

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

**3 June 2026**

**-: Present :-**

Councillor Spacagna (Chair)

Councillors Cowell, Douglas-Dunbar, Fellows, Johns, Law, Tolchard and Fox

(Also in attendance: Councillors Billings, Bye, Long (virtually), Jackie Thomas, David Thomas and Tyerman)

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### **1. Apologies**

Apologies for absence were received from Councillors Bryant and Stevens.

An apology for absence from the physical meeting room was given by Councillor Long, however Councillor Long was present in the virtual meeting room from where he contributed to the meeting but was not part of the decision making process. In addition, Councillor Spacagna, Vice-Chair of the Overview and Scrutiny Board chaired the meeting in the physical absence of the Chair, Councillor Long.

Apologies were also received from the following Cabinet Members: Councillors Chris Lewis and Tranter.

### **2. Minutes**

The minutes of the meetings of the Board held on 22 April and 6 May 2026 were confirmed as a correct record and signed by the Chair.

### **3. Budget Monitoring 2025/2026 Quarter 4 Outturn**

The Cabinet Member for Housing and Finance, Councillor Tyerman, outlined the submitted Budget Monitoring report for 2025/2026 which set out the quarter 4 position in respect of the Council's Revenue and Capital Budgets. Cabinet Members and Directors also attended the meeting and responded to questions as well as Councillor Tyerman.

Members asked questions in respect of the following:

- What measures were in place to ensure that any overspends were effectively mitigated, and how confident is the Council that these measures will deliver the required outcomes?

- What was driving the current overspend pressures, and were these expected to continue in future financial years?

The following responses were provided:

- The Council's financial position continues to be closely monitored, with active budget management applied throughout the year. While improved stability has been observed between Quarter 3 and Quarter 4, longer-term sustainability remains a concern due to anticipated future funding shortfalls. Key risks were being kept under review as part of ongoing financial planning.
- A range of mitigation measures had been implemented during the year to address overspend pressures, supported by strengthened financial oversight. Adult Social Care was progressing transformation savings, albeit cautiously to ensure that service delivery was not adversely impacted. Pressures within Children's Services were recognised, and actions were underway to address these in a structured and managed way.
- The financial figures reported were subject to regular review and scrutiny, and the relative stability between Quarter 3 and Quarter 4 provided assurance that oversight arrangements were improving. Minor errors had been identified within some tables and would be corrected prior to consideration by Cabinet, with processes in place to ensure overall accuracy and reliability of the financial information presented.

Resolved (unanimously):

1. That the Overview & Scrutiny Board notes the Council's forecasted revenue outturn position and amendments made to the 2025/26 Capital Investment Plan; and
2. That the Overview and Scrutiny Board recommend to Cabinet that the year-end underspend be allocated, with 50% transferred to the Adult Social Care Transformation Reserve and 50% allocated to support cleaning in secondary and community shopping areas.

#### **4. Performance Report - Quarter 4 2025-26**

The Board scrutinised the submitted Performance Report for Quarter 4 2025/2026 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. 132 performance indicators had been identified and 32 projects.

Members raised the following questions:

- What was the reason for the £2.1m underspend in the school capital programme, and would these projects be carried forward into the next financial year?
- Had any school capital projects been cancelled, or would all schemes continue until completion?
- Why had only around half of the planned capital budget been spent to date, and what factors had influenced the rate of delivery?

- What assurances could be provided that previously identified risks around capital budget slippage and rollover had been addressed?
- What new capital funding had been secured for SEND provision, and how would this be utilised to improve outcomes for children and young people?
- How would investment in facilities such as Combe Pafford support pupils with additional needs and reduce reliance on out-of-area placements?
- Under the SEND reform plan, if 90% of the deficit was covered, what was the estimated residual liability for the Council, and how would this be managed?
- What were the financial risks associated with the end of the statutory override in 2027/28, and how was the Council preparing for this?
- What activity was underway to work with local businesses to support town centre regeneration and increase footfall?
- What were the reasons for delays in the allocation and payment of Community Ward Fund grants, and how were these impacting community groups?
- What improvements were being made to communication and feedback on Community Ward Fund applications?
- What provision would be in place to support homelessness beyond 2025/26, and how was the Council progressing delivery of social housing?
- What barriers were being encountered in delivering new housing, particularly affordable housing, and how were these being addressed?
- Why were planning performance indicators currently rated red, and what actions were being taken to improve performance against key targets?
- What progress had been made in reducing planning caseloads, clearing historic applications, and improving enforcement activity?
- How reliable were planning appeal performance measures given the small number of appeals, and how should these be interpreted?
- How realistic were the housing delivery targets set within the report, particularly in relation to affordable housing provision?
- What proportion of new housing delivery was genuinely affordable, and how did this compare with identified local need?
- Why was suicide data reported as “monitoring only”, and what steps were being taken locally to support suicide prevention?
- How reliable was the data used for this indicator, and how were delays in national reporting being mitigated?
- What issues were raised through the residents’ survey in relation to the local environment, and what actions were being taken to address these concerns?

The following responses were received:

- The £2.1m underspend in the school capital programme reflects the current stage of delivery, with projects progressing at different rates. None of the schemes had been cancelled and all would be carried forward into the next financial year until completion.
- The level of spend to date reflects works completed so far rather than a reduction in programme scope. Previous concerns regarding capital budget rollover had been addressed, with earlier allocations now largely spent and new funding being directed towards priority areas, particularly SEND provision.
- Additional capital funding had been secured to support SEND requirements, including investment in specialist provision such as dedicated neurodiversity spaces within schools. Investment at Combe Pafford would enhance its

designation for SEMH, enabling more pupils with complex needs to be supported locally and reducing reliance on out-of-area placements, with associated transport and placement cost savings.

- Under the SEND reform (Safety Valve) arrangements, the Council's remaining liability was expected to be relatively small, estimated at approximately £200,000 after applying the 90% grant contribution. However, the end of the statutory override in 2027/28 presents an ongoing financial risk, and work was underway to strengthen early intervention and graduated responses within schools to manage future demand.
- Work was ongoing with local businesses, particularly in areas such as Fleet Walk and the Harbour, to support town centre activity through initiatives and installations linked to wider programmes such as the Bay of Lights. This was aimed at increasing footfall and encouraging greater business participation.
- Delays in Community Ward Fund payments had been attributed to administrative and process issues, which had impacted some community groups and may discourage future applications. Actions were being taken to resolve specific cases and improve communication, payment processes, and feedback to applicants.
- The Council continues to progress an ongoing programme to address homelessness, including the delivery of approximately 30 new social housing units in the current year. However, wider housing delivery remains challenging due to rising construction costs and difficulties in securing support from Homes England. There was a recognised need to increase the proportion of social housing within future schemes.
- Planning performance indicators were currently rated red, but underlying data shows improving trends, particularly in validation times and reduced caseloads. Work was ongoing to improve decision-making times, ensure more consistent planning decisions, and further reduce backlogs and enforcement cases.
- Planning appeal performance was influenced by very low volumes, meaning that small variations could significantly affect percentages. As such, performance needs to be interpreted with caution alongside broader qualitative measures.
- Housing delivery targets were originally set in line with national expectations, but current market conditions meant that delivery, particularly of affordable housing was below these levels. A relatively small proportion of new homes were being delivered as social or affordable housing, reflecting wider national challenges in the sector.
- Suicide data was reported as "monitoring only" due to its reliance on national datasets and coroner determinations, which were subject to delay and backlog. Local partners supplement this with real-time intelligence, such as police data, to inform prevention work. Ongoing activity was taking place to support suicide prevention, with recent indications suggesting a slight decrease.
- The residents' survey highlighted concerns around environmental quality, particularly issues such as weeds in public spaces. In response, programmes such as Operation Brighter Bay had been implemented, with additional support from community payback teams. While some improvements had been made, it was recognised that further work was required to meet residents' expectations.

Resolved (unanimously):

1. That the Overview and Scrutiny Board recommends that a summary be provided outlining previous events held within the Bay to review challenges experienced, along with key lessons learned for further review;
2. That the Overview and Scrutiny Board request further detail to monitor Performance Indicator BP98 for greater understanding as to how the figure was arrived at; and
3. That the Overview and Scrutiny Board note the Council's current performance.

## **5. Review of Council Tax Premiums for Long Term Empty and Second Homes**

The Cabinet Member for Housing and Finance, Councillor Tyerman, presented the submitted report which provided an update on the Review of Council Tax Premiums for Long Term Empty and Second Homes and responded to questions together with the Director of Finance, Malcolm Coe and the Strategic Head of Revenue and Benefits, Alistair Townsend.

Members asked questions in the respect of the following:

- How the introduction of the full premium on second homes had been received at the time and whether support for the policy remained unchanged?
- The nature of the cases now being raised, particularly those involving inherited properties and difficulties in achieving a sale?
- The extent to which these circumstances had been anticipated when the policy was originally developed, or if it had been primarily focused on second and holiday homes?
- The level of flexibility currently available within the policy to take account of individual circumstances, and the scope to broaden its application?
- The merits of introducing clearer definitions within the policy compared to retaining a discretionary approach?
- Any limitations within the current wording of the policy, including how it applies to retirement or elderly accommodation?
- The impact of local housing characteristics, including the prevalence of flats designated for elderly residents?
- Options for retaining the existing policy alongside enhanced use of discretionary powers, as opposed to making formal amendments?
- The extent to which the policy had contributed to bringing empty properties back into use, and how this was measured?
- The availability of data to demonstrate outcomes over time and how this informed the assessment of the policy's effectiveness?
- The overall impact on levels of unoccupied properties across the area?
- How effectively current discretionary arrangements respond to cases of financial hardship?
- The challenges faced by owners attempting to sell properties in a difficult market, particularly where prices had already been reduced? and
- Existing support mechanisms, including the use of discretion to pause recovery action, and opportunities to strengthen safeguards for exceptional cases.

The following responses were provided:

- The introduction of the full premium had previously received broad support, and the principle of applying the premium to second and holiday homes was not in dispute.
- The issues being raised related to specific and often complex cases, including inherited properties and situations where individuals were experiencing genuine difficulty in selling.
- The policy had originally been designed with second and holiday homes in mind and had not fully anticipated these types of circumstances;
- There was scope within the policy to apply discretion to individual cases, and consideration could be given to widening its application beyond those qualifying for Council Tax Reduction.
- A fully prescriptive definition would not capture all scenarios and therefore a discretionary approach was considered necessary, although policy wording could be reviewed to better support flexibility;
- The current wording was considered restrictive in some areas and could be reviewed to better reflect situations such as retirement or elderly accommodation.
- Torbay had a number of properties designated for elderly residents, and where these are inherited, individuals may not have the financial means to meet the additional Council Tax liability.
- The policy was intended to encourage empty properties back into use and increase housing supply, and existing discretionary powers were considered sufficient by some to support appropriate cases.
- Approximately £2.8 million had been raised through premiums, however, the number of long-term empty properties had remained broadly stable, with movement between properties becoming occupied and newly liable properties entering the system.
- The system did not currently provide historic tracking to demonstrate the direct impact of the policy on individual properties, limiting the ability to evidence outcomes.
- Officers could report on the position at a point in time, but not on property-level changes over time.
- There was a need to review the discretionary element of the policy, as extending time-limited relief alone may not address the issues being experienced.
- Some properties were not selling despite reduced asking prices, resulting in financial hardship for families who were also liable for management or service charges in addition to the premium.
- Under existing arrangements, recovery action could be paused in appropriate cases, with enforcement not pursued and payment deferred until the property was sold, although liability remained in place; and
- Consideration could be given to strengthening evidential requirements for discretionary decisions, including proof of active marketing and property valuations, to ensure support was targeted at genuine cases.

Resolved (unanimously):

1. That the Council maintains the current determinations for premiums; and

2. That the Overview and Scrutiny Board recommend to Cabinet that they request the Director of Finance to undertake a review of the wording of the Discretionary Council Tax Reduction Policy to ensure that it provided appropriate flexibility for officer discretion, considered the associated governance arrangements, and report the outcome of the review to a future meeting of the Board.

## 6. Revised Memorial Bench Policy

The Cabinet Member for Pride in Place, Transport and Parking – Councillor Billings outlined the submitted report which provided an update on the revised Memorial Bench Policy and fees following the submission of a Notice of Motion and responded to questions together with the Director of Pride in Place – Alan Denby.

Members raised the following questions:

- How was the rationale for the zoning approach determined and how were areas classified, including the reasons why Torquay Harbour was included in Zone 1 while Paignton and Brixham Harbours were placed in Zone 2?
- Why do apparent inconsistencies exist between the policy narrative and the tables, particularly where harbours and Paignton seafront are described as Zone 1 in the text but listed as Zone 2?
- Which factors were used to define higher-use areas, including tourism, footfall and environmental standards, and how were these applied consistently across Torbay?
- On what basis were cost differentials between zones justified, including variations in cleaning, maintenance and inspection requirements?
- Does the higher level of charges in Zone 1 areas indicate that income was being generated from bench locations?
- How can the zoning approach be clearly explained to residents and community groups, particularly those involved in local competitions or voluntary initiatives?
- How fair was the application of different charges across residential and tourism areas, and how does this compare with approaches used by other local authorities?
- Would a single, standardised charging structure across all areas provide a more equitable solution?
- How do inspection and maintenance frequencies differ between zones and how do these differences influence overall costs?
- In what way were vandalism and damage levels factored into the pricing model?
- What was meant by “cost neutral” within the policy and which elements of the charges were subject to annual review?
- What was the purpose of the £35 administration fee and was it intended to remain fixed or subject to change?
- How was the cost structure for shared benches determined, particularly where costs appear higher in Zone 2 compared to Zone 1?
- What level of demand exists for shared bench arrangements and how does this influence the pricing assumptions?
- Are maintenance standards applied consistently across all zones, including residential areas?

- To what extent were benches in high-footfall areas already maintained through existing service provision?
- Why had Torbay adopted a multi-zone approach when some other authorities operate a single-zone system?
- What would be the implications of moving to a single-zone approach across Torbay?
- How would existing benches be treated if they were located in areas that may change designation under a revised zoning structure?
- What type and quality of benches would be used if a standardised approach were introduced? and
- How do considerations such as bench quality, location and durability align with wider place-based objectives, including “Pride in Place” and investment programmes.

The following responses were received:

- Differences between locations were based on factors such as setting, environmental quality and presentation, with certain areas subject to higher aesthetic standards and expectations.
- Inconsistencies between the policy wording and tables were acknowledged and would require clarification.
- Zone 1 areas were identified as having higher footfall and usage, resulting in increased cleaning, maintenance and inspection requirements.
- Cost variations between zones reflected differences in service demand, including frequency of inspections and likelihood of damage or vandalism.
- Higher usage areas were more prone to wear and damage, which had been factored into the pricing structure.
- A flat-rate approach would need to consider that lower-footfall, residential or rural areas generally require less maintenance and fewer inspections.
- Torbay’s geography and range of locations were not uniform, making a single approach more complex to apply.
- The current model was based on professional officer advice, taking account of differing operational demands across locations.
- Inspection frequencies were higher in Zone 1 areas, contributing to increased costs compared to Zone 2.
- The £35 administration fee was intended to recover administrative costs and maintain up-to-date contact records for sponsors, with a history of lost contact details previously causing issues with renewals.
- Fees and charges, including administration costs, would be subject to review through the Council’s annual budget-setting process.
- The higher costs for shared benches reflected assumptions about lower demand, with benches often only partially sponsored for extended periods;
- In some cases, sponsors of shared benches may have exclusive use until additional sponsors come forward.
- Maintenance standards apply across all areas, although demand and associated costs vary depending on usage levels.
- Some authorities operate a single-zone system, and this approach could be considered as part of the policy review.
- Feedback received to date had mainly focused on overall costs, with concerns about zoning not previously raised through engagement processes.

- Existing benches were located across different settings, and consideration would be required as to how any revised zoning or standardisation would apply to them.
- Consideration would need to be given to the specification and quality of benches if a standardised approach were adopted.
- Higher-quality benches may be appropriate in prominent or aspirational locations, aligned with wider place-based objectives.
- In practice, benches would continue to be installed in public spaces regardless, with sponsorship contributing towards installation and maintenance costs; and
- Some newer benches had been installed through separate funding programmes and were not directly part of the current sponsorship scheme.

Resolved:

That the Overview and Scrutiny Board recommend to Cabinet that consideration be given to implementing a single zone to consider all areas in Torbay including parks , regardless of residential or tourism designation, and that the Cabinet report back to a future Overview and Scrutiny Board meeting with an amended strategy based on this single-zone approach with costings, in accordance with Governance process.

Chair

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