

Wednesday, 27 September 2023

**OVERVIEW AND SCRUTINY BOARD**

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

**Thursday, 5 October 2023**

commencing at **5.30 pm**

The meeting will be held in the Burdett Room, Riviera International Conference Centre, Chestnut Avenue, Torquay TQ2 5LZ

**Members of the Committee**

Councillor Twelves (Chairwoman)

Councillor Cowell (Vice-Chair)

Councillor Hutchings

Councillor Steve Darling

Councillor Joyce

Councillor Douglas-Dunbar

Councillor Barbara Lewis

Councillor Harvey

Councillor Maddison

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**Together Torbay will thrive**

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# 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 6 September 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. South West Water Spotlight Review

To carry out a spotlight review and consider issues in connection with services provided by South West Water.

(To Follow)

Members of the public have been invited to submit representations by 4pm on Friday, 29 September 2023.

Representatives from South West Water will be present for this item.

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

**6 September 2023**

**-: Present :-**

Councillor Billings (Chairman)

Councillors Cowell (Vice-Chair), Douglas-Dunbar, Harvey, Joyce, Law, Maddison and  
Twelves

(Also in attendance: Councillors Bye and David Thomas)

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### **13. Apologies**

An apology for absence was received from Councillor Bryant.

### **14. Minutes**

The minutes of the meetings of the Board held on 3 and 8 August 2023 were confirmed as a correct record and signed by the Chairman.

### **15. Levelling Up Bill and Regeneration Bill**

The Leader of the Council, Councillor David Thomas, and the Director of Pride in Place, Alan Denby, provided an update on the potential implications of the Levelling Up and Regeneration Bill as set out in the submitted report.

The Leader of the Council and Director of Pride in Place also provided a verbal update on the latest position on the Future High Streets and Town Deal Funds. Members noted that the Future High Street Fund of £13.3m had a deadline of 31 March 2024 to spend and the projects for this Fund focussed around Paignton Town Centre to move it from just retail to a mix of use, this included sites such as Crossways, Victoria Centre, Torbay Road and Station Square public realm, Preston/Paignton sea defences, Paignton Picture House and diversification with more people living above shops. Members were advised of the progress for each of these areas and the risks and delays to some of their delivery.

The Torquay Town Deal was £21.9m focussed around Torquay Town Centre and included projects such as harbour public realm, Debenhams, Edginswell Railway Station and pedestrian improvements to Torquay Railway Station. Members noted the progress and risks with these projects and the requirement for the funding to also be spent by 31 March 2024.

The Board received responses to the following questions:

- The proposed phasing of the Preston/Paignton sea defences was supported, but how would the phasing ensure that the public realm elements were delivered as well as the actual sea wall defences.
- What was the current cost of the Preston/Paignton sea defences.
- Was there opportunity to use soil from other Council owned local sites to raise the ground levels for the Preston/Paignton sea defences to save the Council costs of disposal of the soil.
- What action was being taken to ensure that the Crossways site was developed and was there opportunities for greater than 30% policy requirements for affordable housing on the site to help meet the Council's requirements.
- What action was being taken with the owners of the building by Station Square to improve the visual impact of the building and to bring it back into use.
- It was suggested that key worker housing could be provided on the Victoria Square site, what was the demand for such units and how many units could be provided on the site.
- What was the current situation for the Pavilion site and how would any funding from redevelopment of the car park site be guaranteed when previous schemes have been found not to be viable.
- What were the implications for the Council of the additional costs for the Edginswell Railway Station and would this affect the delivery of the station.
- Was there potential for Torbay Hospital to contribute towards the additional costs of Edginswell Railway Station as it would benefit their staff and patients.
- What assurance could be given that the Council would be able to deliver the proposed regeneration projects and who else was involved.
- How does the replacement of the Community Infrastructure Levy (CIL) impact on the current 25% allocated to adopted Neighbourhood Plans to develop community based projects.
- The Bill proposes a 5 year protection where there were adopted Neighbourhood Plans which have identified sites for housing, what was being done to address this in Paignton. What action was being taken to ensure that our Neighbourhood Plans were being updated before their current expiry in June 2024 and to ensure that all have identified sites for housing development.
- What were the implications for Torbay as a tourism destination on the extension of permitted development rights which could mean more holiday accommodation being converted to residential.
- How were infrastructure requirements e.g. doctors, dentists, schools etc being impacted and considered in the proposed changes to the Planning System.
- How would the 'un-met housing need being passed to neighbours' work and what would be the implications for Torbay.

Members noted that Levelling Up and Regeneration Bill was still in its early stages and suggested that it would be helpful to have an all Member Briefing later in the year once the Bill had passed further through Parliament and more details were known. They requested that the areas suggested at the meeting be collated and circulated to the Board for them to identify any specific areas they wanted to be covered in the briefing to help them communicate this to their constituents.

The Board requested that all Councillors be kept updated on the progress of the talks with potential investors in Torbay.

Resolved (unanimously):

1. that the contents of the submitted report be noted and the direction of travel for the Future High Streets Fund and Town Deal Fund outlined at the meeting be supported and the proposed reallocation of the £3m from Edginswell Railway Station to Torquay Harbour Projects be also supported;
2. that an all Member Briefing be arranged on the Levelling Up and Regeneration Bill once it has been through Parliament in November/December; and
3. that the Director of Pride in Place, be requested to clarify what action is needed to enable the Neighbourhood Plans to be revised and resubmitted to ensure protection after June 2024, including the feasibility of the Plans going through the required process to coincide with the Police and Crime Commissioner elections in May 2024.

## 16. Review of Planning Services Fit for the Future

The Chief Executive, Anne-Marie Bond, provided the background to the establishment of the Planning Service Fit for the Future project and provided an update on the progress, as set out in the submitted report and responded to the following questions together with the Leader of the Council, Councillor David Thomas:

- Were the extensions of time for processing applications a set timeframe.
- The number of outstanding enforcement cases was high, how long have some of the cases been going on and do we have sufficient staff to address the backlog.
- What were the operational challenges and concerns by the Ombudsman regarding enforcement cases and how was this being addressed.
- The report mentioned IT and business process re-engineering, were we standardising processes and dealing with planning matters in the most effective way.
- What happens when the project ends at the end of March 2024 and were reviews being built in.
- Do we have the timeliness of processing planning applications broken down by officer.
- Customer relations and customer interaction was really important to ensure that customers, especially agents and architects can speak to Planning Officers and be kept updated on the progress of their applications, what was being done to ensure this happens.
- A customer had reported that the new Planning Portal would not accept an iCloud email address from Apple, what testing was carried out to ensure that all customers were able to access our systems.
- When will the new IT system be completely rolled out, including all enabling works.
- What performance levels were expected for completing planning applications by March 2024.

- The report states 100% customer satisfaction, how many customers did this relate to.
- Could a mechanism be put in place to provide Ward Councillors with details of applications that start to receive a number of objections.
- What was being done to educate people on the planning system and help manage expectations on what the Planning Team can and cannot do.
- There had been a history of recruitment and retention issues, was the workforce more stable and was the culture now one of enabling and empowering staff.
- What action was being taken to update the Torbay Infrastructure Funding Statement.
- The EXACOM Community Infrastructure Levy (CIL) and Section 106 Obligations Portal was not picking up the right wards or towns what was being done to test and check the accuracy of this data.
- The report refers to monitoring performance of a wider set of key performance indicators and localised improvement targets, could these be shared with the Board for future updates.
- Were all planning applications peer reviewed.
- What was the position regarding revised applications following negotiation or when was it more appropriate to have the application refused and a new application submitted and how was this being applied to ensure consistency.

Resolved (unanimously):

1. that the contents of the report be noted;
2. that the Chief Executive ensures that she reviews the assessment of resources available to address the backlog of planning enforcement raising with Cabinet any issues as appropriate;
3. that the Director of Pride in Place be requested to ensure that there is a suitable mechanism in place for case officers to update Ward Councillors on appropriate applications in their ward.
4. that the Chief Executive takes forward the comments made at the meeting of the Board with the Project Board in relation to communications with our customers, and in particular, agents and architects (this to include more telephone conversations between agents/architects and the Planning Department), internal peer reviews of applications, provides clarity about circumstances in which alterations of plans are appropriate, and ensuring the accuracy of data within EXACOM; and
5. that the Board receive an update on the conclusion of the project post March 2024, to include the performance information going forward and the revised performance indicators and localised improvement targets.

**17. Review of current climate change related work - including Torbay Climate Emergency Action Plan (consultation draft 2023-2025)**

The Leader of the Council, Councillor David Thomas, and the Climate Emergency Officer, Jacqui Warren, provided a brief overview of the submitted report which set out the current position regarding climate change matters in Torbay. The report gave Members the opportunity to review and make recommendations on the Carbon Neutral Council Action Plan and the Torbay wide Framework and Action Plan to reduce carbon emissions and prepare for a changing climate, which was due to be reviewed over the next few months by the Torbay Climate Partnership. Members received responses to the following questions:

- How were we going to ensure meaningful engagement with the public.
- What were we applying for under the Public Sector Decarbonisation Scheme and how would this help us meet our targets.
- Previously the Senior Leadership Team and Cabinet undertook climate literacy training was this still being rolled out.
- What were the implications of delaying the target and was there a risk that this would slip further.
- How was up to date scientific research being taken into account in our climate response.
- Creating or influencing behaviour change was a long term change how would we ensure that sufficient focus was given to this.
- How would we ensure that we target the right message to the right people.
- How were we engaging with children and young people on climate change.
- How could the planning process be strengthened to ensure greater weight on carbon zero schemes and how would we raise awareness of this.

It was noted that not all Members of the Board supported the proposed change in target for Torbay Council to be carbon neutral by 2050 instead of 2030.

Resolved:

1. that the Board note the work carried out to date to refresh and develop a new action plan to replace the Carbon Neutral Council Action Plan by early summer 2024 and the proposed review of the current draft Torbay Climate Emergency Action Plan (TCEAP) and the proposed changes to it, in particular the recommendation to review the target date to 2050 which was recommended following recent work carried out by Exeter University; and
2. that the Director of Pride in Place be recommended to strengthen the wording within the Planning Officer's report in relation to net zero and climate change and ensure it forms part of the standard communication and consideration for all planning applications in accordance with the relevant Supplementary Planning Document.

**18. Budget Monitoring Q1 2023/2024**

The Leader of the Council, Councillor David Thomas, and the Director of Finance, Malcolm Coe, presented the submitted budget monitoring report which set out the

Council's Revenue and Capital position for the financial year 2023/2024 for Quarter 1. The current projection was for a £1.5m overspend on the revenue budget due to wide ranging economic implications and increased cost of inflation impacting on most service areas. It was noted that the Capital Plan was currently under review and an update would be presented to the Board for Quarter 2. Members received responses to the following questions:

- The information in relation to unaccompanied asylum seekers was challenged in terms of being a new burden on the Council.
- What progress has been made to purchase additional properties for temporary housing and would this be completed within the current financial year.

Resolved (unanimously):

That the contents of the report and direction of travel regarding the Council's Revenue Budget and Capital Plan for 2023/2024 be noted.

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Chairwoman