

## **Minutes of the Overview and Scrutiny Board**

**12 February 2025**

**-: Present :-**

Councillor Spacagna (Chairman)

Councillors Cowell, Douglas-Dunbar, Fellows, Foster, Johns, Law, Barbara Lewis, Long and Tolchard (Vice-Chair)

(Also in attendance: Councillors Billings, Bye, Chris Lewis, David Thomas, Jacqueline Thomas and Tyerman)

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### **43. Apologies**

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Board had been amended to include Councillor Barbara Lewis in place of Councillor Hutchings for this meeting.

### **44. Minutes**

The minutes of the meeting of the Board held on 8 January 2025 were confirmed as a correct record and signed by the Chairman.

### **45. Budget Monitoring 2024/2025 - Quarter 3**

The Cabinet Member for Housing and Finance, Councillor Tyerman, outlined the submitted Budget Monitoring report for 2024/2025 which set out the quarter 3 position in respect of the Council's Revenue and Capital Budgets. Cabinet Members and Directors also attended the meeting and responded to questions as well as Councillor Tyerman.

The Board asked questions in relation to paragraph 4.8 showed an overspend of £175k on budgets for disabilities – overnight short breaks, what was the reason for overspend in this area; what was driving the overspend in Legal Services; was there a specific area driving Children's Section 17 spend; paragraph 4.23 showed an overspend of £380k in relation to shortfalls for Development Control, planning applications and land charges income as well as an overspend of £135k in Building Control, what was the reason for the reduced levels of fees coming in; paragraph 4.22 showed an overspend of £220k within the Waste Disposal Budget which referred to disposal volumes, what was driving the increase; Torre Abbey was facing budgetary pressures, was it covering the costs for the pitch and putt and when was Torre Abbey expected to start to break even; paragraph 4.24 showed a £275k underspend in

Concessionary fares, what action was being taken to encourage greater use of buses; paragraph 5.1 does not refer to a percentage against the target, how it sat against the target and how it compared to previous years, what were the rates; Paignton Library Heat Decarbonisation was benefiting from Public Sector Decarbonisation Funding and Climate Initiatives Funding which was one off funding, how was this sustainable; what was the current position regarding Edginswell Railway Station; Edginswell Business Park had funding for enabling works, was the Council actively marketing the two business plots; what was the reason for £0 identified for investment in car parks; what progress had been made for the two solar farms; what was the reason for no investment in sports facilities within the Capital Programme; what was the position in implementing the current Playing Pitch Strategy; what was the reason for the delay for the Capital Coastal Defences and Flooding Schemes; there was an underspend in the school capital programme for repairs, could more detail be provided on this and was the Council at risk from any Private Finance Initiative (PFI) Funding (a written response would be provided); why was temporary accommodation showing as a closed project; green waste bins had £409k in the budget that was not expected to be spent during 2024/2025 was the Council no longer providing green waste bins (a written response would be provided).

In response to questions around Legal Services, Members were advised that there had been staffing pressures in Legal Services for a number of years due to pressures in the market, with costs increasing significantly for locum and full time members of staff, which was more than the average staff rises. The Council had been able to fill some vacant posts, through use of market supplements, but there was still a backlog of work which had resulted in some agency staff being retained. The demand for Legal support across the Council remained high due to regeneration and project work, contracts as well as Children's and Adult Services. Members were informed that this had been recognised in the 2025/2026 Budget proposals and agreed that the Board would continue to closely monitor this budget area.

The Board was advised that the Children's Section 17 temporary accommodation had been used where there was a shortage of other suitable placements. There had been an increase in short breaks for children with Special Educational Needs and Disabilities (SEND) and the number of referrals for children with disabilities. This was also used when a family had deemed themselves intentionally homeless.

Members were informed that the fall in Planning income was due to several factors, including a reduction in demand and number of applications coming through the system. The anticipated income levels had been raised in previous years but had not been realised partly due to the economic climate. This had been recognised in the 2025/2026 Budget proposals which would include a £200k adjustment in the target.

Members noted that the Council was reviewing the financial viability of Torre Abbey and Cockington Court, with challenges around income generation year on year. This would involve putting on more events to help them become more financially sustainable. The cost for maintenance of the pitch and putt was being taken by SWISCo as part of their cyclical fee and proposals were in development for future use of the site which would be considered as part of the long-term financial sustainability

model for Torre Abbey. The Board would be monitoring the progress of Torre Abbey as part of its ongoing Work Programme.

In response to questions around waste, Members were advised that the market price for recycling and the volumes for recycling and residual waste fluctuated each month. The changes in the budget were a combination of the amount going into residual waste and the value of the end product for recycled waste.

The Board noted that the collection fund was currently at around 96% and that as in previous years there was a contingency fund. Members requested an update on the forecasted year end collection rates for Council Tax and Business Rates.

It was noted that the Council was looking at improved signage and other actions to encourage greater usage of buses which linked to the Bus Service Improvement Plan, Enhanced Bus Partnership and Devon and Torbay Combined County Authority as well as working with colleagues from Devon County Council. The challenge was that funding to support bus infrastructure was not reoccurring and therefore there was a need to avoid creating new routes which would not have ongoing funding. The Cabinet Member for Pride in Place, Transport and Parking would be writing to Group Leaders to find out the best way to engage with all Councillors on this matter.

The Board noted that the Paignton Library Decarbonisation Project was fully funded. There had been a slight delay due to issues with the substation and also to ensure it fitted with the wider regeneration of the area.

Members received an update on the Edginswell Railway Station, this included ongoing discussions with the Government and local Member of Parliament and work to ensure that the Planning permission stayed live. It was a priority scheme for development but required additional £7 to £10m funding from the Government in order to progress and the Council was waiting for the next round of funding to open up to apply for this funding.

The Board was updated on the current interest for the sites at Edginswell Business Park. Members acknowledged the importance of letting employment land due to the limited availability of suitable land across Torbay. It was requested that Ward Councillors be kept up to date on this work.

Members noted that there were no proposals in the Capital Plan for investment in car parks. It was acknowledged that there was a large backlog of repairs and maintenance across the whole of the Council's estate including the car parks.

The Board received an update on the ongoing negotiations regarding the solar farms at Nightingale and Brokenbury.

In response to questions around capital investment for sport, Members were advised that focus had been given to the review of play parks. Previously some sports clubs had been given long leases to help them secure investment. It was noted that the Playing Pitch Strategy and Sports Strategies were due to be reviewed in 2025/2026.

It was noted that the delays for the Coastal Defences and Flood Defences were as a result of waiting for confirmation of funding and actual costs of the work. The Council also did not want to start the work in the Summer period and was working with the contractors on the timings for the project, excepting that work would continue into next Summer.

The Board was advised that the temporary accommodation project was closed as this was expenditure for buying new temporary accommodation properties which had been completed with a residual amount left unspent.

Members noted that the school capital programme was ring fenced and any underspend would be rolled forward for use for other school projects. The figures in the report included work to fund additional places in Paignton as well as replacing temporary and out of date accommodation at St Cuthbert Mayne. The Council only had one Private Finance Initiative (PFI) which was the Spires and Homelands and a condition survey was currently being undertaken as the PFI was coming to an end. It was believed that the buildings were in good condition and any issues would be picked up through the condition survey.

Members requested future reports include the following:

- headings on each page of tables to make them easier to follow;
- the description relating to the Waste Disposal budget to be expanded to make it clearer to understand what was covered e.g. recycling and residual waste; and
- a column for the capital projects start date to give an indication of the speed to deliver the project.

Resolved (unanimously):

1. that the Overview and Scrutiny Board notes the Council's forecasted Revenue Outturn position and mitigating action identified in the submitted report;
2. that the Overview and Scrutiny Board notes the updates to the Capital Investment Plan and the revised budget for 2024/25;
3. that the Overview and Scrutiny Board monitors progress of Legal Services Staffing and what the Council has to do to stop relying on locums and know how many vacancies there are and how many agency workers; and
4. to bring an update on capital investment to implement the Playing Pitch Strategy and Sports Strategy to a future meeting of the Board.

#### **46. Performance Report 2024/25 - Quarter 3**

The Cabinet Member for Tourism, Culture & Events and Corporate Services, Councillor Jackie Thomas, outlined the submitted performance monitoring report for quarter 3 2025/2026 and responded to questions. Other Cabinet Members and Directors also attended the meeting to respond to questions.

The Board asked questions in relation to BP19 the call centre reported an improvement and had recruited two extra call handlers, how many call handlers do we have and what consideration was given to the programming of communications/mailings e.g. single person discount letters and the impact on capacity of the call centre (a written response would be provided); BP20 the target for Community Fund Spent was 20.6% against a target of 80%, what was the reason for this and was there a dedicated person responsible for co-ordinating the Fund; was there a breakdown of the adult figures of people needing safe housing for escaping domestic abuse particularly LGBTQ+ (a written response would be provided to this question); the report covers data up to December, was there an update on the take up figures for MyBay, including those who have received the free card for Carers (it was noted that take up had been good from Carers and it was also helping the Council to identify people who were Carers, a written response would be provided); there were 648 open enforcement cases compared to a target of 450, the Overview and Scrutiny Board has previously done a deep dive into this area, how confident was the Cabinet that the Council was moving towards the 450 target; what was the reason for BP04 percentage of contacts to Children's Services progressing to early help services in the period being much worse than target; BP47 percentage of weed spraying schedule due achieved during the period was much worse than target, what was the reason for this and had it been impacted by the amount of leaves in the gutters; nine out of thirteen targets for the Planning Department were much worse than target, to what extent was that due to long term sickness and how would this be alleviated; and CP14 percentage of former cared for children who are now aged 19-21 and in employment, education or training was much worse than target, what were the actual numbers and what were the numbers for those who were not former cared for children (a written response would be provided).

In response to questions around the Community Fund, Members were advised that there was a nominated person but part of the delay was due to the delay in applications being submitted, some Councillors waited for the money to be rolled over to a future year to fund larger projects. It was accepted that some delays were due to a lot of the work involving SWISCo staff who were busy on other projects over the Summer with a lot of works being carried out towards the end of the financial year. Members expressed frustration over the amount of time that some of the projects took to be implemented and hoped that the outcome of the play park strategy would assist and also encourage Councillors to use their funds to help draw down match funding for projects in their Wards.

Members received an update on the current staffing position, including the recruitment of additional staff, as well as the action taken by the Enforcement Team to develop new processes to streamline the process and implement the revised Enforcement Policy. It was reported that five cases had been closed that day and there was a real drive and emphasis to close outstanding cases and work towards the set target.

The Board was informed that BP04 was much worse than target due to children not progressing through the Family Hubs in the same way they had previously done. Assurance was given that children were not being missed. An Early Help portal was up and running and instead of referrals coming through the Multi Agency

Safeguarding Hub (MASH), which could stigmatise people, they were self-referring. There had been an issue with the data from the system which was being evaluated to ensure that correct data was being used.

Members were advised that there had previously been an issue with the electric quad bikes but that should have been addressed. There had also been a lot of wet weather and there needed to be a certain amount of dry time for the weed spray to be effective. There was more detritus in the gutters due to insufficient amount of spraying but more should be removed using the new ripping kit. A more detailed written response on BP47 would be provided.

In response to questions around the Planning Service performance, Members were advised that around 60% of all applications that were received had to go back to the applicant as they were not right. There had been training for members of the Planning Team and developers to raise awareness of what was required so that applications could be right first time. The applications were only validated once they were deemed to be complete. Engagement had been carried out with agents, architects and planning consultants to help them understand the information required to be submitted, without the need to advertise revised plans. Members noted that there had been periods of sickness but a new Planning Officer was starting in March and existing temporary staff had their contract extended. Processes had been streamlined but there would always be fluctuations month to month.

Resolved (unanimously):

That the Director of Corporate Services be requested to liaise with the Managing Director of SWISCo on how the process for streamlining Community Ward projects can be achieved to enable projects to be implemented sooner and if extra resource is required to achieve this.

#### **47. Equality, Diversity and Inclusion Strategy**

The Leader of the Council, Councillor David Thomas and the Partnership and Inclusion Manager, Laura Hill outlined the submitted report which set out the Equality, Diversity and Inclusion Strategy which was currently out to consultation and responded to questions.

The Board asked questions in relation to which groups the consultation had been circulated to; what additional support would be given for young Carers e.g. the MyBay card gives free access to parking, would they be able to get a free bus pass through the scheme; was there a section for Muslim burials within Torbay's Cemeteries; was the workshop being advertised widely and were there any concerns about certain groups causing disruption; who would be on the Torbay Inclusion Partnership Board; and how was the Council trying to reach out to hard to reach communities.

In response to questions, Members were advised that the consultation had been shared with the normal corporate list of anchor institutions, equalities groups, through the Learning Disabilities Team and some other targeted Groups. The Partnership and Inclusion Manager had also reached out and welcomed conversations with groups

that wished to engage further. Paper copies of the consultation were in the libraries and a drop-in session was being held next later this month. Members noted that the workshop session was advertised through Business Newsletter, on staff news and on Linked in and if they were made aware of any concerns over potential attendees to report them to the Partnership and Inclusion Manager.

The Board was advised that there would be various representatives on the Torbay Inclusion Partnership Board and it was agreed that a list of the proposed draft membership would be shared with all Councillors to enable them to provide feedback on the final membership.

The Partnership and Inclusion Manager informed Members that she was trying to engage with hard to reach groups that she was aware of and requested any Councillors who had connections with people in hard to reach groups to let her know so that she can try to engage with them as the Council does not necessarily know who they were.

Resolved (unanimously):

That the Cabinet be recommended to approve the draft Inclusion Strategy for Torbay for 2025-2030 subject to the following:

1. to consider how the MyBay benefits can be expanded to help young Carers who do not drive, for example a free bus pass; and
2. to request the Director of Adult Services to liaise with the local cemeteries providers to see how they have considered providing suitable provisions for all religious communities.

#### **48. Rent and Service Charge Policy and proposed changes to Social Housing Rents**

The Cabinet Member for Housing and Finance, Councillor Tyerman, outlined the submitted report which set out the Rent and Service Charge Policy and proposed changes to Social Housing Rents, including Temporary Accommodation. The Rent and Service Charge Policy had previously been the responsibility of TorVista Homes with scrutiny carried out by their Board and this responsibility had now transferred to the Council and Overview and Scrutiny Board.

Members asked questions in relation to if the rents were really affordable at 80% of the average of the market rent due to rents being higher in Torbay and if there was any flexibility; last year the rate set an increase of Consumer Price Index (CPI) plus 1% which equated to 7.7%, what was the proposed increase for 2025/2026; and some of the charges where housing benefit and universal credit were applicable, there was a national campaign over social charges as social tenants in other housing associations/authorities were not able to look at what their landlord was charging, was this the case for Torbay.

In response to questions, Members were advised that the Council would follow how the Government set the rents through the rent formula and would be open and

transparent about the amount of rent for Council owned properties. The increase for this year was 2.7% which was as a result of inflation being at a low level.

Members noted that the technical definition of affordable rent was 20% below market value. There was a lot of affordable rent within the registered provider housing market and the Council was trying to avoid that for Council owned schemes to keep them below the local housing allowance for our properties.

Resolved (unanimously):

That the Cabinet be recommended:

1. that the Rent and Service Charge Setting Policy set out at Appendix 1 to the submitted report be approved;
2. that Council on 27 February 2025 be recommended to approve as part of the Revenue Budget Fees and Charges the proposed rent increase for 2025/2026 whereby all Social Housing rents are increased by 2.7% (CPI+1%); and
3. that rent reviews take place on all Service Occupancy properties and those rents be increased up to open market value.

#### **49. Torbay Council Climate Change Action Plan**

The Cabinet Member for Place Development and Economic Growth, Councillor Chris Lewis, outlined the submitted report which set out the draft Torbay Council Climate Change Action Plan and responded to questions. The Divisional Director of Planning, Housing and Climate Emergency, David Edmondson, the Principal Climate Emergency Officer, Jaqui Warren and the Climate Strategy and Project Officer, Alex Carter also attended the meeting for this item and responded to questions.

Members asked questions in relation to what happened if the Council did not secure the funding to decarbonise Sherwell Valley Primary School; what was the running costs of the heat pumps at Torre Abbey and Torbay Leisure Centre compared to other sources (a written response would be provided); over 2,000 trees had been planted, how many more trees were planned to be planted (a written response would be provided including costs); how was the Council engaging with the public on carbon reduction; how could the Council help businesses to provide biodegradable waste such as cardboard cups and cutlery and ensure that there were suitable bins for recycling; how was carbon neutral work being linked in with the refresh of the Torbay Local Plan to ensure that they complement each other; how embedded were the Council's procurement processes to challenge suppliers to provide evidence to reduce their carbon emissions; there were dual bins in Upton Park for rubbish and recycling but there was an issue with the recycling being contaminated so all the waste was going for disposal, what action had SWISCo taken around education to ensure the bins were used correctly; why was the flood tool developed by Exeter University not being promoted and used (a written response would be provided); and why was there no mention of the two solar farms in the Action Plan.

In response to questions, Members were advised that it was likely that the Council would secure the funding for the decarbonisation of Sherwell Valley Primary School, but that if this was not achieved a robust business case would need to be developed and submitted to the Capital and Growth Board as there were no other suitable grants available. It was noted that the Climate Team had been very successful in securing grants and bringing in new money to support climate change.

Members discussed the Miyawaki forests which involved high density planting the size of tennis courts and their benefits. The Council was working with SWISCo to identify suitable sites for these forests in Torbay.

Members were informed that the Climate Change Partnership, led by the community, was taking the lead on wider public and business engagement in respect of climate change and carbon reduction, through the Greener Way for the Bay Strategy, which had also been signed off by the Place Leadership Board on behalf of key statutory partners. Torbay Communities was working through the Imagine This Group who work with young people and subject to funding would be looking at the natural environment and engaging with their families, which could then be rolled out to other areas.

Members acknowledged that the Torbay Council Climate Change Action Plan set out the actions that Torbay Council would be taking forward, for example, introducing food waste caddies across all Council buildings.

The Climate Team was working closely with the Local Plan Team to ensure that the policies aligned with one another. There was potential if agreement cannot be reached on the numbers of housing that Supplementary Planning documents could be created around affordable housing and climate change.

In response to questions around procurement, Members were informed that information was included within the current procurement templates around environmental policy, but the questions depended on the level of contract being procured. The Action Plan included more work around collecting actual data on carbon footprints etc. and working with key contractors to embed the process. Work was being undertaken with the Procurement Team to ensure that carbon emissions were being captured by contractors so that the Council understands them up front and what they were doing to tackle emissions. The Team was also working with the Council's Regeneration Partners.

The two solar farms were referenced in the Greener Way for the Bay document, which was leading and delivering a lot of actions with partners and the community. It was felt that duplication between the two Plans should be avoided.

Resolved (unanimously):

That the Cabinet be recommended:

1. to approve the Torbay Council Climate Change Action Plan 2024-2026 as set out in Appendix 1 to the submitted report; and

2. to request SWISCo to raise awareness of recycling in public bins, to reduce the risk of contamination of the recycled waste and enable it to be processed effectively.

Chairman

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