

TORRIDGE DISTRICT COUNCIL

INTERNAL OVERVIEW & SCRUTINY MEETING

Town Hall - Bridge Street, Bideford, EX39 2HS

Tuesday, 18 June 2024 - 10.00 am

PRESENT Councillor S Newton (Chair)
Councillor P Pennington (Vice-Chair)
Councillors J Craigie, C Bright, C Cottle-Hunkin, T Elliott and
W Lo-Vel

Mr S Dengate and Mr I Harper

ALSO PRESENT S Hearse - Chief Executive
G Bryant - Finance Manager (S151 Officer)
A Fay - Service Improvement Officer
J Walter - Strategy, Performance & ICT Manager
G Batten - Principal Accountant
H Smith - Planning Manager
K Brown - Democratic Services Officer
S Cawsey - Democratic Services Officer

Councillors P Hames and K James

324. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S Inch and D Bushby.

325. MINUTES

It was proposed by Councillor Elliott, seconded by Councillor Pennington and –

Resolved:

That the minutes of the meeting held on 30 April 2024 be agreed and signed as a correct record.

(Vote: For 7, Abstentions 2)

Matters Arising:

Minute 321 – Grounds Maintenance Two Year Review –

Councillor Pennington requested the following be added to the minutes:

“Members discussed the Contracts being worked on outside of Torridge’s situation, and he asked if villages were short of a contractor would Torridge entertain it. The response was, they would consider it”.

Minute 319 – Call-In – The Devon, Cornwall and Isles of Scilly Adaptation Strategy
–

Councillor Newton confirmed that at a subsequent meeting of Community & Resources Committee, Members agreed with the recommendation to endorse the Strategy.

326. ACTION LIST

The Action List was reviewed and updated.

Action List – Minute 322 – Planning Enforcement Appeals

The Planning Manager gave a brief overview of the report that had been presented to this Committee at the April meeting and which gave an update on Planning Enforcement Workload/Capacity. The report referenced more generally the performance of the Enforcement Service, but one measure of performance is success of Appeal. Also set out in the report was the number of Enforcement Notices that had been served and an indication of how individuals can Appeal those Notices.

A slide presentation was given setting out various breaches going back over the past 2/3 years and giving details of 5 Planning Enforcement Appeals upheld by the Inspector and 4 currently outstanding and awaiting a decision.

The Planning Manager agreed to give an update on Appeals when providing the regular update on caseloads.

Following a question from Councillor Hames, details of the action to be taken when an Appeal is upheld was given.

Action List - Minute 323 – Communications Plan for Listed Buildings

The Planning Manager gave the following verbal update:

Now in the process of drafting a series of letters to go to each of the Town and Parish Councils in the district. The letters reference the request of this Committee to prepare a communications programme and sets out the importance of maintaining Listed Buildings. It also includes:

- A link to the Council interactive mapping and extracts on a Parish specific basis
- Reference to Historic England and their remit in terms of buildings at risk with links to their website

It concludes with details of how anyone can report a concern with a Listed Building within their Ward, and message to say that Officers are keen to work with and value the input from Parish and Town Councils in caring for Listed Buildings.

Ward Members will be copied in to the letters.

It is anticipated the letters will be sent out within the next two weeks. Following which Officers will liaise with our Comms Team to give a broader message to the general public via social media and the website.

327. PUBLIC CONTRIBUTIONS

There were no public contributions.

328. DECLARATION OF INTERESTS

Members were reminded that declarations of interest should be made as and when the specific agenda item to which they related was under discussion.

329. URGENT MATTERS BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIR

No urgent matters were brought forward.

The Chair welcomed Councillor Pennington as Vice Chair, to the Committee.

The Chair, as a reminder to Members on the remit and scope of this Committee, read out this Committee's functions and responsibilities as set out in the Constitution and the Committee's Terms of Reference.

330. S106 MONITORING FEES UPDATE

The Planning Manager gave a slide presentation which updated Members on the S106 Monitoring process within the planning service.

The information on the slides included:

The Monitoring fees agreed by Community & Resources Committee in January 2023.

Legislation allows for fees to be sought from developers to cover the costs of monitoring and implementing S106 obligations. In order to have a more manageable approach to this, development is grouped into five categories in terms of scale of development with a set fee applying to each of those developments.

The following fees relate specifically to biodiversity net gain monitoring fees. Compulsory net gain fees became mandatory earlier this year and have been agreed for the purposes of entering into Legal Agreements for onsite provision, creation of habitat banks and also offsite land parcel.

- Small site (0 – 10 ha) - £4,131.08
- Medium site (11 – 20 ha) - £5,076.97
- Large site (21 ha+) - £6,022.86

S106 Planning monitoring fees received to date - just over £53k since last January. This is across a range of scales of development and is additional income to cover the cost of Officer time which had not previously been secured.

How the monies were spent –

Summer 2023 there was a temporary post – S106 monitoring data entry and system set up = £4,229.

Income data is set up on an annual basis = £1,500.

Seeking further 2024 Summer temporary post = £6,920.53 (proportion from monitoring fees).

Monies cover varying period of time and inputs by key officers:

- Planning Manager
- S106 Monitoring Officer
- Community Engagement Officer
- Housing Delivery Lead
- Planning Policy Officers

Process involved –

Once an Agreement is sent through with a legal instruction, the Planning Support Team will upload that onto the system against the Planning Application. Once the application is approved, all of the clauses within the S106 are input into the system with trigger points factored in for monitoring and this allows developers to be invoiced at the right stage. On larger developments it could be a period of time before a certain trigger is met, it can be years, and there is an indexation built in so that the sum in the original agreement is indexed up to the current point in time.

An example of the system in place for monitoring an application was shown on the slide and comprehensive details of the process was given.

All Legal Agreements require monies to be paid by the developer at a certain point, but usually there is a ten year period where if not spent by the Authority and the wider community within that period, they have to be returned. There is a monitor trigger point to ensure the pay back dates are monitored.

An audit of the S106 Monitoring System was carried out, on most areas the system received substantial assurances which is real credit to the team that set up the system. Received positive feed back from the Internal Audit process.

Details were given of the S106 monies invoiced received/recovered since the new monitoring system was introduced. Ward Members are notified on receipt of monies. A S106 spreadsheet is updated and circulated monthly via the Members Bulletin and is also available to view on the website. Members were advised that an item listed on the spreadsheet should have been removed as the monies had

been received, the item had been committed and the Developer had been made aware.

Focus for improvement -

- Earlier proactive involvement with Ward Members, Parish Councils and Community Engagement Officer
- Further develop monitoring functions on Uniform, e.g. commencement and occupation triggers – potential temporary summer resource to carry out project
- Encourage greater and timelier applications for grant monies
- Develop a more strategic approach to community development

A brief discussion followed.

331. QBR 4

The Service Improvement Officer presented this item giving a slide presentation on the key points to the Themes as set out in the Quarterly Business Report 4 for the period ending March 2024.

The Principal Accountant then continued the presentation giving an update on the financial aspects of the QBR4.

Following this part of the presentation a question and answer session followed. These included:

Can clarification be given as to why there is an increase in surplus from Quarter 3 to now. The Principal Accountant reported as follows:

- NDDR - £251k swing. Received a reduction in tariff of £82k which was announced in February. £106k swing in the NDDR Business Rates Pool which is not known until the year end because that will depend on how Authorities do across the region
- Homelessness £138k swing – difficult to forecast because can have higher costs over the winter. Temporary accommodation is very expensive but due to the current increase in capacity, people are not being housed in expensive accommodation
- Government Grant was £144k – these are announced at the year end
- Active Torridge £208k swing
- Recycling £163k – do not find out until after the year end

The Principal Accountant confirmed there were no outstanding items to be included in the above, the accounts are now in draft form and the audit starts next week.

What income from charity events held during the year contributed to the financial income generated from car parks? The Principal Accountant agreed to look into this.

There are a number of rough sleepers in Bideford - how much of the underspend from the homelessness was due to the inability to find places to spend money on rather than lack of need to spend that money. The advice given was to speak to the Officers who deal with homelessness. The Chief Executive explained that Senior Officers actively monitor the position. Reports are presented to Senior Management Team meetings every 3 weeks by the Housing Officer.

The Service Improvement Officer concluded the presentation by highlighting the key points on the trend summary that occurred for Quarter 4.

Following an enquiry regarding a % drop in FOI requests dealt with within the deadline, the Chief Executive informed Members that having spoken to the Team, there is no technical reason for it, and the majority of the cases are just a day or two beyond the threshold but because it is a past failure line it is shown as a significant drop. A further reason is there had been an increase in the number of freedom of information requests and subject access requests received and the subject access requests are particularly complicated and time consumer to deal with. Officers are looking at what additional resources might be required to improve performance in that area. The QBR1 will be available shortly with the first years figures for this financial year and this can be reviewed at the next meeting.

A concern was raised regarding the number of affordable houses being below the 30% target. The Chair was of the opinion that the target should be % related rather than a fixed figure. The Chief Executive said the starting basis is 30% but that is often reduced because of viability. The target figure of 85 to be referred to the Planning Manager for clarification.

The Chair had concerns regarding the actual process and means of measurement for affordable housing and said ways of reporting the process and measurements used to be discussed at a future meeting.

A question was asked as to how the housing figure of 4 was reached when there has been a five year track record of zero. To speak to the Community Safety Officer for empty homes.

Strategic Housing Plan – the Chief Executive advised that the Lead Member for Housing, Councillor Hodson, had met with the Planning Manager to start work on a timetable and establish workshops for Members and Officers.

Active Torridge – The Chief Executive declared an interest as a Director of Active Torridge.

Councillor Cottle-Hunkin declared an interest as a Member of the Active Torridge Board.

The Chief Executive reported that Active Torridge is accountable to External Overview & Scrutiny Committee which has already been set up. There is no problem with the figures being included in the QBR they will be available and will be far greater than previously under the former contractor. The number of

memberships will have increased because the surplus generated by Active Torridge is greater than was anticipated.

The Chair was of the opinion that there is cross over between the two Scrutiny Committees because this Committee had an interest in the performance of the money that the Authority puts into Active Torridge.

Councillor Pennington proposed that the committee request the Board of Active Torridge to produce data detailing figures, ie number of memberships and footfall etc.

The Question and Answer supplement was discussed in detail with the additional questions/comments made as follows:

Car parking – how do we reconcile the amount being taken to what the actual machine is taking – where are we getting the figures from?

Response – there is a car parking system and there will be a reconciliation by cash. It will not be reconciled by the number of hours.

The response to questions in relation to Harbour income is always “no big ships”. Member commented that the Harbour is an asset, and we must look at what should be done in order to increase income.

The Committee discussed usage of the Harbour and parking income on the Quayside. The Chief Executive confirmed that the Estuary Strategy had been included on the Forward Plan for the Community & Resources Committee.

For all areas on the QBR in red, further information/explanation should be provided. The Strategy, Performance & ICT Manager confirmed that Officers will be asked to provide more information/explanation as to why an item is now red.

Universal Credit - Councillor Pennington said his concern was direction of travel which is not going in the right direction and not the actual figures of those on Universal Credit. This matter to be discussed further. Councillor Craigie wished to include the figures relating to the Transition of Legacy Benefits. The Chair stated that it is important to have for discussion the appropriate and applicable data that is available.

Councillor Cottle-Hunkin left the meeting.

332. AGREE WORK PROGRAMME

The work programme are the items that will fall into the Forward Plan.

The Chair asked Members for items they would wish to put forward for review by the Committee. The following items were recommended:

Update of the Estuary Strategy and the Harbour to be added to the Forward Plan as “keep under review”.

EV Charging Points – to receive an update on the EV points the Council have, the serviceability and capacity. The Chief Executive said there are two parts to this – the current arrangements referred to by Councillor Bright and the Climate Change Working Group who have the responsibility for reviewing impacts and it may already be on their Agenda. The Working Group to provide information on actions they have taken to this Committee. Councillor Craigie suggested that as well as looking at the EV charging points to also look at the broader Car Parking Strategy - such as whether there is the right long and short stay mix in the right locations within Torridge for the economic activity and what are the mix of fuel types that the vehicles are going to be using in the car parks in the coming decade.

Members discussed car parking fees and were advised this is the responsibility of Community & Resources Committee. The Chief Executive said fees and charges are separate from the Budget process and are the remit of Community & Resources Committee. Work cannot be taken from a Committee with delegated responsibility. If there are concerns when a decision is taken, that item can be called in.

The Chair agreed the following action:

To request a report be brought to this Committee on the current distribution of EV Charging Points, the serviceability from the provider and if the projected number of EV points in the district will meet future needs. The Chair to discuss with others whether the Committee should review the wider piece of work.

To review Social Value Policy - to include at the end of the cycle.

Housing Policy review – the expectation is there will be a workshop where all Members will be invited to have input. Cllr Hodson is working with the Planning Manager on timeframes and the setting of the Workshops. The Lead Member is preparing an update on the programme for the Housing Strategy which will be circulated to all Members.

To receive an update on GDPR Policy and to include FOI's and SAR's.

The Chief Executive recommended that the Committee review the Strategic Plan and Business Plan for ideas of topics to look at on the Work Programme because they are planned pieces of work.

333. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

334. CONSIDERATION OF THE FORWARD PLAN

The Forward Plan was discussed and updated as follows:

The production of the Annual Report has been completed and will be presented at the next meeting.

Enforcement Plan – an updated was requested.

The Chief Executive recommended that with all the items suggested, will need to speak to the Service Improvement Officer and relevant Officers to determine time lines.

The meeting commenced at 10.00 and closed at 13.00

Chair:

Date: