

Tuesday, 7 March 2023

OVERVIEW AND SCRUTINY BOARD

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

Wednesday, 15 March 2023

commencing at **5.30 pm**

The meeting will be held in the Grace Murrell C, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ

Members of the Committee

Councillor Douglas-Dunbar (Chairwoman)

Councillor Atiya-Alla	Councillor Johns
Councillor Barrand	Councillor Foster
Councillor Brown	Councillor Kennedy
Councillor Bye (Vice-Chair)	Councillor Loxton

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Email: governance.support@torbay.gov.uk - www.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 meeting of the Board held on 9 February 2023.

(Pages 4 - 6)

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. Special Educational Needs and Disabilities (SEND) Local Area Strategy

To consider the SEND Local Area Strategy and make recommendations to the Cabinet.

(Pages 7 - 13)

(Note: the key partners responsible for delivery of the Strategy and members of the Children and Young People's Overview and Scrutiny Sub-Board who are not members of the main Board have been invited to contribute towards the discussions on this item.)

6. **Torbay Place Leadership Board and the Torbay Story** (Pages 14 - 43)
To receive a presentation on the Torbay Story and Torbay Place Leadership Board.

(Note: the Chairman of the Torbay Place Leadership Board, Jim Parker and the Torbay Place Manager, Mark Hammett will be in attendance for this item.)

7. **Budget Monitoring Quarter 3 2022/2023** (To Follow)
To consider the submitted report which sets out the Quarter 3 revenue and capital budget monitoring for 2022/2023 and to make any recommendations to the Cabinet.

8. **Levelling Up Round 2 Outcome** (Pages 44 - 46)
To consider the submitted report on the outcome of the Levelling Up Round 2 funding.

(Note: the Director of Pride in Place, Alan Denby, the Economy and Enterprise Manager, Carl Wyard and the Cabinet Member for Economic Regeneration, Tourism and Housing, Councillor Long have been invited for this item.)

Meeting Attendance

Please note that whilst the Council is no longer implementing Covid-19 secure arrangements attendees are encouraged to sit with space in between other people. Windows will be kept open to ensure good ventilation and therefore attendees are recommended to wear suitable clothing.

If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

Minutes of the Overview and Scrutiny Board

9 February 2023

-: Present :-

Councillor Douglas-Dunbar (Chairwoman)

Councillors Barrand, Brown, Bye (Vice-Chair), Dudley, Johns, Chris Lewis and Loxton

(Also in attendance: Councillors Steve Darling and David Thomas)

35. Apologies

An apology for absence was received from Councillor Kennedy. It was also reported that, in accordance with the wishes of the Conservative Group and Liberal Democrat Group, the membership of the Board had been amended to include Councillors Chris Lewis and Dudley in place of Councillors Foster and Atiya-Alla respectively.

36. Minutes

The minutes of the meeting of the Board held on 11 January 2023 were confirmed as a correct record and signed by the Chairwoman.

37. Draft Housing Strategy and Public Consultation

The Leader of the Council, Councillor Steve Darling, introduced the revised Draft Housing Strategy, which had been updated following consultation, and the Housing Strategy Project Plan 2023-2024. Members asked the following questions which were answered by the officers in attendance and the Leader of the Council:

- What action was being taken to address shops which had been empty for a long period of time.
- How much social housing does Torbay need compared to the rest of the country.
- Preston Down Road had gone out to tender for a registered social provider, why had this information not been shared with Councillors. Members requested information on the tender for Preston Down Road to be circulated to all Councillors after the meeting.
- If a separate entrance was not available to premises above shops would that make it more difficult to lease those spaces for housing.
- What action was being taken to ensure that landlords maintain their properties to an acceptable standard to prevent tenants having to move out of their existing properties.

- A number of complaints had been received from members of the public relating to poor housing conditions e.g. damp and repairs how were these reported and what action could the Council take to support tenants.
- How do we identify homeless residents and how were they registered as homeless.
- It can be difficult for homeless people to access housing due to waiting to receive benefits what support was available to help them.
- Who was responsible for dealing with antisocial behaviour outside flats and what could be done to support residents facing issues with antisocial behaviour.
- The report refers to challenges of lack of local builders in the Bay, what was meant by this. Officers were requested to clarify this after the meeting.
- What was affordable rent compared to social rent.
- Was the Council taking enough enforcement action to improve the quality of homes.
- Had the population figures for Torbay been updated following publication of the latest census.
- Were the figures for the number of affordable homes to be delivered realistic.

Resolved (unanimously):

Recommendation to the Cabinet:

That the Cabinet recommends to Council:

- 1 that the Torbay Housing Strategy 2023-2030, as set out in Appendix 1 to the submitted report be approved, subject to the latest population figures being checked against the latest census data; and
- 2 subject to 1 above, the Cabinet approves the Housing Strategy Project Plan 2023-2024, subject to:
 - a realistic and attainable target for delivery of the number of affordable homes to be delivered each year; and
 - to include targets to deliver a private rented sector improvement plan to tackle disrepair and poor housing conditions, proactively target non-compliant landlords by and take appropriate action where standards are not being met (target 2.1) and include actions and targets for improving housing conditions in social rented housing.

Recommendation to Overview and Scrutiny Board:

That the Overview and Scrutiny Board monitors the delivery of the Housing Strategy Project Plan 2023/2024 as part of their Work Programme for 2023/2024.

38. Revenue and Capital Budget 2023/2024 - Report of the Overview and Scrutiny Board

The Board considered the draft report which had been prepared following the meetings of the Priorities and Resources Review Panel 2023/2024 held during January and February 2023. The Review Panel had considered the Cabinet's Revenue and Capital Plan Budget proposals for 2023/2024 and the report set out the Panel's views, conclusions and recommendations. The Board thanked all those involved in the review.

Resolved (unanimously):

That the report to the Cabinet on the Revenue and Capital Plan Budget 2023/2024 be approved.

Chairwoman

Meeting: Overview and Scrutiny Board **Date:** 15 March 2023

Wards affected: All

Report Title: Special Educational Needs and Disabilities (SEND) Local Area Strategy

When does the decision need to be implemented? As soon as possible

Cabinet Member Contact Details: Councillor Cordelia Law, Cordelia.law@torbay.gov.uk

Director/Divisional Director Contact Details: Nancy Meehan, Director of Children's Services & Rachael Williams, Divisional Director of Education, Learning and Skills.

1. Purpose of Report

- 1.1 Following the SEND (Special Educational Needs and Disabilities) inspection of the Local Area in November 2021, the inspection report issued in January 2022, requested that the Local Area develop a written statement of action showing how they intend to address the significant weaknesses outlined in the report. The Written Statement of Action, approved last May 2022, defines eight areas of improvement. A SEND Strategy for the whole Local Area is one of these eight areas.
- 1.2 The purpose of this report is to set out the priorities in our Local Area SEND Strategy so that board is fully aware of the priorities which have been coproduced by key stakeholders in our Local Area.
- 1.3 the five coproduced priorities in this strategy are:
 - Priority 1: SEND is everyone's business – embedding our values through education, health and social care, changing culture and reforming our workforce
 - Priority 2: Identify and act on children's needs at the earliest opportunity, through valuing lived experience and expertise
 - Priority 3: Understand the needs of our children, young people and families and make sure joint commissioning supports service delivery and we make best use of all resources
 - Priority 4: Make sure that all early years providers and mainstream educational settings support an inclusive approach to education
 - Priority 5: Improve transition planning for young people moving into adulthood

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to ensure that the residents of Torbay can thrive with a new 'pledge' to change our culture and how we work with children, young people and their families.
- 2.2 The provision of services to support children and young people with SEND is a statutory duty for the local area (local authorities and ICB). Provision of such services is a cornerstone of enabling the local community to thrive, and to supporting children and young people in having high aspirations. For children looked after with SEND, such services play an integral role in the Council delivering its duties as corporate parent.
- 2.3 As a Local Area we need to ensure that our SEND Strategy is fit for purpose and will enable us to work together as a whole Local Area to ensure Children and Young People with Special Educational Needs can thrive. As a statutory service, we are regularly inspected by Ofsted and the Care Quality Commission (CQC).
- 2.4 The SEND Strategy has been coproduced by members from the entire Local Area, including collaborating with Children and Young People and with a group of parents from our parent/carer forum, SEND Family Voice Torbay. This collaboration ensures that the ownership of the new strategy is embedded across all our organisations so that we can best work together for the benefit of our children and young people in Torbay.

3. Recommendation(s) / Proposed Decision

1. We request that the priorities in this SEND Strategy are shared and understood by all board members so that they can support with its implementation.

Appendices

The SEND Strategy

Background Documents

SEND Code of practice 0-25 years (published 2014)
Inspection Report on the Torbay SEND Local Area Inspection
Torbay Written Statement of Action
Green Paper on SEND March 2022

Appendices

Appendix 1: SEND Strategy

Supporting Information

1. Introduction

- 1.1 This SEND Strategy is one of the eight areas of improvement resulting from the Written Statement of Action after the Torbay Local Area inspection in November 2021.
- 1.2 This SEND strategy is a collaborative piece of work which gives a direction of travel for SEND across the Local Area. It is a departure from the usual creation of strategies, having been completely coproduced with our children, young people and families.
- 1.3 In particular this strategy places the views of children, young people and their families completely central to our strategy, as the Code of Practice states:

Section 19 of the Children and Families Act 2014 makes clear that local authorities, in carrying out their functions under the Act in relation to disabled children and young people and those with special educational needs (SEN), must have regard to:

- the views, wishes and feelings of the child or young person, and the child's parents*
- the importance of the child or young person, and the child's parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions*
- the need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood (Paragraph 1.1 of the Code of Practice 2014)*

- 1.2 And in particular:

Local authorities should do this in a way which ensures that children, young people and parents feel they have participated fully in the process and have a sense of co-ownership. This is often referred to as 'co-production'. (Paragraph 4.9 of the Code of Practice 2014)

- 1.3 The inspection of the local area also found joint working to be a key weakness. This strategy has been completely coproduced with all the key stakeholder organisations from our Local Area, addressing a key concern from our inspection report:

Area leaders have only just started to work together to implement the SEND reforms. Leaders have been slow to turn their focus to this important work because of the urgent need to deal with the historical weakness in children's services. Although there are signs that area leaders from the CCG {now ICB} in Devon are working more effectively with children's services, this is very recent. Owing to a long history of inaction centrally, the

impact of this new commitment is limited. Consequently, there remains a lack of joint working between services to tackle the issues with the pace of change that is needed.

- 1.5 On 28 and 29 March 2022 (respectively) the Government published its Schools White Paper and its Green Paper on the review and reform of SEND. The key elements of the White Paper include a move towards a fully academized school system whilst the key elements of the Green Paper include greater emphasis on inclusion in mainstream schools (and a requirement for councils to publish local inclusion plans), early intervention and greater clarity on responsibilities across health, children and adult social care, education and skills. Although these papers are not yet statutory this SEND Strategy has been written with these guiding principles in mind so that it is fit for the future.
- 1.8 SEND Action Plans are currently being coproduced on the five priority areas identified in the strategy. These will ensure that our strategy priorities can be delivered at pace and thus make real and tangible positive change for our children and young people with SEND and their families.

2. Options under consideration

- 2.1 For this SEND Strategy to be approved so that its implementation can formally begin.

3. Financial Opportunities and Implications

- 3.1 The Written Statement of Action does not, by itself, contain any financial implications. However, implementing the actions contained in the statement will require considerable staff capacity from Torbay Council and other organisations across the Local Area.
- 3.2 In addition, there is reference within the new strategy to address the significant overspend in the High Needs Block (the financial element that, in the main, is used to fund support for children and young people with SEND). The local authority is required by the DfE to take action to address the overspend and ensure it is reduced to within budget. This is integrated into the key performance indicators of the strategy.

4. Legal Implications

- 4.1 Implementing the reforms as outlined in the SEND Code of Practice 2014 is a statutory duty for the local authority. Failure to carry out such duties can result in intervention from the Department for Education.

5. Engagement and Consultation

- 5.1 A Working Party made up of colleagues from across the Council (Education, Social Care and Public Health) as well as key partners from health and the voluntary and community sector were formed last May 2022 upon the approval of the Written Statement of Action.
- 5.2 This working party has met twice monthly since then to coproduce this new SEND Strategy.
- 5.3 The key priorities within the strategy were created from all members of the group identifying what they felt were priority actions for the Local Area.
- 5.4 The parent/carer forum (SEND Family Voice Torbay) were members of the working party and further collaborated with other parent/carers to both identify the priorities within the strategy and give input as to how best to tackle them.
- 5.5 Children and Young People were involved in the process both in identifying the priorities that mattered to them and by telling us what they felt “good” would look like for each area.
- 5.6 At a recent coproduction event colleagues and parents from across the Local Area worked together to design how each priority area could be tackled.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 As the SEND Strategy is further developed there may be changes to provisions and services which are a result in the changing priorities of the new strategy.

7. Tackling Climate Change

- 7.1 The Written Statement of Action does not address elements of the Council’s plan to tackle climate change.

8. Associated Risks

- 8.1 The key corporate risk remains the failure to deliver services for Children and Young People with SEND which enable them to thrive. The mitigations of this risk are the huge number of improvement works, which this strategy gives overview of, which are working to deliver improved services for SEND.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

- 9.1 The successful implementation of this SEND Strategy should enable children and young people with SEND to meet their expected outcomes and thrive in all aspects of their lives.

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Young people 0-25		
People with caring Responsibilities	Yes – carers of children and young people with SEND.		
People with a disability	Yes – Children and Young People with a disability aged 0-25		
Women or men			No differential impact
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			No differential impact
Religion or belief (including lack of belief)			No differential impact
People who are lesbian, gay or bisexual			No differential impact
People who are transgendered			No differential impact
People who are in a marriage or civil partnership			No differential impact
Women who are pregnant / on maternity leave			No differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)			No differential impact
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Improved early identification of need and early support for a special educational need.		

10. Cumulative Council Impact

- 10.1 A SEND Strategy fit for purpose and for the future will give a clear direction of travel so that the Local Authority can be assured that its responsibilities for children and young people with SEND are being met successfully.

11. Cumulative Community Impacts

- 11.1 A SEND Strategy will give positive outcomes for both children and young with SEND and their families because its implementation will mean that their needs are successfully being met.

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TORBAY STORY

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WEDNESDAY 15TH March 2023

OVERVIEW AND SCRUTINY BOARD

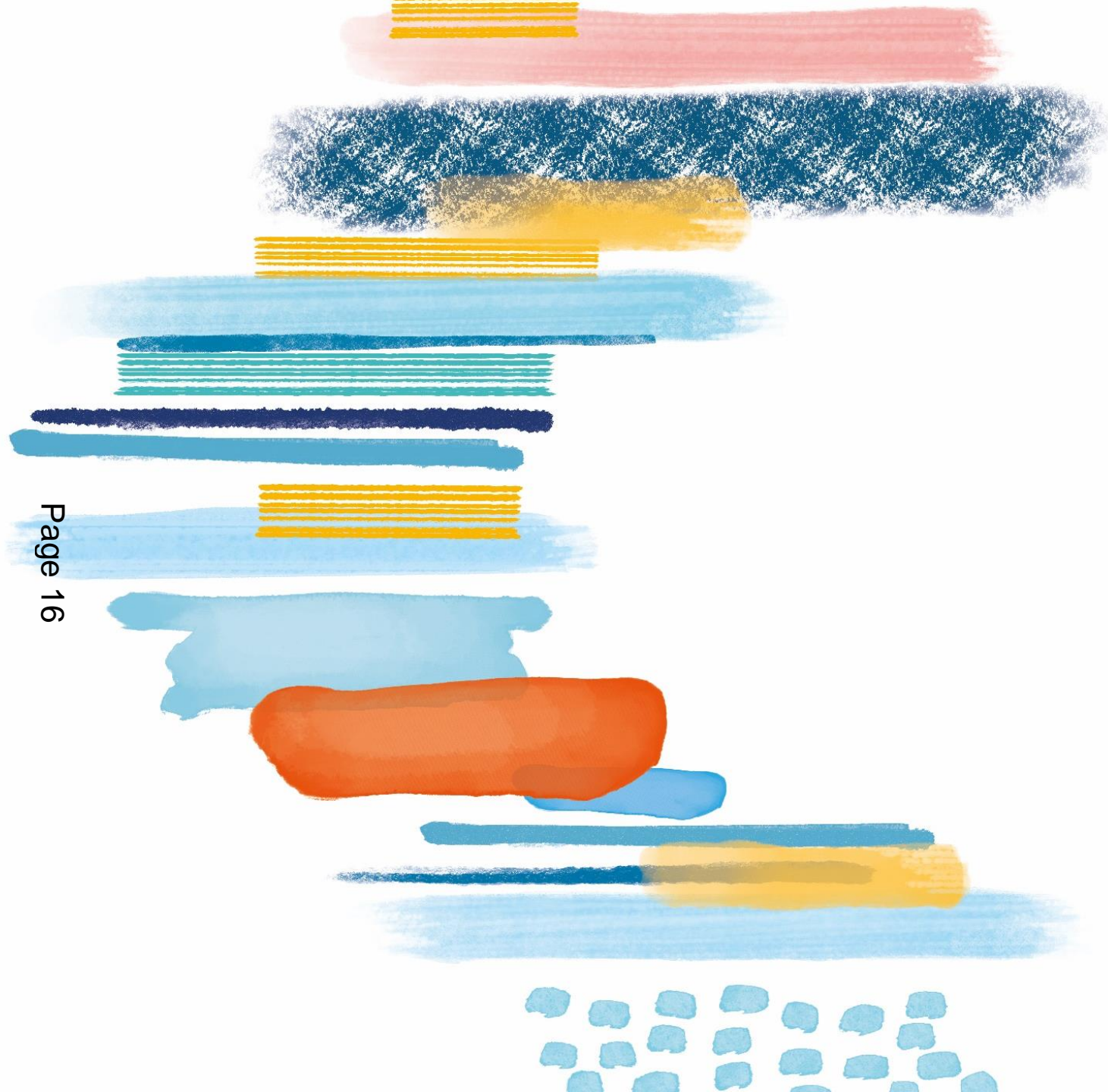


Agenda Item 6

Jim Parker
Chair of Torbay Place
Leadership Board

Mark Hammett
Torbay Place Manager

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OUR TORBAY STORY

#TorbayStory

- Compelling story of Torbay as a place that demonstrates our value to others
- Showcases Torbay as a place of opportunity for investment and to live, work, visit and have fun in!
- A focal point to unleash the passion, insight and drive of those who care about Torbay

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TECH BY THE BAY



EFFECT



THE HUB FOR ACTIVE ADVENTURERS

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TORBAY: THE PREMIER MARINE AND NATURAL EXPERIENCE

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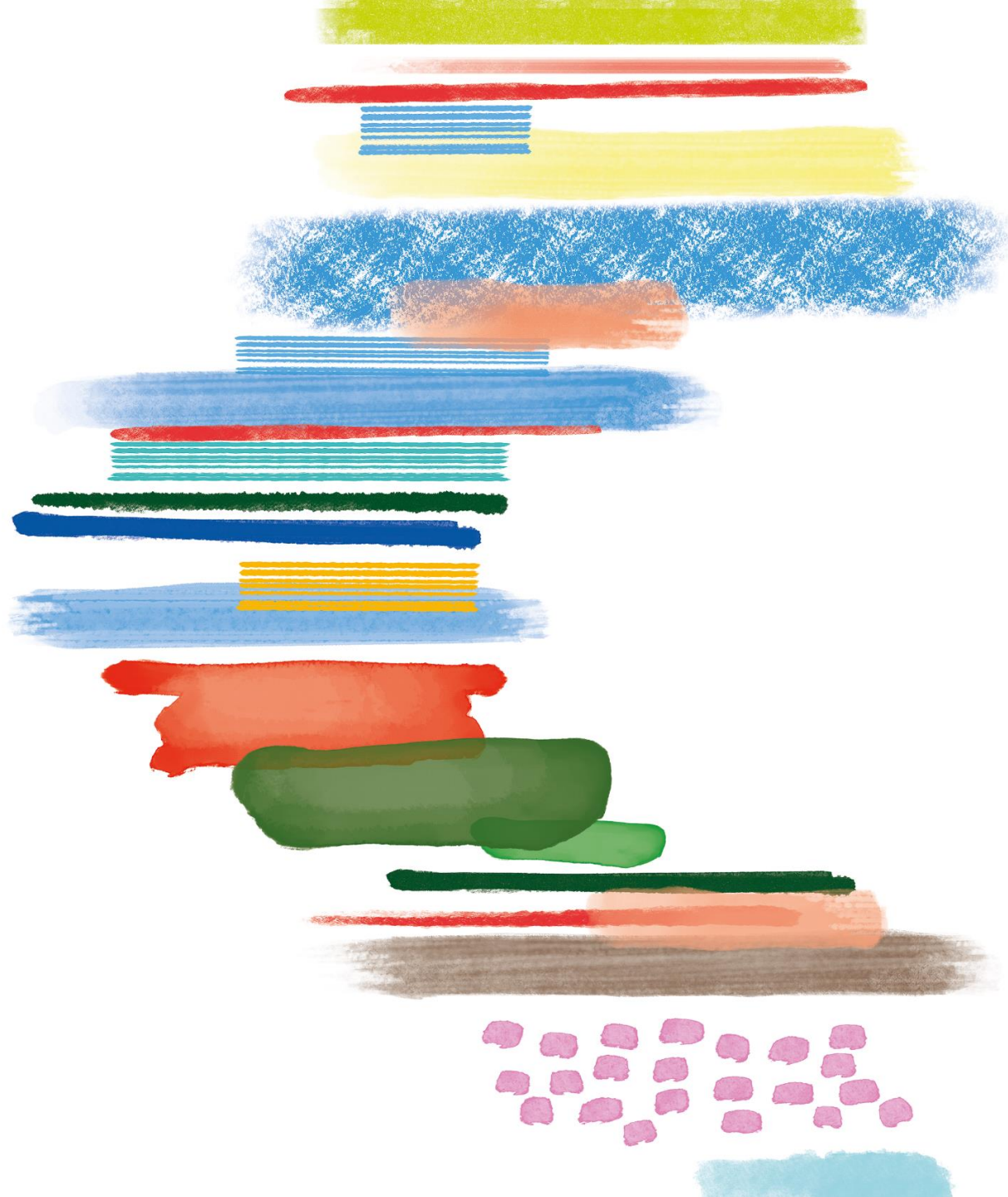
Torbay: The premier marine
and natural experience

Tech by the bay

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The hub for active
adventures

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BRIXHAM:

A CREATIVE,
FOOD AND
FISHING
FUSION

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PAIGNTON: FAMILY FUN ON THE FORESHORE

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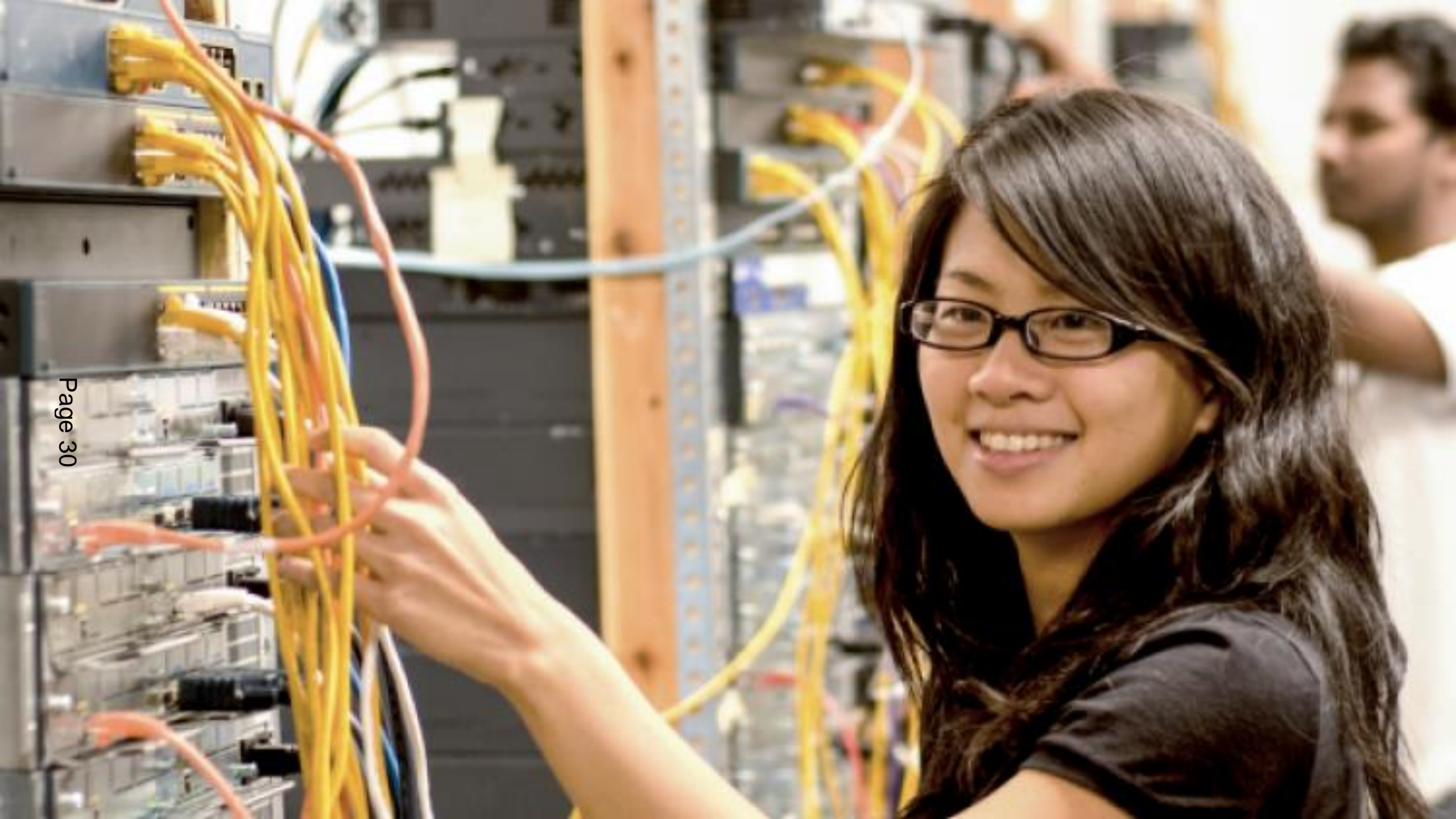






PAIGNTON: THE CENTRE FOR ENTERPRISE, ELECTRONICS AND ENTREPRENEURSHIP

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TORQUAY

LEADING ON
LEISURE AND
LIFESTYLE BY
THE SEA

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Brixham:

A creative, food and fishing fusion

Paignton:

Family fun on the foreshore
The centre for enterprise, electronics
and entrepreneurship

Torquay:

Leading on leisure and
lifestyle by the sea

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Torbay Place Leadership Board

- Established Feb 22
- Consists of leaders from public, private and community/voluntary sector in Torbay
- Strategic board that meets every two months
- Guardian of Torbay Story

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Torbay Champions:

- established March 22
- Meets quarterly across Torbay
- Range of speakers from public, private and community/voluntary sectors
- 1421 Torbay Champions

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Role of Champions:

- Promote
- Learn
- Advocate
- Connect
- Engage

Town Boards

- Held workshops in all 3 towns in January to explore town board idea
- Support for idea in principle
- Brixham town group in process of establishing itself
- Work in progress in Paignton and Torquay

What have we done in the first 12 months?

- Established the Torbay Story infrastructure
- Held Torbay Investment Lunch in London in November
- Committed to attending UKREiiF
- Promoted the Torbay Story at local and national conferences and events

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What have we learnt in the first 12 months?

- Place leadership is hard but the right thing to do
- Collaboration is key to Torbay's success
- thinkingplace review March 2023

What's next?

- Continue to consolidate the infrastructure – especially town boards
- Attend UKREiiF – May 2023
- Implement actions from thinkingplace 12 month review

Questions

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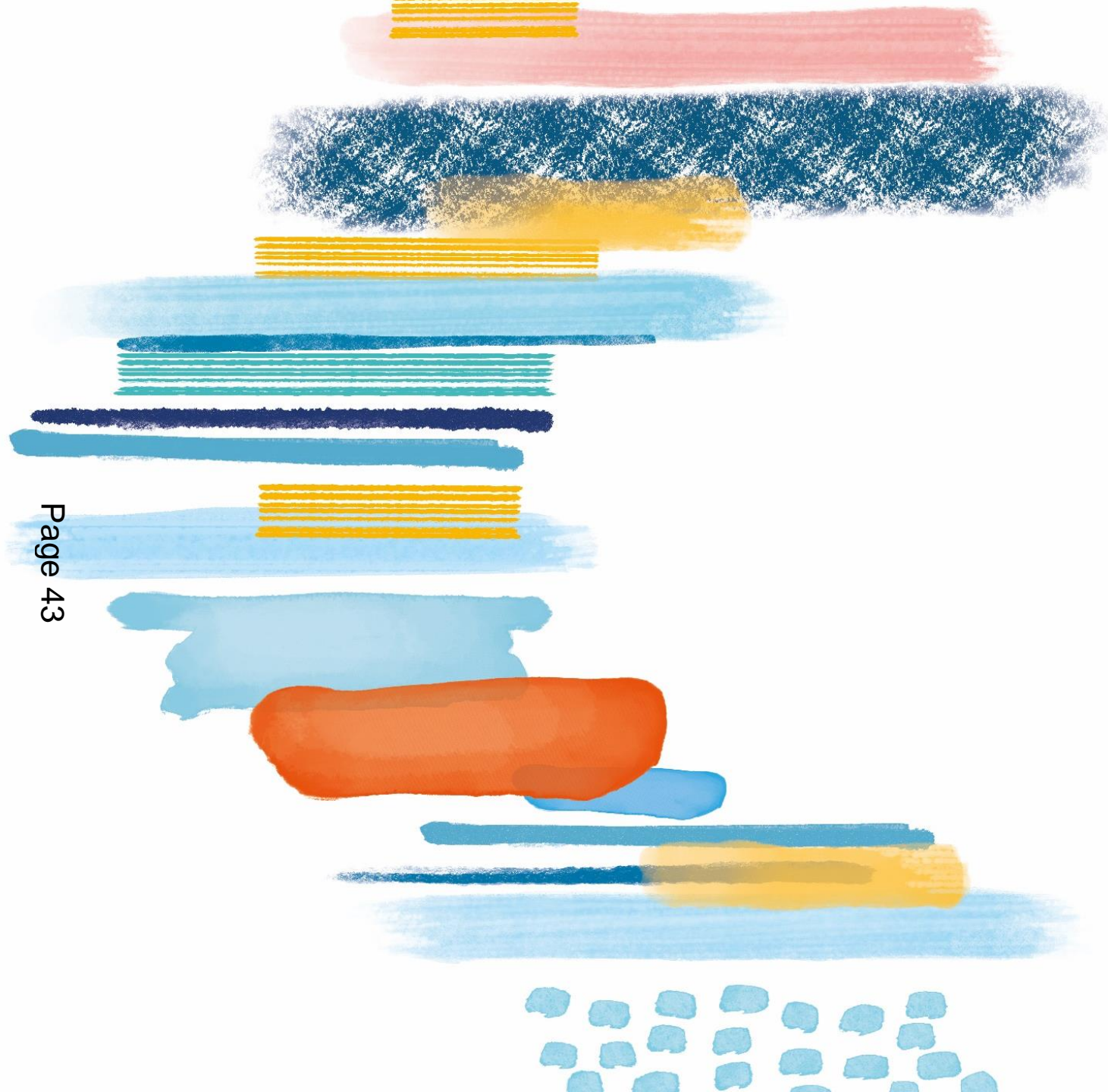
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TORBAY CHAMPIONS

Thursday 23 March 2023
Hampton by Hilton, Torquay



OUR TORBAY STORY

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Meeting: Overview and Scrutiny Board

Date: 15 March 2023

Report Title: Levelling Up Round 2 Outcome

Contact details: Alan Denby, Director of Pride in Place, alan.denby@torbay.gov.uk, 07788691912/ Councillor Long, Cabinet Member for Economic Regeneration, Tourism and Housing, swithin.long@torbay.gov.uk

- 1.1 The **Levelling Up Fund** is a £4.8billion UK wide fund allocated over 4 years and is designed to drive growth and regeneration in places that Government has assessed need it most to reduce economic inequality and support recovery from the pandemic's economic impact.
- 1.2 Funding proposals are to be led by Local Authorities with support and endorsement from stakeholders particularly MPs. The Government's Spring Statement saw the launch of Levelling Up Fund Round 2 on Wednesday 23rd March 2022. Torbay's decision was to resubmit an updated version of the round one bid which was for a programme of two projects including investment at Brixham to improve the capability and capacity at the fish quay through a market extension and separately an electronics and photonics production park to provide grow on and production space for businesses in the electronics and photonics sector.
- 1.3 Ahead of the announcement of round 2 informal discussions testing an updated resubmission of the round 1 bid took place with the MPs which was supported and the rationale around the need for economic growth that led to the Council submitting the round 1 bid had not changed.
- 1.4 Alternative projects that were considered and discounted include town centre investment to complement Town Deal or Future High Street Fund programmes in Torquay and Paignton, each programme would benefit from additional funding. From a cultural perspective there is a rationale to consider investment for instance at Princess Theatre and Torbay's recent

designation as a “levelling up for culture” location means that there may be benefit here however the direct and indirect economic benefits of such a scheme were considered to be lower than the round 1 bid. There were no strategically important transport projects that could have been submitted.

- 1.5 In the round resubmission of the round 1 bid was considered to provides the right opportunity for Torbay to win funding to support the delivery of the Economic Repositioning Plan, Economic Strategy and Community Plan and also support the Thriving Economy objective of the Community Plan.
- 1.6 Government announced the outcome of the application process in January. Some 530 applications were submitted with circa 80% of those bids unsuccessful and there is an explanatory note on the .gov.uk website here <https://www.gov.uk/guidance/levelling-up-fund-round-2-explanatory-note-on-the-assessment-and-decision-making-process>
- 1.7 Government feedback recognised Torbay’s bid focuses on regeneration initiatives to drive up productivity, earnings and economic performance to level up Torbay. Two strategically important sectors are electronics and photonics, and fishing. Both offer long term sustainable jobs in a coastal community dominated by seasonal employment and disproportionately impacted from the pandemic.
- 1.8 The feedback received said that Torbay’s bid was “a relatively strong bid with clear strengths across Strategic Fit and Economic Case with notable focus on key sectors, one traditional and one relatively new hi-tech.” The headline critical comments were on insufficient detail provided on expenditure to give confidence in the deliverability of the project which links to an area that Overview & Scrutiny has already highlighted in respect of the capital programme. They also noted limited information on procurement.
- 1.9 More detailed feedback on the strategic fit was that this was strong with engagement with stakeholders thorough and was well-established. Feedback noted that the case for investment demonstrated a clear rationale for why the proposed interventions would address the challenges identified and why Government support was needed. It was clear that the component project elements were aligned and that both projects sit well within Government, national, regional and local priorities.
- 1.10 The bid provided comprehensive analysis on the problems faced by Torbay with reference to a number of relevant metrics, with data from reliable sources, and suitable comparisons made with regional and national benchmarks. Some temporal comparisons were also made

to highlight important trends. To improve, some more evidence could have been given to cover gaps around some assumptions.

- 1.11 The application set out a strong Theory of Change (ToC) for how the outputs of the proposal would address the problems identified and set out the assumptions underlying the expected impacts. Evidence was used to demonstrate clear bottlenecks limiting growth opportunities in the fishing and electronics/photonics sectors.
- 1.12 The feedback did challenge on deliverability noting that the expenditure and funding profile information was high-level. The bid did not include a procurement strategy which led to questions on the rationale for the procurement process proposed.
- 1.13 The delivery plans which were provided for the projects covered some areas to a good level of detail, but also had some weaknesses. The risk register was comprehensive although clarity on dependencies within the programme timescale, and risks around land acquisition and occupation rate post-completion would have been helpful.
- 1.14 The feedback above suggests that while Torbay's bid had some areas that could be improved or provide further assurance to officials it was good in terms of the strategic and economic cases at least. Since the decisions were announced there has been further commentary in media on the process for decision making. Generally, the approach taken by successive Governments to growth funds has seen a closer involvement of Ministers than previously, section 4.1 of the explanatory note, provides some insight on how this has applied in Levelling Up Fund round 2. What the feedback above does not reveal is where Torbay featured on the shortlist that was presented to Ministers and whether Torbay's position was adjusted consequently.
- 1.15 The failure of the bids does present a challenge to delivery of the aspirations that the Council has for economic growth in Torbay. Since the decision officers have begun the preparation of alternative funding strategies and reviewing the projects to see what can be taken forward. Representatives of each of the fisheries and electronics/photonics sectors have sought reassurance on these next steps and the Council remains committed to delivery of these projects.