

Monday, 11 December 2023

## **OVERVIEW AND SCRUTINY BOARD – REVISED AGENDA**

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

**Wednesday, 13 December 2023**

commencing at **5.30 pm**

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

### **Members of the Committee**

Councillor Steve Darling (Chairman)

Councillor Cowell

Councillor Twelves (Vice-Chair)

Councillor Joyce

Conservative

Councillor Law

Conservative

Councillor Long

Conservative

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# OVERVIEW AND SCRUTINY BOARD REVISED 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 8 November 2023.

(Pages 3 - 8)

## 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 Chairwoman decides are urgent.

## 5. Review of Political Balance of Overview and Scrutiny Review Panels

Further to the Council meeting held on 7 December 2023, to review the Political Balance of Overview and Scrutiny Review Panels.

(Pages 9 - 15)

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

**8 November 2023**

**:- Present :-**

Councillor Twelves (Chairwoman)

Councillors Brook, Cowell (Vice-Chair), Douglas-Dunbar, Harvey, Long, Barbara Lewis, Jacqueline Thomas and Tolchard

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

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### **28. Apologies**

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Board had been amended to include Councillors Barbara Lewis, Brook, Jackie Thomas and Tolchard in place of Councillors Hutchings, Bryant and the two Conservative vacancies.

An apology for absence was received from the Cabinet Member for Adult and Community Services, Public Health and Inequalities - Councillor Tranter, who was represented by the Leader of the Council – Councillor David Thomas.

### **29. Minutes**

The minutes of the meetings of the Board held on 5 and 10 October 2023 were confirmed as a correct record and signed by the Chairwoman.

### **30. Draft Key Performance Indicators for the Special Educational Needs and Disabilities (SEND) Local Area Strategy**

The Cabinet Member for Children's Services, Councillor Bye, Director of Children's Services, Nancy Meehan, Head of Service Inclusion & SEND and Learning Disability, Hannah Spencer, Divisional Director of Safeguarding, Becky Thompson and Lead Officer from NHS Devon (Integrated Care Board), Susan Masters provided an update on the development of the Key Performance Indicators (Key PIs) for the Special Educational Needs and Disability (SEND) Local Area Strategy which were being developed across the partnership with parents, carers and young people. The vision for improvements to SEND was set out through the following five priority areas:

1. SEND is everyone's business – embedding our values through education, health and social care, changing culture and reforming our workforce;
2. Identify and act on children's needs at the earliest opportunity, through valuing lived experience and expertise;

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;
4. Make sure that all early years providers and mainstream educational settings support an inclusive approach to education; and
5. Improve transition planning for young people moving into adulthood.

The Board discussed the initial proposed measures for each priority area as set out in the submitted report and asked the following questions:

- what does preparing for adulthood look like;
- do schools share good practice on reducing exclusions and suspensions;
- was there a good response from the training offered to teaching staff and assistants regarding SEND;
- how was post 16 education and transition managed;
- how does the Integrated Children's Services communicate with potential employers about support they may receive and need to give to help employ people with SEND;
- what can we do as an Integrated Children's Services to support employers more to increase the number of people with SEND to secure suitable employment and receive the support they need;
- was Torbay's Integrated Children's Services and the approach to co-designing and co-producing solutions unique;
- how does the Integrated Children's Services ensure that good practice was maintained and succession planned to ensure that it continues to improve year on year;
- how does the dashboard link to the vision and Key Performance Indicators (reassurance was given that the full complex dashboard was monitored weekly to ensure that any issues were promptly addressed, this also fed into reports to Government and delivery of the Safety Valve);
- how frequently were we monitored on the Local Area Strategy;
- how were early years providers being picked up in the Key PIs to ensure that they understand about the help available and know how and when to report concerns;
- was it proposed for a Key PI around consistency of staffing, this was an area of concern which causes parents and families a lot of anxiety if they have to keep forming relationships with new support staff;
- the report covered children from 0 years old to 25 years old, what percentage of children and young people have SEND; and
- how many young adults were leaving being cared for to move into independent living.

Resolved (unanimously):

That the Director of Children's Services be requested to work with SEND Partners to ensure that the key performance indicators include measures:

- relating to early years teachers and providers, especially within the private sector, to ensure that they are aware of the support available and how to report any concerns regarding SEND and are signposting parents, carers and family members to the relevant support;
- to try to reduce the number of changes of support worker, social worker or key contacts to increase consistency and reduce anxiety of change;
- to raise awareness of the Tell Us Once App; and
- to increase the number of employers who are aware of the support available to help them employ young people with SEND and also raise awareness to employees of the support that is available and can be put in place to help them secure employment.

### 31. Budget Monitoring Quarter 2

The Cabinet Member for Housing, Finance and Corporate Services, Councillor Tyerman, the Director of Finance, Malcolm Coe and the Deputy Director of Finance, Ian Rowswell outlined the submitted budget monitoring report which provided a high level summary of the Council's forecasted revenue and capital expenditure for the 2023/2024 financial year. The report was based on figures as at the end of Quarter 2 which predicated a £1.3m overspend, a £200k reduction on the forecast made at Quarter 1. Work would continue throughout the year to manage a break even position by the end of the financial year.

The Board raised the following points:

- what would the length of the loan for St Kildas be;
- would St Kildas impact on assisting people with move on accommodation;
- does St Kildas have an impact on wider Council budgets;
- what was the reason for the report not including much detail about the capital budget and the approved capital projects;
- were the Collection Fund figures worse for people in receipt of Council Tax Support;
- did the significant delays in updating changes to people's Council Tax accounts impact on Collection Fund levels;
- what progress had been made in reducing the time to update changes to Council Tax accounts;
- it would be helpful to see the change from the previous Quarter in future reports;
- how much was the proposed contribution from the Council to Shoalstone Pool;
- what was the general feel that the Council would have a balanced budget by the end of the financial year;
- the report states that 26 properties for temporary accommodation had been purchased with 21 occupied, what was the situation regarding the other 5 (it was noted that 29 properties had now been purchased); and
- what happens to the families who were housed in the new temporary accommodation properties to enable them to move into permanent accommodation.

The Board noted the Council's forecasted revenue outturn position and mitigating action identified in the submitted report and the new capital schemes. However, whilst recognising works were ongoing to amend the Capital Programme Members felt due to a lack of detailed information that they were unable to fully scrutinise the capital budget at this current time.

(Note: Councillors Bye, Barbara Lewis, Chris Lewis, Maddison and Tyerman left after discussion of this item.)

## **32. Safer Communities Torbay Annual Review**

### **Domestic Abuse and Sexual Violence:**

Shirley Beauchamp, Domestic Abuse and Sexual Violence Commissioning and Strategy Lead, Torbay Council and Collette Eaton Harris, Interpersonal Trauma & Violence Lead, NHS Devon provided an update on domestic abuse and sexual violence and responded to the following questions:

- how were officers reaching out to the LGBTQ+ community to engage with them on work on domestic abuse and sexual violence;
- it was taking longer to house people from safer accommodation to permanent accommodation, what was the timescale for this;
- were officers talking to the safeguarding teams to encourage them to be more diligent to identify domestic abuse and sexual violence rather than safeguarding issues;
- what provision was there for victims not to face their perpetrators in court;
- was 22 properties for safe accommodation sufficient;
- what action was being taken to raise awareness of sexual violence and appropriate behaviours for children and young people;
- how can we reach those people who do not have access to social media to raise awareness and encourage reporting; and
- do we work with other authorities to move people out of area or take people from out of area so that they can be further away from their perpetrators.

### **Torbay Combatting Drugs Partnership:**

Bruce Bell, Consultant in Public Health provided an overview of Torbay's Combatting Drugs Partnership which was locally titled Torbay Drug and Alcohol Partnership (TDAP) and responded to the following questions:

- the paper focuses mainly on drugs, how was alcohol being included;
- what was being done about the smell of some drugs around Torbay, especially in our town centres;
- once drug dependency had been identified there was a need for support, was Torbay following other areas using alternative drugs to treat dependency;
- what support was there around drugs in prisons and the impact on repeat offending; and
- had there been a shift in the type of drugs being used.

**Operation Loki and Safer Streets:**

David Hammond and Hayley Costar, Devon and Cornwall Police provided an update on Operation Loki and Dave Parsons, Strategic Lead for Community Protection outlined the Safer Streets project and responded to the following questions:

- there seemed to be an increase in antisemitic graffiti in the Bay was this being done by a small group of people and has there been any outreach to the Muslim community;
- does the funding for CCTV include money for staffing behind the scenes;
- Police do not always attend Community Partnership meetings, how do Councillors ensure that community based issues were being addressed by the Police and that you have the resources to support our communities in their homes; and
- what can Councillors do to help the Police and how can we get the messages out to the community.

Members acknowledged the importance of community intelligence and getting information to the Police and encouraging members of the public to report information online, or by calling the Police or reporting to Crimestoppers. This was then used by the Police to prioritise their responses but they were not always able to respond back to individuals but did use the information to look at patterns of crime and disorder.

**Antisocial Behaviour and Key Areas of Work**

Victoria McGeough, Partnership Lead Manager outlined her submitted report on antisocial behaviour and other key areas of work, this included: Prevent and Channel; Modern Slavery; serious violence; youth antisocial behaviour and Domestic Homicide Reviews and responded to the following questions:

- how big a problem was modern slavery in Torbay compared to other areas;
- Ward Councillors were not aware of the work in Foxhole regarding youth antisocial behaviour, how can we ensure that Ward Councillors are informed of projects in their communities; and
- has there been a pattern identified nationally on the increase of Domestic Homicide Reviews.

Resolved (unanimously):

1. that an update on Safe Accommodation Needs Assessment be included in the next Safer Communities Annual Review and the revised Domestic Abuse and Sexual Violence Strategy be presented to a future meeting of the Overview and Scrutiny Board;
2. that an update on the Torbay Drugs and Alcohol Partnership (TDAP) be included in the next Safer Communities Annual Review and that this includes the TDAP performance dashboard;

3. that the Consultant in Public Health be requested to circulate a written update on the drug trial to the Board in six months time to see the effectiveness of the trial;
4. that Councillors consider areas to introduce Crimestoppers in their communities where they feel this would be beneficial;
5. that a copy of the letter on different ways of reporting be shared with Councillors so that they can share this with their communities; and
6. that Partners be requested to ensure that Ward Councillors are kept informed of work taking place in their communities so that they can raise awareness and engage with these projects.

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Chairman/woman



**Meeting:** Overview and Scrutiny Board

**Date:** 13 December 2023

**Wards affected:** All Wards

**Report Title:** Review of Political Balance of Overview and Scrutiny Review Panels

**When does the decision need to be implemented?** Immediately

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## 1. Purpose of Report

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- 1.1 The Council, at its meeting held on 7 December 2023, considered a report on a review of the political balance of the Council to ensure places on Committees and Working Parties were allocated in accordance with the relevant statutory and Constitutional requirements. The report was presented following notification that Councillors Maddison and Joyce wish to be known as members of a new group named Prosper Torbay.
- 1.2 As a result, the Overview and Scrutiny Board now needs to review the political balance of its Review Panels, which are task and finish groups set up on an ad-hoc basis to review a specific topic and then disbanded once their work is complete.

## 2. Reason for Proposal and its benefits

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- 2.1 Following notification that Councillors Maddison and Joyce wish to be known as members of the Prosper Torbay Group, the political balance for the Council was amended at the Council meeting on 7 December 2023. The political balance of Review Panels now needs to be reviewed by the Overview and Scrutiny Board to reflect these changes.

## 3. Recommendation(s) / Proposed Decision

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1. That, in accordance with the Local Protocol for Working Parties, the political balance of the three Overview and Scrutiny Review Panels as set out in Appendix 1 to the submitted report be approved.

## **Appendices**

Appendix 1: Political Balance of Overview and Scrutiny Review Panels

### 1. Introduction

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- 1.1 Following notification that Councillors Maddison and Joyce wish to be known as members of the Prosper Torbay Group, this has resulted in changes to the political make-up of the Council. There are now 17 members of the Conservative Group, 15 members of the Liberal Democrat Group, 2 members of the Independent Group and 2 members of the Prosper Torbay Group. The political balance is now:

Conservative Group	17 seats	= 47.22%
Liberal Democrat Group	15 seats	= 41.67%
Independent Group	2 seats	= 5.56%
Prosper Torbay Group	2 seats	= 5.56%

- 1.2 Whilst not a legislative requirement, the Council has included in its Constitution that Council appointed Working Parties will also be politically balanced. The Overview and Scrutiny Review Panels are classed as 'Working Parties' and as they are established as ad-hoc task and finish groups with new groups potentially being established throughout the year, political balance is applied to each individual Review Panel. The proportional distribution of seats on Review Panels is set out at Appendix 1 with no alternative options put forward by the Political Groups.

### 2. Options under consideration

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- 2.1 The option which is set out at Appendix 1 provides for political balance for each of the Overview and Scrutiny Review Panels.
- 2.2 It is possible for alternative arrangements to be considered which does not apply political balance principles however in order to do this a vote needs to be taken where no councillor voted against them.

### 3. Financial Opportunities and Implications

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- 3.1 There are no financial implications.

## 4. Legal Implications

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- 4.1 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political groups in accordance with the size of each group as a whole, unless alternative arrangements are notified to all Members and agreed without any councillor voting against them. The Council is required to observe the following principles as far as it is reasonably practicable:
- (a) that not all seats on the body are allocated to the same group;
  - (b) that the majority of seats on the body are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
  - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of Members of that group to the membership of the authority; and
  - (d) subject to paragraphs (a) to (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of Members of that group to the membership of the authority.
- 4.2 As a result of the change in membership of political groups, no group holds the majority of the Council's membership. Therefore, paragraph (b) no longer applies.
- 4.3 In respect of Review Panels, the Council's Constitution states that Working Parties considering non-executive functions will be appointed in accordance with the principles of political balance. Due to their ad-hoc nature only the principle (d) above can be applied. An option for distribution of Working Parties which would be proportional is set out at Appendix 1.

## 5. Engagement and Consultation

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5.1 The Group Leaders have been consulted on the political balance calculations of Review Panels and have not submitted any alternative proposals.

## 6. Purchasing or Hiring of Goods and/or Services

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6.1 Not applicable.

## 7. Tackling Climate Change

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7.1 No impact.

## 8. Associated Risks

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8.1 There is a statutory requirement to undertake a review of political balance of committees following a change in the political composition of the Council, and the local requirement for the review to include working parties. This review has been completed. Therefore, there are no risks unless members fail to determine the matter.

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

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	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact.
People with caring Responsibilities			There is no differential impact.
People with a disability			There is no differential impact.
Women or men			There is no differential impact.
People who are black or from a minority ethnic			There is no differential impact.

background (BME) (Please note Gypsies / Roma are within this community)			
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.
People who are in a marriage or civil partnership			There is no differential impact.
Women who are pregnant / on maternity leave			There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.

## 10. Cumulative Council Impact

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10.1 None.

## 11. Cumulative Community Impacts

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11.1 None.

## Political Balance of Overview and Scrutiny Review Panels

**Red text indicates changes**

Working Party	Conservative Group	Liberal Democrat Group	Independent Group	Prosper Torbay Group	Total
Review of Council Procurement Policies and Food and Music Festival	4 3	<del>2</del> 3	1	0	7
Review of Events, Culture and Tourism	4 3	<del>2</del> 3	0	1	7
Review of Land Supply and Affordable Housing	4 3	<del>2</del> 3	1	0	7

Note: Political Balance has been applied individually to each Review Panel.