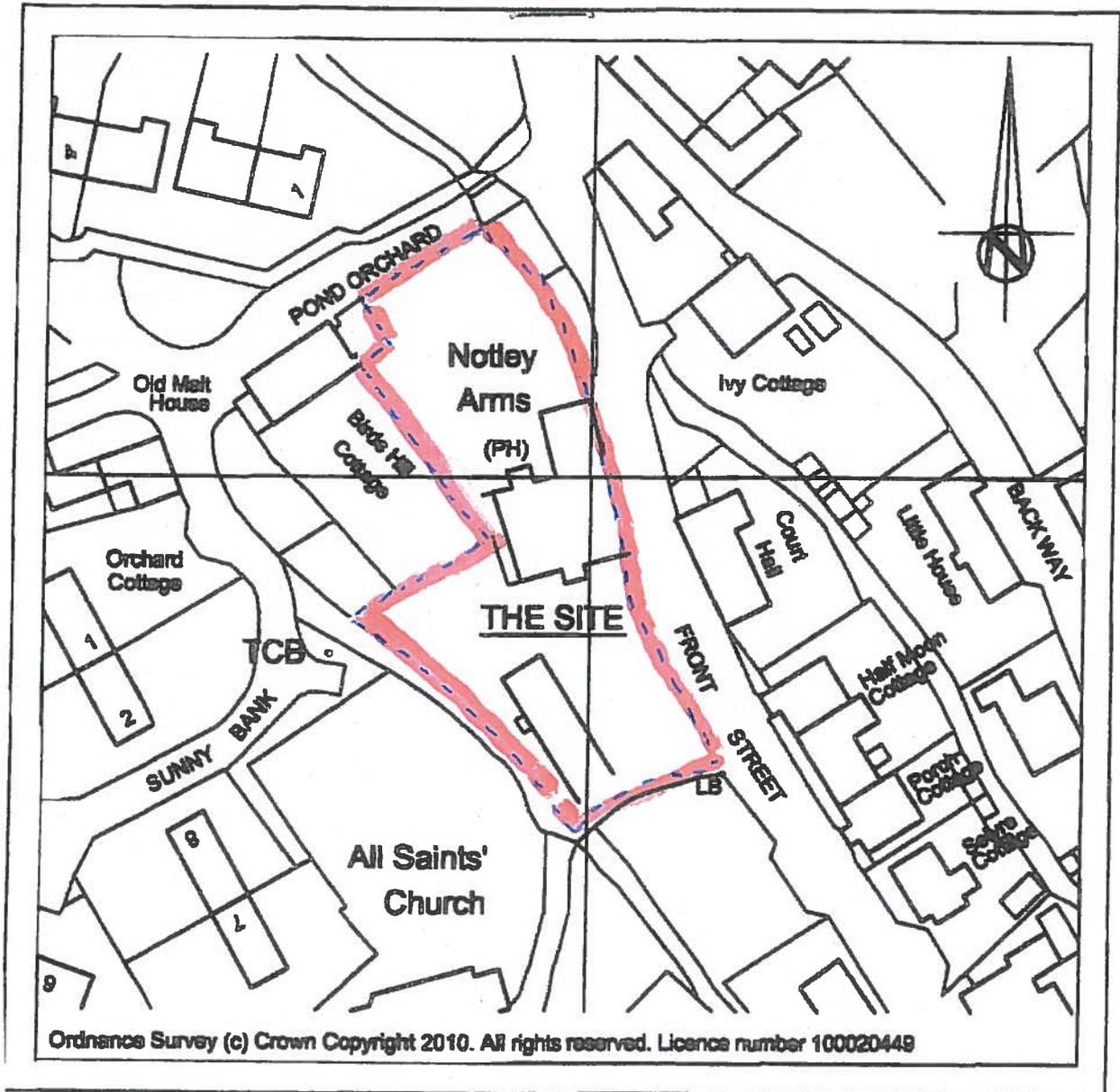
Email – [CorporateSupport@westsomerset.gov.uk](mailto:CorporateSupport@westsomerset.gov.uk) or Telephone: 01984 635264

Please email this completed nomination to [CorporateSupport@westsomerset.gov.uk](mailto:CorporateSupport@westsomerset.gov.uk)

Or post to:

**Corporate Support  
West Somerset Council  
West Somerset House  
Killick Way  
Williton  
TA4 4QA**

# 1:1250 Location Plan



 = BOUNDARY

DRAWING N° NA/S/0

612311/1305

West Somerset Council

RECEIVED

15 NOV 2012



Lydeard House  
West Street  
Bishops Lydeard  
Taunton  
Somerset TA4 3AU

Telephone: 01823 433333

14th Nov 2012

THE NOTLEY ARMS MONKSILVER

Asset of Community Value Nomination

Dear Angela Lamplough

Well we live and learn! I have never read or received such a load of TRIFE. So you believe that a Parish Council can do this I DONT THINK SO. I dont believe that this is legal on a commercial Property I can not believe that in the present and current economic climate that this could happen or are we talking about more BAD LAW Under no circumstances would I even consider selling to the Monksilver Parish Council.

One Potential Purchaser has pulled out as a result of a telephone conversation by me this afternoon after I informed him of two planning permissions being refused as a result of the Parish Council and the content of your letter I still have two parties showing interest I wish to pursue a review of this nomination decision Please at the same time let me have ALL THE CORRESPONDANCE ON THIS AS I HAVD NOT BEEN CONSULTED TO DATE

Lydeard House  
West Street  
Bishops Lydeard  
Taunton  
Somerset TA4 3AU

Telephone: 01823 433333

ALBON PROVE THE LEGALITY AND SEND ME  
A CHEQUE FOR 5% OF 650K TO PAY  
THE MARKETING AGENCY where I have signed  
a sole agency agreement for six months  
from 4 months ago.

John Sneath  
Olin Williams

P.S. As a direct result of the Monkstoke  
Parish Councils Intervention In that the  
local Authority refused two recent  
Planning applications this has probably  
made the pub unmarketable. where I  
may have to auction all the contents  
remove all the services Kitchens Etc  
To leave the property void & thus  
unratable.

REPORT NUMBER WSC 169/12  
 PRESENTED BY THE BENEFIT FRAUD TASK & FINISH GROUP  
 DATE 17 DECEMBER 2012

## SCRUTINY REVIEW OF BENEFIT FRAUD INVESTIGATION SERVICE

### 1. PURPOSE OF REPORT

- 1.1. To present to the Scrutiny Committee the final report of the benefit fraud investigation task and finish group.

### 2. RECOMMENDATIONS

- 2.1. That the targets for KPI 7 & 8, should be reviewed taking into account available resources and performance history.
- 2.2. That the Committee note the joint working arrangements with partners.
- 2.3. That the Scrutiny Committee receives an update report in July 2013 regarding the impacts of Welfare Reform on the Benefits and Fraud Investigation Service.
- 2.4. That the Committee note the fraud prevention work that the Council undertakes, and acknowledges the hard work and commitment demonstrated by the Fraud Investigation Officer.
- 2.5. That consideration be given to providing the Fraud Investigation Officer with additional support in her role to underpin the Council's statutory responsibilities in this area of work.
- 2.6. That in the interests of health and safety, a protocol be adopted whereby at least two officers should be in attendance when any Interview Under Caution are conducted and part of a fraud investigation.

### 3. RISK ASSESSMENT (IF APPLICABLE)

#### Risk Matrix

Description	Likelihood	Impact	Overall
Failure to carry out statutory duty and loss to the public purse	3	3	9
<i>Review by Scrutiny that fraud service is adequate and has sufficient resources to fulfil statutory duty.</i>	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix after the agenda. Each risk has been assessed and scored both before the mitigation measurers have been actioned and after they have.

### 4. BACKGROUND INFORMATION

#### 4.1. Introduction

Members of the Scrutiny Committee had raised concerns of the perceived underperformance of the Benefits Fraud Investigation as highlighted by the quarterly

performance reports. Some Ward Members were also receiving feedback from their electorate that reported fraudulent activity was not been acted upon by the Council and partner agencies.

This report summarises the outcome of the Task & Finish Groups research and discussions and subsequent recommendations.

#### **4.2. Membership of Task and Finish Group**

The membership of the task and finish group was as follows:

Councillors Grierson, K Ross, D Ross Dowding, Chilcott, Lillis

Sam Rawle, Scrutiny Officer and other internal service managers supported the group.

#### **4.3. Terms of Reference and Objective of the Scrutiny Review**

The terms of reference of the scrutiny review were as follows:

1. Investigate the reasons for the current underperformance against the performance indicators and targets in the service.
2. Review the existing joint working arrangements between the Councils Benefit Fraud Investigation service and partner organisations.
3. Form an opinion on whether the Benefit Fraud Investigation service provides value for money
4. Understand what preventative work the Council carries out in terms of fraud

##### **4.3.1. The objective of the review was to:**

- 1) Understand the service outcomes, performance and costs in relation to Benefit Fraud Investigation
- 2) Identify areas for improvement and make recommendations
- 3) Identify further opportunities for review work where appropriate and make recommendations

The Task and Finish group met on four occasions between August 2012 and October 2012. Some of these meetings were with various outside partners.

##### **4.3.2. The review areas agreed for research and discussion were:**

- Look at the fraud referral process
- Look at how members of the public/Councillors can be assured that action is being taken when a benefit fraud has been reported
- Look at the process/action necessary to proceed a case to prosecution
- Look at improvements being undertaken in the service to rectify under performance
- Discussions with key staff/Group Manager & Lead Member

#### **4.4. West Somerset Context**

4.4.1 The Fraud Investigation Service is a specialist team operating within the Revenues and Benefits Section. The primary role of the fraud investigation service is to investigate allegations received by the Council of Housing Benefit and Council Tax Benefit fraud. In discharging these duties the team work with a number of partner organisations including the Department of Work and Pensions (DWP) and the Police.

4.4.2 In 2011/12 West Somerset administered in the region of £16.8million in Housing Benefit and Council Tax Benefit. In 2011/12 67 cases were investigated and there were 12 proven

cases of fraud. The total value of frauds detected amounted to £27,131.09. Recovery arrangements are in place for all overpayments.

- 4.4.3 Under Section 151 of the Local Government Act 1972 Local Authorities have a statutory duty to administer all of their financial affairs appropriately including the prevention, deterrence and detection of housing and council tax benefit fraud.
- 4.4.4 The investigation service is funded as part of the central government funding granted to administer both housing benefit and council tax benefit.
- 4.4.5 The Government has announced that it proposes to create a single, integrated fraud investigation services partnership to investigate welfare fraud across the DWP, Revenues & Customs (HMRC) and other local authorities. It has been agreed that any staff who are predominately working on welfare benefit fraud and in post at the start of the single fraud investigation service will work as part of the service. Staff will remain employed by their Local Authority. This may change as the partnership evolves.

#### **4.5. How the Service Operates**

- 4.5.1 West Somerset Council has a dedicated fully trained benefit fraud investigator, who has undertaken the Professionalism in Security (PinS) training run by the Department of Work and Pensions (DWP) and underwritten by the University of Portsmouth.
- 4.5.2 The benefit fraud investigator is based within the Revenues and Benefits Service and reports directly to the Revenues, Benefits and Debt Recovery Manager. This is a part time role of 24 hours a week. Up until 2008 there was an additional full time investigation officer post within the authority. This post holder changed roles within the authority and subsequently the post was deleted from the establishment.
- 4.5.3 The benefit fraud investigator receives allegations of benefit fraud from many sources, such as, but not restricted to:
  - Members of the public
  - Benefit staff processing claims
  - Other Council staff
  - Landlords
  - Department of Work & Pensions (DWP)
  - Data matching with other public sector agencies
  - Pro-active fraud drives
- 4.5.4 Each fraud referral is risk assessed, looking at the quality of the information provided, the likelihood of the investigation uncovering fraud and the potential value of any fraud. Not all referrals are suitable for further investigation because they may not give enough information to identify an individual or address, or the impact of the fraud would have little effect on the benefit entitlement.
- 4.5.5 Following investigation of a case, if it is considered that there is sufficient evidence to prove that fraud has been committed further action will be taken. The action taken will depend on the severity of the case and could range from issuing a formal caution through to prosecuting the offender.

#### **4.6. Investigations and Findings**

Information from Council Officers/Witnesses

- 4.6.1 Graham Carne (Group Manager) and Steve Farmer (Revenues and Benefits Manager) attended a meeting to discuss how the service operated. During the meeting the following points were raised.

- The fraud investigation officer works 3 days a week. Limited resource restricts the amount of pro-active work, which is undertaken as this is extremely time consuming.
- The limited resources available restricted the amount of pro active work which could be undertaken. Surveillance activity was not undertaken because of the resource intensive nature of the activity and the need to have specially trained staff. With only one part time officer it would prove inefficient to direct resource into surveillance activity.
- The Council participates in a number of data matching exercises. Data Matching involves comparing computer records across different agencies. This has been very successful in identifying undeclared social security benefits/tax credits/pensions/earnings and living together cases.

4.6.2 Meeting with Dawne Green (Fraud Investigation Officer) and Inspector Lisa Simpson (Avon & Somerset Constabulary) to discuss the fraud investigations officers role and partnership working with the Police. During the meeting the following points were raised.

- The majority of the Fraud Investigation Officer's work is generated from fraud referrals and data matching. There is just not the extra capacity to undertake additional pro-active work on top of this.
- Good quality intelligence and information was essential for an investigation to be successful. Lack of information is the primary reason for an investigation to be closed. Many fraud referrals from the general public are anonymous, so the fraud officer does not have the opportunity to contact the person referring to gain further information.
- The Fraud Investigation Officer works 3 days (24hrs) a week. Up until 2008 there was an additional full time investigation officer post within the authority. The post holder changed roles within the authority and subsequently the post was deleted from the establishment. Members acknowledged the hard work and commitment demonstrated by the fraud investigation officer. Nevertheless, the current resource levels allocated to fraud investigation were at an all time low and there concern that this could prejudice the Councils ability to satisfy its statutory duty and that consideration should be given to providing the fraud investigation officer with additional support.
- The Fraud Investigation Officer currently undertakes Interviews Under Caution on her own. Concerns were raised over the health and safety implications of this, as it could potentially contravene the Council's corporate policies concerning Health & Safety and Violence and Aggression. Members would like to see IUC interviews to be conducted with a supporting officer in attendance.
- There were a number of positive outcomes from this meeting including agreement that the Councils Fraud Investigation Officer would be invited to attend the bi monthly meetings of the anti social behaviour panel. The district inspector was also able to offer assistance with the use of a specialised tape machine and a secure interview room facility at Williton Police Station should the need arise. The police have trained officers in surveillance and the setting up of cameras, and would be happy to assist the Council if there was a need.

4.6.3 Meeting with Tony Murray (Director, Magna West Somerset) to discuss working relationship/arrangements between Magna and the Council in relation to fraud detections and prevention. During the meeting the following points were raised:

- Information was passed onto the Council's housing benefit team where it was suspected a change had occurred within the household of a tenant. It would not be in Magna's interest to withhold information as tenants failing to notify changes of circumstances, would eventually lead to rent arrears which Magna would then need to manage.
- Magna actively manage and react to breaches in tenancies. Evictions are a last resort measure and work is put into supporting tenants in maintaining their tenancies properly.
- There were not any barriers to data sharing. Magna work closely with the Police and the Council's housing and benefit teams.

4.6.4 Meeting with Paul Lamb (Principal Benefits Officer), Steve Farmer (Revenues & Benefits Manager), Steve Perkins (Senior Recovery Officer) to discuss fraud trends, overpayments and recovery methods. During the meeting the following points were raised:

- Recovery arrangements are in place for all overpayments raised as a consequence of fraud.
- Various methods are utilised to recover overpayments including, deductions from welfare benefits, debt collection agencies, county court judgements and attachment to earnings.
- The Welfare Reform Act changes and development of a Single Fraud Investigation Service are envisaged to have a major impact on operations within the Revenues and Benefits Service over the coming 12-18 months.
- The Council undertakes a full canvass exercise every 2-3 years to check occupiers claiming Single Person Discount (currently 25%). There is a cost to this exercise so the Council has considered the cost/benefit and made the decision that a 2-3 year full canvass to be appropriate. Single Person Discounts are not awarded automatically and all new occupiers of a dwelling will be required to claim the discount by completion of an occupation form. This includes those moving from one address to another within the district.

#### 4.7 Findings relating back to the terms of reference

##### 4.7.1 **1) Investigate the reasons for the current underperformance against the performance indicators and targets in the service**

4.7.2 Members were initially alerted through the quarterly performance reports presented to scrutiny committee that one of the performance indicators in relation to the service was consistently below target.

##### 4.7.3 KPI 7 - Number of fraud cases that go to investigation

2010/11		2011/12	
Target	Actual	Target	Actual
100	77	100	67

4.7.4 This is a relatively new performance indicator for the service, and was introduced as part of the service planning for 2010/11. In the absence of any performance history the target of 100 cases was an estimate. The task and finish group were of the view that the target was over ambitious in view of the resources available to the Council to investigate fraud, and should be reviewed.

4.7.5 The performance indicator in relation to the number of prosecutions and sanctions remains on target, which is commendable given the level of resource.

4.7.6 KPI 8 – Number of prosecutions and sanctions

2010/11		2011/12	
Target	Actual	Target	Actual
12	18	12	12

4.7.7 **Recommendation 1: That the targets for KPI 7 & 8 should be reviewed taking into account available resources and the performance history collected to date.**

**4.8 2) Review the existing joint working arrangements between the Councils Benefit Fraud Investigation service and partner organisations**

4.8.1 The Council and Department of Work and Pensions (DWP) work jointly on cases where a DWP benefit is also in payment, such as Income Support (IS) or Jobseekers Allowance (Income Based) (JSA(IB)). If appropriate, the DWP will prosecute or sanction on behalf of the Council. This is a good way of sharing resources.

4.8.2 There is a good working relationship and data sharing protocols with the Police, neighbouring authorities and local registered social landlords.

4.8.3 The Fraud Investigation Officer has been invited to attend the bi-monthly meetings of the Anti-Social Behaviour Panel, which will further strengthen the joint working relationships. This of course needs to be balanced against other operational priorities on the Fraud Investigation Officer's time.

4.8.4 Members welcomed the input into the review from Inspector Lisa Simpson and Tony Murray, Director of Magna West Somerset.

4.8.5 **Recommendation 2: That the Committee note the joint working arrangements with partners.**

**4.9 3) Form an opinion on whether the Benefit Fraud Investigation service provides value for money**

4.9.1 The service has not been tested for value for money, however, the task and finish group were satisfied that given the resources available that the service performed well and this was down to the hard work and commitment of the fraud investigation officer.

4.9.2 The Welfare Reform Act, the introduction of Universal Credit, creation of a new Local Council Tax Scheme and the development of the Single Fraud Investigation Service will impact on the Councils fraud and benefit service from 2013 onwards.

4.9.3 **Recommendation 3: That the Scrutiny Committee receive an update report in July 2013 regarding the impacts of Welfare Reform on the Benefits and Fraud Investigation Service.**

**4.10 4) Understand what preventative work the Council carries out in terms of fraud**

4.10.1 Publicity Campaigns are undertaken and are aimed at maintaining public awareness and encouraging referrals. Prosecution cases are publicised on the website and press releases are used to publicise high profile cases. The fraud hotline number is advertised on benefit application forms, benefit notification letters, the annual council tax leaflet which accompanies bills and with press releases regarding successful prosecutions.

- 4.10.2 A 24 hr fraud hotline telephone number is widely advertised and also there is an on line reporting form available on the website. This enables members of the public to report suspected cases of fraud in a confidential manner.
- 4.10.3 Fraud awareness training is provided to all members of staff and elected members.
- 4.10.4 A recent survey undertaken by the South West Audit Partnership found that the level of anti fraud awareness among staff and members was good and that all would adopt a common sense approach on how to report potential or suspected irregularity.

All members of the Benefits Service play a part in preventing and detecting fraud by verifying the accuracy of the information that forms the basis of the claim. Thorough checks are carried out on income sources when a benefit claim is submitted.

**Recommendation 4: That the Committee note the fraud prevention work that the Council undertakes, and acknowledges the hard work and commitment demonstrated by the Fraud Investigation Officer.**

Additional Recommendations:

**Recommendation 5: That consideration be given to providing the Fraud Investigation Officer with additional support in her role to underpin the Council's statutory responsibilities in this area of work.**

**Recommendation 6: That in the interests of health and safety, a protocol be adopted whereby at least two officers should be in attendance when any Interview Under Caution are conducted and part of a fraud investigation.**

Conclusions and Acknowledgements

The scrutiny task and finish group would like to acknowledge the assistance, knowledge and information received during this review from the following:

WSC Officers – Graham Carne, Paul Lamb, Steve Farmer, Dawne Floyd Green, Steve Perkins.

Inspector Lisa Simpson, Avon and Somerset Constabulary  
Tony Murray, Director, Magna West Somerset

## **5. FINANCIAL/RESOURCE IMPLICATIONS**

- 5.1 None directly associated with this report.

## **6. SECTION 151 OFFICER COMMENTS**

- 6.1. Under Section 151 of the Local Government Act 1972 Local Authorities have a statutory duty to administer all of their financial affairs appropriately including the prevention, deterrence and detection of housing and council tax benefit fraud.
- 6.2. Fraud costs money and it is important that it is detected and recovery action is taken.
- 6.3. The localisation of council tax support from April 2013 will make the detection and recovery of fraudulent payments more important as the Council will have to bear part of the cost of any un-recovered money.

## **7. EQUALITY & DIVERSITY IMPLICATIONS**

- 7.1. None directly associated with this report.

**8. CRIME AND DISORDER IMPLICATIONS**

8.1. None directly associated with this report.

**9. CONSULTATION IMPLICATIONS**

9.1. None directly associated with this report.

**10. ASSET MANAGEMENT IMPLICATIONS**

10.1. None directly associated with this report.

**11. ENVIRONMENTAL IMPACT IMPLICATIONS**

11.1. None directly associated with this report.

**12. LEGAL IMPLICATIONS**

12.1. None directly associated with this report.

**REPORT TO THE SCRUTINY MEETING TO BE HELD ON 17 DECEMBER 2012**

**CONTACT OFFICER: SAM RAWLE**  
**TEL. NO.DIRECT LINE: 01984 635223**  
**EMAIL: SJRAWLE@WESTSOMERSET.GOV.UK**

**SCRUTINY COMMITTEE – 12- MONTH WORKPLAN – 2012/13**

2012	18 June	16 July	20 August	22 October	19 November	17 December	2013	18 February	18 March	22 April
9 May	Notes of key Cabinet Decisions/Action Points Cabinet Forward Plan	Notes of key Cabinet Decisions/Action Points Cabinet Forward Plan	Notes of key Cabinet Decisions/Action Points Cabinet Forward Plan	Notes of key Cabinet Decisions/Action Points Cabinet Forward Plan	Notes of key Cabinet Decisions/Action Points Cabinet Forward Plan	Notes of key Cabinet Decisions/Action Points Cabinet Forward Plan	Notes of key Cabinet Decisions/Action Points Cabinet Forward Plan	Notes of key Cabinet Decisions/Action Points Cabinet Forward Plan	Notes of key Cabinet Decisions/Action Points Cabinet Forward Plan	Notes of key Cabinet Decisions/Action Points Cabinet Forward Plan
	Final Report of Community Safety Task & Finish Group		Police and Crime Panel Update	Community Safety – Annual Report	Magna – Annual Report	Appeal Against an Asset of Community Value	Draft Revenue & Capital Budgets 2013-14	Corporate Performance & Budget Monitoring 2012-13 – Quarter 3		
	New Financial System	Corporate Performance & Budget Monitoring – 2010-11 – Quarter 4	Corporate Performance & Budget Report – Quarter 1 2011/12		Corporate Performance & Budget Monitoring 2011-12 – Quarter 2	Fraud Task and Finish Group Report	Corporate Plan & Service Plans – 2013-2014			
	Visit to Greater Manchester Waste Treatment & Recycling Facility – Update	Updated Medium Term Financial Plan (MTFP) – 2012-2015	Veolia Service Level Agreement		Draft Localised Council Tax Benefit Scheme		Draft Capital Programme 2013-14 & Capital Strategy			
	Williton Hospital - Update		Council Tax Consultation							
	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review	Scrutiny Committee Workplan Review

Task & Finish Group Work to be Scheduled:

- Out of Hours GP Provision

Meetings of Joint Waste Scrutiny Panel:

(WSC Reps, Cllrs, Freeman & Lillis)

26 July, 2pm – SCC

15 November, 2pm - SCC