

OVERVIEW AND SCRUTINY BOARD

A meeting of **Overview and Scrutiny Board** will be held on

Wednesday, 6 September 2017

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Board

Councillor Lewis (C) (Chairman)

Councillor Barnby
Councillor Bent
Councillor Bye
Councillor Darling (S)

Councillor Stockman (Vice-Chair)
Councillor Stocks
Councillor Tolchard
Councillor Tyerman

Co-opted Members of the Board

Penny Burnside, Diocese of Exeter

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

Kate Spencer, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207014

Email: scrutiny@torbay.gov.uk

OVERVIEW AND SCRUTINY BOARD AGENDA

1. Apologies

To receive apologies for absence, including notifications of any changes to the membership of the Board.

2. Minutes

To confirm as a correct record the minutes of the meetings of the Board held on 12 July and 9 August 2017.

(Pages 4 - 9)

3. Declarations of Interest

a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. Urgent Items

To consider any other items that the Chairman decides are urgent.

5. Revenue Budget 2017/2018 - Quarter 1 Monitoring Report

The Head of Finance to present the Quarter 1 Revenue Budget monitoring report.

(To Follow)

The Mayor and the Executive Leads (in particular the Executive Lead for Children's and Adults Services) to answer Board's questions.

The Board to consider making any comments, conclusions and/or recommendations to the Mayor and/or the Council.

6. Children's Services Medium Term Financial Strategy and Improvement Plan (Verbal Report)

The Executive Lead for Children's Services to provide an update on the progress against the Children's Services Medium Term Financial Strategy and Children's Services Improvement Plan.

The Mayor and Executive Lead for Children's Services to answer the Board's questions.

The Board to consider making any comments and/or recommendations.

7. Exclusion of press and public

To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

8. Town Centre Regeneration Programme

(To Follow)

The Executive Head – Business Services and Director of Economic Strategy & Performance (TDA) to provide an update on the progress of the Torbay Town Centres Regeneration Programme.

The Executive Lead for Business to answer Board's questions.

The Board to consider making any comments, conclusions and/or recommendations to the Council.



Minutes of the Overview and Scrutiny Board

12 July 2017

-: Present :-

Councillors Barnby, Bent, Darling (S), Lewis (C), Stockman, Stocks, Sykes, Tolchard and Tyerman

(Also in attendance: Councillors Amil, Brooks, Excell, Haddock, King, Mills, Robson and Thomas (D))

1. Election of Chairman

Councillor Lewis (C) was elected Chairman of the Board of the 2017/2018 Municipal Year.

Councillor Lewis (C) in the Chair

2. 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 Sykes in place of Councillor Bye.

Apologies for absence were received from the Mayor and Councillor Parrott and from Councillor Morey who was one of the signatories to the call-in which was on the agenda.

3. Appointment of Vice-chairman

Resolved: that Councillor Stockman be appointed Vice-chairman of the Board for 2017/2018.

4. Minutes

The minutes of the meeting of the Board held on 3 May 2017 were confirmed as a correct record and signed by the Chairman.

5. Urgent Items

The Board considered the items in Minute 6, and not included on the agenda, the Chairman being of the opinion that they were urgent by reason of special circumstances i.e. the matters having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

6. Petition requesting a covenant protecting Churston Golf Course from development

The Board considered the details of a call-in by seven Members of the Council of the decision of the Mayor to enter into a deed of covenant with the residents of Churston with Galmpton Ward for a period of 10 years in respect of land at Churston Golf Course.

The Call-in Promoter outlined that the decision had been published alongside a report issued by the Monitoring Officer pursuant to section 5 of the Local Government and Housing Act 1989. The Monitoring Officer's report set out her view that the Mayor's decision was outside the Council's Budget and Policy Framework and was therefore ultra vires.

The Deputy Mayor read a letter from the Mayor to the Chairman of the Board asking that consideration of the call-in be deferred until he had responded to the Monitoring Officer's report (which he was required to do within 21 days of it being issued).

Members of the Board indicated that they were minded to agree that the decision was contrary to the Council's Budget and Policy Framework and, at that point, the Monitoring Officer provided advice to the Board.

Resolved: that, having heard the Monitoring Officer reconfirm her advice that the decision of the Mayor to place a covenant on the land at Churston Golf Course was contrary to the Policy Framework, the matter shall be referred to the Council in accordance with the Constitution.

7. Update of Torbay Economic Strategy

The Board considered a draft report which had been prepared following a meeting of a Task-and-Finish Group to consider the draft Economic Strategy issued by the Mayor.

Resolved: that the Report be approved and forwarded to the Mayor in response to his consultation on the draft Economic Strategy.

8. Transformation Project - Modernisation of the CCTV System

The Board had before it a report prepared following a meeting of a task-and-finish group which had met to consider the business case for replacing the Council's CCTV system.

Resolved: that the report be approved and submitted to the Council for consideration.

9. Strategic Agreement between Torbay and South Devon NHS Foundation Trust and Torbay Council/South Devon and Torbay Clinical Commissioning Group

The Assistant Director – Corporate and Business Services provided an update on the proposals for the Strategic Agreement between the Council and the Torbay and South Devon NHS Foundation Trust and the South Devon and Torbay Clinical Commissioning Group. Representatives from the Trust and the CCG also answered the Board's questions.

The proposed Strategic Agreement included a variation to the Risk Share Agreement whereby the Council would “buy-out” its share of the risk at a set amount for the remainder of the agreement. This would involve the Council providing a higher amount of funding to the Trust than the core funding currently provided. However, it was expected that this fixed amount would be less than the total amount that would need to be provided in future years to take account of the deficits projected by the Trust. The proposed Agreement provided certainty for the Council moving forward on an otherwise potentially volatile budget.

Resolved: that the Council be recommended to accept the proposed variation of the Risk Share Agreement for current and future years subject to the Trust and the CCG also endorsing and agreeing this approach in July 2017.

10. Acute Services Review

Representatives from Torbay and South Devon NHS Foundation Trust and South Devon and Torbay Clinical Commissioning Group (CCG) provided an update on the Acute Services Review which had been announced alongside the Devon-wide Sustainability and Transformation Plan in November 2016.

The review was being undertaken as doctors had identified that key acute hospital services were likely to become unsustainable in future due to the difficulty of recruiting certain clinical staff, large increases in demand for services and the challenge of consistently meeting national service standards.

The review had focused on the high priority acute services: urgent and emergency care; stroke; and maternity, neonatology and paediatrics. The report presented set out the clinically preferred recommendations. The next steps of the review would be test the recommendations in more detail to ensure that they can be delivered with safe, cost-effective and reliable staffing solutions for the future.

The Board were assured that they would be kept informed of future developments and that, should any final proposal be likely to result in a significant change to local services, the public would be fully consulted in line with NHS statutory requirements.

11. Torbay Air Show

The Board considered the report which was scheduled to be presented to the Council at its meeting on 20 July 2017 that provided a summary of the outcomes

of the second Torbay Airshow and a revised financial proposal to support the Airshow in future years.

Resolved: that it be recommended to the Council that:

- (i) the future delivery of the Torbay Airshow be supported;
- (ii) further consideration be given to how the Airshow can provide an opportunity to create greater benefits which support the Council's broader corporate objectives (including providing opportunities for the Council's Looked After Children); and
- (iii) the figures provided within the proposed budget for the Airshow in future years should reflect the ambition to reduce the costs to the Council of the Airshow.

12. Transformation project - Generating income through Housing Policy Framework Document

The Assistant Director – Corporate and Business Services provided an update to the Board on the proposed amendment to the Mayor's Policy Framework proposal in relation to the Housing Company.

13. Revenue Budget 2018/2019

The Board considered a draft report which had been prepared following a series of meetings which had been held to discuss the Council's revenue budget for 2017/2018 and the implications for 2018/2019.

Resolved: that, subject the Board's decisions in respect of the Annual Strategic Agreement, CCTV and the Airshow made at this meeting being reflected, the Report be approved and forwarded to the Mayor for him to take into account when he publishes his proposals for the Council's overall financial approach for 2018/2019.

14. Work Programme

Resolved: that the Work Programme for 2017/2018 be approved.

Chairman



Minutes of the Overview and Scrutiny Board

9 August 2017

-: Present :-

Councillor Stockman (Vice-Chair) (In the Chair)

Councillors Barnby, Bye, Tolchard and Tyerman

(Also in attendance: The Mayor and Councillors Haddock, King, Robson and Stubbley)

15. Apologies

Apologies for absence were received from the Chairman (Councillor Lewis) who did not attend due to having a pecuniary interest in the matter under consideration and from Councillors Darling (S) and Stocks.

16. HIV Advocacy and Social Care Support Contract

It was reported that the Director of Public Health had rescinded her decision in respect of the HIV Advocacy and Social Care Support contract and therefore the call-in would not be considered.

17. Disposal of Land Adjacent to the Inn on the Quay, Tanners Road, Goodrington, Paignton

The Board considered the details of a call-in by five Members of the Council of the decision of the Mayor to grant a lease for an additional piece of land to the tenant of the Inn on the Quay and to recommend to the Chief Financial Officer to allocate part of the funding received as part of the revised lease arrangement towards the provision of alternative toilets in the area.

The Call-in Promoter and two of the Call-in Supporters outlined their reasons for the call-in and the Chairman of Goodrington, Roselands and Hookhills Community Partnership spoke in favour of the call-in.

The Mayor was invited to respond to the points in the call-in and to the questions raised by members of the Board.

Resolved: that the decision be referred back to the Mayor for reconsideration on the basis that the Board believe that:

- (i) full and detailed plans as to the location and funding of the replacement public toilets should be known before the lease is granted; and

(ii) as part of the lease negotiations, representations should be made as to the general husbandry of the premises and the quality of service within the restaurant.

(Note: Prior to consideration of this item it was noted that only the Call-in Promoter and one of the Call-in Supporters were present at the meeting. In accordance with the Constitution, the Board agreed that the call-in should not be deemed withdrawn and the meeting continued. During consideration of the item, a second Call-in Supporter arrived at the meeting.)

Chairman
