

Minutes of the Overview and Scrutiny Board

7 August 2024

-: Present :-

Councillor Spacagna (Chairman)

Councillors Cowell, Steve Darling, Douglas-Dunbar, Fellows, Foster, Johns, Long, Strang and Tolchard (Vice-Chair)

(Also in attendance: Councillors Barbara Lewis, Chris Lewis, David Thomas, Jacqueline Thomas, Tranter and Tyerman)

12. Apologies

It was reported that, in accordance with the wishes of the Liberal Democrat Group and the Conservative Group, the membership of the Board had been amended to include Councillors Steve Darling and Strang in place of Councillors Mandy Darling and Hutchings respectively. It was noted that Councillors David Thomas and Chris Lewis needed to leave the meeting early to attend other meetings.

13. Minutes

The minutes of the meeting of the Board held on 9 July 2024 were confirmed as a correct record and signed by the Chairman.

14. Performance Q1 Performance 2024/2025

The Board scrutinised the submitted Performance Report for Quarter 1 2024/2025 which provided an overview of the performance of the Council working towards the ambitions and priorities within the Community and Corporate Plan and the Council Business Plan. 124 performance indicators had been identified and 33 projects.

The Board asked a number of questions relating to why the Board did not have the full details of the performance, just an overview and summary; reference was made to lack of affordable housing, temporary accommodation, move on and social housing, why did the Council dispose of its Housing Company and why was housing not progressing on Preston Down Road; what had been done to build relationships and work with Registered Housing Providers such as Sanctuary Housing to explore potential to develop some of their smaller sites for housing; the Planning Service for the Future Project was due to be closed down in July but this may have been delayed, whilst there had been some improvements in the Planning Service what tangible actions were being taken to drive improvements that were SMART (specific, measurable, achievable, relevant and time-bound), particularly around enforcement; how could the Council work with the Government to highlight the issues and needs

facing Torbay especially around social and affordable housing; what was the reason for the delay in the review of the implementation of the Community Ward Fund and what impact did this have; how were complaints/enquiries logged through the call-centre, for example when a customer phones to say they had not received their poll card, when the statistics for this area was showing as no complaints (a written response would be provided on how enquiries were recorded); what was the reason for the delay on the Oldway project (a written response would be provided on the timetable for the Oldway project); what confidence could be given on when the Paignton Sea Defence Scheme would start; when was the Technology Park due to go to Cabinet; there were a significant number of stalled sites, what efforts were being made to negotiate with developers and Homes England to progress key sites; how good was the take up of the training programme for businesses; what type of properties was the repurposing project covering and what action was being taken to tackle empty shops.

Members were advised that this was the first quarter of reporting using the new format which set out the key information extracted from wider data and there was a full data sheet which could be provided in future reports. The format of the report was to ensure that the data was more accessible and available across the Council, with the most important data to be presented in public being included in the report to the Board. The priorities of the Council had changed slightly but most of the key areas were the same due to our demographics.

In response to questions around housing the Board was informed that the Head of Strategic Housing & Delivery Development Manager had produced a paper on proposals to accelerate affordable housing through the Repurposing Project, which looked at converting disused bed and breakfast and holiday accommodation to residential, but this would take at least 12 months to realise 12 units. Agreement had been made to sell the Preston Down Road site with a lower level of affordable housing on the site but to contribute to other affordable housing solutions. It was acknowledged that affordable housing was a real struggle but that a number of options were being explored. The structure of the Team had been reviewed and additional staff would be appointed to increase capacity and help deliver the proposals. There had been a slow down by some developers not bringing forward sites as quickly as anticipated. New schemes for temporary accommodation were being brought forward including a scheme at the YMCA to create 32 units. The Director of Pride in Place gave assurance that the experience that the Head of Strategic Housing & Delivery Development Manager had brought to the Council, together with his work with Registered Providers, our Regeneration Partners and the Regional Director for Housing would help to focus Torbay in a positive light with the Government. There were many challenges around the Governments proposals to build more houses and the Council needed to ensure that we had developed clear sites and priorities to put forward for any new Funding Pots. There was overwhelming support of the need to facilitate good relationships with the new Government and those present agreed to work together to help to achieve this.

In response to questions around stalled sites and empty shops, the Director of Pride in Place advised that meetings had held with the developers for the Hollicombe site in accordance with the Housing Delivery Plan. There was a need to work with Homes England around prioritisation of sites. Until the Government had decided how it wants

to deal with housing it was unclear as to what grants would be available to support this in the future, with the current Homes England programme coming towards its end. A written response would be provided on the actions taken regarding the Nortel site. The Council had tried to work with owners of empty shops as part of the Future High Street Fund but it was difficult to get owners to engage.

Members were reminded that a briefing had been provided to all Councillors last week and it was intended for the Planning Service for the Future to be closed down. The Director of Pride in Place had spoken to staff about their experience of the changes for an inclusive and creative environment. The new Enforcement Officer was in post and a proposal had been written on how the Team would deal with the backlog of enforcement cases as this was still an ongoing challenge. The proposals included an ask for additional resources to address the backlog, but at this time it was not clear when the backlog would be cleared.

It was noted that the delay regarding the Community Ward Fund was a short delay due to SWISCo needing to complete some projects over the Summer. It was down as a key challenge as it had not been completed on time.

Members were informed that the delays to Oldway from June to August related to the need for additional surveys as there was insufficient information to enable the detailed specification to go to the market. Greater understanding was needed around the integrity of the roof to keep it watertight.

The Board was advised that there was a Project Board meeting next week for the Paignton Sea Defence Scheme and that the date may change from October as there were still some outstanding elements including the confirmation of funding from the Environment Agency. The final timetable for the scheme would not be known until a contractor was in place.

Members noted that the Technology Park report was expected to go to Cabinet in September and there would be a further decision required from the Council on borrowing if the proposal exceeded the Levelling Up Grant funding which would come forward in December.

It was noted that the training programme was aimed at individuals more than businesses and that there was a need to raise awareness to enable the target to be met.

Resolved (unanimously):

1. that future Performance reports include the spreadsheet of full data that sits behind the summary as an Appendix; and
2. that the update on the Planning Service for the Future provides details of what progress has been made with enforcement and includes SMART targets to show how the backlog will be addressed.

(Note: Councillors Barbara and Chris Lewis left the meeting during discussion of this item.)

15. Budget Monitoring Q1 2024/2025

The Board considered the submitted report which provided a high level summary of the Council's Revenue and Capital Budgets for the 2024/2025 Financial Year. The forecasts were based on information at the end of Quarter 1 and showed a predicted overspend of £0.526m, which was lower than the same quarter in previous years.

Members asked questions in relation to cost of taxis for school transport; why the Debenhams Development did not have budget assigned; a changing places toilet was being installed Brixham what was happening with Torquay and Paignton; in Exempt Appendix 2 what was a DRO (this was a Debt Relief Order); what progress had been made with the demolition of St Kildas; what action was being taken to address the overspend in Children's Services and Legal Services; how confident was the Cabinet Member that the Council would achieve the identified savings on school transport; what was happening around Armada Park and the Capital Funding as the project had finished this week (a written response would be provided on the funding and why it was not showing in the report); what was the reason for the Grant Thornton External Audit Fees trebling and what other options were there for External Audit; why was the Revenue Budget Digest not showing on the website for 2024/2025; what was the reason for two different lines for the Paignton Coastal Defence Scheme; had the cut in interest rates impacted on our projections for the Treasury Management Budget; Adult Social Care Debt was showing £25m liability, had the Council considered selling the debt to the private sector to collect, as Cornwall Council had tried; was there a moratorium on spending on play equipment whilst the review was taking place and would new play parks such as the one at Plantation Way be included in the review (a written response to be provided on the terms of reference for the review of play parks, moratorium, start and finish times for the review and what happens with new parks); what was the reason for the reduced levels of fee income within Development Control; how confident was the Director of Pride in Place that the Planning Service for the Future has improved and that this was not just a result of drop in numbers of applications; and would there still be a need for solo transport to school for disruptive children or those who need to travel with an escort;

In response to questions around school transport, Members were advised that although the cost of school transport had increased the number of children had not increased significantly. Action was being taken to reduce costs through a full review and needs analysis which ensured that the needs of the child was being addressed, where appropriate minibuses were being used to transport multiple children and a travel trainer was working with some children to help them to travel independently. A risk assessed approach was used and those children who needed to travel alone or with an escort would continue to do so where this was the best option for those children. The Director of Children's Services was confident that there would be an improvement to the outturn for school transport through the robustness of the oversight put in place to try to address the £250,000 forecasted overspend.

In response to questions around the Capital Plan, Members noted that there was no money allocated in the Capital Plan currently for the Debenhams site as the costs sat outside the budget at this time. The data that was included in the Capital Plan was only that which had Council approval of the relevant Business Case. There was a separate list of projects that would be moved as soon as their Business Case had

been approved. The Changing Places budget of £90,000 was for the one in Brixham and this was fully Grant Funded. It was anticipated that a bid would be made for one in Torquay at a cost of £90,000 once the funding opens up again for bids. Internal works to remove asbestos was underway at St Kildas before the building could be demolished (a written response would be provided on the timescale for this project). The Paignton Coastal Defence Scheme was funded through Levelling Up, Future High Streets and Environment Agency funding which was why there were two separate lines in the report.

Members were advised that the Council did not have any intention to sell the Adult Social Care Debt to the private sector and that this had not worked out for Cornwall Council. It was noted that a lot of the debt was waiting for people to sell their homes to pay the debt and that there was a difference between people who do not understand their bills and those who choose to not pay them. The Treasury Management Team had anticipated that interest rates would not stay at the same level of 2023/2024, and it was not anticipated that there would be a shortfall as a result of interest rates recently going down by quarter of a percent. The Council had also entered into some fixed term deals at a higher rate and also locked in £15m for a longer term to provide more stability in our forecasts.

The Board was advised that there had been an increase in Social Worker vacancies from 6% in 2022 to 15% in 2024/2025. There was a lot of pressures nationally on agency fees, a higher rate for Social Workers and also the impact on Stable Homes Built on Love (originally due in September but now in expected in next year) to manage the agency market and moving to a higher rate. This had resulted in a number of Social Workers moving to agency as well as some neighbouring Local Authorities stepping away from the Memorandum of Understanding on an agreed pay level for Social Workers. Due to the good working conditions and Torbay's relational way of working a number of Social Workers had converted back to Torbay. The market was also competitive and challenging for Solicitors and work had been done through reorganisation of the Team and pitching market supplements at appropriate levels to see some changes. The outturn last year for Legal Services was £680,000 and it was currently £450,000. A second round of recruitment would help to reduce the overspend but it would not be completely addressed in year.

Members were advised that the Revenue Budget Digest for 2024/2025 was not yet showing on the website as the final budget following the transfer of TDA to Torbay Council needed to be merged into the document to ensure a complete picture. The data was available if Members needed to see specific details.

The Director of Finance highlighted the national issues with the backlog of External Audit and the strain on the sector. The fees were set nationally by the Government and Torbay Council had signed up to the Public Sector Audit Appointments (PSAA) Framework for External Audit which gave a better rate due to joint purchasing. However, more firms were starting to come to the market and it was expected that the Council would save money against the 2022/2023 fees due this financial year not requiring a full audit. Audit Committee had received a report on External Audit which can be viewed at [2022-23 Local Government audit plan template \(torbay.gov.uk\)](https://www.torbay.gov.uk/2022-23-Local-Government-audit-plan-template) at their meeting on 24 July 2024.

The Board was informed that there had been a significant reduction in the number of planning application which was around 20% down compared to the previous two years. The number of individual households applying for planning had reduced from 558 in 2021/2022 to 351. This was likely to be due to high levels of interest and cost of living which had not been fully recognised when setting the budget for 2024/2025 in respect of planning fee income. Officers were trying to encourage a higher level of pre-applications and asking agents to engage with the Service at an earlier stage to improve the validity and quality of applications. Improvements in the Planning Service could be shown through the lack of appeals and the timeliness of cases coming through the system as well as the new inclusive approach and work of the Development Management Team Leader. These improvements were not just as a result of a reducing market.

Members were advised that Participation Officers were working with SWISCo over the summer to speak to children about what they see as play and what they want as part of our child friendly approach. Members recognised the need to take into account a community users of play parks as well as the children.

The Overview & Scrutiny Board noted the Council's forecasted revenue outturn position and mitigating action identified and the updates to the Capital Investment Plan and the revised budget for 2024/25.

Resolved (unanimously):

1. that the Director of Finance be requested to include more details in the Quarter 2 Capital Budget appendix, at a level to be agreed by the Director of Finance and Cabinet Member for Housing and Finance;
2. that the Audit Committee be recommended to review the Public Sector Audit Appointments (PSAA) Framework for External Audit and explore future options and report back to the Overview and Scrutiny Board;
3. that the Director of Adult and Community Services be requested to provide a written update on the profile of the Adult Social care debt to the Board; and
4. that Councillors be requested to work with planning agents to encourage higher level of pre-applications to help to improve the validity and quality of applications.

(Note: Councillors David and Jackie Thomas left the meeting prior to the start of this item.)

Chairman