

Minutes of the Overview and Scrutiny Board

7 May 2025

-: Present :-

Councillor Long (Chairman)

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

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

59. 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.

60. Minutes

The minutes of the meeting of the Board held on 12 March 2025 were confirmed as a correct record and signed by the Chairman.

61. Urgent Items

The Board considered the item in Minute 62, and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

62. Call-in of the Cabinet's Decision on Brokenbury Solar Farm

The Board had before it details of a call-in by five Members of the Council of the Cabinet's decision regarding Brokenbury Solar Farm. The Call-in Seconder, Councillor Cowell (on behalf of the Call-in Promoter, who was Chairing the meeting) explained the reasons for the call-in as set out in the submitted call-in notice. Councillor Cowell advised the Board that he was concerned that the Cabinet did not have the full business case for the original option for the Council to develop the solar farm itself together with detailed risk analysis and mitigations which could have been put in place to reduce any risks, when it took the decision and wanted to know more about why the Council should not develop the solar farm itself. It was acknowledged that a summary of the business case and risks together with further information on the option to lease the land to South West Water was circulated in an Exempt paper prior

to the meeting. Reference was made to a previous meeting which proposed a report being presented to the Cabinet at a future time for the potential use of up to 10% of the surplus generated from Brokenbury solar farm, being made available for community use in the Churston with Galmpton Ward similar to that proposed for the Nightingale solar farm and it was felt that this would be lost under the Cabinet's current decision (Note: the meeting referred to was Cabinet 19 May 2020).

The Cabinet Member for Place Development and Economic Growth, Councillor Chris Lewis responded to the reasons for the call-in and confirmed that the decision of the Cabinet had been taken following professional advice from the Lead Officer and Section 151 Officer that the financial benefits of the original delivery model, (approved by Council on 18 July 2024), had reduced due to increased costs and higher interest rates for borrowing. The risks associated with any loss of service, repairs or damage to the solar farm which the Council would be liable for would have to be considered which would further reduce net financial benefits over the 25 year period. The Council does not have sufficient resources to deliver this scheme in-house alongside numerous other key projects such as Union Square and the Pavilion. South West Water had experience of delivering solar farms and had a separate Team that dealt with this. Councillor Chris Lewis highlighted the key financial information and risks as set out in the Exempt paper circulated prior to the meeting. It was noted that at the time of the original decision the option to lease the land to South West Water was not available.

The Section 151 Officer, Malcolm Coe, provided an update on the increased borrowing costs involved if the Council developed the solar farm itself and advised that this borrowing would not be a priority for him as Section 151 when considered alongside borrowing required for regeneration and housing. Mr Coe also detailed that, although the in-house delivery model could potentially generate greater financial benefit over 25 years, this benefit was not without risk of future liabilities due to power outages. The net financial difference between the two schemes for the first 10 years of operation was negligible (as detailed in the graph within the Exempt paper) with potential benefit from the self-delivery scheme escalating from year 11 onwards.

The Board discussed the borrowing rates and associated financial information, together with details of risks and advice of the External Solicitor who had been advising the Council on the proposals and had set out the risks associated with providing the power directly. In addition examples of some of the mitigations that could be put in place to manage some of the risks were given and the associated increased costs of such measures.

The Board questioned if the Council had looked at other local authorities who had developed solar farms and was advised that each solar farm was different and needed to be considered on its own merits. The External Solicitor did look at other contractual differences that could be available as part of their work.

Resolved:

That the decision be referred back to the Cabinet for reconsideration, on the grounds that Board considers that there was insufficient evidence available to the Cabinet at the time it made its decision and recommends in reconsidering the decision, that

Cabinet receives a detailed business case which sets out all of the risks and mitigations of delivering the solar farm in-house for transparency of the decision.

63. Play Improvement Strategy

The Cabinet Member for Pride in Place, Transport and Parking, Councillor Billings and the Managing Director of SWISCo, Matt Reeks provided an overview of the submitted report on the initial stages of the development of a Play Improvement Strategy for Torbay.

The Board asked questions in relation to the following:

- why not all 74 play parks were shown on the maps and what the names of the 74 play parks were;
- what benchmarking had been done with other local authorities e.g. Cheshire West and Chester (see <https://www.cheshirewestandchester.gov.uk/your-council/policies-and-performance/council-plans-policies-and-strategies/play-strategy>);
- the rationale for the clusters and if they would change or could be broken down further; the rationale for including St Marychurch in Torquay Central and how this would skew the deprivation weighting for Ellacombe and Tormohun;
- why was 2019 Multiple Deprivation statistics used and not 2024/2025;
- why was the play area at Torre Marine showing as private play area, had this not been transferred to the Council;
- what input had been provided by Public Health, the Youth Service and young people (e.g. as part of the UNICEF Child Friendly work the Council had spoken to over 2,000 children and their number one priority was feeling safe and secure, they talked about their parks and how they saw their interactions with older and younger children);
- what options were being considered for more natural play spaces;
- what was being done to learn from insurance claims and understand the reasons and what could be done to reduce the number of insurance claims being made in respect of our play parks and spaces;
- what was covered by play value;
- the priority order showed 12 play parks in Barton and Watcombe with one in Queen Elizabeth Drive further down the list, would all 12 play parks be delivered or would there be flexibility in the order;
- there was a lot of new housing being developed what was being done to consider appropriate play facilities;
- how would community partnerships be engaged in the process;
- who else was proposed to be engaged in the process;
- would the proposals include equipment, lining on green spaces to encourage sports, work to make paths safe and accessible etc.;
- could the Council influence the types of equipment for new play areas;
- where equipment had been taken away could the areas be reused; and
- what consideration was given when play equipment needed to be removed due to safety to alternative funding proposals.

The Cabinet Member for Pride in Place, Transport and Parking, Councillor Billings and the Managing Director of SWISCo, Matt Reeks provided the following responses:

- The paper outlined the start of the process which would lead to a long development of a wider strategic Play Improvement Strategy. This would be used to lever in funding from other sources as well as investing £500,000 allocated as part of the budget process. There was very limited budget available for the maintenance and investment in play parks and it was important that it was spent in the most effective way taking into account the needs of the areas and prioritising those with highest levels of deprivation. The proposal was for Ward Councillors to visit the parks and give feedback and suggestions as to who else should be engaged based on local knowledge. Members were encouraged to provide feedback and make suggestions as to how best to proceed.
- Clustering of the play parks was to recognise them as a community rather than by Ward, looking at how parents and children use the areas. There was scope for the clusters to be amended but it was important that they were looked at as groups of facilities in order to take an area based approach to ensuring different offer within the community. Not all the parks were showing on the maps due to the data sets available but this could be reviewed.
- There had been some consultation carried out last summer and engagement with Tanny Stobbart from Play Torbay, Indigos Go Wild, the Police and other groups and professional colleagues to get an initial steer on opportunities for consultation using an informed and focussed approach as well as looking to design out crime. It was proposed to further engage with Members via the site visits and then identify wider groups/people to engage with.
- The 74 play parks were being viewed as play spaces rather than traditional play areas to ensure a variety of options for equipped climbing, spinning, turning etc. and facilitating more natural landscaping for creative play, green spaces etc.
- There was a large amount of data on insurance claims and the annual condition survey and it was proposed that this would be shared as part of the site visits relevant to each cluster.
- The value of play was a personal opinion based on factors including visibility, users feeling safe, open spaces rather than being enclosed by hedges, how inviting the space was, entrance, colour, offer, not just based on the amount of equipment. Spaces that could accommodate a lot of children and be used in a number of ways would score higher than those with single pieces of equipment.
- The priority list was developed using a matrix of factors including condition, safety risk, value with data sets that could be mapped into zones. It would look at the spectrum of all the equipment e.g. 12 in Barton and Watcombe and what works best for the area e.g. alternative play.
- Spatial Planning had documents about play facilities and the Play Improvement Strategy would help to inform new opportunities for play.
- It was not always possible to reuse pads where equipment had been removed due to the ground conditions, health and safety requirements and prohibitive costs of digging down old foundations.

Tanny Stobbart from Play Torbay made representations and suggested the merit of linking up with the Child Friendly Communities Network, particularly Cardiff, who had

gone through a similar exercise with their Play Strategy. Ms Stobbart advised that the Government was due to launch a new Play England Strategy next week and an all-Parliamentary Group for Play which would support what the Council was trying to do in Torbay.

Margaret Forbes-Hamilton from Torre and Upton Community Partnership and the Torbay Greenspace Forum made representations and highlighted examples of community engagement and working with schools to design the play park at Torre Marine as well as working with local primary schools to design the spaces at Upton Park. Ms Forbes-Hamilton emphasized the importance of girls feeling safe, preferring open spaces as well as ensuring that consideration was given to facilities for children in Years 5 to 9.

The Board was disappointed that it had taken so long to bring forward a paper with initial proposals for the Play Improvement Strategy but welcomed the opportunity for Councillors and other stakeholders, especially children and young people to develop the Strategy.

Resolved (unanimously):

That the Managing Director of SWISCo, in consultation with the Cabinet Member for Pride in Place, Transport and Parking, be recommended:

1. that the Overview and Scrutiny Board supports the next steps identified in the submitted report to develop the Play Improvement Strategy and encourages Councillors to attend the site visits and provide feedback throughout the process, including on key groups and organisations to engage with to inform the design of the Play Improvement Strategy and notify the Managing Director of SWISCo and Cabinet Member for Pride in Place, Transport and Parking of any appropriate events in their communities where the Council could engage on the development of the Play Improvement Strategy;
2. that a detailed list of the 74 sites be provided to Members by Ward;
3. to consider when equipment is removed from a play park it is presented to Ward Councillors as 'we have a problem with the equipment which will result in removal' and asking if they have or are aware of any funding for alternative proposals;
4. to provide Members with details of what Section 106 monies are available for play parks and in which areas;
5. to share a list of groups SWISCo will engage with via Governance Support and for Members to advise of any missing groups;
6. to consider working with Allison Grant, Child Friendly Project Lead, Children's Services and the Child Friendly Communities Network, particularly Cardiff, on their approach on how to engage on play strategies, and to build on the work of Chester West Council on how they developed their Play Strategy;

7. to consider a proposal for park plans, which would set out who was responsible for what within the area and what events were proposed to be placed on notice boards in the vicinity;
8. to update the matrix using current Multiple Index of Deprivation; and
9. that the outcome of cluster visits and proposed plans for the Play Improvement Strategy be submitted to a future meeting of the Overview and Scrutiny Board prior to final sign off.

64. Housing Policies

The Cabinet Member for Housing and Finance, Councillor Tyerman outlined the submitted report which set out a number of Housing Policies which had been rewritten following the transfer of the Council's Housing stock from TorVista Homes Ltd to the Council as well as a new Right to Buy Policy which did not apply under the previous arrangements and responded to questions together with the Managing Director, Liam Montgomery and Housing Manager, Anita Merritt.

Members asked questions in relation to what happened to tenants who caused damage to properties or were poor neighbours; what was the role of Councillors in supporting people with complaints and what impact could they have; why does it say the person responsible for monitoring complaints was the Director of Regeneration; where did we get the definition of 'vulnerable tenants' from, the person may not be at risk of being harmed but may have mental health illness; how did the Council prioritise dealing with problems with damp and mould; had we had any applications for Right to Buy and was it likely that this would increase; and the Rent Arrears and Debt Recovery Policy mentions a sympathetic approach, what does this look like.

In response to around tenants, Members were informed that there were several steps and triggers to support a tenant with issues relating to behaviour or rent arrears. The main priority was to work with the tenant to support them and ensure that they can sustain their home but not have a negative impact on their neighbours. A sympathetic approach was taken where tenants were in arrears with their rent, one to one conversations were held and payment plans agreed, where appropriate. The final stage would be to go through the court to gain possession of the property which may result in the tenant becoming homeless and being referred to the Homelessness Team for support. It was highlighted that the Housing Team works with new tenants at the start of their tenancy to understand any health or social issues they have and to support them to complete the forms to access any eligible benefits and signpost them to external help and support e.g. Step Change. The definition of vulnerable tenant had been developed with other sector professionals and the Council's Partnership and Inclusion Manager.

The Board noted that there had not been any applications for Right to Buy partly due to the small number of properties owned by the Council, currently around 30, expecting to rise to less than 200 over the next few years, and partly due to the reduced discount, market value less £30,000. It was not expected for the Council to have many applications for Right to Buy.

In response to questions around complaints, Members were advised that the Complaints Policy (Housing) was for tenants or members of the public to use to complain about issues relating to the standard of service, actions or lack of action by the Council, its own staff or those acting on its behalf, affecting an individual tenant or group of residents. This was controlled by Regulator of Social Housing to ensure consistency of a two stage process, with rights to complain to the Housing Ombudsman where appropriate. Complaints from tenants or members of the public about existing tenants were currently dealt with under the TorVista Homes Ltd Antisocial Behaviour Policy (it was agreed that a copy of this Policy would be shared with all Councillors) which would also be reviewed and updated in the future. Members are able to support tenants and members of the public with complaints. There is the Complaint's (Housing) Policy, referred to above, which Councillors can signpost residents to for wider complaints where they feel that issues have not been resolved at a service level. Member can support complainants with complaints but cannot act on their behalf. The responsible person for complaints was the Director of Regeneration as that was where the Service fits within the current structure.

The Board was advised that as soon as a tenant reported an issue with damp or mould it would be reviewed by the Housing Team. If an issue requires more specialist advise then a member of the in-house Property Services Team will visit the property to resolve the issue and a new leaflet was currently being updated to share with tenants on this issue. Due to the small numbers of properties there was detailed knowledge of each property and tenant. Damp and mould was also reported through the performance reporting and the action taken to resolve the issue.

Resolved (unanimously):

That the Overview and Scrutiny Board recommend to the Cabinet:

1. that the Housing Policies set out in Appendices 1 to 8 of the submitted report be adopted by Torbay Council, and the Director of Regeneration be given delegated authority, in consultation with the Cabinet Member for Housing and Finance, to review the policies and make changes as appropriate and in line with any changes to legislation, including consideration around the wording of the definition of 'vulnerable tenants'; and
2. that the Monitoring Officer be requested to make a technical amendment to the general limitations within the Officer Scheme of Delegation in relation to property disposals not applying in relation to the Right to Buy Policy and the Director of Finance be given delegated authority to dispose of property in accordance with the Right to Buy Policy.

Chairman