

Monday, 13 November 2023

CABINET

A meeting of **Cabinet** will be held on

Tuesday, 21 November 2023

commencing at **6.00 pm**

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

Members of the Committee

Councillor David Thomas (Chairman)

Councillor Bye

Councillor Chris Lewis

Councillor Tranter

Councillor Tyerman

Councillor Billings

Together Torbay will thrive

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Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

CABINET AGENDA

1. **Apologies**
To receive apologies for absence.
2. **Minutes** (Pages 5 - 16)
To confirm as a correct record the Minutes of the meeting of the Cabinet held on 17 October 2023.
3. **Disclosure of Interests**
 - (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 the Chairman decides are urgent.
5. **Matters for Consideration**
6. **Community and Corporate Plan 2023 - 2043** (Pages 17 - 45)
To consider a report on and recommend to Council the approval of the Community and Corporate Plan 2023 – 2043.
7. **Housing Strategy 2023 - 2030** (To Follow)
To consider a report on and recommend to Council the approval of the Housing Strategy 2023 - 2030.
8. **Resource and Waste Management Strategy** (To Follow)
To consider a report on and recommend to Council the approval of the Resource and Waste Management Strategy.

9. **Torbay Housing Assistance Policy 2023 - 2028** (Pages 46 - 102)
To consider a report that seeks approval of a new Housing Assistance Policy for improving and adapting private homes within Torbay via Disabled Facilities Grants to maintain independent living at home.
10. **Licensing Act 2003 - Cumulative Impact Assessment 2024 - 2027** (Pages 103 - 155)
To consider a report that recommends to Council the approval of the Cumulative Impact Assessment.
11. **Coroners Service - Re-organisation** (Pages 156 - 163)
To consider a report on the above.
12. **Revenue and Capital Budget Monitoring Quarter 2** (Pages 164 - 173)
To consider a report that provides a high-level budget summary of the Council's revenue and capital position for the financial year 2023/24, comparing budgets with year-end forecasts.
13. **Fuel and Electric Charging Cards** (Pages 174 - 178)
To consider a report that seeks approval for the direct award of contract utilising the CCS RM6186 framework.
14. **Contract Award in respect of Cyber Insurance** (Pages 179 - 183)
To consider a report that seeks delegated approval to award the contract for the purchase of suitable insurance cover that would cover Cyber attacks against the Council.
15. **Contract Award in respect of Insurance for Investment Properties** (Pages 184 - 189)
To consider a report that seeks delegated approval to award the contract for the purchase of insurance premiums for the Investment Property Portfolio.
16. **Local Government Association Coastal Special Interest Group - Pledge for the Coast** (Pages 190 - 194)
To consider a report that seeks agreement for the Council to sign up to the 'Pledge for the Coast'.

Live Streaming and Hybrid Arrangements

To encourage more people to engage in our public meetings the Council is live streaming our Cabinet meetings on our YouTube channel in addition to recording the meetings and publishing the recording on our website. To watch the meeting live please visit <https://www.youtube.com/user/torbaycouncil>.

We are also using hybrid meeting arrangements to enable officers and Councillors who are not members of the Cabinet to either attend the meeting in person or to attend the meeting remotely via Zoom. Anyone attending the meeting remotely must use their raise hand function when they wish to speak and to declare any interests at the appropriate time. If anyone attending the meeting remotely loses connection the meeting will continue and they will have the option to follow the meeting via the YouTube live stream.

Minutes of the Cabinet

17 October 2023

-: Present :-

Councillor David Thomas (Chairman)

Councillors Billings, Bye, Chris Lewis, Tranter and Tyerman

(Also in attendance: Councillors Brook, Steve Darling, Barbara Lewis (virtual), Long and Twelves)

37. Minutes

The Minutes of the meeting of the Cabinet held on 19 September 2023 were confirmed as a correct record and signed by the Chairman.

38. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions) are set out in the Record of Decisions appended to these Minutes.

39. Regeneration Partnership and appointment of Development Partner

40. Cornwall Council to join Adopt South West

41. Local Authority Designated Officer Annual Report 2022-23

42. Independent Reviewing Officer (IRO) Annual Report 2022-23

43. Approval to award Agency Framework Agreement

Chairman/woman

Record of Decisions

Regeneration Partnership and appointment of preferred Partner

Decision Taker

Cabinet on 17 October 2023.

Decision

1. That proposal A (as set out at exempt Appendix 1 to this report) is approved be appointed as the Council's Regeneration Partner, as the preferred way forward for the delivery of strategically important growth and regeneration projects in Torbay for a period of at least five years which could be extended, against performance criteria yet to be established;
2. That the Director of Pride in Place, in consultation with the Cabinet Member for Place Development and Economic Growth and the Director of Finance, be given delegated authority to establish the Partnership and to include additional projects for delivery by the Regeneration Partner which will further facilitate the growth and regeneration of Torbay; and
3. That the Overview and Scrutiny Board be requested to include in their work programme six monthly updates (as a minimum or as projects require) on delivery with the Regeneration Partner as to progress.

Reason for the Decision

Having reviewed its approach to delivery of the Town Deal for Torquay and the Future High Street Fund programme for Paignton, in late 2022 the Council attended the UK Real Estate Investment and Infrastructure Forum (UKREiIF) in order to raise the profile of the opportunities that exist in Torbay.

The positive reception translated into receiving proposals over the summer from two prospective partners in the delivery of relevant Towns Fund regeneration projects. These proposals have been assessed and Cabinet was asked to agree the appointment of a preferred Regeneration Partner.

Implementation

This decision will come into force and may be implemented on 30 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Following the approval of the Towns Centres Regeneration Strategy in 2017 and the award of funding, delivery has been slower than desired. The Council has worked with partners and government officials to explore how a Regeneration Partner could help accelerate the successful delivery.

The proposal for a whole place approach to growth and regeneration had found interest from the developer market with several developers demonstrating active interest in a long-term

commitment to development across Torbay.

The Council received two proposals in respect of the Towns Fund programme delivery, with both proposals being the product of several meetings and visits from each of the parties. Each proposal provided distinct benefits to the Council with both party's being recognised in their fields at a national level, being credible developers with a strong track record of delivering complex strategic developments in towns and cities elsewhere within the UK. Their engagement has demonstrated their commitment to the Torbay Story and their formal submissions clearly states this.

At the meeting Councillor Chris Lewis proposed and Councillor David Thomas seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

The alternative options were:

- **Do nothing:**

A do-nothing option would see the status quo persist with progress potentially limited. There are procurement compliant routes that would enable appointment of developers or contractors to deliver the Towns Fund schemes but the challenges that are being experienced around cost, viability and funding of the scheme would be considered without the benefit of market expertise. The likelihood is that this will prolong the project development stage and delay starts on site. This would in turn increase the risk that the projects would lose their grant funding leading to a lack of delivery and the various negative outcomes of that. This option was therefore not recommended.

- **Run a more formal competitive procurement process:**

The Council has the option to conduct a competitive procurement to seek a development partner to deliver the projects or become the development partner.

A competitive process would allow the Council more control over the procurement and the future development and delivery of the projects when compared to the preferred option in that it has clarity over the individual delivery routes. It is a safe and recognised route to delivering complex capital projects and programmes in a procurement compliant manner reducing the likelihood of any challenges for non-compliance.

However Government requires that all Towns Fund grants are spent by March 2026 and in Torbay's case the agreed position with Government is currently March 2024 meaning that the urgency is pressing. This immediacy of the Towns Fund deadlines and the need to accelerate delivery makes a time-consuming option impractical and this option would likely result in the loss of the Towns Fund. Therefore, this option was not recommended.

- **Appoint the preferred delivery partner set out in Exempt Appendix 1:**

Not to follow this option would secure the negative outcomes referenced above. In accepting this recommendation, the prospects for successful delivery of the changes desired in the town centres will be significantly enhanced. The presence of a credible recognised regeneration partner in Torbay will assist the Council in negotiations with Government, reassure the community that the regeneration plans they wish to see delivered are viable and provide confidence to funders and occupiers.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

20 October 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Cornwall Council to join Adopt South West

Decision Taker

Cabinet on 17 October 2023.

Decision

1. That the integration of Cornwall and the Isles of Scilly's adoption services into Adopt South West be approved; and
2. That, to facilitate 1. above the Director of Children's Services be given delegated authority to enter into a 'deed of variation' with the other existing partners to amend the current Inter Authority Agreement to the extent necessary to admit Cornwall Council as a full partner.

Reason for the Decision

To enable Cornwall and the Isles of Scilly Adoption Service to join Adopt South West as a full member. Becoming a full member would lead to Cornwall joining the existing partners and sharing equal influence and accountability to further develop and improve the service. All core functions, pre and post adoption order, of Cornwall and the Isles of Scilly adoption agency would be delegated to Adopt South West.

Implementation

This decision will come into force and may be implemented on 30 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In June 2015, the Department of Education (DfE) asked all adoption agencies in England to consider how to work much more closely together on a regional basis. The Education and Adoption Act 2016 (s15) gave the Secretary of State a new power to direct one or more named local authorities to make arrangements for any or all of their adoption functions to be carried out on their behalf by one of the local authorities named, or by another agency.

Cornwall and the Isles of Scilly Adoption Service did not join a regional adoption agency at this time and as such are one of only two local authorities nationally not yet part of a Regional Adoption Agency. The DfE have given a clear message to Cornwall that they are expected to join a regional adoption agency. If they fail to do so the Secretary of State can direct that this happens.

As a result, the proposal is for Cornwall and the Isles of Scilly Adoption Service to join Adopt South West as a full member. As such, Cornwall Council have developed a Business Case setting out the proposals, the benefits to them, the key outcomes, the financial and legal implications, the suggested timeline and risks.

At the meeting Councillor Bye proposed and Councillor Tranter seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

There were no alternative options considered.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

20 October 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Local Authority Designated Officer (LADO) Annual Report 2022-23

Decision Taker

Cabinet on 17 October 2023.

Decision

The Local Authority Designated Officer Annual Report 2022-23 set out in Appendix 1 to the submitted report be approved to enable the Local Authority Designated Officer Annual Report 2022-23 to be published in accordance with Council's requirements.

Reason for the Decision

Whilst there was not a statutory requirement for each Local Authority to produce and publish an Annual Report in respect of the work of the LADO, there was an expectation that one was completed to inform both the local authority and partner agencies of the number and nature of contacts over the period and to identify trends and learning from the data to inform any local action plans.

Implementation

This decision will come into force and may be implemented on 30 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The LADO Annual Report provided an overview of allegations referred to the LADO regarding people in a position of trust working or volunteering with children in the Torbay locality. The Annual Report summarises the statutory role of the LADO and both the national and regional context of the role, the number of consultations and referrals, a breakdown of the types of allegations and the profile of the LADO's work from 1 April 2022 to 31 March 2023.

At the meeting Councillor Bye proposed and Councillor Tyerman seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

20 October 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Independent Reviewing Officer (IRO) Annual Report 2022-23

Decision Taker

Cabinet on 17 October 2023.

Decision

That the Independent Reviewing Officer Annual Report 2022-23 as set out in Appendix 1 to the submitted report be approved to enable the Independent Reviewing Officer Annual Report 2022-23 to be published in accordance with the legislative requirements.

Reason for the Decision

To ensure that the Council upholds its responsibility as Corporate Parents and complies with legislation.

Implementation

This decision will come into force and may be implemented on 30 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The IRO Annual Report sets out an overview of the activity of the Independent Reviewing Officer Service, the staffing structure, developments within the service and the key improvement objectives for the service moving forward.

The Annual Report highlighted the enhanced stability of the service and how this had contributed to continued progress and development. In particular, there was significant evidence on continued improvement in terms of achieving permanence for cared for children, with a high number of cared for children leaving care as a result of adoption or becoming subject to a Special Guardianship Order in 2022-23.

At the meeting, Councillor Bye proposed and Councillor Billings seconded a motion that was agreed unanimously by the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

There were no alternative options considered.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

20 October 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Approval to award Agency Framework Agreement

Decision Taker

Cabinet on 17 October 2023.

Decision

That the Director of Corporate Services be given delegated authority to appoint the successful bidders identified through the Procurement process to the Framework for a 4-year period as preferred suppliers to the Council and SWISCo for interim workers.

Reason for the Decision

If the Council does not have an Agency Framework Agreement in place, the Council will not be able to source interim workers at short notice which will impact on service delivery and discharging some of its statutory functions.

Implementation

This decision will come into force and may be implemented on 30 October 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinets approval was sought to award the Agency Framework Agreement for Torbay Council and SWISCo thereby appointing a number of successful suppliers following a procurement exercise.

The current framework would come to an end on 2 January 2024. It was critical for service delivery that the Council and SWISCo had appropriate suppliers in place to deliver agency worker requirements, which have been appropriately procured.

The intended outcome was that the Council and SWISCo would have a new Agency Framework Agreement with a number of preferred Recruitment partners for interim workers who were able to meet the Council's organisational requirements.

At the meeting Councillor Tyerman proposed and Councillor Billings seconded a motion that was agreed unanimously but the Cabinet, as set out above.

Alternative Options considered and rejected at the time of the decision

No other options had been considered, the Council and SWISCo need to ensure that there was an Agency Framework Agreement in place so that when needed interim workers could be hired to ensure that service delivery and statutory functions were discharged appropriately.

A Framework Agreement was the best option as it allowed the Council and SWISCo to use several approved suppliers to meet the needs to the services. In a challenging Recruitment market, the Council had to reach far in order to secure workers in some cases.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None.

Published

20 October 2023

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Meeting: Cabinet

Date: 21 November 2023

Wards affected: All Wards

Report Title: Draft Community and Corporate Plan 2023-2043

When does the decision need to be implemented? Immediately

Cabinet Member Contact Details: Cllr David Thomas, Leader of the Council,
david.thomas@torbay.gov.uk

Director Contact Details: Anne-Marie Bond, Chief Executive, anne-marie.bond@torbay.gov.uk

1. Purpose of Report

- 1.1 Following the Local Elections in May 2023, a draft Community and Corporate Plan has been prepared by the Cabinet which sets out the vision of a healthy, happy and prosperous Torbay. The Plan sets out with the priorities of the Council for the next twenty years and the approach we will take in delivering against the vision.
- 1.2 The Plan has been prepared taking into account the results from the Residents Satisfaction Survey which was carried out during the summer of 2023.
- 1.3 As part of the Council's continuing commitment to engage with its communities (and in line with the Council's Constitution), the draft Plan has been subject to consultation. The report setting out the results of the consultation is included at Appendix 1.
- 1.4 The draft Community and Corporate Plan has been updated taking account of the feedback received during the consultation. The updated draft Community and Corporate Plan is included at Appendix 2 (with the proposed changes to the Plan shown as tracked changes).

2. Reason for Proposal and its benefits

- 2.1 The Community and Corporate Plan is the overarching document within the Council's Policy Framework setting out the Council's vision and priorities for the next twenty years. Having considered the feedback received during the consultation, the Cabinet is recommending that the Council approves the Community and Corporate Plan.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Council be recommended to approve the Community and Corporate Plan draft Community and Corporate Plan 2023-2043.

Appendices

Appendix 1: Results from the consultation on the draft Community and Corporate Plan

Appendix 2: Draft Community and Corporate Plan

Background Documents

None

Supporting Information

1. Introduction

- 1.1 Following the Local Elections in May 2023, work has been underway to set out the vision and priorities of the Council for the next twenty years. Consideration has been given to the Torbay Profile which describes the opportunities and challenges which are facing Torbay in terms of demographic, economic, social and environmental issues.
- 1.2 During the summer of 2023, the Council undertook its first Resident Satisfaction Survey based on the Local Government Association's "Are you being served?" methodology. In preparing the draft Community and Corporate Plan consideration was given to addressing the issues with which residents are less satisfied.
- 1.3 The draft Community and Corporate Plan was subject to consultation between 21 September and 29 October 2023. The report which summarises the feedback from that consultation is at Appendix. The Plan has been updated to take account of that feedback with the updated draft of the Community and Corporate Plan at Appendix 2.
- 1.4 In order to provide focus for delivery over the next four years, the Cabinet is developing a Council Business Plan. This will provide details of the specific actions which will be taken to deliver the priorities within the Community and Corporate Plan together with milestones and/or targets. The draft Council Business Plan will be considered by the Overview and Scrutiny Board in December ahead of its consideration by the Cabinet at its meeting in January 2024.
- 1.5 The Council's performance framework is being updated so that the progress in meeting both the Council Business Plan and the longer-term Community and Corporate Plan can be managed.

2. Options under consideration

- 2.1 The draft Plan which is now put forward for consideration has been developed based on the evidence in the Torbay Profile, the results of the Residents Satisfaction Survey and the feedback received during the consultation period.

3. Financial Opportunities and Implications

- 3.1 The proposals contained in this report do not commit the Council financially. As each aspect of the Plan is progressed, due consideration will be given to the financial impacts of each decision.

- 3.2 As part of the proposed approach within the draft Plan, there is a recognition that the Council needs to continue to reduce the cost-drivers of our high-cost services, deliver efficiencies and increase the Council's income where possible.

4. Legal Implications

- 4.1 There is no statutory requirement to have a Community or Corporate Plan. However, being clear about our ambitions gives the Council, our staff, partners and the community a clear understanding of what we seek to achieve and how to prioritise our spending.
- 4.2 The Council's Constitution sets out that the Community and Corporate Plan is part of the Policy Framework and that, as such, should be subject to consultation.

5. Engagement and Consultation

- 5.1 Details of how the consultation on the draft Plan was undertaken, including the different channels used to inform residents, is included in Appendix 1.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable

7. Tackling Climate Change

- 7.1 Within the Pride in Place strategic theme, it is recognised that the Council needs to continue to work in partnership to address the climate emergency so as to create a sustainable future.

8. Associated Risks

- 8.1 Without a Community and Corporate Plan it becomes difficult to set a coherent direction of travel for the Council given the finite resources that the Council has available to it.
- 8.2 The Constitution requires that changes to the Policy Framework should be subject to consultation.

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

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	The aim of the Plan is to have a positive impact on this group.		
People with caring Responsibilities	The aim of the Plan is to have a positive impact on this group.		
People with a disability	The aim of the Plan is to have a positive impact on this group.		
Women or men	The aim of the Plan is to have a positive impact on this group.		
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)	The aim of the Plan is to have a positive impact on this group.		
Religion or belief (including lack of belief)	The aim of the Plan is to have a positive impact on this group.		
People who are lesbian, gay or bisexual	The aim of the Plan is to have a positive impact on this group.		
People who are transgendered	The aim of the Plan is to have a positive impact on this group.		
People who are in a marriage or civil partnership	The aim of the Plan is to have a positive impact on this group.		
Women who are pregnant / on maternity leave	The aim of the Plan is to have a positive impact on this group.		
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The aim of the Plan is to have a positive socio-economic impact.		
Public Health impacts (How will your proposal	The aim of the Plan is to have a positive impact		

impact on the general health of the population of Torbay)	on the general health of the population of Torbay.		
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10. Cumulative Council Impact

10.1 The proposed Community and Corporate Plan sets the framework for the Council’s aims and objectives over the coming 20 years.

11. Cumulative Community Impacts

11.1 The proposed Community and Corporate Plan aligns with the Torbay Story which sets the overall ambition for Torbay.

Draft Community and Corporate Plan consultation evaluation

Executive Summary

Torbay Council’s draft Community and Corporate Plan was published for consultation on 21 September 2023. The consultation period ran until 29 October 2023.

The consultation sought to determine whether respondents agreed or disagreed with the priorities set out in in plan. The survey, which was run solely online, provided the opportunity for respondents to explain their reasons for disagreement and suggest priorities that we should be considering.

200 online surveys were completed with a total of 172 pieces of additional explanatory text.

The consultation was promoted via a range of channels, each encouraging residents to view the draft Community and Corporate Plan and comment on the proposals.

Overall Response

The table below shows the high-level responses to the consultation.

Question	Response
How strongly do you agree or disagree with the vision statement for Torbay in 2023?	Strongly agree – 101 Agree – 70 Neither agree or disagree – 20 Disagree – 3 Strongly disagree – 5
How strongly do you agree that these strategic themes are the right ones to focus on in meeting our vision?	Strongly agree – 77 Agree – 87 Neither agree or disagree – 22 Disagree – 8 Strongly disagree – 5

Introduction

Background

Torbay Council's previous Community and Corporate Plan covered the period 2019 to 2023. The life of the Community and Corporate Plan coincided with the local elections cycle.

As the Community and Corporate Plan is central to the Council's Policy Framework, it was recommended that a new plan would run until 2043 and would therefore be in place across a number of administrations.

All councillors have been involved in the development of the Community and Corporate Plan 2023-2043.

Sitting under the Community and Corporate Plan there will be the Council Business Plan, which will set out how the Cabinet will give effect to the priorities of the Community and Corporate Plan over the next four years.

The draft Community and Corporate Plan 2023-2043 was developed using the feedback the Council received during its first Resident Satisfaction Survey.

To obtain feedback from the community of Torbay, an online survey was set up that asked for responses on the priorities set out in the plan. Rather than merely selecting Agreement or Disagreement, the opportunity was provided to respondent, via a free text box, to explain their reasons for disagreement (if they disagreed), and to suggest other priorities that could be considered as part of the evaluation and adoption process.

The Survey

A range of channels were used to raise awareness and encourage participation.

- Online platforms
 - Website
 - Social media
- Media
 - Press releases
 - Newsletters (internal and external through Gov Delivery)
 - Community magazines (Beach Hut - October edition)
 - Leaders' column through the Herald Express and Torbay Weekly
- In-person engagement
 - Have Your Say Engagement Event at Paignton Library
 - Riviera Connect EXPO at the Riviera International Centre
 - Torbay Careers Fair
- Surveys and feedback forms
 - Online survey
 - Polls on social media
- Direct contact
 - Overview and Scrutiny

To encourage participation from as many different groups of people in the community as possible, direct contact was made with the local Armed Forces Network, headteachers of secondary

schools and higher education providers, the Diversity and Inclusion officer at Devon and Cornwall Police, Torbay Pride and the Diversity Business Incubator.

The online survey was open between 21 September and 29 October 2023.

Altogether, during that period, the Council received 200 responses directly to the online survey.

In terms of yoursay.torbay.gov.uk 1882 people were “aware” of the consultation in that they visited at least one page of the consultation website.

There were 946 “informed” participants with 358 people downloading a document, 46 visiting the Key Dates page, 740 visiting multiple pages on the consultation.

The Report

Through yoursay.torbay.gov.uk a report was generated that shows answers to each question, either being strongly agree, agree, neither agree nor disagree, disagree, or strongly disagree. The report also details all the free text comments made.

Consultation Responses

Agreement or Disagreement with the Proposals

The majority of people agreed or strongly agreed:

- With the proposed vision statement
- That the strategic themes were the right ones to focus on in meeting our vision
- That the right priorities have been identified within the theme of:
 - Community and People
 - Pride in Place
 - Economic Growth

Whilst the majority of people agreed or strongly agreed that the right priorities have been identified in each theme, there were three priorities were more than a quarter strongly disagreed, disagreed and neither agreed or disagreed:

- Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects
- Deliver priority capital projects with the Council's Capital Programme
- Raise skill levels, particularly in high value careers

A full breakdown of the responses to the questions is shown at Annex 1

Text Responses to the Questionnaire

Examples of comments raised under the theme of Community and People:

- Making the area attractive, safe and welcoming is key to everything else
- Clarity sought about what "provide best care and support" achieves and means - too wooly
- Early intervention should be more universal
- Missing something about building a stronger community in Torbay - not just to reduce social isolation
- Visible policing needed in our town centres

Examples of comments raised under the theme of Pride in Place

- Investment must not be at the detriment of the environment
- Major projects should only be undertaken with the support of the local community
- "Breathe life into our town centres" is too fluffy - what do we really mean by deliver major projects
- Public areas away from the tourist trail should be better cared for
- Need to accept that something different needs to happen to our town centres
- Champion non-profit investment into the community
- Public/private partnerships should recognise and deliver with the community
- Maintain all council assets to a standard for residents and visitors to enjoy
- There shouldn't be deals with the private sector
- Too many items for one priority
- Commitment to combating the climate crisis is half-hearted
- Include the coast as well as green spaces
- Strengthen the relationship between green, open spaces and positive mental health

Examples of comments raised under the theme of Economic Growth:

- We should raise skills levels in all areas not just those in high value careers
- Full time job opportunities need to be jobs people want
- Transport links are getting worse - focus on improving existing transport links
- What does inclusive growth mean?
- The Council can't fix everything - people need to help themselves
- Growth in tourism still needs to be a priority
- Economic growth should be focused on local carbon sustainable businesses
- Develop new green jobs for the future
- Tempt visitors back so that businesses flourish
- Don't focus on growth to the detriment of the wishes of the community
- Growth should be developed with the consent of the local communities, not imposed by deals with developers
- We need a reliable bus service and transport system
- Greater emphasis on reducing inequality and a circular economy
- Free parking to encourage footfall rather than investing further in transportation
- High value careers seems an odd focus
- Should increase opportunities to upskill and train people in skills and trades for housing

Overview and Scrutiny Board's resolution

That subject to the following, the Cabinet be recommended to present the draft Community and Corporate Plan to Council for approval:

- Page 4 - to provide a link to the Torbay Story and consider promoting this wider across the Council's website to raise awareness;
- P15 - to strengthen the priority around quality of housing 'Improve the delivery, affordability and quality of housing (**including housing standards**) for residents in Torbay';
- Page 17 - to explore adding another measure of long term private rental compared to short term private rental e.g. Air-B&B;
- to add an extra measure for development in economic growth to increase the proportion of people aged 20 to 40 years staying in Torbay;

- P17 - Raise skill levels, particularly in high value careers **and empower people to upskill through driving training opportunities raising skills across all sectors.**
- P17 - amend 'Proportion of employment in ~~specific~~ **current and emerging** sectors;
- to review the language in the document such as asset based community development approach and people will be allowed to fulfil their potential; and
- to consider engaging with hard to reach groups and minority groups such as LGBTQ+ to ensure that their voices are heard.

Engagement evaluation

Summary of responses

There were 200 responses to the online survey.

Overall, respondents indicated that they strongly agreed or agreed with the proposals.

52.8% of responses were from Torquay residents.

32.8% of responses were from Paignton residents.

15.4% of responses were from Brixham residents.

65% of all respondents were over the age of 55.

Under 54's made up 35% of all respondents.

39% of respondents were retired.

52% of respondents were in employment.

56.9% of respondents identified as male.

40.1% of respondents identified as female.

The responses in terms of age and by location split are in line with our demographic makeup.

How respondents engaged with us

The information in this section evaluates how effective the various communications channels used to promote the consultation to a range of audiences were.

One Torbay

From 22 September to 27 October 2023, the consultation was promoted in five editions of the weekly resident newsletter, each edition reaching over 11,000 subscribers. Combined there were 630 clicks on the links to the consultation webpage.

Staff news

The consultation was promoted in the staff update that was issued to 897 recipients on 28 September. There was a total of 28 clicks on the link to the consultation.

Members' briefing

A Members' briefing was issued on 2 October 2023.

Social media

Ten social media posts were issued throughout the consultation period across the Council's social media platforms (Facebook, X (Twitter), LinkedIn, and Instagram).

Engagement totals can be seen in the following table.

Facebook (13k followers)	X (Twitter) (12.9k followers)	LinkedIn (5,890 followers)	Instagram (2,535 followers)
Reach – 8,861	Impressions – 1,913	Reach – 1,410	Reach – 1,456
Impressions – 9,381	Clicks – 45	Impressions – 1,777	Impressions – 1,536
Clicks - 191	Likes – 3	Clicks – 25	Clicks – N/A
Likes – 18	Shares – 1	Likes – 8	Likes – 12
Shares – 18		Shares – 0	Shares – 0

Facebook is the platform that generated the highest levels of engagement. The platform X (formally known as Twitter) and LinkedIn saw far lower levels of engagement in terms of clicks, likes and shares. Facebook remains our most popular broadcast channel, so it is not surprising to see a far greater reach. Instagram does not allow for links to be shared in individual posts, so therefore the opportunity to drive engagement to the consultation information is limited, but it is a useful platform to raise awareness.

The following comments were left on Facebook posts and whilst not directly linked to the consultation questionnaire, they do give an indication of how people are feeling about the things that matter most to them.

- I want to see the Pavilion rescued and restored asap.
- Lovely ideas and I would love to see at least some of them put into practice, but I have become completely disillusioned with successive Torbay Councils over many years. I feel so sad when I look around and see how everything in the Bay has regressed, not progressed in the last forty years. Fine words, not sure they will be put into practice in the way the Bay and its people need or wish them to be.
- Another survey, when will you stop producing this hot air. It is absolutely galling to read things like “maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors” when the inaction over the last decade is on plain sight for everyone. I don't think you would recognise heritage and cultural opportunities if it slapped you in the face. I start to believe these surveys are nothing other than a fig leave, so you can demonstrate you have listened to the people. Actions speak louder than words.
- Yet another plan being drawn up what about implementing the ones already in the pipeline?
- New town centre multi storey car park for BRIXHAM.

Face-to-face

Three face-to-face engagement events were held during the consultation period. Each event was an opportunity to engage with different types of audience groups.

The event at Paignton Library was linked to a pre-organised Have Your Say bi-monthly event that was themed around public health.

The Riviera EXPO was an opportunity for us to engage with local businesses.

The Torbay jobs fair was an opportunity for us to engage with young people.

People that were spoken to were encouraged to participate in the consultation by scanning a QR code that would take them to the consultation webpage. Conversations focused on the fact the

plan was based on priorities for the next 20 years and therefore feedback from working aged and young people was really important.

Supporting information

- Detailed survey report from Engagement HQ
- Summary survey report from Engagement HQ
- Social media plan and evaluation

Emma Falconer, Engagement and Communications Officer

30 October 2023

No.	Question	Strongly disagreed	Disagree	Neither agree or disagree	Agree	Strongly agree
1	How strongly do you agree or disagree with the vision statement for Torbay in 2043?	5	3	20	70	101
2	How strongly do you agree that the strategic themes are the right ones to focus on in meeting our vision?	5	8	22	87	77
3	How strongly do you agree that we have identified the right priorities within the theme of Community and People?					
3a	Ensure our town centres are safe and welcoming for all	5	10	18	48	118
3b	Keep children safe in their communities and provide safe environments for our young people to thrive in	4	3	14	63	112
3c	Ensure early intervention is effective and targeted	4	6	28	62	96
3d	Provide the best care and support available so that residents are empowered to achieve what matters most to them	5	6	23	65	99
3e	Provide clear signposting for those needing our help	5	3	32	68	89
3f	Support and encourage community action	5	4	33	62	92
3g	Improve wellbeing and reduce social isolation	4	2	33	60	96
4	How strongly do you agree that we have identified the right priorities within the theme of Pride in Place?					
4a	Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects	11	18	30	61	78

4b	Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors	6	8	18	55	108
4c	Ensure the effective operation of SWISCo to have resources to reinvest in Torbay	6	11	33	65	82
4d	Deliver priority capital projects within the Council's Capital Programme	9	9	48	59	68
4e	Improve the delivery, affordability and quality of housing for residents in Torbay	11	11	25	63	86
4f	Improve the delivery of our planning service	10	8	34	63	82
4g	Protect and enhance our lived, built and natural environments, including our green spaces	6	6	10	37	137
	How strongly do you agree that we have identified the right priorities within the theme of Economic Growth?					
5a	Raise skill levels, particularly in high value careers	8	9	47	75	59
5b	Improve transport links to and within Torbay	6	9	28	49	106
5c	Develop a year-round economy	5	5	21	55	111
5d	Increase in the amount of full-time employment opportunities within Torbay	4	8	23	60	100
5e	Focus on inclusive growth, with opportunities which benefit everyone	9	8	30	56	90

DRAFT FOLLOWING CONSULTATION Community and Corporate Plan

2023-2043

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Version control

Date	Details	Updated by
8 September 2023	Draft for consultation	Kate Spencer
21 September 2023	Re-order of sentences in opening paragraphs of "Community and People"	Kate Spencer

31 October 2023	Amendments following consultation	Kate Spencer
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The vision for Torbay

We want to see a healthy, happy and prosperous Torbay.

Torbay is a glorious part of Devon with an inspiring natural environment. We are a magnet for tourists and known as the English Riviera. We are home to globally significant technology businesses and have a rich leisure and cultural scene.

We want to deliver for our people and our place. We know we have challenges, but we have high aspirations. By continuing to work closely with our communities and partners and capitalising on our strengths, we want to make Torbay a great place to do business – a place where everyone is able to live their best life.

A healthy, happy and prosperous Torbay for all.

Our Mission

We will put our residents at the heart of everything we do. We will ensure a strong grip on finance, working with our communities and partners, to deliver a sustainable future. We will deliver quality services, improve our economy and protect and enhance our built and natural environments, so that we are all proud of our Bay.

Themes

To bring our vision to life, we have identified three strategic themes. Within this Community and Corporate Plan we describe what each theme means to us and our communities, the priorities we will focus on and the outcomes we want to achieve.

Our strategic themes are:

- Community and People
- Pride in Place
- Economic Growth

The approach we will take

In delivering our Community and Corporate Plan and in our day-to-day activity, we will work in the following ways.

Evidence based

We will focus on the evidence, balancing local knowledge and resident experience. We want to ensure that we have a strong evidence base for identifying needs, setting common priorities and responding collaboratively.

Make the most of our assets

We will use our assets – across our place and our people – to the best advantage.

Our towns sit on the beautiful Tor Bay, we are a magnet for tourism and host globally significant technology businesses, a wonderfully mild climate and an inspiring natural environment.

Each town has its own identity, sense of place, assets and distinctiveness. Coming together as Torbay gives us huge opportunities which we need to seize.

There are a vast number of community and voluntary groups in Torbay, both formal and informal, all trying to do their best for the communities they serve. We ~~are committed to an Asset Based Community Development approach~~ want our communities to develop based on the strengths, potentials and assets that already exist across Torbay.

Working together

Putting our residents at the heart, we will recognise what is strong in our communities. We will be open to ideas and always seek to understand what the community is asking for, rather than making assumptions based on existing ways of working. We will seek out a range of different voices which are reflective of the community and create space for conversations to happen.

Working with the public, private and community and voluntary sectors, we will make sure that our partnership working is streamlined and efficient. We will all know Torbay's story and we will tell it with pride.

[The Torbay Story is available online at www.torbaystory.co.uk including the work being undertaken across Torbay to make it a reality.](http://www.torbaystory.co.uk)

Efficient and enabling Council

We will provide efficient and effective services and be open and transparent with our communities. Our regulatory functions will enable businesses and residents to prosper. We will tell customers what to expect and keep them up to date along the way.

We will modernise, simplify and standardise how we work so we can support the communities of Torbay. We will deliver the best outcomes for our customers, innovating and using technology to transform services.

Strong grip on finance

We will continue to work to reduce the cost drivers of our high-cost services, deliver efficiencies and increase the Council's income where possible. Ensuring the Council is financially sustainable, we will carefully manage our finances to deliver the services our community expects.

Community and People

We want people across Torbay to celebrate success and feel part of their community

Torbay will be recognised as a child friendly place. We want all residents, including our children and young people, to feel and be safe and to live well within their communities. We will build strong working relationships with our community police.

Everyone will have access to support, information, advice and guidance so they can meet their aspirations. With the best possible education and training, people will be enabled ~~allowed~~ to fulfil their potential. [We will support people to live independently.](#)

Our communities will be encouraged and supported to bring about positive change for the good of Torbay. People will have a better sense of ownership of the services and activities available to them. We will minimise barriers for community service delivery whilst maintaining our duty of care and legal requirements.

Our Priorities

We will:

- Ensure our town centres are safe and welcoming for all.
- Keep children safe in their communities and provide safe environments for our young people to thrive in.
- Ensure early intervention is effective and targeted.
- Provide the best care and support available so that residents are empowered to achieve what matters most to them.
- Provide clear signposting for those needing our help.
- Support and encourage community action.
- Improve wellbeing and reduce social isolation.

The outcomes we want to see

- People feel safe in their local area, during the day and after dark.
- Fewer children need to be cared for by the Council.
- All residents are supported to live independent, healthy, active lives, without the need for long-term services.
- Young people in receipt of services from children's services are prepared for adulthood.
- People with care and support needs feel empowered and can access good or outstanding quality and tailored care and support.
- Carers are identified quickly and provided with the information, advice and support services they need.
- People feel they belong to their local area.
- Gaps in healthy life expectancy between affluent and deprived areas of Torbay are reduced.

- People feel that their physical and mental wellbeing is as good as possible.

How we'll measure progress

- Number of people feeling safe in their local area after dark and during the day
- ~~Number of unique anti-social behaviour police reported incidents~~
- Rate per 10,000 children of cared for children
- Percentage of former cared for children who are now aged 19-21 and in employment, education or training
- Differential in life expectancy
- ~~Number of children with an Education, Health and Care Plan as a proportion of others in the area~~ Percentage of Education, Health and Care Plans as a percentage of the school population
- ~~Number of people in most deprived wards and number of children living in poverty~~ Number of children in low income families (all dependant children under 20)
- Number of Residents' Satisfaction Survey respondents people who feel they belong to their local area (raw data)
- ~~Rates of suicide in Torbay~~ Directly age standardised suicide rate per 100,000 (Torbay, Devonwide)

Pride in Place

We will invest in our three towns to enable them to develop their own distinct identities and roles. Using Torbay's unified and complementary offer as a UNESCO Geopark and a premier marine and natural experience, we will attract, retain, and grow leading edge technology businesses. We want Torbay to be a place where people of all ages want to live as well as visit. A place where everyone benefits from and enjoys a premier resort experience.

There will be more good quality, affordable and permanent properties that people, including those who are vulnerable or care experienced, can call their home. We will work with landlords and developers to maximise the use of suitable housing stock and create decent accommodation across Torbay. We want this to be an even better place for people to live in whilst protecting our environment.

We will work to get the basics right, so that our town centres, seafronts and residential areas are clean, safe and well-maintained.

We will celebrate and protect the places that make Torbay special, maximising the cultural, heritage and event opportunities for our residents and visitors alike. Working in partnership we will continue to address the climate emergency so as to create a sustainable future.

Our Priorities

We will:

- Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects
- Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors
- Ensure the effective operation of SWISCo to have resources to reinvest in Torbay
- Deliver priority capital projects within the Council's Capital Programme
- Improve the delivery, affordability and quality of housing ([including housing standards](#)) for residents in Torbay
- Improve the delivery of our planning service
- Protect and enhance our lived, built and natural environments, including our green spaces

The outcomes we want to see

- Enhanced high streets that attract long-term tenants and an increased number of visitors.
- An enhanced and coherent culture, heritage and events offer with increased engagement and participation.
- Increased customer satisfaction with our parks, green spaces and streets
- More equitable access to warm, healthy, affordable homes for all people in Torbay
- Younger, skilled people are attracted and retained to live and/or work in Torbay

- Increased customer satisfaction with the Council's planning service
- Increased resident satisfaction with the local area

How we will measure progress

- Delivery of town centre regeneration programmes
- Net additional homes provided
- ~~Size of the working age population of Torbay~~ [\(indicator now in Economic Growth section\)](#)
- Number of affordable homes delivered
- Number of social rented housing available
- Engagement in cultural, heritage and events
- ~~Proportion of economically active people in Torbay~~ [Percentage of people who are economically active in Torbay](#)
- Resident satisfaction with the local area as a place to live

Economic Growth

We will attract, retain and grow our economic specialisms so we have growth which builds on our reputation. There will be good employment and learning opportunities that enhance the potential for our residents and our communities. Residents will be able to access those opportunities because of the improved connectivity to, from and within Torbay.

Torbay is looking to the future and reaching out to collaborate, attract more investment and make the most of the considerable assets and opportunities it has.

We want to create the conditions for a strong and sustainable economy that supports a diverse mix of industries and jobs that inspire, providing equality of opportunity. We will support businesses to flourish and grow as well as attracting new businesses to the Bay.

Our priorities

We will:

- [Provide opportunities for everyone to R](#)aise [their](#) skill levels, particularly in high value careers
- [Drive training opportunities across all sectors to empower people to improve their skills](#)
- Improve transport links to and within Torbay.
- Develop a year-round economy.
- Increase the amount of full-time employment opportunities within Torbay.
- Focus on inclusive growth, with opportunities which benefit everyone.

The outcomes we want to see

- Established pathways for young people, including those with SEND, and unemployed to employment opportunities with skills levels moving toward national averages.
- People have better transport and digital connections to jobs and amenities.
- Vacancy rates falling year on year with business reporting they can find talent.
- Improved productivity in Torbay which closes the gap compared to the national data.
- The number of businesses and jobs in Torbay increases.
- Better balance of full-time to part-time opportunities.
- Targeted approach to inward investment which attracts new high-tech companies.

How we will measure progress

- ~~Average weekly wage for residents~~ [Earnings by Torbay residences \[households\] \(gross weekly pay – full time workers\)](#)
- Percentage of ~~working age~~ people [in Torbay](#) in employment
- ~~Employment rate for 16-64 year olds~~ [Rate of full time employment](#)
- Rate of [National Non Domestic Rates](#) ~~business rate~~ growth

- Skill levels of care experienced young people
- Proportion of employment in specific current and emerging sectors
- ~~Rate of in-work poverty~~ In work benefits claimant count
- ~~Numbers of people receiving Universal Credit~~ Out of work benefits claimant count
- Rates of transition into work for young people with SEND
- Sustainable transport use
- Gross Value Added per ~~head of population~~ hour worked

Appendix 1: The Torbay Profile

The following facts and figures are a summary of the Torbay Profile in 2023. In developing the Community and Corporate Plan we have considered the needs of the community in Torbay and the challenges that they are facing.

Our population

Total population = 139,322

Male population = 67,830 (49%)

Female population = 71,492 (51%)

96.1% of Torbay's population are white, 1.6% Asian, 1.5% mixed ethnicity, 0.3% black and 0.4% other

62,992 households of which 64% owned, 27% private rented and 8% social rented

Higher numbers of older people compared with the England average

Far fewer people in their 20s and 30s

Highest number of residents living in deprived areas and the highest numbers of children living in income deprived areas when compared with all other councils in the South-West

27% of our residents live in the 20% most deprived areas in England

Approximately double the number of cared for children compared to other areas in England and the South-West

1 in 4 residents say they have a long term illness or disability

Outlier for needing to support higher levels of need in the 18 to 64 age group

Productivity, pay, jobs, living standards and connectivity

Average weekly earnings = £467 (£123 less than the England average) (2020)

57% of our population is of working age and of those 78% are economically active

Estimated 16,000 unpaid carers in Torbay

12.4% of households are in fuel poverty

329 miles of highway - 332 registered electric vehicles

Best broadband rate in Devon (339 premises unable to receive 10 Mbps)

Education, skills, health and wellbeing

29% have a diploma level qualification

75% have the equivalent of 5 GCSEs at grades A-C

24% of our cared for children achieve a GCSE pass in English and maths

Over 1 in 3 children with EHCPs have been excluded from school for a fixed period

Life expectancy gap = 9 years males and 8 years females

Those born into deprived families are more likely to have worse educational and health outcomes

When compared with the South West and England, a larger proportion of Torbay residents report their health as being bad or very bad

Pride in place, housing and crime

Highest number of residents living in private rented accommodation in Devon

Rents higher than Local Housing Allowance and are a challenge for many based on the average weekly wage

The number of homes being built in total is much lower than the Government targets

2290 residents supported through public funding with a range of services including nursing, residential and domiciliary care

Torbay crime rate reported as 10,470 – 50% higher than the overall average for Devon and Cornwall force area:

- Domestic Abuse
- Violence with no injury
- Violence with Injury
- Criminal Damage
- Public Order

This document can be made available in other languages and formats.
For more information please contact engagement@torbay.gov.uk

Meeting: Cabinet **Date:** 21 November 2023

Wards affected: All

Report Title: Torbay Housing Assistance Policy 2023 - 2028

When does the decision need to be implemented? As soon as practicable

Cabinet Member Contact Details: Councillor Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities, Hayley.tranter@torbay.gov.uk

Director/Divisional Director Contact Details: Joanna Williams, Director of Adult and Community and Customer Services, Joanna.Williams@torbay.gov.uk

1. Purpose of Report

- 1.1 To seek approval of a new Housing Assistance Policy (Appendix A) for improving and adapting private homes within Torbay via Disabled Facilities Grants (DFG) to maintain independent living at home.
- 1.2. In 2022 the first new official government guidance for Disabled Facilities Grants in 18 years was published. This guidance has been used to create a range of assistance available in the policy to best serve the needs of local older, disabled adults and children living in Torbay

2. Reason for Proposal and its benefits

- 2.1 The Council is required by law to adopt and publish a Housing Assistance Policy (HAP) detailing any assistance it wishes to offer which exceeds the mandatory disabled facilities grant that individuals can receive. This is in part to address the increased inflationary cost of adaptations and the inability of the mandatory scheme to now enable this. Adoption of the policy will enable the Council to take advantage of the additional powers and support individuals to thrive in the home of their choice and as independently as possible.
- 2.2 The focus of the Housing Assistance Policy is one of prevention and is to enable independent living, by supporting those whose independence may be at risk due to a lack of access to appropriate accommodation (including their current home) which meets their needs. It will improve health and well-being and reduce the risk for individuals. Adaptations are one of the most tangible ways to prevent a health crisis in housing. The Policy will support the delivery of a number of Torbay Council's ambitions and themes:

Strategic Aims	Impact of the Housing Assistance Policy
<ul style="list-style-type: none"> • We want Torbay Residents to thrive • We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities, where our children and older people will have high aspirations, and where there are quality jobs, good pay, and affordable housing for our residents. • We want Torbay to be a premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated, and where we play our part in addressing the climate change emergency. • Tackling poverty, deprivation and vulnerability • People with learning disabilities 	<p>Increasing the grant assistance available will enable more disabled and older people to live independently, more safely at home for longer, enabling adaptations to progress due to statutory limits on grant not meeting current inflationary cost.</p>
	<p>The specifications for work will fall under energy efficiency improvements of the building regulations and updated new fixtures and fittings, using sustainable materials, improving the energy efficiency of homes in which adaptations are completed, and recycling adaptations where possible</p>
	<p>The policy will enable greater engagement with the local building supply chain to deliver adaptations, boosting this sector of the local economy as discretionary DFGs are approved.</p>

3. Recommendation(s) / Proposed Decision

1. That the Housing Assistance Policy 2023 - 2028 as set out in Appendix 1 to the submitted report be approved; and
2. That delegated authority be given to the Director of Adult and Community and Customer Services, in consultation with the Cabinet Member for Housing, Finance and Corporate Services, to make any minor amendments to the Housing Assistance Policy 2023 - 2028.

Appendices

Appendix 1: Housing Assistance Policy 2023 - 2028

Appendix 2 – Consultation survey results

Background Documents

Government guidance for local authorities in England on the effective delivery of the Disabled Facilities Grant (DFG): [Disabled Facilities Grant \(DFG\) delivery: Guidance for local authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/disabled-facilities-grant-dfg-delivery-guidance-for-local-authorities-in-england)

1. Introduction

- 1.1 Local Authorities administer the Disabled Facilities Grant (DFG). This funding is used to pay for housing adaptations to enable children and adults with care and support needs to stay in their own homes. This includes adaptations such as widening doors and installing ramps for wheelchair access, building an addition, or adapting a current bathroom or bedroom and providing the means to access a garden. Homeowners, tenants, and landlords can apply for a grant if a disabled person is living in the property. Following the application/request, an Occupational Therapist undertakes an assessment of the disabled person's needs and makes recommendations based on their needs. The DFG Team then supports with surveys, drawings, planning permission applications, and organising quotes and then contractors. The maximum statutory grant for individuals is £30,000. The grant is means-tested for adults (not children up to 19) and individual's saving and income is taken into account.
- 1.2 The Service has operated in a traditional way and in accordance with the Housing Grants, Construction and Regeneration Act 1996, and the grants are paid in accordance with legislation. The main grant being provided has been the mandatory disabled facilities grant. The increasing costs of materials and labour have created challenges for the service in providing more complex adaptations within the DFG maximum statutory threshold of £30,000, which was established in 2008. This has meant that the types of adaptation being installed have become restricted, due to the outdated threshold and inflationary cost.
- 1.3 The Council has a general power to assist households with the improvement of living conditions using the powers set out in the Regulatory Reform Order 2002 (RRO). This allows for more flexibility in the use of the DFG, for example, introducing discretionary powers to fund adaptations beyond the current funding ceiling in defined circumstances. In order to take advantage of these flexibilities, the Council must publish a policy to exercise those powers which then allows the Council to designate grants and other services.
- 1.4 The proposed policy in Appendix 1 sets out the mandatory and discretionary assistance that the council will offer including the conditions and eligibility criteria. A summary of this is contained in the table below:

Mandatory Assistance

Name of Grant	Eligibility	Maximum Amount of Grant	Means Test	Land Charge
MANDATORY DISABLED FACILITIES GRANTS (Appendix A of policy, pg. 20)	As set out in legislation Owners Private Sector or Housing Association Tenant	Up to £30,000	Statutory means test -Adults No means test – Under 19yrs To include Local Council Tax Support (not including single people)	All works over the value of £5,000 will be subject to the Statutory Land Charge of 10yr from the date of completion
	Objective: To carry out works to facilitate access to facilities in and around the home as set out in the Housing Grants, Construction and Regeneration Act 1996 – works must be deemed necessary, appropriate, reasonable, and practicable by the OT Service and DFG Team.			

Discretionary Assistance -Assistance offered is subject to the availability of funding

Name of Grant	Eligibility	Maximum Amount of Grant	Means Test	Land Charge
DISABLED FACILITIES GRANT TOP-UP (Appendix B, B1 of policy, pg. 25)	Must be eligible for DFG Owner Private Sector or Housing Association Tenant	Up to £40,000 in line with mandatory scheme requirements.	No additional means test in addition to the Mandatory DFG	The full value of any grant awarded would be placed as a lifetime land charge from date of completion of works. Land charge is in addition to any Mandatory DFG Land Charge or charge incurred as a result of other forms of discretionary assistance.

	Objective: To 'top-up' Mandatory DFG schemes where works exceed the maximum grant available and to have access to and around their homes or to use essential facilities within the home to enable them to live safely and independently and prevent, reduce, or delay a higher cost intervention being necessary. Criteria set by statutory scheme.			
Name of Discretionary Grant	Eligibility	Maximum Amount of Grant	Means Test	Land Charge
CLIENT CONTRIBUTION GRANT up to £10,000 (Appendix B, B2 of policy, pg. 27)	Must be eligible for DFG and owner occupier	Up to £10,000	No additional means test to the Mandatory DFG and subject to the applicant being able to prove they have insufficient funds available to pay their assessed contribution.	The full value of any grant awarded placed as a lifetime land charge from the date of completion of works.
Name of Discretionary Grant	Eligibility	Maximum Amount of Grant	Means Test	Land Charge
PROFESSIONAL FEES GRANT (Appendix B, B3 of policy, pg.29)	Must be eligible for DFG	Up to £2,500	No additional means test to the Mandatory DFG	No land charge

Name of Discretionary Grant	Eligibility	Maximum Amount of Grant	Means Test	Land Charge
SAFE & WELL GRANT (Appendix B, B4 of policy, pg. 34)	Must be eligible for and applied for DFG. Owner Occupiers	Up to £5,000	No additional means test to the Mandatory DFG	The full value of grant placed as a lifetime land charge from date of completion of works
	Objective: To prevent and address health and wellbeing by improving the home environment for owner occupiers to support them to live in their own homes for longer and with reduced risk as part of the adaptation.			
RELOCATION GRANT (Appendix B, B5 of policy, pg.32)	Must be eligible for DFG	Up to £5,000	No additional means test to the Mandatory DFG	No land charge
	Objective: To provide a person-centred response. Promote the opportunity to retain independence by moving to more suitable accommodation where it is the more affordable option or where it is not reasonable or practicable to adapt the property, to meet the disabled person's assessed needs or the property is under/over occupied. The cost of the relocation grant would therefore be less than an adaptation and prevent wider costs across the system.			

1.5 The expected benefits of the adoption of this policy include people staying in their homes for longer through the provision of flexible support, an increase of suitable accommodation for older and disabled people in Torbay and an increase in the health and well-being of residents. The assistance will also help to address the health and social care challenges being faced by reducing, preventing, and delaying the need for higher-cost interventions.

2. Options under consideration

2.1 The proposed policy will provide flexibility and support people to maintain their independence for longer and support better outcomes for safe, independent living.

2.2 If a new policy is not adopted the flexibilities within the RRO are not possible and the authority will be at risk of not meeting the adaptation needs of disabled adults and children and older people in an efficient and effective way.

3. Financial Opportunities and Implications

- 3.1 The DFG is one of the funding streams in the Better Care Fund (BCF), which is a programme spanning both the NHS and local government that seeks to join up health and care services, so that people can manage their own health and wellbeing and live independently in their communities.
- 3.2 The requirements regarding the delivery of the Better Care Fund (BCF) are set out in the BCF Planning Framework. As the DFG forms part of the funding within the DFG arrangement, it must be agreed in accordance with a jointly agreed BCF Plan and used to support the prescribed funding metrics.
- 3.3 Providing a safe and accessible environment supports people to remain independent and at less risk. The discretionary assistance put in place will support the reduction, prevention, and delay of higher-cost health and care interventions by enabling residents to remain independent in their homes.
- 3.4 Whilst difficult to accurately forecast what spending will result from this policy until accurately initiated. Specialist expertise from Foundations, an organisation commissioned by the Department of Levelling Up Homes and Communities to support local authorities with their delivery of DFG, highlights that the wider range of mandatory and discretionary assistance will increase the level of spend against the DFG budget.
- 3.5 Robust monthly financial monitoring is already in place, as well as the flexibility to “deactivate” assistance should the budgets be insufficient to meet any proposed discretionary provision in order to protect the mandatory grant which remains a statutory duty. As any additional grant application under the proposed scheme is subject to a mandatory DFG application submission, this is not a wider offer to the entire community, but means to facilitate the undertaking of the DFG in a holistic way.
- 3.6 The service currently works well within the current grant allocation from the BCF. The increase in inflationary costs and the government’s intention to review the £30,000 threshold have been raised as financial risks as part of the work with BCF.
- 3.7 Projected spend for 2023/24 is £1.5m, based on works completed, applications submitted and being processed and predicted demand in Q3 and Q4. This also takes into account increased costs for additional top up for grants above the £30,000 threshold. Spending profiles with the BCF are in the process of being agreed, which will be coordinated with this policy.
- 3.6 The determined annual Disabled Facilities Grant allocation paid to the council for the last 7 years is set out in the table below.

DFG 2017/18	DFG 2018/19	DFG 2019/20	DFG 2020/21	DFG 2021/22	DFG 2022/23	DFG 2023/24
£1,631,353	£1,738,618	£1,876,070	£2,128,689	£2,128,689	£2,128,689	£2,128,689

- 3.6 Any money paid under this grant determination must only be used for the specific purpose of funding adaptations for disabled people who qualify for a Disabled Facilities Grant made under the Housing Grants, Construction and Regeneration Act 1996 or under the Regulatory Reform (Housing Assistance) Order 2002. Other social care capital projects in line with National Condition 1 can also be jointly defined during the development of the Torbay Better Care Fund Plan and funded using the DFG allocation. This has been taken into account when submitting funding plan allocations annually to BCF.

4. Legal Implications

- 4.1 The Council is required by law to adopt and publish a Housing Assistance Policy detailing any assistance it wishes to offer which exceeds the mandatory disabled facilities grant that individuals can receive.
- 4.2 Until such a policy has been implemented the authority is only able to offer the more limited mandatory Disabled Facilities Grant which may not be available via a mandated applicant's Test of Resources (means-test) or be sufficient to meet needs, potentially leaving the resident with unmet eligible needs under the Care Act 2014 or with the local authority seeking to meet eligible needs on a case by case basis. With inflationary cost on materials the current mandatory scheme is not meeting the needs of the community in some complex case.
- 4.4 The policy provides structure and clarity to meeting needs that may fall outside the mandatory DFG and allows for recovery or recoupment of those costs in appropriate situations.
- 4.5 Disabled Facilities Grants are given under the Housing Grants, Construction and Regeneration Act 1996, are mandatory, and are paid in accordance with the requirements of the legislation. The policy seeks to implement a discretion permitted under article 3 of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 which allows an authority greater freedom in its application of Disabled Facilities Grants funds which is received by Torbay Council as an annually paid Better Care Fund allocation from government.

5. Engagement and Consultation

- 5.1 An engagement and consultation process has been followed to refine the policy through input from internal and external partners, groups, and individuals. This input ensures additional challenges, concerns, and solutions are included in the policy development, as well as being mindful of vital lived experience.
- 5.2 Foundations is a Ministry of Housing, Communities and Local Government (MHCLG) commissioned oversight body for DFG's and Home Improvement Agencies (HIAs) and a consultancy with many years expertise in working nationally with organisations including local authorities, to develop adaptations service improvement and delivery.
- 5.3 A Regional Advisor, and an associated consultant from Foundations has led the development of the policy including meeting with key officers from within and outside of the Council including housing associations.
- 5.4 The input from these interviews, which included meetings with service managers across housing, planning, health, social care, finance, and others has further contributed to the policy.
- 5.5 A customer survey and telephone interviews were held with residents to find out if they were satisfied with the service. All involved felt the adaptation had made a positive difference in their lives. Just over 87% of respondents felt the process from application to the completion of the works on their property occurred on time. All respondents apart from 1 who did not answer said the work on their property was aesthetically pleasing.
- 5.3 A multi-agency workshop was held with health, social care, and housing association partners to discuss and understand the types of assistance that would meet the resident's needs in an improved way.
- The maximum level of mandatory DFG was reviewed by the government in 2008 and has not kept in line with the cost of adaptations. This results in the cost of work exceeding this threshold and the mandatory needs of both child and adult not being met.
 - The means test is out of step and does not consider household expenditure and specific circumstances.
 - DFG passporting excludes important benefit changes and leaves vulnerable households open to unaffordable contributions.
 - Large numbers of cases are closed due to the level of work required and the financial contributions
 - The variety of adaptations being used is narrow, mainly ramps, stairlifts, and bathrooms.
 - The number of extensions and conversions completed is negligible.
 - Complex cases are closed due to the timescale for decisions, often due to the financial limits though the grant.
 - The age, property design, and hilly nature of Torbay mean that not all properties are suitable for adaptation to meet the needs of older and disabled people.

- 5.5 In above the codesign work to produce the policy. A consultation survey has been carried out on the content of the draft Housing Assistance Policy from January – March 2023. Appendix 3 provides a summary of the results. No changes were made as a result.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 An applicant can either arrange for works to be completed themselves or work with the Council to undertake this activity. In this role the DFG Team will arrange for quotes to be obtained and for contractor to be appointed. This will also involve the overseeing of works and ensuring the quality of the adaptation.
- 6.2 In order for this be undertaken a Framework of contractors is produced through a procurement process. This ensures the quality of the contractors and that all insurances and legislative requirements are met.
- 6.3 A procurement exercise will be launched to review the approved contractor list, to ensure quality and quality of suppliers viable to meet the needs of the service and the specialist adaptations required.

7. Tackling Climate Change

- 7.1 The specifications of work will fall under energy efficiency improvements of the building regulations. New fixtures and fittings, will use sustainable materials, improving the energy efficiency of homes in which adaptations are completed.
- 7.2 The recycling of adaptations will be undertaken where possible.
- 7.3 Further energy efficiency measures will be included as part of our procurement exercise for contracts and specification of works.

8. Associated Risks

- 8.1 The main risk as a result of the Housing Assistance Policy is that customer demand could exceed the monies available however the budget is regularly monitored to ensure effective management of the work programme. All discretionary housing assistance is subject to the availability of funds. As discretionary funds can only be accessed in association with a mandatory DFG application, the eligibility is restricted.
- 8.2 The current scheme operates within existing allocations with an annual spend and award of contract of approximately £1m. This is projected to increase in 2023/24 to £1.5m, which is still within available budgets. This increased cost takes into account top ups to the mandatory scheme.

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

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Mandatory DFG's are non-means tested for children under the age of 19		Universally applied – there is no discrimination on the basis of age.
People with caring Responsibilities	Disabled people who care for another person who normally lives in the same property are able to apply for a grant to help them move around the home and undertake their caring role. They do not need to be related and may include a spouse, partner or family member, another disabled person, or a child. They do not need to be disabled.		
People with a disability	Eligibility is defined within the legislation.		
Women or men			Universally applied – there is no discrimination on the basis of gender
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			Universally applied – there is no discrimination on the basis of ethnicity.
Religion or belief (including lack of belief)			Universally applied – there is no discrimination on the basis of religion or belief
People who are lesbian, gay or bisexual	.		Universally applied – there is no

			discrimination on the basis of sexual orientation
People who are transgendered			Universally applied – no discrimination
People who are in a marriage or civil partnership			Universally applied – no discrimination
Women who are pregnant / on maternity leave			Universally applied – no discrimination
Socio-economic impacts (Including impact on child poverty issues and deprivation)	A statutory means test is applied and includes a local amendment to the passporting benefits for a mandatory DFG and a contribution grant being made available to positively address low-income households. There is no means test for children below 19 years.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Adaptations are an important way of addressing health and well-being inequalities and preventing a health crisis.		

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 The Housing Assistance Policy will support disabled and older residents in Torbay to live independently within their communities rather than people being supported in a nursing or care home establishment. The policy seeks to promote the delivery of good quality adaptations to enable independent living in which individuals have as much choice and control over where they live as possible.

Housing Assistance Policy

2023-2028

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Version control

Date	Details	Updated by
12 th January 2023	First Draft	Foundations
2 August 2023	Final Draft Grant allocation updated. Change to grant award approval sign off process for discretionary grants. Client Contribution Support: - (1) land change updated to include full land charge (2) Assessment to be undertaken on any contribution. (3) Grant for Owner Occupiers	Torbay Council - Divisional Director Community and Customer Services
16 August 2023	Review	Torbay Council - Divisional Director Community and Customer Services
27 September	Review Armed Forces Commitment	Torbay Council - Divisional Director Community and Customer Services

1. INTRODUCTION

This policy sets out how Torbay Council will offer financial help for improving and adapting homes in Torbay, together with the conditions and eligibility criteria associated with each type of assistance.

Its aim is to support disabled adults, children, and older residents to improve their health and wellbeing by addressing problems with unsuitable homes that do not meet their needs. In a period of increasing pressures on resources it is important to target assistance to meet the needs of the most vulnerable residents living in Torbay.

Ensuring that homes are decent, accessible, safe, and secure is not only important for the health and wellbeing of the occupants, but it is also vital for the sustainability of communities. The amount of assistance to be given each year will be determined by the Council and will be dependent upon the level of resources available.

2. LEGISLATIVE CONTEXT

Housing Assistance is offered in accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 with the underlying legislation governing the provision of mandatory Disabled Facilities Grants (DFG) covered by the 1996 Housing Grants, Construction and Regeneration Act. This enables the council to use its discretionary powers to make better use of its limited resources.

The Housing Grants, Construction and Regeneration Act 1996: Part 1 as amended by the Disabled Facilities Grant Order 2008 states that the local authority has a statutory duty to provide adaptations to homes for disabled people. Funding for these adaptations is provided through Disabled Facilities Grants.

The Care Act 2014 states that local authorities must provide or arrange services, resources or facilities that maximise independence. The core purpose of adult care and support is to help people to achieve the outcomes that matter to them in their life. Local authorities must promote wellbeing when carrying out any of their care and support functions in respect of a person. This may sometimes be referred to as 'the wellbeing principle' because it is a guiding principle that puts wellbeing at the heart of care and support. The wellbeing principle is intended to cover the key components of independent living.

Disabled Facilities Grant Guidance 2022 states that where the social care authority determines that a need has been established it is their duty to assist, even where the housing authority is unable to approve or to fully fund an application.

3. STRATEGIC ALIGNMENT

There are several key Council strategies and plans with which the Housing Assistance Policy will help deliver some of their key priorities and objectives. The key documents are listed below.

- **Community & Corporate Plan 2019 - 2023**

The Torbay Community and Corporate Plan sets out Torbay's priorities for the area to ensure that services being provided will meet the varied needs of the residents living in Torbay.

- **Torbay Council Housing Strategy 2023 - 2030**

The strategy aims to deliver these 3 priorities:

1. Improve Housing Supply
2. Improve Housing Quality
3. Improve Housing Support

This policy will contribute to delivering across all three of these priorities and will support the strategy's cross cutting principles. These are as follows:

- Put our customers first – developing a person-centered approach when finding adaptation solutions for customers.
- Tackle climate change – including recycling of adaptations and working with contractors who are working in a sustainable way.
- Work in partnership – improve the strategic and operational integration of the disabled facilities grant service within the Better Care Fund Plan.

- **The Torbay Market Position Statement**

The Torbay local Market Position Statement summarises supply and demand in the local care provider market and forms the basis for the strategic commissioning decisions. The vision is to support people to stay as well and as independent as possible, for as long as possible and to manage their own health and well-being in their own homes wherever possible.

The Housing Assistance Policy will support the delivery of the overarching priorities within the document which are:

- Enabling more people to be healthy and stay healthy
- Enhancing self-care and community resilience
- Integrate and improve community services and care in people's homes
- Deliver modern, safe, and sustainable services.

- **Better Care Fund Plan**

The Better Care Fund (BCF) programme is a pooled health and social care budget which significantly increased disabled facilities grant allocation to Housing Authorities. In providing the additional disabled facilities grant funding the government has encouraged a more integrated approach to improve outcomes across health, social care and housing using a more joined up approach to working. The policy will introduce a wider range of discretionary assistance designed to meet the needs of disabled, older, and vulnerable local residents and support delivery of the Better Care Fund priorities.

4. EVIDENCE OF NEED

There is a clear need in Torbay to assist our community. The following information provides a summary of key determinates that have influenced this policy.

- Torbay is mainly urban and has an ageing housing stock with 75% of this stock recorded as below an energy standard band C. There is a high percentage of private rented sector accommodation (26%) which is higher than the national average at 19% and the most common category one hazards identified through the Housing, Health, and Safety Rating Scheme (HHSRS) being excess cold.
- The hilly nature of Torbay creates a range of accessibility issues for older and disabled adults and children and despite the high proportion of bungalows in the area it does not always provide a suitably accessible home.
- Torbay is ranked as one of the most deprived local authorities in the South-West and the assistance provided in the policy will help mitigate this by providing a greater level of financial assistance to address the higher cost of materials and work for disabled facilities grants and contributions for households on low incomes.
- There is an ageing population with 27% of Torbay's population aged 65 or over, and the over 85 expected to increase by over 50% within the next decade. As the population ages it is also expected that Torbay will see more people become frail and require support from health and social care services. A key theme for health and social care is to enable and sustain independence in the home and prevent, reduce, and delay the need for higher cost social care and health interventions. Assistance outlined in the policy will support this agenda and help to address the variations in health and well-being that is found across Torbay.

5. THE POLICY PRIORITIES AND CAPITAL RESOURCES

The main sources of funding that are available to support the delivery of this policy are:

- Annual capital grant from central government distributed through the Better Care Fund (BCF)
 - 2023 -2024, allocation of £2,128,698 was received. This grant level is forecast to be available until 2024–2025.
- Where capital monies are provided through the BCF they will be allocated for spending in line with decisions regarding capital expenditure agreed with the BCF spending plan.
- Money provided from partners or other public sector organisations to address specified problems.
- Money obtained from charitable or other sources on behalf of customers.

Local Housing Authorities are obliged first and foremost to deliver mandatory Disabled Facilities Grants. In addition, Torbay Council will offer a range of discretionary grants to help older and disabled people of all ages to live as independently and safely as possible in their homes. Full details of discretionary assistance can be found in Appendix B of this policy. This additional assistance however should not be promoted at the expense of delays to the statutory function under the mandatory grant process.

Where funding allows, and subject to meeting the requirement for mandatory and discretionary assistance, part of the funding may be allocated for specified social care capital projects. These will be decided in accordance with the BCF spending plan jointly agreed between the Council and the relevant Clinical Commissioning Groups. This plan must be developed in keeping with the appropriate BCF Policy Framework and BCF Planning Guidance for the specified year (which provides specific guidance on Disabled Facilities Grants).

This information will be used to make necessary changes to grant assistance available. These will be approved through the appropriate governance structures and published on the Council's website as policy Appendix B amendments.

This Policy is designed to contribute towards the council's and partners strategic aims and objectives by assisting with (the list below does not imply a priority order):

- A person-centered and strengths-based approach will be used.
- Supporting the improvement of Housing quality in accordance with the grant provisions.
- Enable older and disabled people to stay well, safe, connected to the community and independent at home for longer through supporting the provision of aids and adaptation or an appropriate move to suitable accommodation.
- Safeguard the health and well-being of residents by removing unnecessary hazards to health in the home with prioritisation towards the older, disabled, and vulnerable.
- Support the reduction in demand for services from social care, health, and support social wellbeing.
- Improving the environment, using sustainable materials, and recycling adaptations where possible and working with contractors who work in a sustainable way.

6. EQUALITY AND DIVERSITY

The Council recognises the importance of fair treatment and the positive promotion of equality and prevent discrimination on any grounds.

This policy will be applied fairly and consistently to all our residents and will act sensitively towards the diverse needs of individuals and communities. It will not directly or indirectly discriminate against any person or group of people, and we will take positive action to reduce discrimination and harassment.

The Housing Assistance Policy has been written in line with legislation and covers all the 'protected characteristics' as detailed in the Equalities Act 2010.

7. SUMMARY OF ASSISTANCE

The following tables provide a summary of the assistance provided through each of the schemes available under this policy. Full details of each scheme, how to apply, and conditions can be found in Appendix B.

All assistance provided through this policy is discretionary, except the Mandatory Disabled Facilities Grant and is therefore subject to funding.

The Policy grants discretion to make minor amendments to the eligibility criteria, level of grant or assistance and delegates that authority to the responsible Divisional Director, if it can be demonstrated that any such changes will help the Council meet its strategic housing objectives and/or Better Care Fund metrics.

Mandatory Disabled Facilities Grants (DFG)

This grant is set out within legislation and outlines the local variations that Torbay have adopted regarding the inclusion of warranty costs and local council tax reduction as a passporting benefit.

Grant type: Mandatory Disabled Facilities Grants	
Eligible Applicant	Anyone with a permanent disability aged 18 or over or anyone applying on behalf of someone until 19 th birthday with a permanent disability
Property Tenure	All tenures
Land Charge	All works over the value of £5,000 will be subject to the Statutory Land Charge for a period of 10 years from the date of completion – see further information in Appendix A
Warranty Provision	A 5-year warranty is included in the purchase cost of all lifts and wash/dry toilets.
Maximum Value	£30,000 or as per the current statutory limit
Means Test	Works are subject to the statutory means test as set out in legislation, which identifies that works for children and young people will not be subject to any means test for Mandatory DFG. Local Amendment to the means test: <ul style="list-style-type: none"> To include Local Council Tax Reduction (not single person reduction) as a passporting benefit

Discretionary Assistance linked to a Mandatory DFG Application

Any applications and award of the following forms of assistance need to be linked to an on-going Mandatory DFG application. No stand-alone applications for these forms of assistance will be considered.

Type of Grant: Discretionary Top-Up Grant Assistance	
Purpose of Grant	This is discretionary grant to top up mandatory DFG to carry out works that are above the current mandatory limit of £30,000. Reducing the need of applicants to self-fund. The top up limited to £40,000.
Eligible Applicants	Those eligible for Mandatory DFG
Property Tenure	All tenures
Land Charge	The full value of this grant awarded would be placed as a lifetime land charge from the date of completion of works. This is in addition to any Mandatory Disabled Facilities Grant land charge
Maximum Value	Up to an additional £20,000 (£50,000 in total) can be approved by the appropriate Divisional Director in consultation with Disabled Facilities Grant Service Manager. Amounts above £20,000 (and more than £50,000 in total) to be approved by the appropriate Divisional Director following consideration and supporting report by Adaptations Panel.
Means Test	No additional means test applied
Eligible works	Available towards the cost of mandatory scheme eligible building works only. Not available for equipment that is not normally provided via the DFG.
Limitations	One application in any 5-year period

Type of Grant: Client Contribution Support	
Purpose of Grant	This is a discretionary grant to support applicants who are assessed as having a means tested contribution that is unaffordable. This will be up to a maximum of £10,000.
Eligible Applicants	Those eligible for Mandatory DFG
Property Tenure	Owner Occupier
Land Charge	The full value of any grant awarded placed as a lifetime land charge from the date of completion of works
Maximum Value	£10,000
Means Test	Mandatory DFG means test
Eligible works	Mandatory DFG works
Limitations	Funding will be reviewed on an individual case basis
Eligible Applicants	Eligibility for funding will be assessed based on a banded basis:

Assessed Contribution	<i>Funding for contributions up to the maximum award of £10,000) will be subject to the applicant being able to prove they have insufficient funds available to pay their assessed contribution (i.e., less than £10,000 in savings¹)</i>
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Type of Grant: Professional Fees Grant	
Purpose of Assistance	To pay incurred professional fess which were necessary as part of a mandatory DFG application that was unable to proceed through no fault of the applicant or the DFG Service. To ensure applicants are not left liable for fees that might place them in financial hardship.
Eligible Applicants	Those determined as eligible for Mandatory DFG
Property Tenure	All tenures
Land Charge	No
Maximum Value	£2,500
Means Test	No additional means test
Eligible works	Fees approved by Manager where the DFG does not proceed Fees are paid directly to Professional providing the service
Limitations	Fees will not be eligible for payment under this scheme unless the application cannot proceed due to circumstances beyond the control of either the applicant or the Council's DFG Service.

Type of Grant: Safe & Secure Grant	
Purpose of Assistance	A grant of up to £5,000 for emergency works, which can be administered quickly to remedy an urgent situation that has arisen though adaptation being undertaken.
Eligible Applicants	Residents who have been deemed eligible and are applying for a mandatory DFG Owner-Occupiers who have owned and lived in the property for a period of at least 5 years prior to application
Property Tenure	Owner Occupiers
Land Charge	The full value of any grant awarded would be placed as a lifetime land charge from the date of completion of works
Maximum Value	£5,000
Means Test	Applicants must be in receipt of a DFG 'Passporting' Benefit as outlined in Appendix B4
Eligible works	Repair works that are required to support or facilitate the completion of works under a Mandatory DFG.
Limitations	Only 1 application in any 5-year period

¹ For the purposes of this grant, the term 'Savings' refers to any cash, bank or other financial institutions accounts, shares or capital that is considered as part of the Mandatory DFG means test. It is not limited to bank 'savings' accounts.

Type of Grant: Help to Move Grant	
Purpose of Assistance	Where it is not possible, necessary, appropriate, practical, or reasonable to adapt someone's current home, a grant of up to £5,000 can be obtained to assist with costs of relocating to a more suitable property.
Eligible Applicants	Those eligible for Mandatory DFG. Any applications for this assistance will be supported by a social care occupational therapist and that options regarding adaptations to the current home will already have been explored.
Property Tenure	All tenures
Land Charge	None
Maximum Value	£5,000
Means Test	No additional means test to the Mandatory DFG
Eligible works	The specific eligible relocation expenses are: <ul style="list-style-type: none"> ▪ Estate agent fees ▪ Solicitor costs ▪ Survey costs ▪ Stamp duty ▪ Removal expenses ▪ Disconnection/reconnection of appliances ▪ Occupational therapy assessment costs for assessing properties
Limitations	<ul style="list-style-type: none"> - Applicants must be moving from a property which is their main residence and is within the Torbay Council area to a property which will be their main residence. - Assistance will not be given towards the purchase price of a property. - Applications must be supported by a Social Care Occupational Therapist who must confirm that the new property will meet the needs of the disabled person or be suitable for adaptation at a reasonable cost. - If the move is aborted at the fault or choice of the applicant, costs will not be paid.

8. HOW IS ASSISTANCE DELIVERED?

All types of discretionary assistance offered through this policy will be managed by the Council's disabled facilities grant service.

For mandatory disabled facilities grant, there are three options available to residents regarding the way in which an application can be supported and made.

Option 1 – Fully managed application process

The Council's disabled facilities grant support service will fully manage the application and works on behalf of the applicant, through an agreement between the applicant and the service. This is the easiest and least stressful option for an applicant, particularly for more extensive adaptations

The Team will:

- Where applicable, assess the applicant's financial circumstances by a statutory means test which will identify any contribution to be paid towards the cost of the works.
- Arrange for a technical officer to visit to discuss how the adaptations can be provided in the home and what building works or alterations are required to provide them.
- Draw up a schedule of works and plans (and planning permission or building regulations approval if required).
- Assist in the completion of the formal disabled facilities grant application forms.
- Identify and instruct a contractor to undertake the works on behalf of the applicant.
- Supervise the contractor on site on behalf of the applicant.
- Deal with any unforeseen works and interim payments.
- Arrange final payment to the contractor and collect any certificates, guarantees from them, and pass them on the applicant.

The council will include the relevant fee in the eligible costs to undertake the application support².

Option 2 – Customer Contractor Process

This option is where an applicant may wish to use the services of the Council's disabled facilities grant support service to prepare their application for disabled facilities grant, including the preparation of drawings but wishes to use their own choice of contractor to carry out the works.

A comprehensive information pack will be provided to any applicants who wish to pursue this option including the role that the disabled facilities grant support service and the responsibilities regarding the works which will transfer to the applicant.

The council will include the relevant fee in the eligible costs to undertake the application support¹.

Option 3 – Customer Managed Process

This option is where an applicant may wish to complete all elements of the application, supporting information and building management themselves. An applicant can use their own architect or draftsman and contractors to plan, develop or build a preferred scheme.

A comprehensive information pack will be provided to any applicants who wish to pursue their own application which outlines the information required to make a disabled facilities grant application and the requirements to receive disabled facilities grant funding.

²The fee is amended annually and can be found published on the Council's website.

9. FEES AND ANCILLARY CHARGES

The Council will consider reasonable fees and offer financial assistance to cover them. The following fees will be eligible for financial assistance if they have been incurred as part of the application process for mandatory disabled facilities grant funding.

- Confirmation, if sought by the Council, that the applicant has a relevant owner interest
- Relevant legal fees
- Technical and structural surveys
- Design and preparation of plans and drawings
- Preparation of schedules of relevant works
- Assistance in completing forms.
- Applications for building regulations approval (including application fee and preparation of related documents), planning permission, listed building consent and conservation area consent (and similar)
- Obtaining of estimates
- Consideration of tenders
- Supervision of the relevant works
- Disconnection and reconnection of utilities where necessitated by relevant works
- Payment of contractors
- In a case where the application is for adaptations support, the reasonable services, and charges of a (private) occupational therapist in relation to the relevant works.

It is important to note that if a private occupational therapist is used then the Council will still seek input from the Council's Occupational Therapy Service to determine the works that are eligible for Disabled Facilities Grant funding.

10. HOW THE ASSISTANCE WILL BE PAID

The Assistance will only be paid if.

- The assisted works are completed within 12 months of the date of the approval unless the delay was caused by the council, or an appropriate approval time-extension has been agreed due to exceptional circumstances. Applications for extensions will be considered on a case-by-case basis.
- The assisted works are carried out in accordance with the specifications set out in the formal approval or as varied with the prior agreement of the council.
- The assisted works are carried out to the satisfaction of the council and the applicant.
- The council is provided with an invoice, demand, or receipt for payment in an acceptable format.

Invoices must be addressed to the applicant c/o the council and must contain sufficient detail for the council to identify in full, the works carried out, the price charges and any variations previously agreed with the council. Any invoice must not be produced by the applicant or a family member. The payment of the assistance to the contractor may be made via the applicant, or, where requested within the original application, paid directly to the contractor engaged by the applicant.

The Assistance may be paid in one lump-sum on satisfactory completion of the works or by staged payments as the work proceeds. Stage payments (interim payments) will only be made where the council, is satisfied that the value of work completed exceeds the value claimed to date. A maximum of three stage payments and final payment will be considered.

The contract for works funded by disabled facilities grants, and associated assistance, will be between the applicant and the contractor, as set out in the legislation. Whilst the Council's Standing Orders regarding Procurement do not directly apply, as the Council is not entering into a contract, when obtaining quotes on behalf of applicants the DFG Service will follow the same principles to ensure appropriate service is provided for applicants it is supporting.

The provision of assistance other than Mandatory Disabled Facilities Grants is subject to the availability of funding. All applications will be considered based on the identified needs and circumstances of the applicant or household.

Any associated costs which are incurred as part of the application for funding, such as Architects fees or Land Registry charges, will be included in the value of any funding awarded and will not be paid separately apart from exceptional circumstances where works cannot proceed, and such costs may be eligible for discretionary assistance.

The provision of mandatory grants and discretionary financial assistance will be subject to internal and external auditing to ensure adequate procedures are in place and followed and that there is an appropriate use of public funds.

11. WHERE ASSISTANCE WILL BE RESTRICTED

There will be instances where it will not be possible to provide assistance, or funding may be reduced or reclaimed due to certain criteria. These are listed below:

1. Where ownership of the property is disputed.
2. Where the owner(s) has a statutory duty to carry out the necessary works and it is reasonable in the circumstances for them to do so.
3. Where the residence is not regarded as permanent.
4. No assistance will normally be given for work started before formal approval of an application, except that:
 - i. The council may in exceptional circumstances exempt an application from this condition for example where a defect may present a serious risk to health and safety.
 - ii. The council may, with consent of the applicant, treat the application as varied so exclude any works that have been started before approval.
5. Grant assistance will not normally be provided for works covered by insurance. Where, before a grant for assistance is approved it is found that an applicant can make an insurance claim, the insurance company will be requested to confirm in writing the level of their liability, if any. The level of assistance will be reduced by an amount equivalent to the insurance company's liability. Where assistance is approved, a condition will be imposed requiring the applicant to pursue any relevant claim against an insurance company or third party for.
 - i. Claims for personal injuries where the works are required under a Mandatory Disabled Facilities Grant.
 - ii. Claims on the applicant's property insurance or on a third party where the application is in respect of works for which financial assistance has been given. Then the applicant will be required to repay the financial assistance provided out of the proceeds of such a claim.
6. The council will only provide assistance where the age and condition and structural layout of the property have been determined as appropriate, reasonable, and practicable to achieve the scope of works required.
7. The council will determine whether prices provided by contractors are value for money. In determining this, the Officer will consider similar jobs priced within the last year. The Officer may liaise with the relevant body or contractor to check the specification and any estimates, as part of the procurement procedure.
8. If the Officer believes the price for contracts are too high and identifies an appropriate price for which is lower, they will advise the client that the total eligible assistance will be the lower

amount. The client is under no obligation to use the lower priced contractor but must be aware the council will only make a grant or assistance payment up to the value of the lower price.

9. Where the client chooses to pursue a different scheme or an enhanced scheme of works, the council will only provide financial assistance to the value that would satisfy the primary requirement(s) identified by the Occupational Therapy Service or similar service. This is, subject to the clients preferred scheme also satisfying the primary requirements identified.
10. The council may refuse any application for assistance lacking the required information or documentation.
11. Where the client deviates from the scheme of works approved by the council, without prior agreement, the council may rescind the approval or refuse to make any further payment of assistance. The council may also seek to recover any interim assistance payments previously made against the approved scheme.
12. If the applicant is an owner of the dwelling in respect of which Assistance has been approved and ceases to be the owner before the works are completed, the applicant must repay the council on demand the total amount of Assistance that has been paid.
13. Where a grant condition imposes a liability to repay the Assistance, or a part thereof, the condition will be registered by the council as a Local Land Charge, which will be payable upon the sale of the property.
14. Where assistance has been approved the works must be completed within 12 months of the approval date, except where an extension of time, not exceeding 6 months has been agreed by the council. Where no extension is agreed the council may rescind the approval or refuse to make any further payment of assistance. The council may also seek to recover any interim assistance payments previously made against the approved scheme.
15. In the case of common parts of a dwelling the council will only consider assistance for the reasonable sum or proportion of the applicant's liability. The applicant must prove a repairing liability for the common parts.
16. The council may, where financial or operational demands dictate, defer payment of a Disabled Facilities Grant for a period not exceeding 12 months. Any deferment will be detailed in the approval notice.
17. The provision of Assistance is allowed for caravans and houseboats used as a main residence, subject to meeting other eligibility requirements. Holiday residencies, caravans on holiday sites or sites with restricted occupancy, second homes (as defined by council Revenue's criteria) and sheds, outbuildings or appurtenances will not qualify for assistance.
18. The council recognises that this policy cannot cover every likely situation and there may be persons who genuinely need some form of urgent support that are precluded from accessing Assistance due to a specific aspect. In these situations, the council may consider offering assistance in exceptional circumstances, in particular where support would help the council meet its strategic objectives, as determined by the relevant officer.

12. ADDITIONAL CONDITIONS

The council reserves the right to impose additional conditions when making a grant/assistance approval. These may include but are not restricted to:

- i. A contribution to the cost of the assisted works by the applicant.
- ii. The right to nominate tenants to housing accommodation available for rent.
- iii. Housing accommodation being maintained in a good state of repair after completion of the assisted works.
- iv. The right of the council or its appointed agent to recover specialised equipment when no longer needed.

13. DECISIONS, NOTIFICATIONS & REDETERMINATIONS

The council will notify the applicant in writing when their application has been approved or refused. The decision will be notified as soon as reasonably practical and, in any event, no later than six months after receipt of a full and valid application.

If the application is approved, the notification will specify the eligible works, the value of the assistance and the builder/contractor who will undertake the works. In the case of a Disabled Facilities Grant the council may, where financial or operational demands dictate, defer payment of the assistance on approval for a period not exceeding 12 months. Any deferment will be detailed within the grant approval notice.

If the application for assistance is refused, the council will give the reasons for the refusal and confirm the procedure for appealing the decision.

Where assistance has been approved and the council is satisfied that through circumstances beyond the control of the applicant, which could not have reasonably been foreseen. If the cost of the works has either increased or decreased, the council may, at their discretion re-determine the financial assistance given and notify the applicant accordingly by issue of a re-approval notice.

Additional works or deviations from the approved works carried out without prior approval of the council will not be considered for any increased financial assistance and would remain the responsibility of the applicant to fund.

14. REVIEW OF THE COUNCIL'S DECISION

Any person having made a valid application may request a review of the decision not to consider or to refuse an application.

The request must be submitted to the council within 28 days of the date of the decision letter. The request must be in writing. A review of the decision will be undertaken, and the decision will be notified to the applicant in writing. If the person remains dissatisfied with the review decision, they have the right to go through the council's Corporate Complaints procedure or approach the Local Government Ombudsman.

Any departure from Policy will only be considered where the applicant can demonstrate exceptional circumstances and do not have the means by which, they could reasonably be expected to otherwise fund and undertake the work.

Complaints about service delivery rather than Policy must be made to the council who will investigate the complaint in accordance with their Complaints Procedure which is available on request. A copy of the Council's complaints process can be found [here](#).

15. SERVICE STANDARDS, KEY TARGETS

There is no national standard for the services provided through this policy excepting a statutory requirement for Councils to determine valid and fully made applications for mandatory disabled facilities grant within six months. This does not account for pre-application activities such as the screening process and the 'application support' and administration including occupational therapy assessment, means testing, producing specifications, finding contractors, etc.

In practice, when an application is fully prepared by the disabled facilities grant service and is submitted for funding approval it will be at a point where, subject to funds being available, a grant approval determination should be available within 20 working days. The service records all key activities and dates and can report on a variety of measures, including date inquiry, received, date application submitted, date of grant determination, date works started, type and value of works and contributions, date works finished, and date works practically completed.

Legislation also requires that works be completed within 12 months of any disabled facilities' grant approval being issued. This can be extended by negotiation if there are valid reasons to do so, such as the customer receiving care, occasional changes in contractor or specification, complex snagging etc.

Locally, the service aims to apply the funding it receives fully each year with minimal waiting lists and with maximum benefit to customers. It will also work in partnership with relevant Boards to support delivery of the Better Care Fund Plan metrics.

The disabled facilities grant support service is committed to ensuring good quality customer service in line with Council service standards

16. POLICY CONSULTATION AND IMPLEMENTATION PLAN

The policy has been consulted and developed with a wide range of partners through one-to-one interviews, a workshop and sharing of the early drafts and options for the policy. A survey and telephone interviews were also conducted with previous and present customers of the service. The draft policy was also made available for comment online to reach a much wider audience. The feedback was used to inform the content of the final policy. The formal mechanism for endorsement is anticipated to be at the Torbay Council Cabinet meeting on the 17 October 2023. The policy will commence as soon as practicable after that date and will apply to all full applications received after this date only. Applications for discretionary assistance outlined in this policy cannot be made retrospectively.

This policy will be reviewed bi-annually or as required based on the availability of finance to provide the necessary assistance and any changes in legislation or identified good practice.

17. GLOSSARY & EXPLANATION OF TERMS

Abbreviation / Name	Definition
Better Care Fund	The Better Care Fund is a budget for social care and community services administered in partnership between NHS England, the Ministry of Housing, Communities and Local Government, and the Department of Health and Social Care. The pooled budget includes Disabled Facilities Grants funding for local authorities.
CCS	Client Contribution Support – a discretionary grant provided under this policy
DISABLED FACILITIES GRANT	Disabled Facilities Grant (Mandatory Grant, as outlined in the 1996 Housing Grants, Construction and Regeneration Act)
DHSC	Department of Health and Social Care
DTUA	Discretionary Top-Up Assistance – a discretionary grant provided under this policy
HAP	Housing Assistance Policy
Help to Move Grant	A discretionary form of assistance provided through this policy
HGCRA	Housing Grants Construction & Regeneration Act 1996 (<i>The legislation which defines the disabled facilities grant</i>)
Housing Associations (HA)	These are providers of social housing (excluding the council stock) registered with the regulator of social housing. They are considered private organisations.
Land charge	Owner-occupiers who are in receipt of a disabled facilities grant or discretionary assistance will be required to repay a proportion of the grant in certain circumstances e.g., if the property is sold within a certain number of years of the grant being completed. In these cases, the Council will register a Local Land Charge against the property for the repayment.
LCTR	Local Council Tax Reduction – a benefit available to residents to support with Council Tax Payments
Means Test (MT) or Test of Financial Resources (TOR)	A Disabled Facilities Grant is means-tested, and the amount of grant awarded is dependent on the applicant's household income and savings. There is no means test if the works are for the benefit of a disabled child or young adult (aged 19 years or younger)
MHCLG	Ministry of Housing Communities and Local Government
OT / OTA	Occupational Therapist / Occupational Therapy Assistant
PRS	Private Rented Sector
Professional Fees Grant	A discretionary form of assistance provided through this policy
Registered Providers (RP)	Registered Providers include local authority landlords and private registered providers (such as not-for-profit housing associations and for-profit organisations).

RRO	Regulatory Reform Order 2002
Safe & Secure Grant	A discretionary form of assistance provided through this policy for emergency works, which can be administered quickly to remedy an urgent situation that has arisen though adaptation being undertaken.
Step-lifts	Step lifts (also known as low rise platform lift, wheelchair lift or open platform lift) are low-rise lifting platforms for wheelchair users usually provided where there are steps leading to the front door. They are an alternative to ramps and can be used where vertical access is one metre or less.
Wash/Dry style toilet	A toilet intended people with disabilities who are unable to use the toilet independently and require a built-in wash and dry facility to maintain good hygiene.
Welfare or Care Authority	The local authority that provides social services to safeguard and promote the welfare and wellbeing of children and vulnerable adults.

Appendix A – Mandatory Disabled Facilities Grants & amendments

This is included for context and information purposes and includes a means test amendment within Torbay.

The Council will award mandatory Disabled Facilities Grant (DFG) according to the governing legislation – principally the 1996 Act and subordinate Regulations and Orders as amended - and guidance issued by central Government. This details amongst other matters the types of work that are to be funded, the maximum grant payable (currently £30,000), and the test of financial resources where applicable.

Qualifying Criteria

Any person who makes an application for Mandatory Disabled Facilities Grant must.

- i. Be over 18 years of age at the date of the application
- ii. Live in the dwelling as his/her only main residence and
- iii. Have an owner's interest in the dwelling (other than by virtue of being a Registered Social Landlord under Part 1 of the Housing Act 1996 or being eligible for such registration) or be a tenant or licensee of the dwelling, alone or jointly with others but not being a member of the landlord's family, with a tenancy or license permitting occupation of the dwelling for a minimum period of 12 months after approval of the Assistance, and
- iv. Have the power or duty to carry out the works and where appropriate have the owner's consent in writing to carrying out the works, and
- v. Satisfy such test(s) of resources as the council, or statute, may from time to time have in place
- vi. Not be ineligible, by virtue of the Housing Grants, Construction and Regeneration Act 1996, Regulations made under the Act or any other enactment
- vii. Homeowners have the primary responsibility for ensuring their homes are properly maintained and in the first instance should pursue private finance. We may assist eligible, vulnerable homeowners to make sure they have the opportunity for achieving the correct property standards.

Occupation Requirements

Where an owner occupier has given a signed undertaking to occupy a property as their principal residence after completion of the works, and if they cease to do so during that time, they will repay on demand to the council the total amount of Assistance paid out.

Where a landlord (or owner) has given a signed undertaking that the property will be available for letting for a period specified after completion of the assisted works and ceases to make the relevant property available for letting during the specified period. Then the landlord will repay on demand to the council the total amount of Assistance paid out.

Where the council has the right to demand repayment, but extenuating circumstances exist, the council may determine to waive the right to repayment or to demand a sum less than the full amount of Assistance paid out.

As a part of the application process, the Council will require certificates relating to property ownership and future occupation and will request permission from the owner. The Council would reasonably want to ensure the tenant has the right to carry out the works and that the landlord would not object or attempt to reinstate the property and evict the client.

Qualifying Works

Those works eligible for mandatory disabled facilities grant are set out in section 23(1) of the 1996 Act, as amended. These are.

- i. facilitating access by the disabled occupant to and from the dwelling, qualifying houseboat, or qualifying park home, (now including the garden) or
- ii. making the dwelling, qualifying houseboat, or qualifying park home safe for the disabled occupant and other persons residing with them.
- iii. facilitating access by the disabled occupant to a room used or usable as the principal family room.
- iv. facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping.
- v. facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility.
- vi. facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both) and facilitating the use by the disabled occupant of such a facility.
- vii. facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a wash hand basin or facilitating the use by the disabled occupant of such a facility.
- viii. facilitating the preparation and cooking of food by the disabled occupant.
- ix. improving any heating system in the dwelling, qualifying houseboat, or qualifying park home to meet the needs of the disabled occupant or, if there is no existing heating system or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet their needs.
- x. facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control.
- xi. facilitating access and movement by the disabled occupant around the dwelling, qualifying houseboat, or qualifying park home in order to enable them to care for a person who is normally resident and is in need of such care.
- xii. facilitating access to and from a garden by a disabled occupant; or making access to a garden safe for a disabled occupant.

Local enhancement to Disabled Facilities Grant in Torbay

Torbay Council has decided to re-introduce Local Council Tax Reduction (LCTR) as a 'passporting' benefit for applicants for Mandatory Disabled Facilities Grant. Prior to the Government's revision of the list of passported benefits in 1996, applicants in receipt of Council Tax Benefit were exempt from the Test of Resources. Council Tax Benefit was the predecessor national benefit to Local Council Tax Reduction is a similar benefit to LCTR.

Inclusion of entitlement to LCTR as a passported benefit restores the pre-1996 position and consequently will enable a number of residents receiving LCTR to apply for a mandatory disabled facilities grant without undergoing the Test of Resources.

Local Council Tax Reduction (LCTR) Amendment to the means test

Applicants in receipt of LCTR will be exempted from the requirement of the Test of Resources. (Means Test) The passporting benefit for the purposes of a disabled facilities grant is 'Local Council Tax Reduction' not a single person discount or any other discount scheme which may be available.

Armed Forces

Armed Forces Independence Payments (AFIP) as with the civilian equivalents, are ignored as income as for the purposes of DFG means-test and should be treated as receipt of the daily living component of Personal Independence Payments at the enhanced rate. These criteria are set by government as part of the means test criteria for the grant.

Due to the unique obligation and sacrifice of danger for serving and veteran military personnel, any lump sum payments received through military compensation as well as military war pension will be disregarded as part of the Disabled Facilities Grant means test.

All other aspects of the means test conditions still apply where a client does not receive a passporting benefit.

Warranty Provision

The Council will include as part of the mandatory disabled facilities grant the cost of a maintenance agreement for a period of five (5) years (where available) from the certified date for stair lifts, through-floor lifts, Clos-o-mat type toilet, step-lifts and similar equipment installed with the assistance of that grant. Where maintenance agreements of 5 years are not available through the Manufacturer the Council will fund the maximum warranty that is available. Where installing a reconditioned stair lift, any unspent warranty will be increased to the full 5 years if possible.

Necessary, Appropriate, Reasonable & Practicable

A mandatory disabled facilities grant application will only be made if the works are both 'necessary and appropriate' and 'reasonably practicable.' Where an applicant prefers a different scheme of works to that approved by the Council, the Council may offer to 'offset' the value of the original scheme towards those greater works with appropriate safeguards. This is at the discretion of the Council.

Works which have been started prior to the approval of an application will not be eligible for financial assistance.

Unexpected works which arise during the carrying out of eligible works will be considered for assistance if the works could not have been reasonably foreseen and if they are vital to the completion of a safe and effective adaptation.

Unforeseen works carried out without prior approval of the Council will not be eligible for assistance. Where unforeseen works are necessary these will be added to the grant up to the specified maximum for mandatory disabled facilities grant. Costs above the mandatory grant maximum may be supported as discretionary assistance in accordance with this policy. Care must be taken when agreeing to schemes of works on third-party property such as tenanted accommodation, that the property owner is fully engaged with the decision process. This is also particularly important where an architect or similar is acting on the customer's behalf, and where issues such as planning permission, building control and other regulation are involved.

Contractors

The Council's disabled facilities grant award is for a sum of funding only and is not inclusive or exclusive of using any specific contractors or products. Customers may specify and choose their own contractors, agent, products, and design – but take responsibility for those choices. The responsibility for supervision of the works rests with the applicant or with any suitably qualified and indemnified building professional or agent acting on the applicant's behalf and not with the council.

All work must be undertaken.

- a) In accordance with manufacturers recommendations and best practice.
- b) In accordance with and to the satisfaction of the council and Occupational Therapist/Trusted Assessor or other appropriate person's requirements.
- c) In accordance with building, planning and installation regulations where applicable and Health and Safety regulations.

Payment of grant/assistance will be made, in whole or by part payments, on receipt of contractor's invoice following satisfactory completion of the eligible work as determined by the council's officer.

Financial Assistance Award

Mandatory disabled facilities grant will be subject to a means test in accordance with the regulations made under the 1996 Act, including any local amendments within this policy. The maximum mandatory disabled facilities grant award at the time of policy publication is £30,000 minus any contribution required by a 'means test' (test of financial resources). If the maximum grant limit is changed by statute, then the maximum available disabled facilities grant award by Torbay Council will reflect this.

Where successive applications are awarded, the applicants' assessed contribution to the first grant award will be taken into account if within the period of the contribution originally calculated (10 years if owner, 5 years if tenant).

NOTE: where an applicant is in receipt of a recognised qualifying means tested benefit they will not be further means tested and they will have no calculated contribution to make. Where works are for the benefit of a child or young person up until their 19th birthday or younger at the date of application – they too will be exempt from a means test.

Order of processing applications

Disabled facilities grant applications or recommendations will usually be processed in chronological order, in line with any approved priority system, excepting in emergency circumstances at the discretion of the Council.

Conditions relating to Contractors, Standard of Works, and Invoices

In approving an application for financial assistance, the Council will require as a condition that the eligible works are carried out in accordance with any specification it has decided to impose. The eligible works must be carried out by the contractor(s) upon whose estimate the financial assistance is based, or if two estimates were submitted, by one of those contractors. The Council's consent must be obtained prior to the works if a contractor who did not submit an estimate is to carry out the works, and if an agreement is given, an estimate from the new contractor must be submitted to the Council (this does not automatically convey a difference in revised grant award – any additional costs must be separately financed by the client).

An invoice, demand or receipt will not be acceptable if it is given by the applicant or a member of the applicant's family. Where works are carried out by the applicant or a member of their family, only the cost of materials used will be eligible for financial assistance.

It is a condition of the financial assistance that the eligible works are carried out within 12 months of the date of approval of the application. This period may be extended by the Council if it thinks fit, particularly where it is satisfied that the eligible works cannot be completed for good cause – requests for additional time must be made in writing before the 12-month period ends and approved extra time will be confirmed in writing by the Council.

The payment of the financial assistance to the applicant will be dependent upon the works being carried out to a standard that is satisfactory to the Council and upon receipt of a satisfactory invoice, demand, or receipt for the works and any preliminary or ancillary services or changes.

The Council will usually make payments direct to the contractor on behalf of the client, and not usually to the applicant. Where the applicant disagrees with a payment made direct to a contractor, no payment shall be made until any dispute is resolved. Legislation permits the Council to make payment by delivering to the applicant an instrument of payment in a form made payable to the contractor, OR by making payment direct to the applicant in accordance with information provided prior to grant approval.

NOTE: Contractors receiving direct payment may be required to provide sufficient information to be set up on the Council's financial systems – BUT this should not frustrate the client's choice, as the mandatory disabled facilities grant (only) is an award of funds and not an award tied to a specific contractor with additional financial conditions.

Future occupation of the dwelling

It is a condition of the grant that throughout the grant condition period (that is 5 years from the date of certification) the dwelling is occupied in accordance with the intention stated in the certificate of owner occupation or availability for letting or intended tenancy.

Applicant dies

Where the applicant or disabled person for whom the adaptation is required dies prior to grant application then no funding will be available via the Mandatory DFG for any costs incurred.

Where the applicant or disabled person dies after the grant has been awarded, then reasonable fees will be paid from the grant where those have been incurred and can be evidenced. If works have been started then they will be completed to a reasonable point, excluding the provision of any specialist equipment. Each case would be decided individually based on circumstances and the stage of works completed, but it would be expected that all electrical and plumbing installation works would be completed and able to be used, although decoration and finishes etc. may not be completed.

Customer Own Schemes

Customers who meet the Disabled Facilities Grant eligibility and are therefore entitled to a grant allocation may wish to 'top-up' the Disabled Facilities Grant funding. The disabled facilities grant recommendation by the Occupational Therapist will be for the most cost-effective solution which meets all identified needs and will look to adapt an existing property. Where a customer wishes to pursue a different scheme, they will be responsible for the difference in costs between the disabled facilities grant 'Mandatory Scheme' and the final cost of the works, including unforeseen costs.

The disabled facilities grant team surveyor and Occupational Therapist will work with the customer, their architect, and builders as applicable, to ensure that the final scheme meets the disabled person's needs and where applicable planning and building control regulations have been adhered to.

Recovery/ Repayment of assistance awarded

Some Mandatory Disabled Facilities Grant funding may be recoverable via land charges and in accordance with permitted values as outlined in the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008. All land charges placed by the Council with regard to mandatory disabled facilities

grants will be placed in accordance with this Order.

Where the customer is an owner-occupier and not a tenant, a sum of up to £10,000 may be recovered for works more than £5,000. This sum would only be recovered if the property were sold or title otherwise transferred within 10 years of the certified (completion) date of works, subject to the Council's discretion to reduce or waive in the case of financial hardship. All recoverable costs would be registered as a land charge against the property.

NOTE: this is separate and different to the potential repayment of grant in the event of a breach of occupancy conditions or detected fraud. Also, Councils are entitled to recalculate grant awards in limited circumstances, such as for example if any relevant insurance claims are pending, and to cease making payments and to seek repayment in some cases as detailed in sections 40-42 of the 1996 Act.

Where a charge (repayable grant) is due for recovery, on receipt of a written request from the responsible person within the Disabled Facilities Grant team will consider the options to reduce or waive repayment in particular circumstances to be determined in accordance with the following criteria.

- the extent to which the recipient of the grant would suffer financial hardship were they to be required to repay all or any of the grant.
- whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of their employment.
- whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises.
- whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity.

If that initial decision is not accepted and further appealed, details of that appeal will be determined by the Head of Service, together or in consultation with the appropriate Divisional Director of the Council.

All recoverable charges will be recorded as local land charges. The charge will not be placed on the first £5,000 of any award of mandatory disabled facilities grant funding. Any sum awarded above £5,000 will be subject to a land charge, up to a maximum land charge value of £10,000.

All land charges are placed for a 10-year period from the date of completion and the value of the charge does not change throughout that period.

Worked examples of the charge are given below:

1. Works and funding awarded below £5,000

No land charge placed

2. Works and funding awarded between £5,001 and £15,000

Land charge value would be the value of works above £5,000

i.e.

- a. Works costing and grant award of £7,000 would result in a £2,000 land charge
- b. Works costing and grant award of £14,000 would result in a £9,000 land charge
- c. Works costing and grant award of £15,000 would result in a £10,000 land charge

3. Works and funding awarded in excess of £15,000

The land charge placed would be £10,000 for all cases where the cost of works and grant awarded was £15,000 or more as this is the maximum land charge that can be placed for a mandatory DFG.

Appendix B – Additional Discretionary Support for Mandatory Disabled Facilities Grant Applicants

All assistance under this section of the policy will be delivered under the same principles and guidelines as the Mandatory Disabled Facilities Grant and is subject to funding be available.

B 1. Discretionary Top-Up Assistance

Aims

The aim of the scheme is to help the vulnerable members of the community where the Mandatory Disabled Facilities Grant is insufficient to cover the full cost of the works or where the works are out of scope of the legislation but by completing them there would be demonstrable savings to the wider public purse and clear benefits to the applicant and/or their family/carers.

How will it be funded?

The grants would be funded from the Disabled Facilities Grant Budget from a dedicated part of the budget held solely for discretionary purposes. The value of this budget will be set annually.

Who will it help?

Those who have been assessed as eligible to apply for mandatory disabled facilities grant assistance and towards the mandatory designed scheme to meet identified needs.

Will it be means-tested?

There will be no additional formal means test.

How much funding might be available?

Discretionary Top-Up Assistance (DTUA) may be awarded and will be subject to the availability of resources. Where the additional funding required is less than £20,000 (i.e., up to £50,000 in total) then the decision will be based upon evidence provided by the relevant officers from occupational therapy and the DFG Team to the appropriate Divisional Director.

However, if additional funding is required over £20,001 then it must be presented to a Decision-Making panel which would include Senior Representative from Adults and Children's Occupational Therapy, and alternative options, such as moving, would need to have been demonstrated to have been explored in full, including contributions from landlords for housing association or private tenants. The funding application would then be presented the appropriate Divisional Director responsible for the service for final approval.

Will there be a charge against the property?

For owner-occupiers DTUA will be registered, **in full and in perpetuity**, as a local land charge against the property and will be recovered on the sale or transfer of the property, subject to rules regarding exempt sales.

Note – this is separate to the £10,000 recoverable disabled facilities grant which expires at 10 years from certification of works completion.

Conditions attached to the grant

The person must be a permanent resident of Torbay and the property must be their permanent address. Conditions restricting future use and ownership of the property – the following additional conditions will apply where the Council has made an award of DTUA.

- The owner will notify the Council in writing if a relevant disposal of the property is proposed.
- The owner of the property will provide, within 21 days of a written notice from the Council, a statement confirming the ownership and occupancy of the dwelling. If the property has been sold or transferred the statement will include the date of transfer of ownership.
- Discretionary Top-Up Assistance will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- It is a condition of DTUA that where an owner makes a relevant disposal of the dwelling, other than an exempt disposal, the DTUA shall be repayable subject to above.
- The land charge will be placed in perpetuity and will be repayable upon sale of the property. No account will be taken by the Council of charges subsequent to the charges registered by the Council.
- Funding will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- If the property is transferred, or the sale price does not reflect the market price, the Council will have the right to seek an independent valuation of the market value, which will be binding on both parties, in order to recover the grant repayable.

If the applicant for DTUA is a tenant then the Council will liaise with the appropriate landlord to explore whether alternative funding options, such as funding from the landlord and/or moving to alternative suitable accommodation is an option, before approving DTUA.

Applications for DTUA will be considered once works have already been started and unforeseen costs arise if the scheme is a Mandatory Scheme.

Where an applicant is pursuing a 'preferred' scheme and has received the maximum eligible grant funding then applications for DTUA will not be considered.

A maximum of one application for DTUA will be considered in any 5-year period.

How to apply?

Further information on how to apply for an apply for assistance can be found on the Council website

<https://www.torbay.gov.uk/health-and-wellbeing/independent-living/staying-in-your-own-home/adapting-your-home/>

Funding will be awarded on a case-by-case basis as outlined above.

B 2 – Client Contribution Support Aims

The means test, as set out in the Housing Grants Construction and Regeneration Act 1996 has remained unchanged since the introduction of disabled facilities grants in their current form in 1996. It is widely accepted as being out of date and does not consider the outgoings of a household when assessing a contribution towards disabled facilities grant. The result is that, on occasion, anomalous results can occur which mean that vulnerable people are unable to proceed with the adaptations they need to help them live at home due to an unaffordable contribution level. The 2018 Disabled Facilities Grant Review recommended that the means test be overhauled, and this is currently proposed in the Social Care White Paper 2021, but until changes are made it is proposed that discretionary contribution assistance is provided.

The aim of this scheme is to help the vulnerable members of the community where the applicant is unable to proceed with adaptations because of a means tested contribution which means that they are at significant risk in their home and/or the failure to complete adaptations will result in increased costs to the wider Social Care budgets. It gives the Council the ability to pay these contributions from discretionary funding therefore enabling works to go ahead and the applicant to remain living in their home.

How will it be funded?

The grants would be funded from the Disabled Facilities Grant Budget from a dedicated part of the budget held solely for discretionary purposes. The value of this budget will be set annually.

Who will it help?

Those who have been assessed as being eligible to apply for mandatory disabled facilities grant assistance.

Will it be means-tested?

There will be no additional formal means test.

How much funding might be available?

Client Contribution Support (CCS) support, up to a maximum of £10,000, may be awarded where the following conditions are met:

- i. The applicant owner the property
- ii. The applicant is not able to proceed with the works due to the assessed contribution.
- iii. There is a report from the OT recommending and demonstrating a severe health impact if assistance is refused.
- iv. Evidence that the lack of adaptations leaves the applicant at risk in their home.
- v. Evidence that not completing the adaptations could result in increased costs to the Social Care Budget.
- vi. The resident has less than £10,000 in savings³

³ For the purposes of this grant, the term 'Savings' refers to any cash, bank, or other financial institutions accounts, shares or capital that is considered as part of the Mandatory DISABLED FACILITIES GRANT means test. It is not limited to bank 'savings' accounts.

Will there be a charge against the property?

Any value of CCS funding awarded, will be registered, in full, as a local land charge against the property and will be recovered on the sale or transfer of the property, subject to rules regarding exempt sales.

Note – this is separate to the £10,000 recoverable disabled facilities grant which expires at 10 years from certification of works completion.

Conditions attached to the Client Contribution Support

The person must be a permanent resident of Torbay and the property must be their permanent address.

Conditions restricting future use and ownership of the property – the following additional conditions will apply where the Council has made an award of CCS.

- The owner will notify the Council in writing if a relevant disposal of the property is proposed.
- The owner of the property will provide, within 21 days of a written notice from the Council, a statement confirming the ownership and occupancy of the dwelling. If the property has been sold or transferred the statement will include the date of transfer of ownership.
- Client Contribution Support will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- It is a condition of CCS that where an owner makes a relevant disposal of the dwelling, other than an exempt disposal, the CCS shall be repayable subject to above.
- Funding will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- The land charge will be placed in perpetuity and will be repayable upon sale of the property. No account will be taken by the Council of charges subsequent to the charges registered by the Council.
- If the property is transferred, or the sale price does not reflect the market price, the Council will have the right to seek an independent valuation of the market value, which will be binding on both parties, to recover the grant repayable.

How to apply?

Further information on how to apply for an apply for assistance can be found on the Council website

<https://www.torbay.gov.uk/health-and-wellbeing/independent-living/staying-in-your-own-home/adapting-your-home/>

Funding will be awarded on a case-by-case basis as outlined above

B 3 – Professional Fee Grant

Aims

The preparation of a mandatory disabled facilities grant application often incurs necessary professional fees. However, funding under a mandatory disabled facilities grant can only be paid once a grant has been approved. This can result in an applicant being liable for abortive costs if the application cannot proceed due to unforeseen circumstances or the Council is left with costs it cannot pay.

The purpose of this grant is to enable the council to pay, on behalf of an applicant any abortive professional fees incurred where an application for disabled facilities grant cannot proceed due to unforeseen circumstances, such as the death of the applicant or a significant change in need meaning that adaptations are no longer appropriate.

Where an applicant changes their mind regarding an adaptation once an application is at an advanced stage and incurring fees, then this grant would not be available, and the outstanding costs would remain the liability of the applicant.

How will it be funded?

The grants would be funded from the disabled facilities grant budget from a dedicated part of the budget held solely for discretionary purposes. The value of this budget will be set annually.

Who will it help?

Those who have been assessed as being eligible to apply for mandatory disabled facilities grant assistance.

Will it be means-tested?

There will be no additional formal means test.

How much funding might be available?

Professional Fee Grant support will be available up to a maximum of £2,500

Will there be a charge against the property?

There will be no land charge placed against the property for professional fee grant awards.

Conditions attached to the Grant

The person must be a permanent resident of Torbay and the property must be their permanent address.

A maximum of one application for assistance will be considered in any 5-year period.

The Council may consider additional applications under exceptional circumstances. These cases would be reviewed by the Adaptations Panel for final decision.

How to apply?

Further information on how to apply for an apply for assistance can be found on the Council website <https://www.torbay.gov.uk/health-and-wellbeing/independent-living/staying-in-your-own-home/adapting-your-home/>

Funding will be awarded on a case-by-case basis as outlined above

B 4 - Safe and Secure Grant

Purpose of the assistance

The purpose of this grant is to assist owner-occupies in Torbay who are applying for a Disabled Facilities Grant and to elimination category one hazards in order to support works being carried out through the mandatory disabled facilities grant.

How will it be funded?

The grants would be funded from the disabled facilities grant budget from a dedicated part of the budget held solely for discretionary purposes. The value of this budget will be set annually

Who will it help?

Funding will be available subject to the following eligibility criteria:

- The applicant must be the owner-occupier of the property
- The applicant must have owned the property for a minimum period of five years
- The applicant must meet the following financial criteria:
 - Be in receipt of:
 - Income Support
 - Income-based Job Seekers Allowance
 - Income-related Employment and Support Allowance
 - Support under Part IV of the Immigration and Asylum Act 1999
 - The Guarantee element of State Pension Credit
 - Child Tax Credit (as long as there is no entitlement to Working Tax Credit and the household income does not exceed £16,190 as assessed by HM Revenue and Customs)
 - Universal Credit
 - Council Tax Support (not single person reduction)
 - or**
 - The applicant is aged 55 years or over and their income level is below the income tax threshold
- Works required must not be eligible for funding from any other sources, such as insurance policies or owner resources.
- Works required must have been identified as necessary to facilitate or support the delivery of an adaptation via the mandatory disabled facilities grant

Will it be means tested?

There is no formal means test to assess a contribution, but applicants must meet the financial criteria set out above.

How much funding might be available?

A maximum of £5,000 is available under this scheme.

Will there be a charge against the property?

All funding will be registered, in full, as a local land charge against the property and will be recovered on the sale or transfer of the property, subject to rules regarding exempt sales.

Note – this is separate to the £10,000 recoverable disabled facilities grant which expires at 10 years from certification of works completion.

Conditions attached to the grant

The person must be a permanent resident of Torbay and the property must be their permanent address.

Conditions restricting future use and ownership of the property – the following additional conditions will apply where the Council has made an award of this grant.

- The owner will notify the Council in writing if a relevant disposal of the property is proposed.
- The owner of the property will provide, within 21 days of a written notice from the Council, a statement confirming the ownership and occupancy of the dwelling. If the property has been sold or transferred the statement will include the date of transfer of ownership.
- Discretionary Top-Up Assistance will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- It is a condition of DTUA that where an owner makes a relevant disposal of the dwelling, other than an exempt disposal, the DTUA shall be repayable subject to above.
- Funding will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- The land charge will be placed in perpetuity and will be repayable upon sale of the property. No account will be taken by the Council of charges subsequent to the charges registered by the Council.
- If the property is transferred, or the sale price does not reflect the market price, the Council will have the right to seek an independent valuation of the market value, which will be binding on both parties, to recover the grant repayable.

Only a single award of this grant will be available in any five-year period.

How to apply

Further information on how to apply for an apply for assistance can be found on the Council website

<https://www.torbay.gov.uk/health-and-wellbeing/independent-living/staying-in-your-own-home/adapting-your-home/>

Funding will be awarded on a case-by-case basis as outlined above

B 5 - Help to move / Relocation Grant

What assistance you might get if a DFG cannot proceed

Aims

The aim of the scheme is to help the vulnerable members of the community where it is not possible to adapt their current home, but by supporting them to move to more suitable accommodation there would be demonstrable savings to the wider public purse and clear benefits to the applicant and/or their family/carers.

How will it be funded?

Grants would be funded from the disabled facilities grant budget. This is subject to the council's usual financial monitoring processes. If usual financial monitoring processes identifies there is only enough disabled facilities grant budget available to meet the mandatory disabled facilities grant assistance requirements, then the discretionary flexibility will not be utilised for any full or part year where that situation is applicable.

Who will it help?

Those eligible for mandatory disabled facilities grant assistance.

Will it be means-tested?

There will be no formal means test.

Support to move / relocate

Funding may be available to assist the disabled person to move to a more suitable property where it is impracticable to adapt or more cost effective than adapting the current home of a disabled person to make it suitable for their present or future needs, even though the new property may need some adaptation.

Criteria for consideration in cases of help-to-move/relocate; (this is not an exclusive or exhaustive list as other factors may become apparent with experience):

- The disabled person may need to move to give or receive care, or to receive medical treatment.
- The disabled person may need to move to maintain or gain employment.
- The cost of works to the current property may exceed the benefit to the applicant.
- The cost of works may exceed the available grant and loan maximum and any available applicant or third-party contribution.
- The applicant's calculated contribution may be unaffordable and moving/buying is a better financial solution.
- The applicant may need to move to reduce rent and/or release spare bedrooms which they can no longer afford (e.g., benefits cap and/or the spare room subsidy).
- A different property may provide a greater benefit for the applicant for the funds.
- The current property may not be adaptable, and another property may be more amenable to adaptation.

- The current property may contain hazards or defects which would not be sufficiently addressed by the works or otherwise by the applicant or owner.
- The property owner (landlord) refuses to permit the adaptation.
- The property is for sale, or pending foreclosure, bankruptcy (as security against debt) or repossession.
- The tenancy is due to end and not be renewed or is otherwise unstable.
- Relationship breakdown.

The disabled facilities grant team is required to consult the OT service to consider what assistance would be necessary and appropriate for the applicant, and then apply a test of what is reasonable and practicable in the circumstances of the property. The service must consider viable alternative solutions which appear more cost effective.

Such solutions may include contributions towards costs incurred as part of an alternative house-purchase and moving to an already adapted or more economically adaptable and suitable property. Funding will not be given towards the purchase price of an alternative property but may be provided towards legal and moving costs.

Moving and house purchase finance will be determined on a case-by-case basis determined by:

- the tenure and location of the original and new properties,
- the residual equity and any increased mortgage debt,
- whether moving within the Council's jurisdiction, or beyond,
- whether the original property is unadaptable, unaffordable, or poor value to adapt,

or that moving is purely an occupier choice or because of a landlord's refusal to permit adaptation. Mandatory disabled facilities grant of up to £30,000 is available for adaptations in properties residents have moved to (within the local area only) but may be reduced by any assessed contributions.

Help to move assistance is available to owner-occupiers and to tenants' subject to individual determination.

As there are too many variables to set a fixed policy on awards for moving or buying property, each case will be determined on its merits subject to resources by recommendation from the appropriate Divisional Director responsible for the service, sufficient discretionary authority to approve works of that value.

How much funding might be available?

Help to Move funding may be awarded and will be subject to the availability of resources. A maximum of £5,000 may be available to support costs solely associated with moving home.

Will there be a charge against the property?

There will be no land charge registered against the property.

Conditions attached to the Grant

The person must currently be a permanent resident of Torbay and the property must be their current and intended permanent address.

A maximum of one application will be considered in any 5-year period.

How to apply?

Further information on how to apply for an apply for assistance can be found on the Council website <https://www.torbay.gov.uk/health-and-wellbeing/independent-living/staying-in-your-own-home/adapting-your-home/>

Funding will be awarded on a case-by-case basis as outlined above

This document can be made available in other languages and formats. For more information, please contact Disabled Facility Grant Team on 01803 208020.

Housing Assistance Policy Survey

SURVEY RESPONSE REPORT

19 January 2023 - 05 March 2023

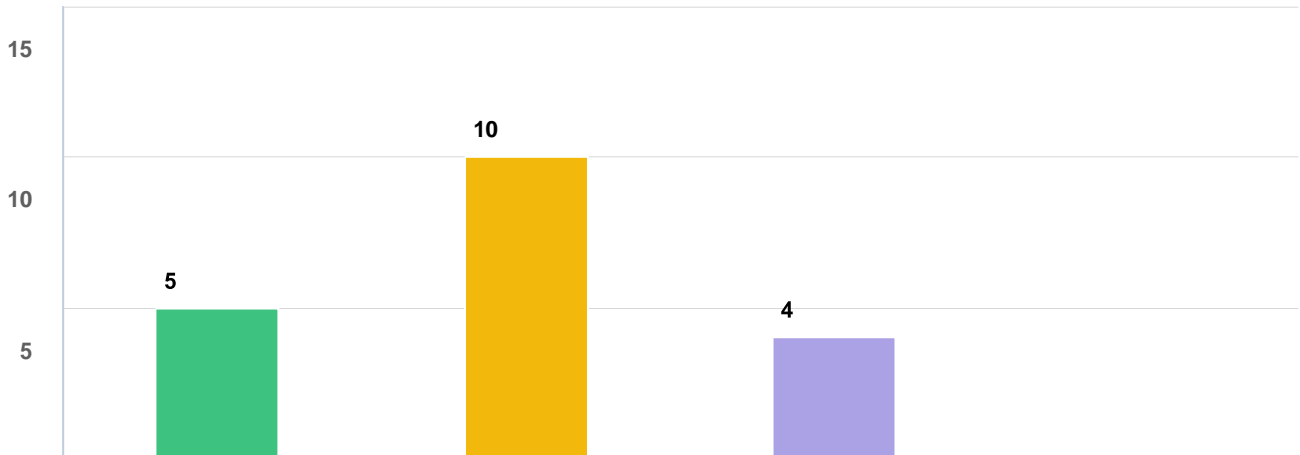
PROJECT NAME:

Torbay Housing Assistance Policy



SURVEY QUESTIONS

Q1 Do you agree that the funding options are clear and easy to understand?

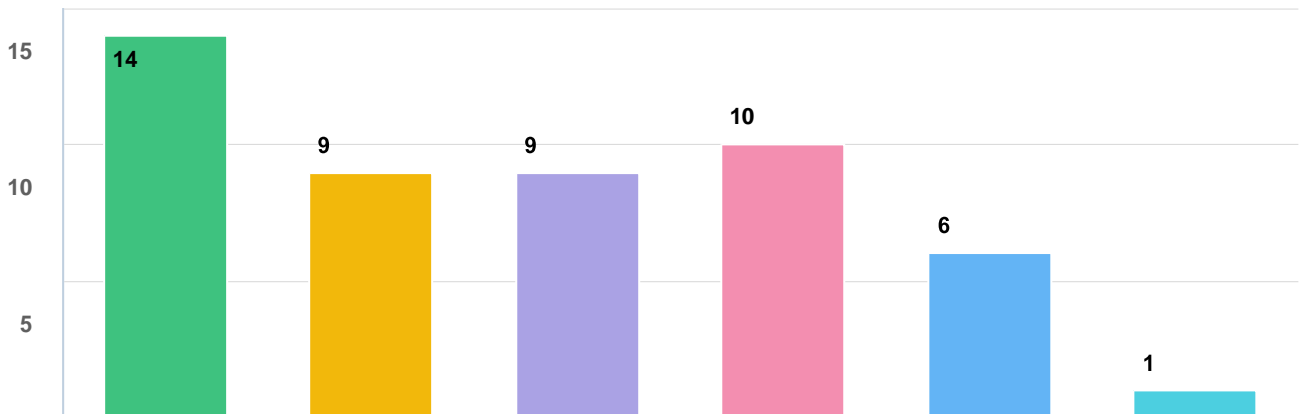


Question options

- Strongly agree
- Agree
- Disagree
- Strongly disagree

Optional question (19 response(s), 0 skipped)
Question type: Checkbox Question

Q2 We have increased the funding options available through this policy, providing greater flexibility to meet people’s needs. ...

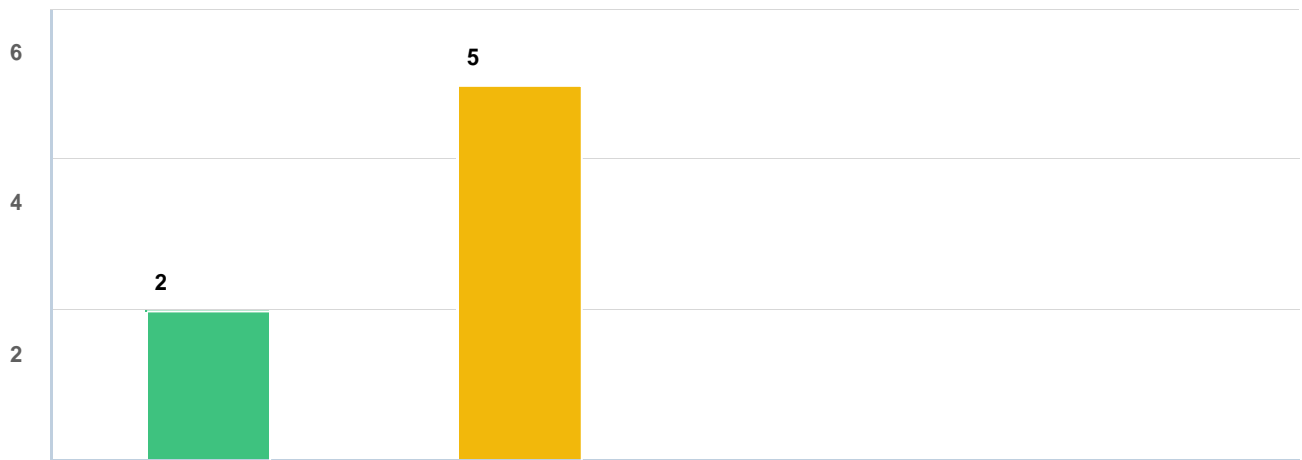


Question options

- Discretionary Top-up grant
- Client contribution support
- Help to move grant
- Safe and secure grant
- Professional fees grant
- Other (please specify)

Optional question (18 response(s), 1 skipped)
Question type: Checkbox Question

Q3 If you are a parent or guardian of a child with mental and physical needs. Do you feel that the grants listed in question 2...



Question options

- Strongly agree
- Agree
- Disagree
- Strongly disagree

Optional question (7 response(s), 12 skipped)

Question type: Checkbox Question

Q4 | Would you like to suggest other areas of assistance that could be beneficial to help people remain independent in their home, that you think we need to look at?

Reg

none

1/26/2023 05:32 PM

R

It is an excellent idea. Most disabled people would much rather stay in their own homes with extra help

1/27/2023 01:14 PM

J

There needs to be an assistance scheme for older home owners with caring and carers needs, to be able to move from their, now too large and unsuitable properties with stairs and too many bedrooms upstairs, into affordable, single level, one and two bedroomed housing home ownership, thus keeping them able to, still own their own home and also and importantly, releasing the, now unsuitable homes that they are living in, to the open market so that the much-needed larger house with one or two elderly people in, are available to be released, to the younger families that are desperate to find suitable housing, to live in and remain within Torbay. My wife and I, are a fine example of this situation, I am retired, my wife is unable to work due to her mental health condition and I am her carer, we live in a large four double bedroom town house over three floors, with two bathrooms, four toilets and large living room and kitchen diner. We use a quarter of the property and have been looking for over two years to move within the Bay and cannot find anything suitable for our requirements, that is affordable and that is in good condition and in the meantime, we are house blocking and preventing a family from living in our now, oversized for us, house.

1/27/2023 05:16 PM

C

Increase care support. Increase the quality of care.

2/20/2023 06:28 PM

S

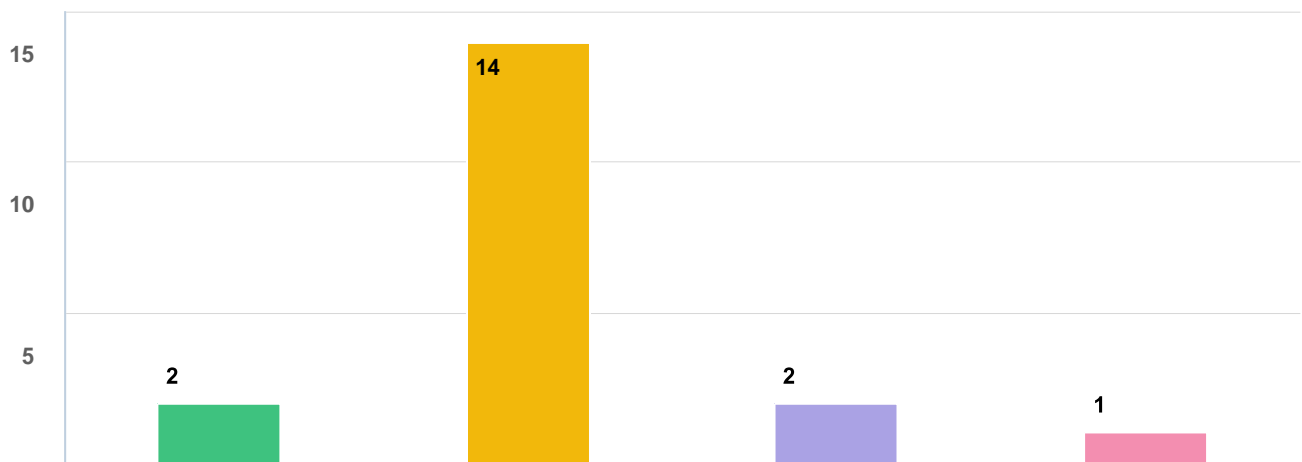
Assist people in mortgaged homes move to more suitable accommodation

2/21/2023 09:20 AM

Optional question (5 response(s), 14 skipped)

Question type: Essay Question

Q5 Overall, how satisfied are you that the Torbay Housing Assistance Policy will help people to live a more independent life?



Question options

● Very satisfied ● Satisfied ● Dissatisfied ● Very dissatisfied

Optional question (19 response(s), 0 skipped)

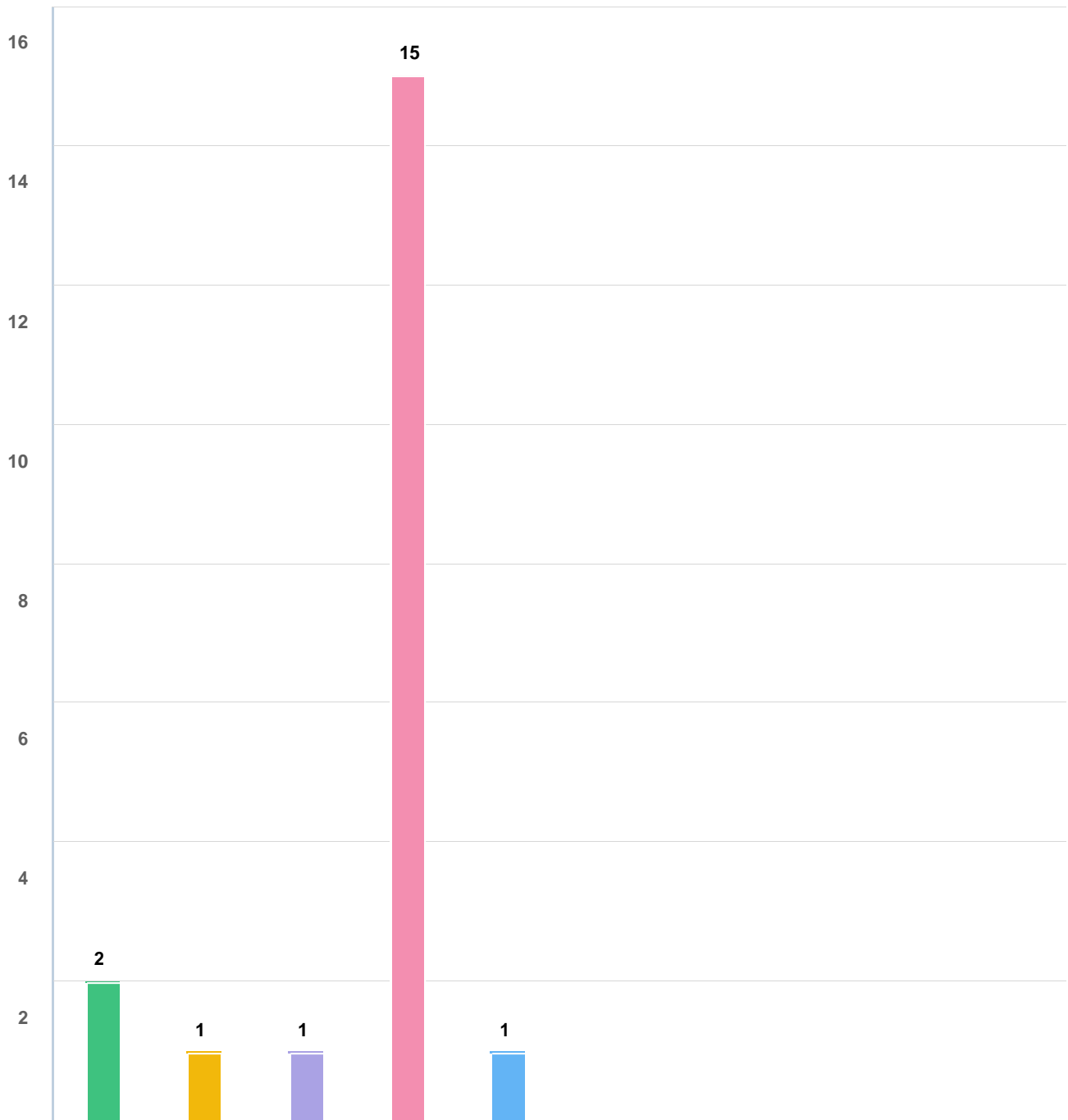
Question type: Checkbox Question

Q6 If you have more detailed feedback, you can upload a file here (Word, or PDF)

Optional question (1 response(s), 18 skipped) – Feedback from Childrens OT

Question type: File Question

Q7 About you. Please select the one that suits you most:

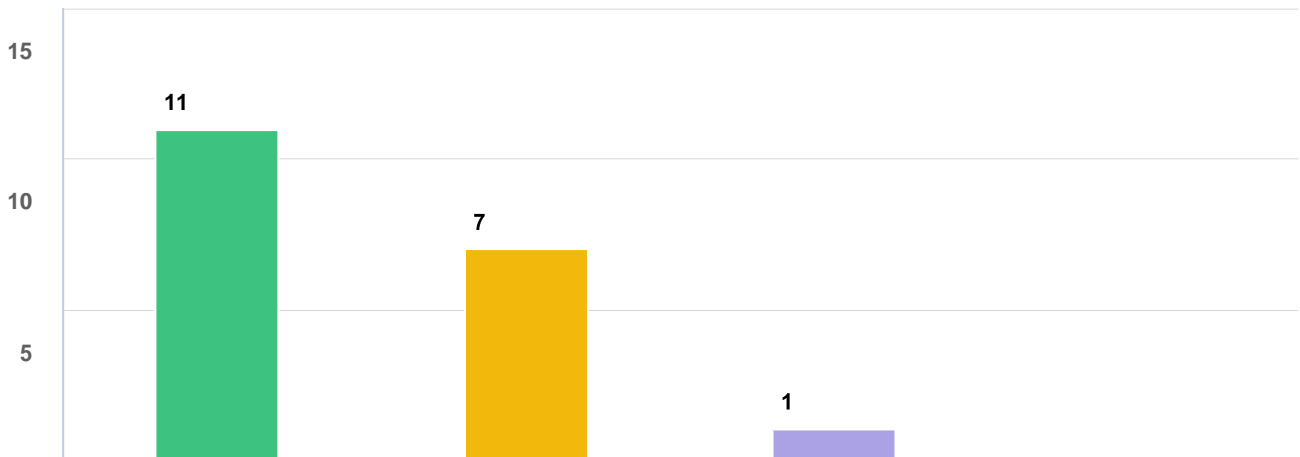


Question options

- Occupational Therapist
- Private landlord
- Voluntary organisation
- Resident
- Parent or guardian of child under 18
- Contractor
- Registered provider
- Social care or health professional
- Elected member
- Other (please specify)

Optional question (19 response(s), 0 skipped)
Question type: Checkbox Question

Q8 Equalities information. Which of the following best describes how you think of yourself?

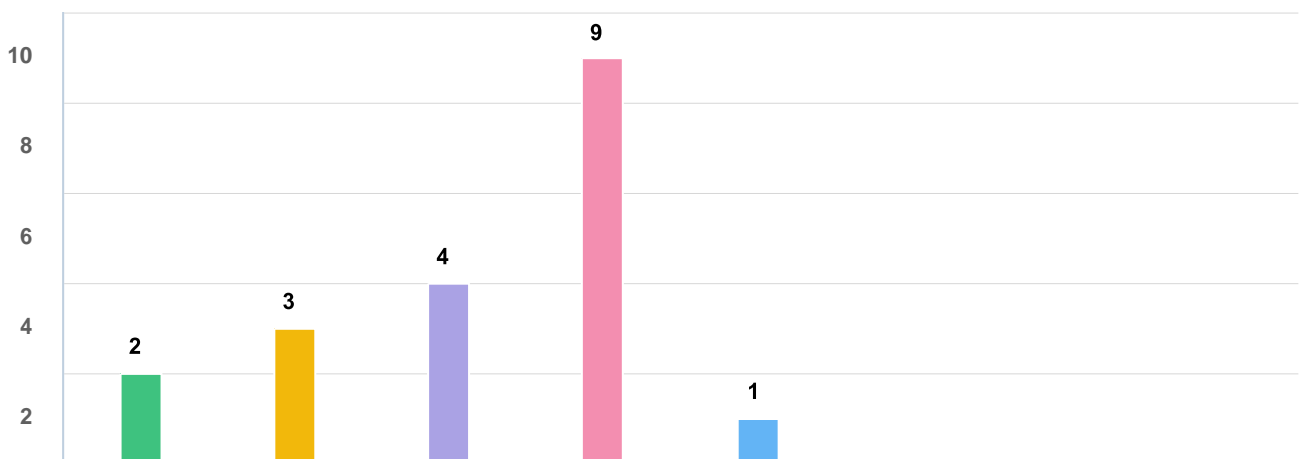


Question options

- Female
- Male
- Prefer not to say
- Other (please specify)

Optional question (19 response(s), 0 skipped)
 Question type: *Checkbox Question*

Q9 Which of the following age groups applies to you?

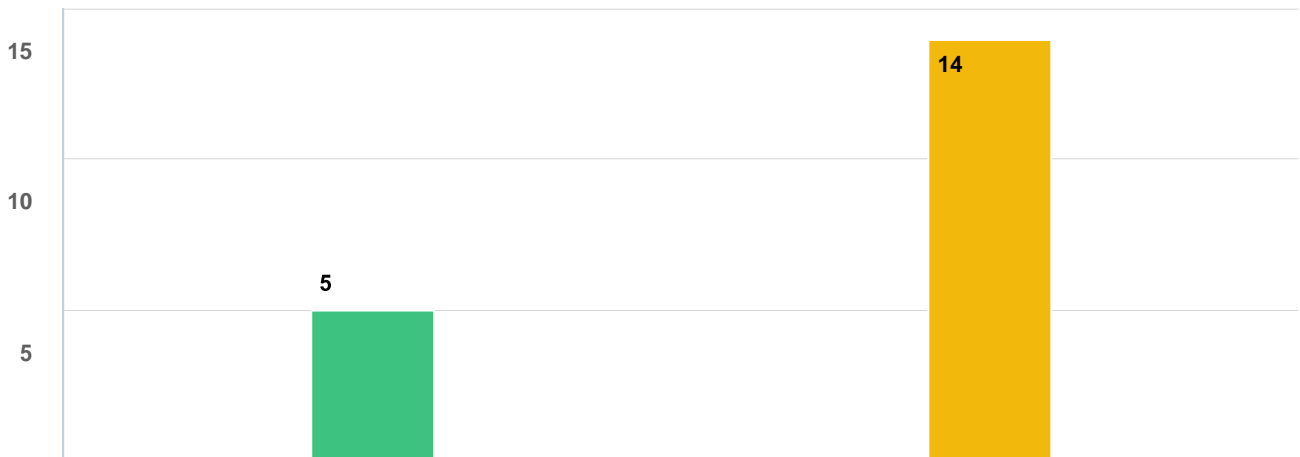


Question options

- 35-44
- 45-54
- 55-64
- 65-74
- 75+
- 0-15
- 16-24
- 25-34

Optional question (19 response(s), 0 skipped)
 Question type: *Checkbox Question*

Q10 Do you consider yourself to be disabled in any way?



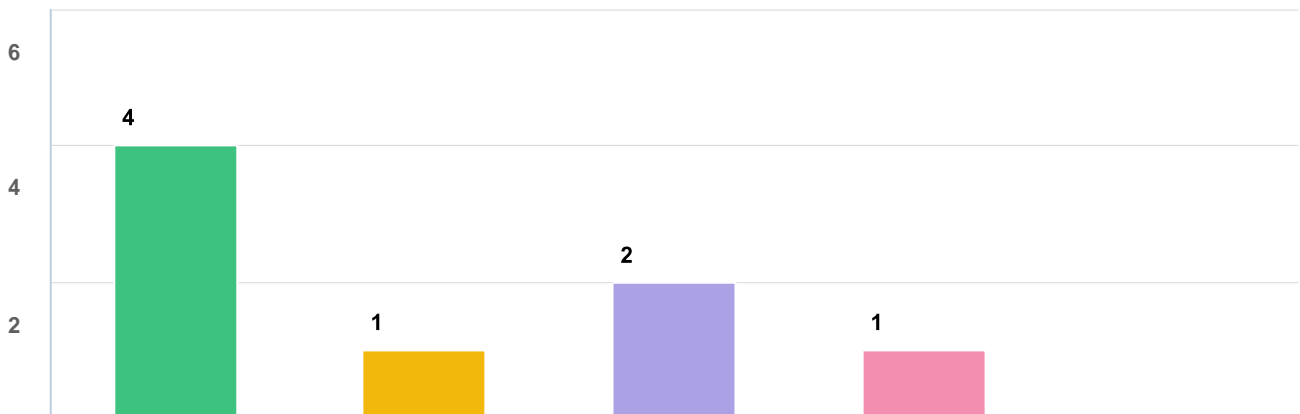
Question options

- Yes
- No

Optional question (19 response(s), 0 skipped)

Question type: Checkbox Question

Q11 If yes, please tell us how it affects you:



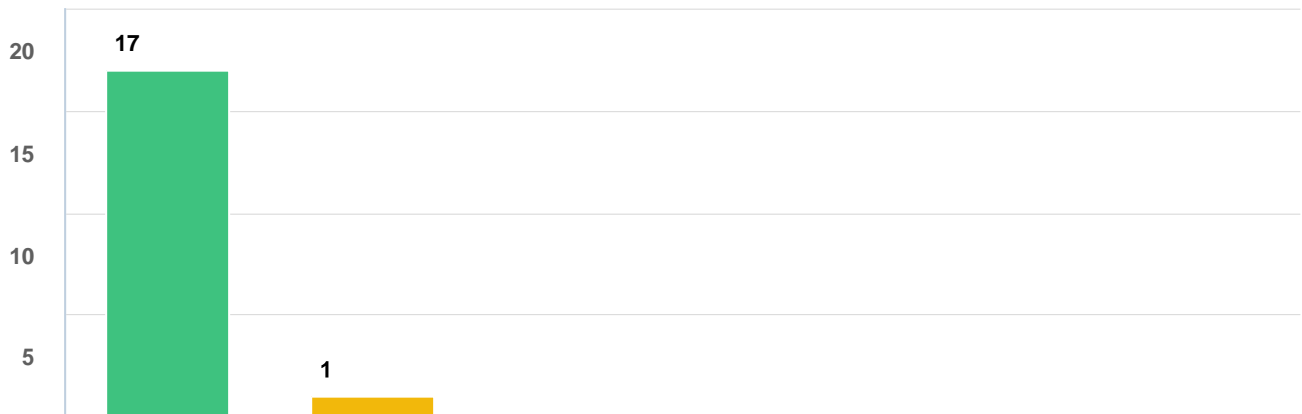
Question options

- It affects my mobility
- It affects my hearing
- It affects me in another way
- Other (please specify)
- It affects my vision

Optional question (6 response(s), 13 skipped)

Question type: Checkbox Question

Q12 How would you describe your ethnic origin?



Question options

- White
- Other (please specify)
- Mixed ethnicity
- Asian or Asian British
- Black or Black British
- Chinese

Meeting: Cabinet **Date:** 21 November 2023

Wards affected: All

Report Title: Licensing Act 2003 – Cumulative Impact Assessment 2024 - 2027

When does the decision need to be implemented? 7 January 2023

Cabinet Member Contact Details: Councillor Hayley Tranter, Hayley.tranter@torbay.gov.uk

Director/Divisional Director Contact Details: Joanna Williams, Director of Adult and Community and Customer Services

1. Purpose of Report

- 1.1 Cumulative Impact Assessments (CIA) were introduced formally in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance.
- 1.2 The two current cumulative impact areas, along with the Police and Public Nuisance evidence were consulted on for over six weeks between 16 August 2023 and 5 October 2023. This report contains details of the consultation responses and the cumulative impact areas proposed to be adopted.

2. Reason for Proposal and its benefits

- 2.1 The proposal is made in order to meet a statutory obligation as prescribed in section 5a of the Licensing Act 2003. After publishing a CIA the Licensing Authority must, within three years, consider whether it remains of the opinion set out in the assessment as detailed in the section 182 guidance and republish the final version after consideration of the responses received as part of the consultation process.

3. Recommendation(s) / Proposed Decision

- 3.1 That Cabinet recommend to Council that the Cumulative Impact Assessment (CIA) is maintained and the revised assessment contained in Appendix 1 is adopted and published and will come into effect from 7 January 2024.
- 3.2 That Cabinet recommend to Council that the Licensing Committee be authorised to approve future reviews and adoption of the CIA. Since the introduction of section 5A of the Licensing Act 2003, all matters regarding CIA's responsibility of the statutory licensing

committee, by virtue of section 7(1), as it is no longer part of the Licensing Act 2003 Statement of Policy.

- **Appendices**

- Appendix A: Cumulative Impact Assessment 2024 – 2027
- Appendix B: Cumulative Impact Consultation responses

- **Background Documents**

1. Current Cumulative Impact Policy - [cumulative-impact-policy-2021-24-by-easepdf-without-watermark.pdf \(torbay.gov.uk\)](#)
2. Licensing Act 2003
<http://www.legislation.gov.uk/ukpga/2003/17/contents>
3. Section 182 guidance - [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](#)

Supporting Information

1. Introduction

- 1.1 The Licensing Act 2003 regulates the sale of alcohol, provision of certain entertainment and late-night refreshment. This is achieved by the use of a licensing system administered by the Council.
- 1.2 Under the Licensing Act 2003, a Licensing Authority may publish a CIA, stating that the licensing authority considers that the number of premises licences and club premises certificates in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part of those parts. A cumulative impact assessment must set out the evidence for the authority's opinion.
- 1.3 The current CIA was last reviewed in 2020 and was effective from 7 January 2021. Section 5a of the Licensing Act 2003 requires the Cumulative Impact Policy to be reviewed every 3 years to consider whether it remains of that opinion. If the Local Authority remains of that opinion, then it must revise the CIA so that it a) includes a statement to that effect and b) sets out the evidence as to why the authority remains of that opinion.
- 1.4 Cumulative impact means the potential impact that a significant number of licensed premises in one area can have based on the following four licensing objectives.
- Prevention of crime and disorder
 - Prevention of public nuisance
 - Public safety
 - Protection of children from harm
- There are currently two designated cumulative impact areas in Torquay:
- The Strand
 - Castle Circus
- 1.5 It is proposed that the CIA continues to cover the above- mentioned areas. Please refer to the Police's report in Appendix A of the draft CIA 2024 - 2027 which details the evidence as to why the two areas should remain.
- 1.6 Appendix B of the CIA assessment, shows the number of noise and odour complaints within each CIA during 2017 - 2022. This shows the effect of the concentrated number of premises on the local residents by way of public nuisance. For example, noise or odour from the premises and from residents shouting in the street. A number of these complaints cannot be associated with one particular premises and is caused by the effect of the number of premises and the number of customers frequenting the areas at particular times of day and night.

2. Consultation Process

2.1 A six-week public consultation process took place between 16 August 2023 and 5 October 2023. The consultation process provided all stakeholders, interested parties and the public in general, the opportunity to have their say on the content of the draft. The following people were consulted:

- a) The Chief Officer of Devon and Cornwall Police
- b) The Chief Officer of Devon and Somerset Fire and Rescue Service
- c) The Director of Public Health
- d) Residents and businesses of Torbay
- e) Bodies representing businesses
- f) Holders of Premises Licences and Club Premises Certificates
- g) Bodies representing existing registered clubs
- h) Bodies representing holders of existing premises licences and personal licences
- i) Torbay and Southern Devon Health & Care NHS Trust
- j) Torbay Council: Children's Services
- k) Torbay Council: Planning, Environmental Health and Highways Authorities
- l) The Torbay Safer Communities Partnership
- m) The Maritime and Coastguard Agency
- n) Faith groups via Torbay Interfaith Forum and the Street Pastors
- o) Safer Torbay
- p) Torbay Development Agency
- q) English Riviera BID Company
- r) Torbay Harbour Authority
- s) Best Bar None
- t) Ward Councillors

2.2 All premises with email addresses on our database that hold either a 'premises licence' or 'club premises licence' and personal licence holders were sent details of the consultation. A similar email was sent to resident/community groups and faith groups for which contact details were available. Details of the consultation were posted on our webpages and social media pages with a link to an online form to encourage feedback. In addition, the responsible authorities were consulted (Police, Child Protection, Fire and Rescue Service, Trading Standards, Environmental Health, Public Health, Planning Authority, HSE, Maritime and Coastguard Agency, Torbay Harbour Masters' and the Home Office). All ward councillors were sent copies of the consultation documentation.

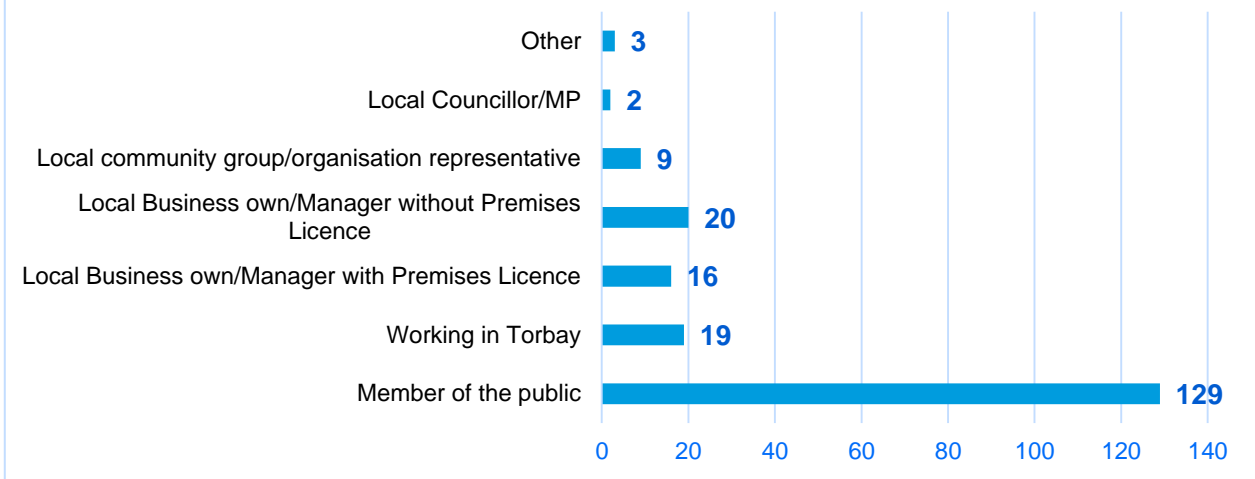
Members of the Licensing Committee also considered the draft assessment on 14 September 2023 and recommended that this is adopted by the Council.

3 Consultation Findings

3.1 A total of 201 responses were received following the consultation process, 199 were received via the online form and two were received by letter.

3.2 The majority of responses were from local residents.

Responses received from the following groups

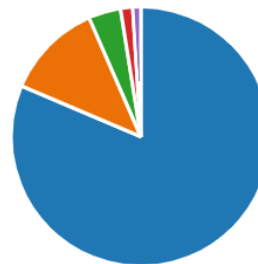


3.3 The majority of responses (93%) 'agreed' or 'strongly agreed' that the CIA should continue to cover the Castle Circus Area.

3. How strongly do you agree or disagree the Castle Circus area of Torquay, shown in the shaded area in the plan, should remain as a Cumulative Impact Assessment area in the new CIA policy?

[More Details](#)

Strongly agree	162
Agree	24
Neutral	8
Disagree	3
Strongly disagree	2



The majority of responses (81%) 'agreed' or 'strongly agreed' that the CIA should continue to cover the Strand Area.

4. How strongly do you agree or disagree the Harbourside and Fleet Street, Torquay, known as The Strand area, shown in the shaded area in the plan, should remain as a Cumulative Impact Assessment area in the new CIA policy?

[More Details](#)

[Insights](#)

Strongly agree	139
Agree	22
Neutral	16
Disagree	8
Strongly disagree	14



- 3.4 112 responses were received for the final question 'any other comments' and these can be found in Appendix B. Two written responses were received via email and these are shown in Table 1 at the end of Appendix B.
- 3.5 The majority of consultation responses received, referred to Castle Circus and the surrounding area. The Council, in partnership with Devon and Cornwall Police, are aware of these same concerns and continue to work with other partners, licensed premises and businesses in this area to overcome these. The Council has utilised the Safer Streets funding in the Castle Circus and Harbourside area and this has resulted in additional CCTV in Factory Row to enhance coverage and help identify and action any anti-social behaviour in this area.
- 3.6 The responses received in relation to the CIA Consultation were in support of keeping the two CIA areas. It is therefore recommended that the Council agree to maintain a CIA in the two areas and publish the updated CIA 2024 – 2027 with effect from 7 January 2024.

4. Options under consideration

- 4.1 As the review of a CIA is a statutory requirement, no other options have been considered.
- 4.2 It was not deemed appropriate to withdraw the CIA areas altogether based on current evidence.

5. Financial Opportunities and Implications

- 5.1 There are no financial opportunities or implications arising from the change to the CIA, save for minimal consultation costs, which were met from existing budgets.

6. Legal Implications

- 6.1 None. However, this is a statutory requirement so failure to review every three years could lead to legal challenge by businesses.

7. Purchasing or Hiring of Goods and/or Services

- 7.1 This proposal does not require the purchase or hire of goods or services.

8. Tackling Climate Change

- 8.1 There is no aspect of this Statement that will impact negatively or positively on climate.

9. Associated Risks

- 9.1 There are no risks with agreeing the consultation process which is necessary to comply with the legislative requirements.

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

10.1 The CIA is a review of an existing Assessment and therefore there is no change to impact of specific groups. Where there exists any potential for impact, this would generally be through the application process where there is the safeguard that any responsible authority or 'other person' may make representation. The four licensing objectives are also designed to ensure consideration of any impacts.

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	X		
People with caring Responsibilities			X
People with a disability			X
Women or men			X
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			X
Religion or belief (including lack of belief)			X
People who are lesbian, gay or bisexual			X
People who are transgendered			X
People who are in a marriage or civil partnership			X
Women who are pregnant / on maternity leave			x
Socio-economic impacts (Including impact on child poverty issues and deprivation)			X
Public Health impacts (How will your proposal impact on the general			X

health of the population of Torbay)			
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11. Cumulative Council Impact

None

12. Cumulative Community Impacts

None

Appendix A

Cumulative Impact Assessment 2024 - 2027

Background

Cumulative Impact has been used as a term to describe the stress that a large number of licensed premises can have on crime and disorder, nuisance and the demand on local services. The guidance describes cumulative impact as ‘the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area’. It is often not that licensed premises on their own are operating in a way that is detrimental to the licensing objectives, but it is the accumulation of the premises and the people attending them that creates the increased problems and demands on services.

Cumulative impact can occur either in the area where the premises are located or some distance away from them, for example at public transport locations or fast food premises. The issue of cumulative impact occurs due to the number of people in the area frequenting the licensed premises. The accumulation of licensed premises has a disproportionate demand on local services such as transport, public lavatories, waste collection and street cleaning. There is also a higher level of crime and disorder, often associated with alcohol related violence that can take place which will create additional demands on the Police as well as the ambulance service. It is also likely that criminal activity is attracted to areas where there are higher concentrations of people and who may be vulnerable to theft or other crimes due to the level of intoxication.

The problems associated with cumulative impact cannot be attributed to individual premises, and to mismanagement by individual licensees, and so a collective restraint is required.

Until 6 April 2018, ‘cumulative impact’ and ‘cumulative impact policies’ were not a statutory requirement under the Act. Prior to this date, ‘cumulative impact’ was only referred to within the statutory guidance issued by the Home Office.

The government amended the Licensing Act 2003 via the Policing and Crime Act 2017. This amendment made it a requirement that the Licensing Authority must produce a Cumulative Impact Assessment (CIA) if the authority can evidence that there is a cumulative impact within its area. The Licensing Authority must consult on its intention to publish the CIA. The aim of the CIA is to limit the growth of licensed premises where the promotion of the licensing objectives is being compromised. The Council will classify these areas or zones and have a Cumulative Impact Policy that will set out its approach to determining applications that are located within these areas or zones.

In CIA’s, there is a presumption that the licensing authority will refuse or impose limitations on applications which are likely to add to the cumulative impact unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives.

The publication of a CIA does not change how the licensing decisions are made. The Licensing Authority will always consider each application on its merits. However, a CIA is a strong statement of intent about an authority’s approach to licence applications.

Torbay Council has had a Cumulative Impact Policy since 2005 and has continued to review the cumulative impact of licensed premises.

Section 5A of the Licensing Act 2003, which was introduced in 2018, requires the CIA to be reviewed every three years to consider whether it remains of that opinion. From 2021, the CIA has been published separately to the Licensing Policy. Guidance under s.182 of the Licensing Act 2003, describes 'cumulative impact' as the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement.

There must be an evidential basis for the decision to adopt/maintain a CIA regarding cumulative impact areas.

The Cumulative Impact Areas

The two areas on the attached plans on page four and five of this report, are areas that were identified by Devon and Cornwall Police and Environmental Health as being subject to high levels of alcohol related crime or public nuisance. The evidence satisfies the Licensing Authority that the number of existing relevant licences in respect of premises in one or more of the areas (shown on the attached plans) are such that it is likely that it would be inconsistent with the Authority's duty to promote the licensing objectives to grant any further relevant licences in respect of premises in those areas due to crime and disorder and/or public nuisance. Therefore, the Licensing Authority remains of the opinion that the CIA is appropriate for the two existing areas. The evidence that was considered as part of the review of the assessment is contained in Appendices A and B. The information was considered by Cabinet on the **14 November 2023** and Full Council on the **7 December 2023**.

Within any CIA area, any licence application will have the ability to either improve or add to any problems experienced by an area with a high density of licensed premises.

Any licensed premises is within the scope of this cumulative impact policy, meaning:

- Sale of alcohol either on or off the premises
- Provision of regulated entertainment
- Provision of late-night refreshment (sale of hot food between 11pm and 5am)

The effect of this assessment is to create a rebuttable presumption that applications for a new premises licence or club premises certificate or the variation of an existing licence or certificate in these areas will normally be refused where:

- Representations have been received and it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in these areas.
- The applicant has been unable to demonstrate that, within their operating schedule, there will be no significant negative cumulative impact on one or more of the Licensing objectives.

It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local

community where the amenity of local residents is being placed under severe pressure. The Licensing Authority will consider the locality and local trading environment when assessing applications. For example, while a large nightclub or high-capacity public house might add to problems, a small restaurant or theatre may not.

Examples of where applications may not have a significant negative impact include:

- Direct replacement for similar licences where impact will be similar or less
- Substitution of activities where the impact will be similar or less
- Replace vertical drinking with seated consumption
- Alcohol is ancillary to other activities or services
- Time limited applications, e.g. events
- Phased closing times for the premises to cause gradual dispersal
- Small maximum occupancies

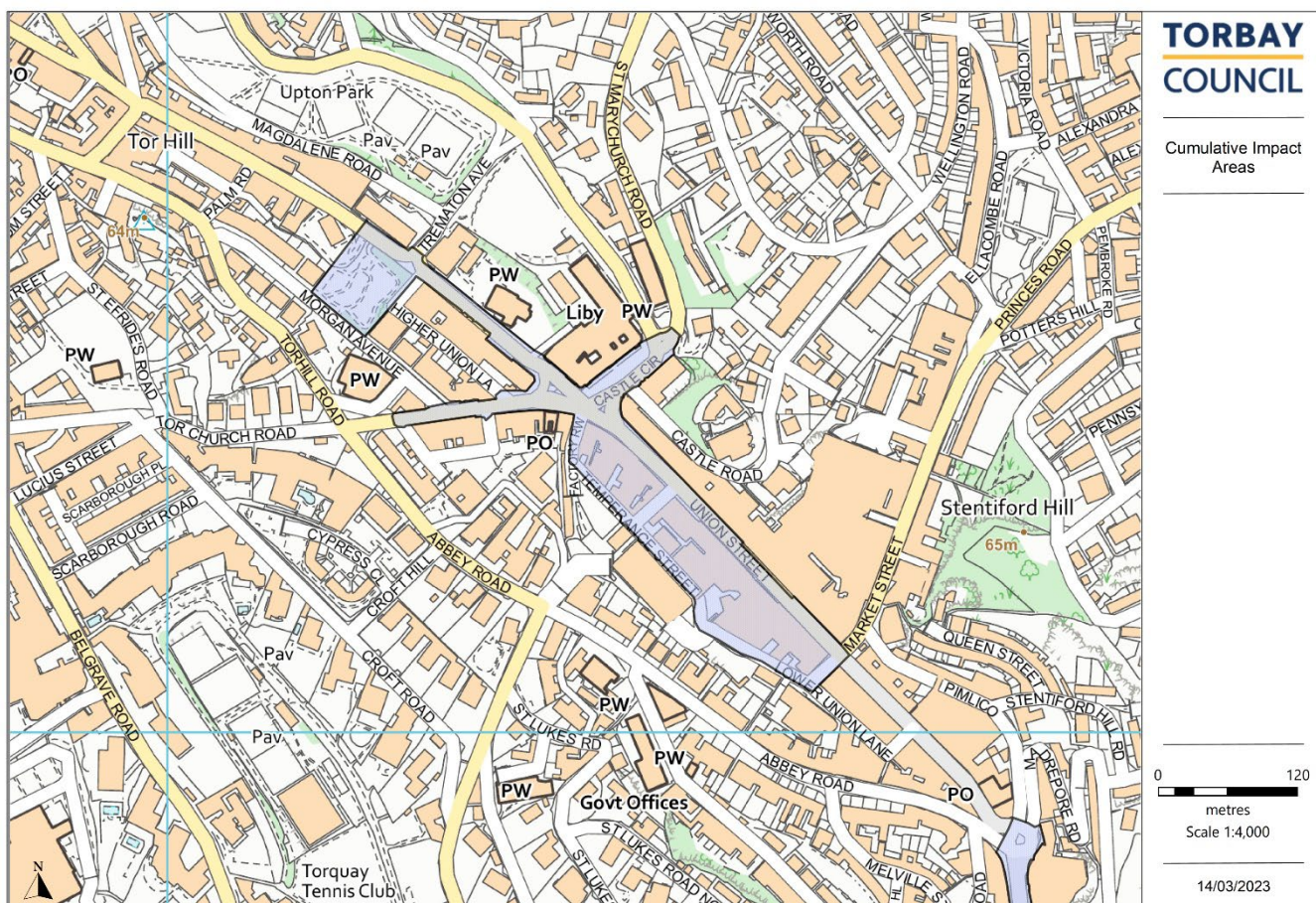
In order for this Policy to be utilised it will still be necessary for responsible authorities or other persons to make relevant representations. Anyone making a representation may base it on the evidence published in the CIA, or the fact that a CIA has been published.

It remains the duty on all responsible authorities and other persons to ensure that their representations can withstand the scrutiny to which they would be subject as a hearing. In other words, it would not be sufficient to say that the licence should be refused just because a CIA is in place, the representation must still say how the application would impact on the licensing objectives. If there are no representations the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

This CIA is to be read in conjunction with Torbay Council's Licensing Policy and will be subject to review every three years in accordance with the Licensing Act 2003. If, during any review it is clear that the original concerns regarding crime and disorder and public nuisance are no longer present, the CIA may be amended or removed.

Castle Circus Cumulative Impact Assessment Boundary

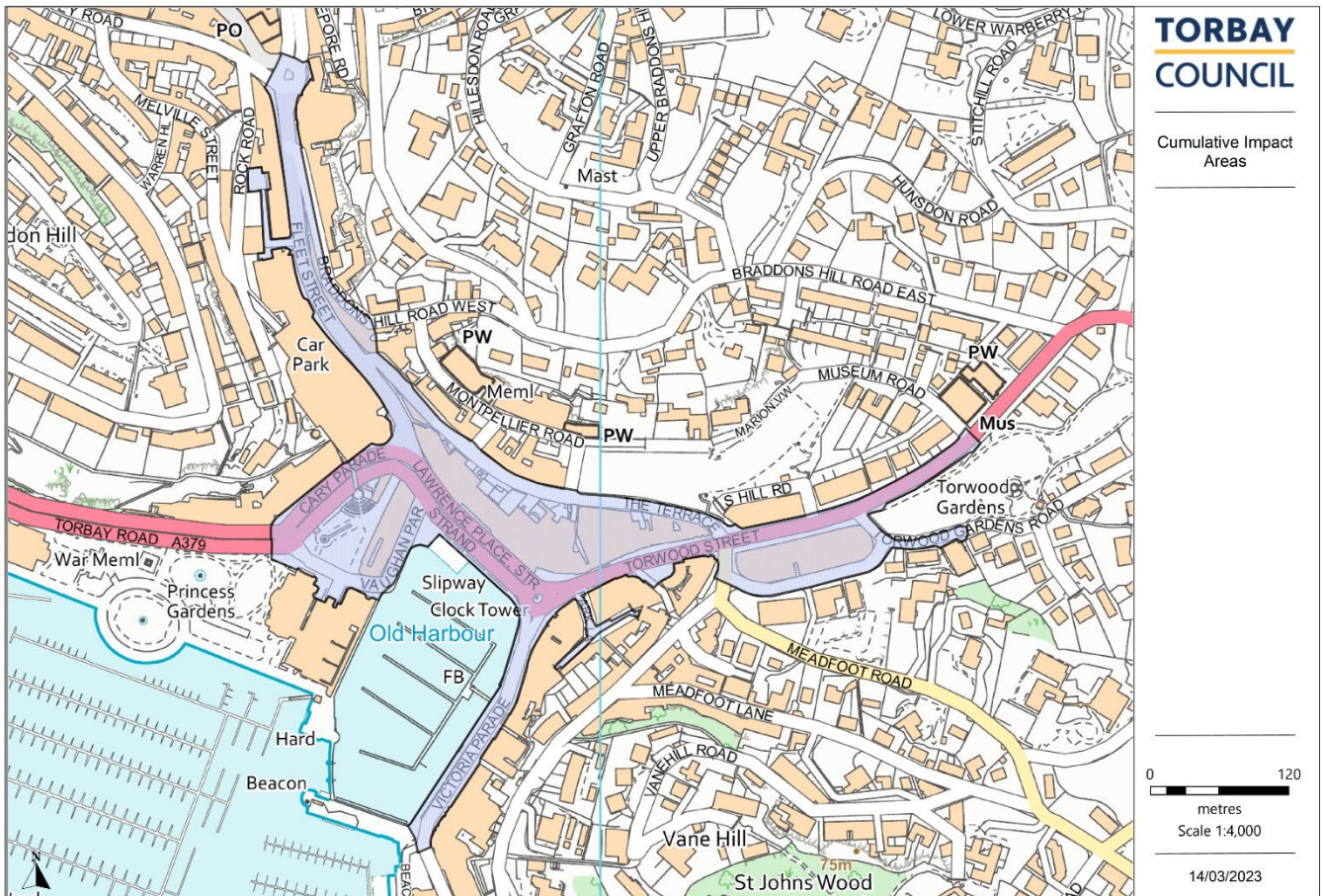
Ratified by Full Council on 3 December 2020



Reviewed and approved by Full Council on 7 December 2023

The Strand Cumulative Impact Assessment Boundary

Ratified by Full Council on 3 December 2020



Reviewed and approved by Full Council on 7 December 2023

Appendix A:

Devon and Cornwall Licensing Police Report

Please note that the Police will record a crime as violent if the offender clearly intended or intended to physically harm someone, regardless of whether or not it results in a physical injury.

Licensing Department East
Police Headquarters
Middlemoor
Exeter
Telephone: 07921 933974



Devon & Cornwall Police

21st April 2023

Our ref:

Your ref:

Torquay Council Licensing Cumulative Impact Policy Review 2023

Torbay has a large and vibrant Evening and Night-time Economy (ENTE) which sees increased activity during the summer tourist season.

Devon and Cornwall Police support the continued development of Torbay's ENTE and recognises the social and economic benefits it provides the community through employment, leisure activities and entertainment. We recognise the impact which alcohol, and hence, the ENTE has on crime, disorder and anti-social behaviour. This is especially prevalent where operators within the ENTE do not work to the highest possible standards.

Devon and Cornwall Police fully supports Torbay Council's licensing policy and through ongoing consultation it is effective in aspiring to the highest possible standards for the ENTE and associated industries.

The following report focusses on the Cumulative Impact Areas (CIA) within Torbay and will outline through the use of quantitative analysis (crime statistics) and qualitative analysis (anecdotal evidence) the effect of Cumulative Impact Policy on these areas in particular.

This report is submitted for your consideration.

Yours Sincerely,

Olivia Kempton

Alcohol Licensing Officer

Cumulative Impact Area Report 2017-2022

Torbay has two locations which fall under the Cumulative Impact Areas as shown in the images below.

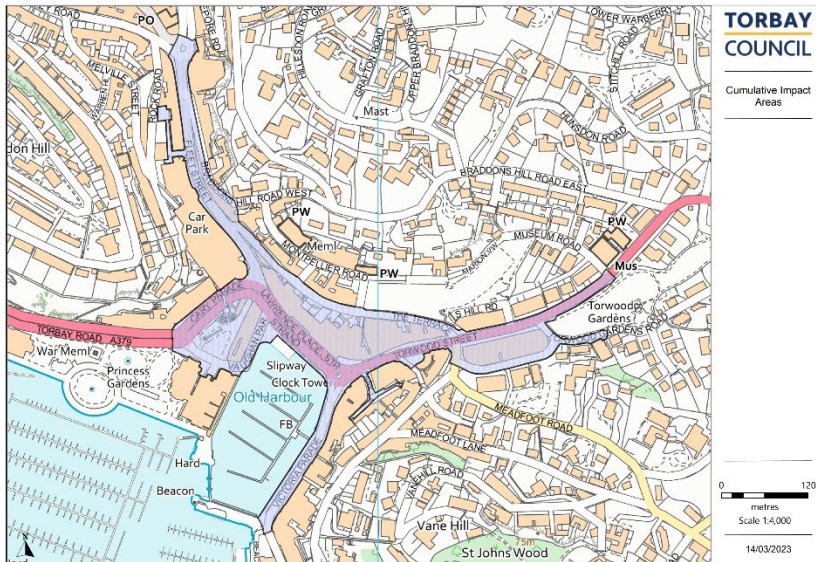


Image 1: Cumulative Impact Area – Harbourside Location

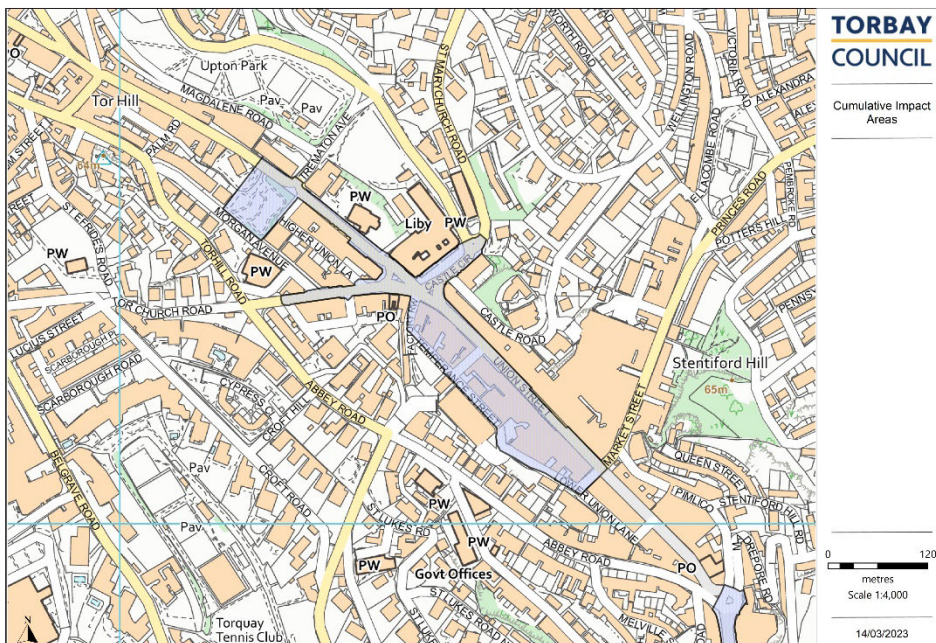


Image 2: Cumulative Impact Area – Castle Circus Location

The data within this report reflects the levels of crime in the CIA within the time period 1st April 2017 to 31st March 2022. Crimes emanate from the following categories: All Violent Crime, Sexual

Offences, Robbery, Possession of Weapons, Public order and Drunkenness – a breakdown of all crimes within these categories can be located in Appendix 4. The categorisation of crimes analysed in this report relate to the types of offence which are more regularly associated within the ENTE. It is felt that this gives a better indication of the effect of the ENTE on crime in general. Further, data gathered separates daytime incidents with ENTE incidents for comparative effect.

Analysis shows a total of 1594 relevant crimes had been recorded as taking place within the Cumulative Impact Areas between 1st April 2017 to 31st March 2022. 1232 of these crimes took place within ENTE hours, which for the purposes of this report reflect the hours of 1900-0659hrs. This accounts for 77.3% of total relevant crimes within the same period. Comparatively, Day time incidents within the Cumulative Impact Areas reach only 22.7% of the total relevant crimes.

As expected, violent crime is the most prominent both within the daytime (12.5%) and ENTE hours (60.0%).

The second most prolific offence category relates to Public order offences in which the difference between Daytime (6.6%) and ENTE occurrences (6.0%) are negligible.

Crimes associated with Drunkenness e.g. Drunk and Disorderly, and Drink driving offences amount to 8.3% of the total relevant crimes. 7% of crimes relating to Drunkenness occur within ENTE hours, while 1.3% occurred during daytime hours.

Of 44 weapon related offences, 28 occurred within the ENTE hours – though this accounts for only 1.8% of total relevant crimes, its worth noting the disparity between the same offences occurring during Daytime hours which is noticeably lower with a count of 16.

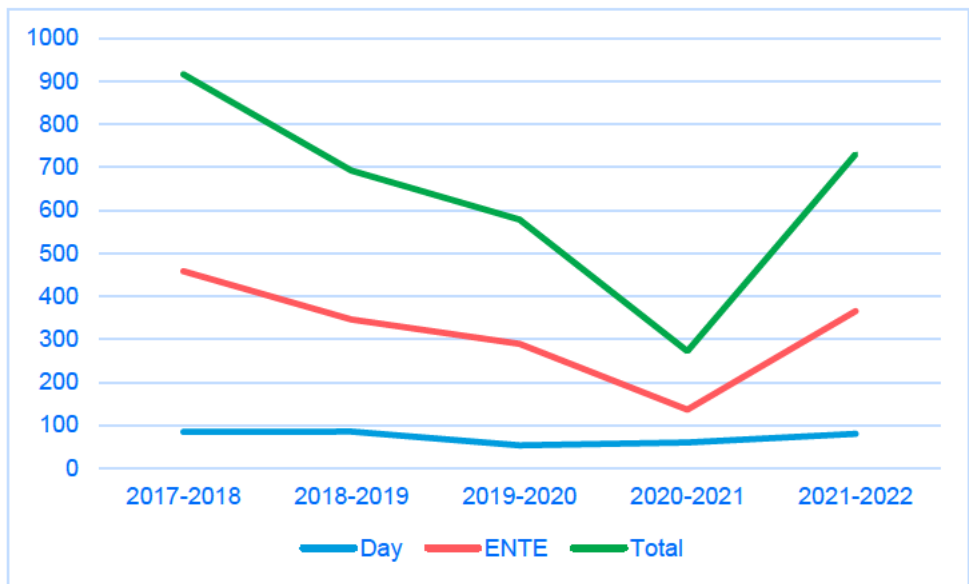
Sexual offences account for 2% of all relevant offences throughout this data period. While low in terms of the total number of offences, it is important to recognise the comparative differences between the prevalence of these incidents in the daytime (9, 0.6%) and within ENTE hours (29, 1.8%), suggesting a significantly disproportionate number of sexual offences are occurring during ENTE hours. Looking at the year-on-year statistics, it is clear that sexual offences consistently occur more frequently during night-time hours, save for 2019-2020 when more offences occurred during the day.

21 Robbery offences occurred during this time period, though the differences between the Daytime (11, 0.7%) and ENTE hours (10, 0.6%) are minor.

The breakdown of offences year on year can be found in Appendix 1.

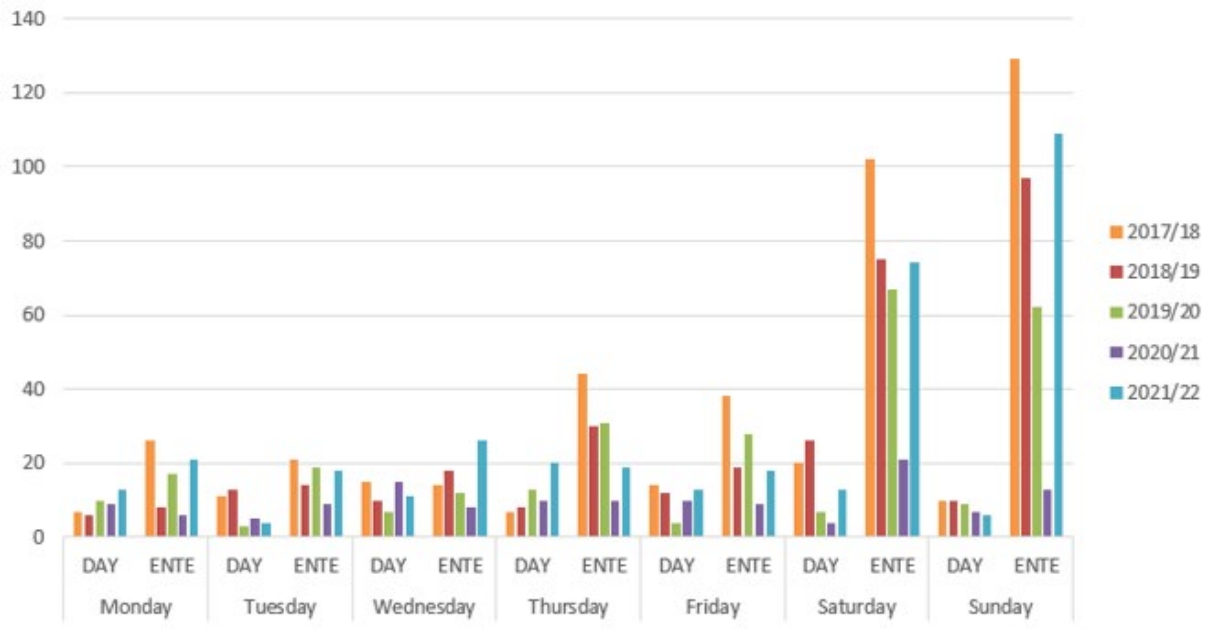
It is worth addressing that the data over this 5-year period has been significantly skewed by the impact of Covid-19 lockdowns and measures impacting the running of businesses within the ENTE. The graph below shows the trend of consistent decrease in ENTE related crime between 2017-2020, indicating increasingly effective management of the ENTE by relevant authorities and businesses. As anticipated, we see a significant drop in crime relating to the ENTE in the 2020-2021 period, more than likely due to lockdown measures preventing the normal functioning of ENTE business and overall lower number of population accessing the CIAs. During the 2021-

2022 period, we see an increase in crime which goes above that of the pre-Covid level, though not significantly so. This could be attributed to sociological concepts around prolonged periods of confinement impacting the behaviour of the general public once able to access the ENTE again. Further, it is likely that post-Covid, businesses may have been subject to a period of adjustment while practice returned to “normal”.



Graph 1: Line Graph Showing Crime Trends for Offences Relevant to the ENTE Between 2017-2022

The graph below (breakdown can be found in Appendix 2) refers to data which compares crime data from both the daytime and ENTE across each day of the week. Data suggests that crime recording is consistently higher on Saturday and Sunday during ENTE hours. It would be expected to see an increase on Friday nights, however the data does not seem to reflect this. This could be due to how the Police resource the ENTE, with more targeted operations featuring on Saturday nights. As such, it is possible that crimes occurring on Friday nights could be under reported. It is also worth considering the likelihood of Bank Holiday Weekend data skewing the overall picture, particularly in relation to Sundays as in general Bank Holiday Weekends do tend to attract higher levels of disorder.



Graph 2: Bar Graph Showing Crimes Reported by Time of Day and Day of the Week.

The majority of crimes within the CIA take place between the hours of 0000-0400hrs. 56% of all recorded relevant crimes took place between those hours. Data suggests a spike in crime between 0300-0400, this is likely to coincide with closing time for many venues and will need monitoring moving forward.

There are some limitations in terms of the data available. For example, the data reflects the number of recorded crimes only. It is likely that there are a number of incident logs which have been attended by Police, but no crime or complainant was forthcoming e.g. fights/disorder which disperse before or as police arrive, suspicious activity in which no crime has occurred but intelligence submitted, to name a few scenarios. That being said, the levels of recorded crime do offer important insight into the poignant issues facing the ENTE and gives direction around how the relevant authorities can approach this moving forward.

It is clear from the data that the majority of relevant offences, particularly violent crime, drunkenness, weapon related crime and sexual offences are directly linked to the ENTE. Relevant crimes are most likely to occur between the hours of 0000-0400hrs particularly over a Friday, Saturday and Sunday night. There has been an overall drop in levels of drunkenness related crime between 2017 and 2022, this is likely due to a change in police working practices. Public Order Act offences have also reduced, but this is likely due to the result of less police officers within the city and more positive relationships with licensees and door supervisors, who are likely preventing incidents from developing into situations where the police need to intervene. There is a general trend of increased recorded crime levels between 0300-0400hrs. This is when some of the larger venues close, this means that more people, of whom are likely to be at varying levels of intoxication are in the CIA during this time. As such, crime and disorder become more likely during this time period.

Devon and Cornwall Police are impressed by the level of multi-agency working which is taking place and growing within Torbay. There has been an undertaking from all interested parties in improving the ENTE of Torbay, adding to the vibrancy and safety of the area. These agencies include the Local Authority, Licensees, security companies, Best Bar None, and various departments within the police.

There have been many improvements in relationships between agencies and there is no doubt that overall, there is a better quality of licensee in the trade, whom have a combined goal of promoting the four licensing objectives. However, there are constantly changing social structures and crime trends which mean that the partners involved in the licensing community cannot become complacent with recent achievements and must continue to strive to make Torbay a safer place.

Ultimately, co-operation with licensees is improving year on year, but there are occasions where legislation is still required to achieve the best possible results. Co-operation and negotiation will always remain the first options whenever licensing conditions and applications are reviewed, but sometimes the authorities will need the presence of legislation to assist them in their quest for developing a safe ENTE. The CIA is an important piece of legislation which Devon and Cornwall Police regard as a necessary tool in order to support those businesses who are working hard to promote the licensing objectives and prevent those who are having a negative impact on those licensing objectives and ultimately Torbay and its people. As such, Devon and Cornwall Police strongly recommend keeping the current CIA in place.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Olivia Kempton', with a horizontal line drawn through it.

Olivia Kempton
Alcohol Licensing Officer



Cumulative Impact Area, Torbay.

1st April 2017 to 31st March 2022

Parameters for Data Collection:

Day/ENTE –

Day - 0700-1859

ENTE (Evening and Nighttime Economy) - 1900-0659

Weekday –

Runs from 0700 to 0659 (shift day)

Note: All data is only for offences where Day, ENTE & weekday can be identified.

Please note that the initial data was selected based on “Entered Date” (1st April 2017 to 31st March 2022) and further break down as shown below was done based on Date/Time Committed.

Offence types - See Appendix 4 for further breakdown

All Violent Crime

Sexual Offences

Robbery

Possession of Weapons

Public order

Drunkenness

Appendix 1: The tables below show the number of offences committed between 1st April 2017 to 31st March 2022 by year, Day/ENTE and offence type

Crime Type	2017/18				2017/18 Total
	DAY	% of Total	ENTE	% of Total	
All Violent Crime	44	13.6%	280	86.4%	324
Drunkenness	3	6.7%	42	93.3%	45
Possession of Weapons	4	40.0%	6	60.0%	10
Public Order	27	42.2%	37	57.8%	64
Robbery	3	100.0%	0	0.0%	3
Sexual Offences	3	25.0%	9	75.0%	12
Grand Total	84	18.3%	374	81.7%	458

Crime Type	2018/19				2018/19 Total
	DAY	% of Total	ENTE	% of Total	
All Violent Crime	43	16.6%	216	83.4%	259
Drunkenness	5	19.2%	21	80.8%	26
Possession of Weapons	3	37.5%	5	62.5%	8
Public Order	31	75.6%	10	24.4%	41
Robbery	2	50.0%	2	50.0%	4
Sexual Offences	1	12.5%	7	87.5%	8
Grand Total	85	24.6%	261	75.4%	346

Crime Type	2019/20				2019/20 Total
	DAY	% of Total	ENTE	% of Total	
All Violent Crime	30	14.0%	184	86.0%	214
Drunkenness	1	4.8%	20	95.2%	21
Possession of Weapons	0	0.0%	6	100.0%	6
Public Order	17	45.9%	20	54.1%	37
Robbery	1	20.0%	4	80.0%	5
Sexual Offences	4	66.7%	2	33.3%	6
Grand Total	53	18.3%	236	81.7%	289

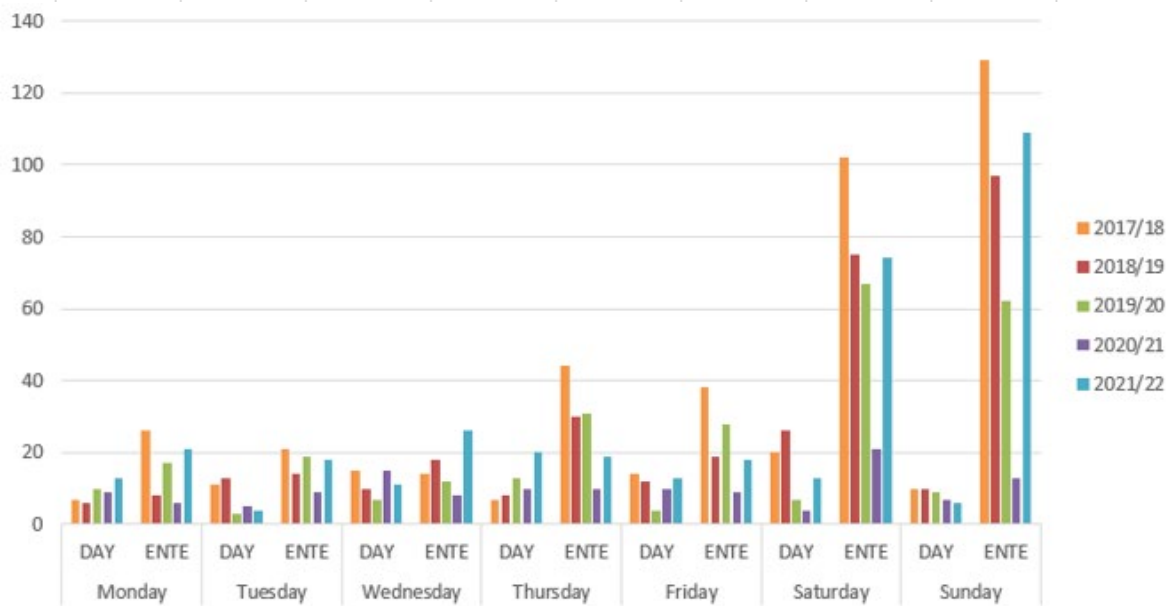
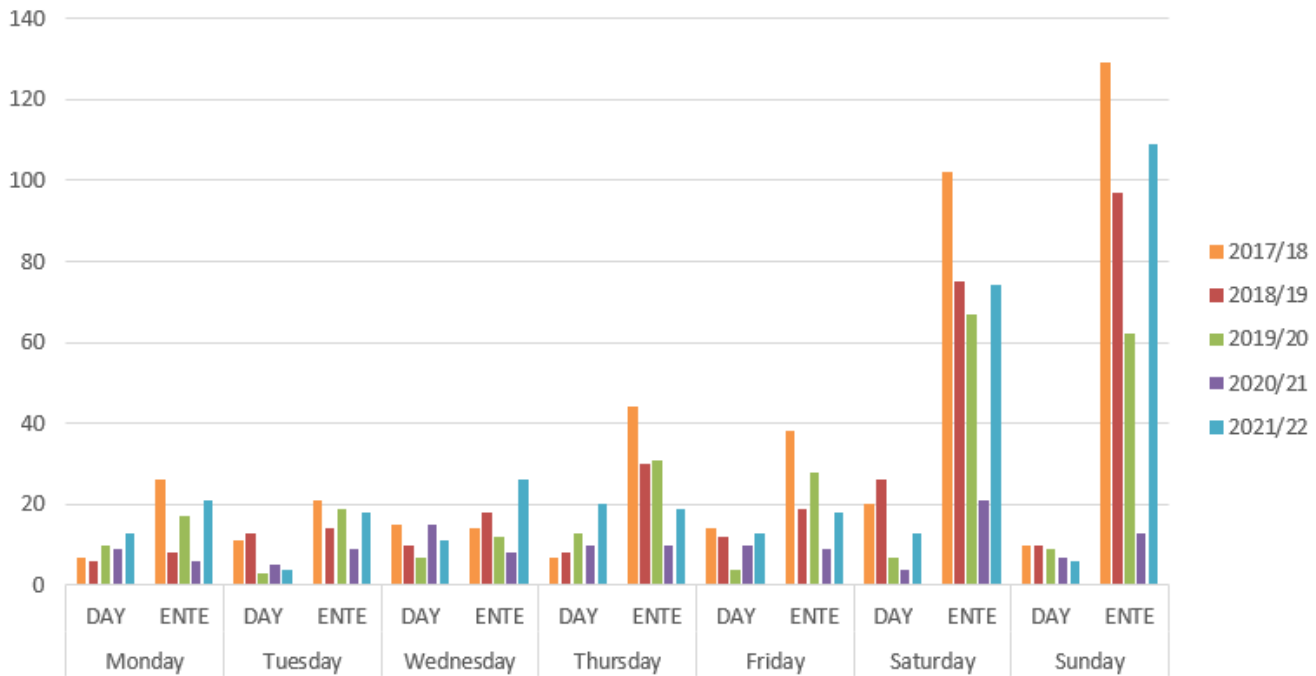
Crime Type	2020/21				
	DAY	% of Total	ENTE	% of Total	2020/21 Total
All Violent Crime	34	38.2%	55	61.8%	89
Drunkenness	6	54.5%	5	45.5%	11
Possession of Weapons	5	62.5%	3	37.5%	8
Public Order	14	58.3%	10	41.7%	24
Robbery	1	50.0%	1	50.0%	2
Sexual Offences	0	0.0%	2	100.0%	2
Grand Total	60	44.1%	76	55.9%	136

Crime Type	2021/22				
	DAY	% of Total	ENTE	% of Total	2021/22 Total
All Violent Crime	48	17.8%	222	82.2%	270
Drunkenness	6	20.0%	24	80.0%	30
Possession of Weapons	4	33.3%	8	66.7%	12
Public Order	17	47.2%	19	52.8%	36
Robbery	4	57.1%	3	42.9%	7
Sexual Offences	1	10.0%	9	90.0%	10
Grand Total	80	21.9%	285	78.1%	365

Crime Type	2017-2022				
	Day	% of Total	ENTE	% of Total	Total
All Violent Crime	199	12.5%	957	60.0%	1156
Drunkenness	21	1.3%	112	7.0%	133
Possession of Weapons	16	1.0%	28	1.8%	44
Public Order	106	6.6%	96	6.0%	202
Robbery	11	0.7%	10	0.6%	21
Sexual Offences	9	0.6%	29	1.8%	38
Grand Total	362	22.7%	1232	77.3%	1594

Appendix 2: The graph and tables below show all offences within Daytime/ENTE, by weekday in Torbay

Torbay



Day of Week	2017/18			2018/19			2019/20			2020/21			2021/22			Grand Total
	DAY	ENTE	2017/18 Total	DAY	ENTE	2018/19 Total	DAY	ENTE	2019/20 Total	DAY	ENTE	2020/21 Total	DAY	ENTE	2021/22 Total	
Monday	7	26	33	6	8	14	10	17	27	9	6	15	13	21	34	123
Tuesday	11	21	32	13	14	27	3	19	22	5	9	14	4	18	22	117
Wednesday	15	14	29	10	18	28	7	12	19	15	8	23	11	26	37	136
Thursday	7	44	51	8	30	38	13	31	44	10	10	20	20	19	39	192
Friday	14	38	52	12	19	31	4	28	32	10	9	19	13	18	31	165
Saturday	20	102	122	26	75	101	7	67	74	4	21	25	13	74	87	409
Sunday	10	129	139	10	97	107	9	62	71	7	13	20	6	109	115	452
Grand Total	84	374	458	85	261	346	53	236	289	60	76	136	80	285	365	1594

Appendix 3: The heat map tables below show all offences by hour and year in Torbay

TORBAY ALL HOURS

Hour From	2017/18	% of Total	2018/19	% of Total	2019/20	% of Total	2020/21	% of Total	2021/22	% of Total	Grand Total
7:00 - 07:59	2	22.2%	5	55.6%	1	11.1%	1	11.1%	0	0.0%	9
08:00 - 08:59	5	26.3%	3	15.8%	3	15.8%	5	26.3%	3	15.8%	19
09:00 - 09:59	3	23.1%	4	30.8%	1	7.7%	1	7.7%	4	30.8%	13
10:00 - 10:59	2	12.5%	4	25.0%	3	18.8%	3	18.8%	4	25.0%	16
11:00 - 11:59	7	22.6%	8	25.8%	5	16.1%	4	12.9%	7	22.6%	31
12:00 - 12:59	7	24.1%	7	24.1%	4	13.8%	7	24.1%	4	13.8%	29
13:00 - 13:59	11	23.9%	12	26.1%	9	19.6%	7	15.2%	7	15.2%	46
14:00 - 14:59	5	15.6%	3	9.4%	8	25.0%	10	31.3%	6	18.8%	32
15:00 - 15:59	10	22.2%	11	24.4%	4	8.9%	5	11.1%	15	33.3%	45
16:00 - 16:59	5	13.5%	11	29.7%	7	18.9%	4	10.8%	10	27.0%	37
17:00 - 17:59	19	42.2%	6	13.3%	4	8.9%	7	15.6%	9	20.0%	45
18:00 - 18:59	8	20.0%	11	27.5%	4	10.0%	6	15.0%	11	27.5%	40
19:00 - 19:59	15	24.6%	15	24.6%	12	19.7%	10	16.4%	9	14.8%	61
20:00 - 20:59	19	25.0%	17	22.4%	11	14.5%	12	15.8%	17	22.4%	76
21:00 - 21:59	21	30.4%	10	14.5%	3	4.3%	13	18.8%	22	31.9%	69
22:00 - 22:59	26	35.6%	12	16.4%	20	27.4%	2	2.7%	13	17.8%	73
23:00 - 23:59	32	27.8%	18	15.7%	17	14.8%	10	8.7%	38	33.0%	115
00:00 - 00:59	49	26.6%	41	22.3%	38	20.7%	9	4.9%	47	25.5%	184
01:00 - 01:59	57	28.2%	58	28.7%	40	19.8%	6	3.0%	41	20.3%	202
02:00 - 02:59	65	34.8%	30	16.0%	39	20.9%	3	1.6%	50	26.7%	187
03:00 - 03:59	76	37.1%	50	24.4%	39	19.0%	6	2.9%	34	16.6%	205
04:00 - 04:59	14	32.6%	8	18.6%	12	27.9%	0	0.0%	9	20.9%	43
05:00 - 05:59	0	0.0%	2	22.2%	3	33.3%	2	22.2%	2	22.2%	9
06:00 - 06:59	0	0.0%	0	0.0%	2	25.0%	3	37.5%	3	37.5%	8
Grand Total	484	30.4%	346	21.7%	289	18.1%	136	8.5%	365	22.9%	1594

TORBAY MIDNIGHT TO 7AM

Hour From	2017/18	% of Total	2018/19	% of Total	2019/20	% of Total	2020/21	% of Total	2021/22	% of Total	Grand Total
00:00 - 00:59	49	26.6%	41	22.3%	38	20.7%	9	4.9%	47	25.5%	184
01:00 - 01:59	57	28.2%	58	28.7%	40	19.8%	6	3.0%	41	20.3%	202
02:00 - 02:59	65	34.8%	30	16.0%	39	20.9%	3	1.6%	50	26.7%	187
03:00 - 03:59	76	37.1%	50	24.4%	39	19.0%	6	2.9%	34	16.6%	205
04:00 - 04:59	14	32.6%	8	18.6%	12	27.9%	0	0.0%	9	20.9%	43
05:00 - 05:59	0	0.0%	2	22.2%	3	33.3%	2	22.2%	2	22.2%	9
06:00 - 06:59	0	0.0%	0	0.0%	2	25.0%	3	37.5%	3	37.5%	8
Total	261	31.1%	189	22.6%	173	20.6%	29	3.5%	186	22.2%	838

Appendix 4: Qualifiers for Data Collection - List showing categorisation of offences relevant to the ENTE

All Violent Crime

ASSAULT A CONSTABLE IN THE EXECUTION OF HIS / HER DUTY

ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM

ASSAULT BY BEATING

ASSAULT BY BEATING OF AN EMERGENCY WORKER

ATTEMPT TO ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
ATTEMPT TO CAUSE GRIEVOUS BODILY HARM WITH INTENT TO DO GRIEVOUS BODILY
HARM

ATTEMPT TO WOUND / CAUSE GRIEVOUS BODILY HARM WITHOUT INTENT

CAUSE ADMINISTER POISON / NOXIOUS THING WITH INTENT TO INJURE / AGGRIEVE /
ANNOY

COMMON ASSAULT

COMMON ASSAULT OF AN EMERGENCY WORKER

HARASSMENT - BREACH OF A RESTRAINING ORDER ON CONVICTION

HARASSMENT - BREACH OF CIVIL INJUNCTION

HARASSMENT WITHOUT VIOLENCE

OWNER / PERSON IN CHARGE OF DOG DANGEROUSLY OUT OF CONTROL CAUSING
INJURY

RACIALLY / RELIGIOUSLY AGGRAVATED ASSAULT / ASSAULT OCCASIONING ACTUAL
BODILY HARM

RACIALLY / RELIGIOUSLY AGGRAVATED ASSAULT OCCASIONING ACTUAL BODILY HARM

RACIALLY / RELIGIOUSLY AGGRAVATED COMMON ASSAULT / BEATING

RACIALLY AGGRAVATED COMMON ASSAULT

SECTION 18 - GRIEVOUS BODILY HARM WITH INTENT

SECTION 18 - WOUNDING WITH INTENT

SEND COMMUNICATION / ARTICLE OF AN INDECENT / OFFENSIVE NATURE

SEND LETTER / COMMUNICATION / ARTICLE CONVEYING A THREATENING MESSAGE

SEND LETTER / COMMUNICATION / ARTICLE CONVEYING INDECENT / OFFENSIVE
MESSAGE

STALKING WITHOUT FEAR / ALARM / DISTRESS

THREATS TO KILL

WOUND / INFLICT GRIEVOUS BODILY HARM WITHOUT INTENT

Drunkenness

DRIVE MOTOR VEHICLE WHEN ALCOHOL LEVEL ABOVE LIMIT

DRIVE MOTOR VEHICLE WITH A PROPORTION OF A SPECIFIED CONTROLLED DRUG
ABOVE THE SPECIFIED LIMIT

DRIVE WHILST UNFIT THROUGH DRINK

DRUNK AND DISORDERLY IN A PUBLIC PLACE

DRUNK IN CHARGE OF A CHILD UNDER THE AGE OF SEVEN YEARS

DRUNK IN CHARGE OF A PEDAL CYCLE / CARRIAGE / ANIMAL

FAIL TO PROVIDE SPECIMEN FOR ANALYSIS - VEHICLE DRIVER

Possession of Weapons

POSSESS A FIREARM WITH INTENT TO CAUSE FEAR OF VIOLENCE

POSSESS AN IMITATION FIREARM IN A PUBLIC PLACE - FIREARMS ACT 1968

POSSESS AN IMITATION FIREARM WITH INTENT TO CAUSE FEAR OF VIOLENCE

POSSESS AN OFFENSIVE WEAPON IN A PUBLIC PLACE

POSSESS KNIFE BLADE / SHARP POINTED ARTICLE IN A PUBLIC PLACE - CRIMINAL JUSTICE ACT 1988

THREATEN A PERSON WITH A BLADE / SHARPLY POINTED ARTICLE IN A PUBLIC PLACE

THREATEN A PERSON WITH AN OFFENSIVE WEAPON IN A PUBLIC PLACE

Sexual Offences

ADMINISTER SUBSTANCE WITH INTENT TO STUPEFY / OVERPOWER TO ALLOW SEXUAL ACTIVITY

ASSAULT A GIRL UNDER 13 BY TOUCHING - SOA 2003

ATTEMPT TO CAUSE A FEMALE AGED 13 OR OVER TO ENGAGE IN SEXUAL ACTIVITY - NO PENETRATION

ATTEMPT TO RAPE A WOMAN 16 OR OVER - SOA 2003

ENGAGE IN SEXUAL ACTIVITY IN PRESENCE OF A CHILD UNDER 13 - OFFENDER 18 OR OVER

EXPOSURE - SOA 2003

RAPE A WOMAN 16 YEARS OF AGE OR OVER - SOA 2003

SEXUAL ASSAULT ON A FEMALE

VOYEURISM - OPERATING EQUIPMENT TO OBSERVE - SOA 2003

Robbery

ASSAULT WITH INTENT TO COMMIT ROBBERY

ATTEMPT ROBBERY

ROBBERY

Public Order

ACT OF OUTRAGING PUBLIC DECENCY - COMMON LAW

AFFRAY

BREACH A CRIMINAL BEHAVIOUR ORDER

BREACH OF AN ANTI-SOCIAL BEHAVIOUR ORDER

CAUSE A PUBLIC NUISANCE

RACIALLY / RELIGIOUSLY AGGRAVATED FEAR / PROVOCATION OF VIOLENCE BY WORDS / WRITING

RACIALLY / RELIGIOUSLY AGGRAVATED HARASSMENT / ALARM / DISTRESS BY WORDS / WRITING

RACIALLY / RELIGIOUSLY AGGRAVATED INTENTIONAL HARASSMENT / ALARM / DISTRESS - WORDS / WRITING

USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR TO CAUSE HARASSMENT / ALARM / DISTRESS

USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR WITH INTENT TO CAUSE FEAR OF / PROVOKE UNLAWFUL VIOLENCE

USE THREATENING / ABUSIVE WORDS / BEHAVIOUR LIKELY TO CAUSE HARASSMENT, ALARM OR DISTRESS

USE THREATENING / ABUSIVE WORDS / BEHAVIOUR OR DISORDERLY BEHAVIOUR LIKELY TO CAUSE HARASSMENT, ALARM OR DISTRESS

VIOLENT DISORDER

Appendix 5: Qualifiers for data collection - Public Place venues (venue combined)

: ANTIQUE	FIELD:	BEACH: SAND DUNE	FARMLAND:
: ARCADE	FISH FARM:	BETTING SHOP:	SHOP: BUTCHER
: ART	FORGE/MILL:	BETTING SHOP: BOOKMAKERS	SHOP: CAMPING
: BAKER	FOYER:	BETTING SHOP: TURF ACCOUNTANTS	SHOP: CASH & CARRY
: BEAUTY SALON	GALLERY: ART	BINGO HALL:	SHOP: CHANDLER

: BOOK	GARAGE FORECOURT :	BOWLING ALLEY:	SHOP: CHARITY
: BRIDGE	GARAGE:	BUILDERS MERCHANTS:	SHOP: CHEMIST
: BUTCHER	GARAGE: COMMERCIAL	BUILDING SOCIETY:	SHOP: CLOTHING
: CAFE	GARAGE: DOMESTIC	BUILDING:	SHOP: COMPUTER
: CAMPING	GARDEN: DRIVEWAY	BUILDING: SITE	SHOP: CONFECTIONER
: CAR	GARDEN: PUBLIC	BUILDING: SKIP	SHOP: CYCLE
: CASH & CARRY	GEOGRAPHICAL LOCATION: RURAL	BUS STOP:	SHOP: DEPARTMENT STORE
: CHANDLER	GROUNDS:	BUS:	SHOP: DIY
: CHARITY	HEALTH:	BUS: COACH STATION	SHOP: DRY CLEANER
: CHEMIST	HEALTH: STUDIO	BUS: DEPOT	SHOP: ELECTRICAL
: CHURCH	HOLIDAY CAMP:	BUS: STATION	SHOP: FAST FOOD
: CITY/TOWN CENTRE	HOSPITAL: CONVALESCENCE	BUSHES/UNDERGROWTH:	SHOP: FISHMONGER
: CIVIL	HOSPITAL: MAIN	BUSINESS PREMISES:	SHOP: FLORIST
: CLINIC	HOSPITAL: MENTAL	BUSINESS PREMISES: OF SUSPECT	SHOP: FURNITURE
: CLOTHING	HOSTEL: CHARITY	BUSINESS PREMISES: OF VICTIM	SHOP: GENERAL STORE
: COACH STATION	HOSTEL: YMCA	CAFE:	SHOP: GIFT SHOP

: COMMERCIAL	INDUSTRIAL ESTATE:	CAFE: CAFETERIA	SHOP: GREENGROCER
: COMPUTER	INDUSTRIAL ESTATE: BUSINESS PARK	CAFE: MOBILE	SHOP: HABERDASHERY
: CONFECTIONER	INDUSTRIAL ESTATE: COMMERCIAL	CAFE: TRANSPORT	SHOP: HAIRDRESSER
: CONVALESCENCE	INDUSTRIAL ESTATE: INDUSTRIAL	CAMP SITE:	SHOP: HARDWARE
: COUNTRY	JEWELLER:	CAR WASH:	SHOP: HEALTH FOOD
: COURTYARD	LAUNDERETTE:	CARAVAN SITE:	SHOP: HIRE BRIDAL
: CRICKET	LAUNDRY:	CARAVAN SITE: DESIGNATED	SHOP: HIRE PLANT
: CYCLE	LAVATORY: PUBLIC	CARAVAN SITE: TOURING	SHOP: JEWELLER
: DANCE	LETTER BOX: POST	CARPARK:	SHOP: MATERNITY
: DENTIST	LIBRARY:	CARPARK: BICYCLE PARK	SHOP: MODEL
: DEPARTMENT STORE	LIBRARY: MOBILE	CARPARK: CITY/TOWN CENTRE	SHOP: MOTOR ACCESSORIES
: DEPOT	LICENSED PREMISES:	CARPARK: GROUND LEVEL - COVERED	SHOP: MUSIC
: DIY	LICENSED PREMISES: CAFE	CARPARK: GROUND LEVEL - UNCOVERED	SHOP: NEWSAGENT
: DOCTOR	LICENSED PREMISES: CLUB	CARPARK: LORRY PARK	SHOP: OPTICIAN
: DOMESTIC	LICENSED PREMISES: NIGHTCLUB	CARPARK: RAILWAY	SHOP: OUTDOOR PURSUITS

: DRIVEWAY	LICENSED PREMISES: OFF LICENCE	CARPARK: RETAIL PARK	SHOP: PAWNBROKER
: DRY CLEANER	LICENSED PREMISES: PUBLIC HOUSE	CARPARK: RURAL	SHOP: PET
: ELECTRICAL	LICENSED PREMISES: WINE BAR	CARPARK: SHOPPING CENTRE	SHOP: PHOTOGRAPHY
: FAST FOOD	LIFT:	CARPARK: SUBURBAN	SHOP: SECOND HAND
: FISHMONGER	MARKET: STALL	CARPARK: SUPERMARKET	SHOP: SEX
: FLORIST	MONASTERY :	CARPARK: TEMPORARY	SHOP: SHOE
: FOOTPATH	MONUMENT:	CARPARK: UNDERGROUND	SHOP: SPORTS
: FUEL DISTRIBUTION	MUSEUM:	CASH DISPENSER:	SHOP: STATIONERY
: FURNITURE	MUSEUM: OUTDOOR	CASINO:	SHOP: SUPERMARKET
: GENERAL STORE	OFFICE:	CEMETERY/GRAVEYARD/CHURCHYARD:	SHOP: SUPERSTORE
: GIFT SHOP	OFFICE: COMMERCIAL	CHANGING ROOM:	SHOP: TAKEAWAY BURGER
: GREENGROCER	OFFICE: GOVERNMENT	CINEMA:	SHOP: TAKEAWAY CHINESE
: GROUND LEVEL - UNCOVERED	OFFICE: LOCAL AUTHORITY	CLIFF:	SHOP: TAKEAWAY FISH/CHIPS
: HABERDASHERY	OFFICE: RENTED	CLUB SOCIAL:	SHOP: TAKEAWAY INDIAN

: HAIRDRESSER	OUTBUILDING:	CLUB:	SHOP: TELEPHONE/MOBILE
: HALL	PARK:	CLUBHOUSE:	SHOP: TOBACCONIST
: HARBOUR	PARK: AMUSEMENT	COMMUNE:	SHOP: TOOL
: HARDWARE	PARK: CHILD PLAYGROUND	COMMUNITY CENTRE:	SHOP: TOY
: HAULAGE	PARK: COUNTRY	COMPOUND:	SHOP: TRAVEL AGENT
: HEALTH FOOD	PARK: LOCAL	CONFERENCE CENTRE:	SHOP: VIDEO
: HIRE PLANT	PARK: NATIONAL	CONVENT:	SHOP: WATCH
: INDOOR	PARK: RECREATIONAL AREA	CONVEYANCE: BOAT MARINE CRAFT	SHOPPING CENTRE:
: JEWELLER	PARK: THEME	CONVEYANCE: BOAT YACHT	SHOWROOM:
: LANE	PARK: WILDLIFE	CONVEYANCE: BUS COACH	SPORTS GROUND:
: MAIN	PAVILION:	CONVEYANCE: BUS MINIBUS	SPORTS VENUE:
: MATERNITY	PETROL STATION:	CONVEYANCE: BUS PUBLIC SERVICE	SPORTS VENUE: ATHLETICS
: MENTAL	PLACE OF WORSHIP:	CONVEYANCE: CAR ALL TERRAIN	SPORTS VENUE: CLUBHOUSE
: MOBILE	PLACE OF WORSHIP: ABBAY	CONVEYANCE: CAR HATCHBACK	SPORTS VENUE: CRICKET
: MODEL	PLACE OF WORSHIP: CHAPEL	CONVEYANCE: CAR SALOON	SPORTS VENUE: FOOTBALL

: MOTOR ACCESSORIES	PLACE OF WORSHIP: CHURCH	CONVEYANCE: LORRY CONTAINER	SPORTS VENUE: GOLF
: MUSIC	PLACE OF WORSHIP: MOSQUE	CONVEYANCE: MINIBUS	SPORTS VENUE: LEISURE COMPLEX
: NEWSAGENT	POST OFFICE:	CONVEYANCE: PEDAL CYCLE BICYCLE	SPORTS VENUE: RACING
: NURSERY	POST OFFICE: SORTING OFFICE	CONVEYANCE: SHIP	SPORTS VENUE: RIDING STABLE
: OPTICIAN	POST OFFICE: SUB	CONVEYANCE: TAXI HACKNEY	SPORTS VENUE: RUGBY
: OUTDOOR	POWER STATION:	CONVEYANCE: TRAIN	SPORTS VENUE: SNOOKER HALL
: OUTDOOR PURSUITS	PUMPING STATION:	CONVEYANCE: VAN	SPORTS VENUE: SWIMMING BATHS
: PAWNBROKER	QUARRY:	COUNTRYSIDE:	STABLE:
: PEDESTRIAN SUBWAY	RAILWAY PROPERTY:	COUNTRYSIDE: BEAUTY SPOT	STAIRWAY/ESCALATOR:
: PET	RAILWAY PROPERTY: LAND	COUNTRYSIDE: COMMON LAND	STAIRWELL:
: PHOTOGRAPHY	RAILWAY PROPERTY: PREMISES	COUNTRYSIDE: ESTATE	STORAGE AREA:
: POST	RAILWAY PROPERTY: STATION	COUNTRYSIDE: MOORLAND	STUDIO:
: PROMENADE	RAILWAY PROPERTY: TRACK	COUNTRYSIDE: NATURE RESERVE	STUDIO: DANCE
: PUBLIC	RAILWAY ROLLING STOCK:	COUNTRYSIDE: SECLUDED	SURGERY:

: PUBLIC HOUSE	RECYCLING CENTRE:	COUNTRYSIDE: WOODLAND	SURGERY: CLINIC
: RENTED	RESTAURANT:	COURT:	SURGERY: DENTIST
: RETAIL PARK	ROAD:	COURT: CIVIL	SURGERY: DOCTOR
: RURAL	ROAD: ALLEY	COURT: CROWN	SURGERY: HEALTH CENTRE
: SCHOOL	ROAD: ARCADE	COURT: MAGISTRATES	SURGERY: VETERINARY
: SECOND HAND	ROAD: BRIDGE	CRECHE:	TAXI RANK:
: SEX	ROAD: COURTYARD	CREMATORIUM:	TELEPHONE:
: SHOE	ROAD: CUL DE SAC	DAIRY:	TELEPHONE: EXCHANGE
: SHOPPING CENTRE	ROAD: FOOTPATH	DEPOT:	TELEPHONE: KIOSK
: SPORTS	ROAD: LANE	DEPOT: FUEL DISTRIBUTION	TELEPHONE: PAYPHONE
: STATION	ROAD: LAYBY	DEPOT: HAULAGE	TENT:
: STATIONERY	ROAD: MAIN	DOCKS:	THEATRE:
: STREET	ROAD: MOTORWAY	DOCKS: HARBOUR	TOURIST ATTRACTION:
: SUPERMARKET	ROAD: PEDESTRIAN PRECINCT	DOCKS: MARINA	UNDERTAKERS: FUNERAL PARLOUR
: SUPERSTORE	ROAD: PEDESTRIAN SUBWAY	DOCKS: QUAY	WAITING ROOM:
: TAKEAWAY CHINESE	ROAD: PEDESTRIAN UNDERPASS	DOORSTEP:	WAITING ROOM: DENTIST

: TAKEAWAY INDIAN	ROAD: PROMENAD E	DWELLING: HALL	WAITING ROOM: DOCTOR
: TELEPHONE/MOBILE	ROAD: SIDE	DWELLING: MULTI OCCUPIED	WAITING ROOM: HOSPITAL
: TOBACCONIST	ROAD: STREET	DWELLING: OF OFFENDER	WAITING ROOM: TAXI OFFICE
: TOOL	ROADWORK S:	DWELLING: OF VICTIM	WAREHOUSE:
: TOURING	SALE: CAR BOOT	DWELLING: RENTED	WAREHOUSE: GOODS DEPOT
: TOY	SALE: GARAGE	EDUCATIONAL ESTABLISHMENT:	WASTE GROUND:
: TRAVEL AGENT	SCRAPYARD :	EDUCATIONAL ESTABLISHMENT: COLLEGE	WATER INSTALLATION:
: UNDERGROUND	SCRAPYARD : CAR BREAKERS	EDUCATIONAL ESTABLISHMENT: PLAYGROUND	WATERWAY:
: VETERINARY	SHIPYARD:	EDUCATIONAL ESTABLISHMENT: SCHOOL	WATERWAY: LAKE
: VIDEO	SHIPYARD: BOAT BUILDERS	EDUCATIONAL ESTABLISHMENT: TRAINING CENTRE	WATERWAY: MOORING
ABATTOIR/SLAUGHTER HOUSE:	SHIPYARD: BOATYARDS	EDUCATIONAL ESTABLISHMENT: UNIVERSITY	WATERWAY: RESERVOIR
AIRPORT:	SHOP:	ENTERTAINMENT PLACE:	WORKPLACE:
ALLOTMENT:	SHOP: ANTIQUE	ENTERTAINMENT PLACE: INDOOR	WORKPLACE: OF OFFENDER
AMUSEMENT ARCADE:	SHOP: ART	ENTERTAINMENT PLACE: OUTDOOR	WORKPLACE: OF VICTIM
BAKERY:	SHOP: BAKER	ESTATE AGENTS OFFICE:	YARD:
BANK:	SHOP: BARBER	EXHIBITION VENUE:	YOUTH CLUB:

BEACH HUT:	SHOP: BEAUTY SALON	FACTORY:	YOUTH ORGANISATION PREMISES:
BEACH:	SHOP: BOOK	FAIRGROUND:	ZOO:

Public Nuisance Complaints in the Cumulative Impact Areas between 2017 – 2022

Summary

The report below shows the effect of the concentrated number of premises on the local residents by way of public nuisance and anti-social behaviour and is why we are proposing that these areas should remain in this CIA, on grounds of prevention of public nuisance. For example, reports of noise from the premises and from shouting in the street. A number of these complaints cannot be associated with one particular premises and is caused by the effect of the number of premises and the number of customers frequenting the areas at particular times of day and night.

Unfortunately, there is no data available with regards to the number of complaints from anti-social behaviour such as urination/defecation in the streets, overflowing waste or littering often dropped by customers on their way home or from smoking outside of the premises; drug use; vandalism/graffiti etc. However, it is hoped that this data will be available for future reviews.

Noise and Odour Complaints

Noise and odour complaints recorded between 1 April 2017 – 31 March 2022, were retrieved from the Environmental Health Departments database platform which collates complaints received.

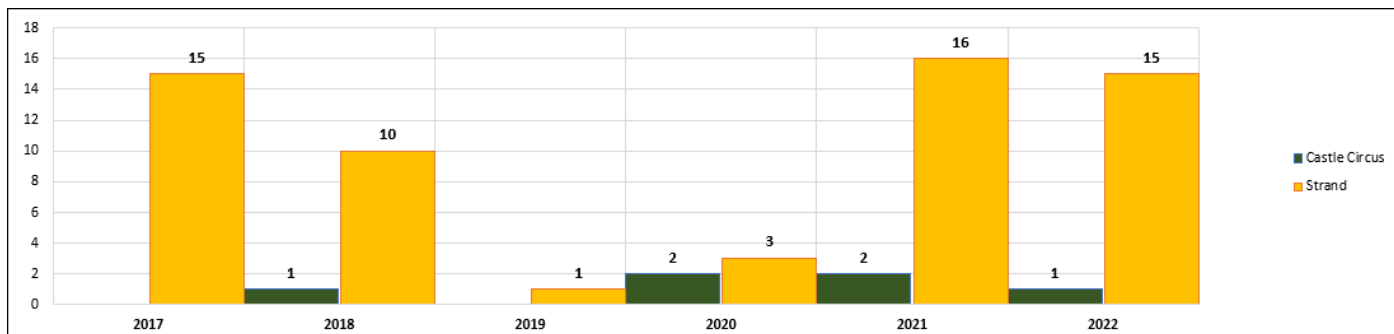
The data below includes all complaints relating to licensed premises including noise nuisance and odour complaints within each Cumulative Impact Area.

A complaint is recorded when a member of the public raises a concern through one of the council's contact portals. Noise is a subjective experience of sound and complaints depict the prevalence of nuisance individuals are willing to report, not the prevalence of negative experiences of sound.

It should also be noted that the data does not capture whether noise complaints are sources from a serial complainant or multiple concerned residents.

The data below in Figure 1, shows that there was a significant increase of public nuisance complaints received from the Strand in 2021. This is likely to be due to the public returning to premises after Covid-19 and also enjoying the use of the outside areas more than pre-Covid19.

Figure 1: Number of public nuisance (noise/odour) complaints from Licensed premises per year in each of the two Cumulative Impact Areas



Appendix B: Cumulative Impact Consultation responses

199 responses were received to the online consultation.

Question 1

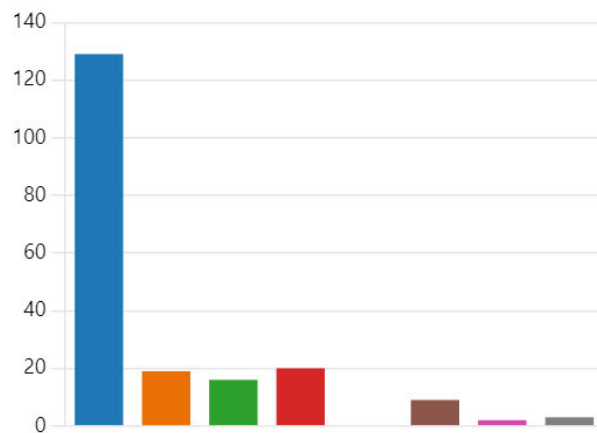
The first question asked for responders to enter their postcode. 194 of 199 people completed this question. 37% of respondents answered TQ1

Question 2

2. Which of the following best describes you?

[More Details](#)

Member of the public	129
Working in Torbay	19
Local business owner/manager ...	16
Local business owner/manager ...	20
Trade representative	0
Local community group/organis...	9
Local Councillor or MP	2
Other	3

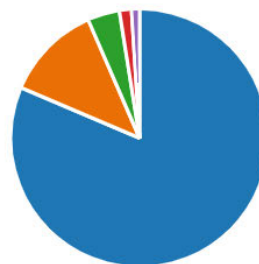


Question 3

3. How strongly do you agree or disagree the Castle Circus area of Torquay, shown in the shaded area in the plan, should remain as a Cumulative Impact Assessment area in the new CIA policy?

[More Details](#)

Strongly agree	162
Agree	24
Neutral	8
Disagree	3
Strongly disagree	2



Question 4

4. How strongly do you agree or disagree the Harbourside and Fleet Street, Torquay, known as The Strand area, shown in the shaded area in the plan, should remain as a Cumulative Impact Assessment area in the new CIA policy?

[More Details](#)

 Insights

● Strongly agree	139
● Agree	22
● Neutral	16
● Disagree	8
● Strongly disagree	14



Question 5

5. Please add any further comment about the draft Cumulative Impact Assessment 2024 – 2027

[More Details](#)

 Insights

113
Responses

Latest Responses

"It can be an area that feels unsafe when walking, particularly on an evenin..."

"Since excessive consumption of alcohol is a leading cause of both violent an..."

"Castle Circus needs action asap "

112 responses (response 1 was a test):

ID	Name	Responses
1	anonymous	this is a test of the online form - not an actual response, thanks
2	anonymous	Surely this is just the first step. You must clean up all of Torquay. Such a beautiful town has become a filthy dump. Power wash Union Street, The Strand and Fleet Walk. Do something!
3	anonymous	It is as much about the style of drinking and eating establishments as about the number. Given our current and long term problems, we must be wary of offering an environment which is excessively conducive to attracting groups which represent a risk to good order. It is then common sense.
4	anonymous	Hello, if we have understood the terminology correctly, we "want" the CIA to make it more difficult for these two troubled areas in Torquay to apply for a new licence etc...By clicking on "strongly agree" for both, we think this is correct. Thanks
5	anonymous	The Castle Circus & Factory Row area are an absolute disgrace to Torquay and this needs to be addressed. You can regularly see people drug dealing in broad daylight, people drinking in the streets and being a nuisance. You have the [REDACTED] [REDACTED] which is also a massive problem for the area you regularly see people fighting and arguing outside and people leaving the premises paralytic when they shouldn't have been served alcohol or been allowed to get in this state in the first

ID	Name	Responses
		place. [REDACTED] is selling illegal cigarettes and nothing is being done about it. There is also a tiny convenience opened just down the road from [REDACTED] that is commonly known to be selling drugs and illegal cigarettes and nothing is being done about this.
6	anonymous	Tight control and regulation is key to ensuring that all stakeholders are involved in current and future developments and decisions can be made following due process.
7	anonymous	Torbay is a holiday destination and it's night life is hugely important to the towns success and it's residents financial security. The Bays pubs and clubs need to be properly policed and new venues encouraged
8	anonymous	Do not feel safe in these areas at night.
9	anonymous	I think Castle Circus area needs to be looked after much more and it needs more than one eye on it. I live in this area and the amount of ASB, fighting (shouting), women crying at night is unbearable. For my point of view Castle Circus, (which is in the heart of Torquay right in front of the City Council), it has become the roughest part of the Torquay if not even the whole Torbay. It has the highest concentration of people clearly on drugs and alcohol user.
10	anonymous	Anything that can be done to help prevent an increase in anti social behaviour in the Castle Circus area should be welcomed.
11	anonymous	It's not about the alcohol it's all about the behaviour of those that drink too much, and to knock on effects to policing, health and safety of those using/ working in the area, support services, street cleaning, security, those who live / stay in the area, ie much needed tourism.
12	anonymous	This opens up the possibility of just a couple of individuals complaining about noise from a lively pub because they live or have a boat moored nearby and want a quiet life whilst holiday makers are out enjoying themselves .. You don't police Castle Circus now !
13	anonymous	Further measures are needed to discourage the heavy drinking culture in this area such as more robust policing more arrests and stronger sentencing of individuals for public drunkenness
14	anonymous	These areas are fine. No new developments should be allowed to "grow" outwards of the shown areas.
15	anonymous	The harbourside is a tourist area and so a level of well-managed toleration is acceptable. Castle Circus had progressively been transformed from a civic space into a de facto toleration zone [REDACTED] its patrons may well relocate to the Strand, however. Very strict enforcement of the licence i.e. not serving those already intoxicated, bans on trouble makers, no outside gathering etc. would be welcomed. Also a strict ban and enforcement on street drinking and street begging. Currently, Castle Circus has, over 40 years, evolved into an ideal environment for ASB and the impression of ASB: https://wearesouthdevon.com/castle-circus-a-torquay-

ID	Name	Responses
		odyssey/?fbclid=IwAR2tBOA2Mkambeig457DPhLna1YTn-FEeyXVcVfC-IXwqAHs9NnAinBjqcg
16	anonymous	The rowdiness and degree of drunkenness and therefore it's associated problems increase greatly into the night and later closing hours or increased sizes of businesses open after midnight would only increase dramatically these type of problems ...it is already unsafe to walk around the harbour area after midnight!
17	anonymous	This assessment should be used as a tool along with other measures to curb the antisocial behaviour of these areas. some areas are becoming no go or places to avoid due to increasing personal safety concerns for residents and tourist.
18	anonymous	Castle Circus needs regulating as it's where the daytime drunks/druggy skegs tend to hang out, and being a seaside town, the last thing we want is for families to walk past someone with their trousers round their ankles, shooting up, so that needs to be controlled regarding drinking venues. The Strand on the other hand, is the entertainment capital of Torquay, and knowing how small minded some in local licensing departments can be, the last thing it needs is tight regulation to kill it off. Me and my friends go out around the Strand regularly on an evening, and, by and large, find it a very friendly and nice atmosphere. Expanding it rather than taking a heavy handed approach is what is required at the moment, so this area definitely shouldn't be included, unless the ambition is to kill off the town as an entertainment resort.
19	anonymous	Castle Circus is a magnet for all the drug addicts and is destroying the image of Torquay as a nice place to visit.
20	anonymous	There definitely needs to be a greater presence of police/officials in Castle Circus as the impact on tourism and the general public is growing exponentially due to the unsocial behaviour in the day and evening. Regarding the harbour area, please do not issue any more licences or extend licensing hours as this area it literally at saturation point.
21	anonymous	There is hardly many businesses on union street to keep trouble away from it. With factory row the way it is and [REDACTED] not far from that either they both sell alcohol next to a hot spot for crime. [REDACTED] which is further down also generates a lot of trouble outside and the steps to [REDACTED] which are spacious and sheltered making it a hangout for homeless. I dont think anymore fast food restaurants opening late and anymore premises selling alcohol would be an ideal situation in an area that is already un safe. More day time shops need to take up the empty spaces instead of evening shops, evening restaurants or bars. Union street and Castle circus definitely need more attention than the harbour.
22	anonymous	Dear , We live on Higher Union Lane . The park is kept clean and tidy ,the grass cut...but every single night and early morning still lots of alcoholic /drugged people walking around here and shouting. Every night two -three noisy car make a rally's run and goes with 40 -50 mph . I just hope any new change not makes the area more noisier. This blocks where we live just 4 kid's lives and they need to go school and we need to close the windows shutting if we want to the kids can sleep during night . If our windows open we smell the joint cigarette smell early mornings and evening... Pls make this area more safer and not noisier . Thank you !

ID	Name	Responses
23	anonymous	As an elderly person, I do not dare to enter Union Street or Fleet Street on foot after about 8pm. This is due to the risk of alcohol related assault from one of the many evidently inebriated persons. Indeed, even on Torbay Road, when walking from Princes Theatre to the Shedden Hill Car Park after an evening show, I feel the need to stay close to fellow theatre patrons for the same reason.
24	anonymous	I believe Alcohol should only be allowed to be consumed in designated areas, ie within the confines of the licenced premises and any outside space it my have, the rest of the area should be designated alcohol free areas and drinking whether from bottles, glasses or cans should be banned.
25	anonymous	The harbour side has so much potential as a cafe/restaurant/walking/family-friendly zone. It would be lovely to be able to go there late evening, especially in the weather months, without encountering scarily drunk or drugged people. Do nightclubs have to be so close to the harbour? I would definitely not walk around Castle Circus at night - far to worrying.
26	anonymous	The harbourside needs new businesses and growth as it's where the tourists go. I don't see a problem with having more licensed premises or longer hours because it would simply spread people out more, and surely that would cause less problems rather than everyone being bunched up in the same places?
27	anonymous	We are a tourist town. Market forces should dictate not the council
28	anonymous	Licensed premises on or near the strand impact considerably on holidaymakers and residents. Noise, anti social behaviour and litter have a negative effect on the ability of people to enjoy that part of town. It needs to be carefully regulated and enforced
29	anonymous	Castle Circus is more of a problem area than the strand. Castle Circus area is just so rundown and people visibly doing drugs and drinking in public. Even as a local I avoid the area as much as possible. The only problems we get on the strand/ harbour area is homeless people and theft such as [REDACTED] near the harbour having things stolen on a daily basis.
30	anonymous	Something needs to be done as these are not areas that I feel safe going through.
31	anonymous	Castle circus is frequented by drug addicts , users, dealers and shop lifters. [REDACTED]
32	anonymous	as a shop worker in torquay town centre , we have massive problems with shop lifting ,the shop lifters are taking the stolen goods and selling them [REDACTED] and taking the drugs in shop doorways, several time been unable to get into work as 5 drug users in doorway or slumped against buildings in fleet street
33	anonymous	There needs to be a much stricter approach to the sale of alcohol in Torquay. There are two many venues and shops that skirt around the laws. Drink to access is being encouraged, alcohol is being sold to those who are already under the

ID	Name	Responses
		influence of alcohol. This adds to the anti social behaviour in the area and has a negative impact on tourism, retailers and local residents.
34	anonymous	Both the castle Circus area and the harbour/strand area are really unsafe places to be in and around when the licensed establishments are trading. Drunk and drugged people wandering around be abusive and sometimes holding up the traffic. You feel like you are almost risking your life being in those areas.
35	anonymous	Castle circus area clearly needs strong licensing conditions in place due to the crime in this area. It doesn't feel safe to be in this area during the evening. The strand area - we should be encouraging venues in this area for tourists and locals, we have fewer venues than in previous years but higher amounts of crime. Rather than restricting licensing, why are we not looking at the wraparound such as improved taxi/ bus services to stop build up of party goers in the town at weekends to help stop fighting etc? Also would suggest looking at door staff / security practises at venues in the town- they seem to be accountable for quite a lot of the violence occurring. Furthermore, rather than impacting venues, I would also suggest that the real issue is the high amount of begging & rough sleeping going on in these two locations
36	anonymous	I think take aways, cafes and licensed premisses should be encourage / required to help fund street cleaning and in particular having the pavements washed regularly during the summer season. All car parking between the clock tower and the traffic lights in Torwood Street should be removed from 8pm till 8am overnight on Fridays and Saturday evenings only to allow for the volume of people in this area area the pubs and clubs and reduce the risk of pedestrians jumping out from between parked cars and give the CCTV and Police a better view of what is going on in this area.
37	anonymous	The main issue is one which I presume is not covered within the scope of this CIA. It relates to the people who congregate around Castle Circus, who are obviously severley intoxicated through drink or drugs. Facilities whould be provided to both house and provide support for these unfortunate people.
38	anonymous	ANY establishment which encourages or ignores the sale / purchase of illegal drugs/substances should be closed down immediately. Drugs destroy communities along with the criminal side of prostitution, child abuse, ASB, preventing individuals from being employed. PLEASE CLOSE FACTORY ROW it is simply a front for buying/selling drugs/substances.
39	anonymous	Pointless having CIA when they are not enforced. I have seen police just walking past groups of people drinking their cheap cans of cider many times. One local is in the main streets every day drinking, throwing his cans everywhere, swearing at people, NOTHING DONE.
40	anonymous	It is imperative that a CIA remains to keep tight control on those designated areas that have a high volume of people due to the amount of licensed bars, venues and eateries. Strict licensing laws makes an improvement in control which is especially important for those living in the area.
41	anonymous	We need to retain a strong and positive approach to the control of licensed premises within our town centre, being that Torquay is a major tourist town.

ID	Name	Responses
42	anonymous	The Council needs the ability to control the noise and disruption in these areas caused by excessive alcohol consumption that puts pressure on the Police, ambulance service and is unacceptable to Torquay residents. Clearly drug dealing, aggressive begging and vagrancy is a problem also.
43	anonymous	The Council needs the ability to Control the noise caused by excessive drinking and loud music coming from bars that seem to take no notice of licencing restrictions.
44	anonymous	I believe that certain areas such as those above need to remain in the CIA area for the next 3 year period, as there have been on-going issues in the Castle Circus area and the Strand area is in the heart of tourism.
45	anonymous	Defiantly needs more police presence @ Castle Circus. I personally don't go anywhere near that area anymore as it's dirty & intimidating.
46	anonymous	We should be relaxing rules for businesses. If we want our town centre to thrive we must allow businesses to be bold with their plans and not restricted by council bureaucracy.
47	anonymous	I have lived in this area for many years and there has been a marked improvement since the CIA has been in force
48	anonymous	The area should be extended to include the whole of Factory Row. Further we would like better monitoring of all Steps such as Abbey Road steps, Laundry Steps and the Town End of Rock Walk Steps etc. In all these areas there is vagrancy with drug and alcohol consumption leading to littering which leads to increased danger in using these areas.
49	anonymous	Interesting datasets, clearly impacted by the lockdown and its consequences. Both areas still require active management to ensure a balance is maintained between the needs of residents and visitors, whilst continuing to promote a vibrant harbourside
50	anonymous	Castle Circus needs a lot of work and development to make it more welcoming to the general public as it is extremely off-putting going near it currently. With the plans to develop a food quarter on the Harbourside where Debenhams was, why on earth would we support restricting licencing controls and putting potential future businesses off investing. Promote the best parts of Torquay and the harbourside is on of the best areas we have.
51	anonymous	It will help reduce the level of criminality
52	anonymous	This area is dangerous. I am scared to walk on my own after 7 pm, a lot of weird, creepy people. Living in this area is also a nightmare because ar least 5 days a week I wake up from shouting, doing damage on the street, like smashing objects. It is just upsetting how nothing is done to prevent this. Been living here 7 years, seen no improvenent so far. I can't see myself spending any time in this area when I will start a family
53	anonymous	We live in Abbey Road and can hear people screaming and fighting every night, which is affecting our sleep, we know the noise comes from Factory Row and I am unsure of how that issue can be fixed, but I don't feel anything is being done

ID	Name	Responses
		at the moment because this happens every day without exception. We see drug dealers in our street selling drugs during the day. We have seen people using needles around the area in the middle of the day too. I work and live in Torre, and in winter I don't feel safe walking back home after work when it gets dark early.
54	anonymous	There are more than sufficient licenced premises and the more restrictions that are applied the better. Additional licencing of premises should be discouraged.
55	anonymous	The Castle Circus area and drinking facilities appear to encourage street drinking, allow the overselling of alcoholic beverages to people that have clearly already had too much spill out onto the streets. It feels unsafe in the Castle Area, I work in Union Street area and have concerns about walking around this area especially as autumn and winter draws in.
56	anonymous	Hopefully this will lead to better control over night time antisocial behaviour. Hopefully also the Council can get better control of the abuse of live music licencing by some venues.
57	anonymous	Castle Circus should be tackled immediately in order to save Torquays already tarnished reputation. [REDACTED] should be the first step in tackling the areas problems, along with Factory Row.
58	anonymous	The Council needs to positively encourage the reopening of venues that are empty and or becoming derelict in these areas to spread the number of venues and choice and type of venue available. Would help to balance the mono culture of 'young' bars and the crush into the few remaining and create a more user-friendly night economy. The area around the new cinema creates a huge opportunity to regenerate the area and create a place where people want to go.
59	anonymous	The strand/harbour area is one of our highest growth areas for long term tourism growth and represents Torbay's best opportunity for a strong, venue-driven image that is fit for the demands of the 21st century tourist. To stifle investment in this area would be a monumental overreach of power and unquestionably do harm to the long term prosperity of Torbay as a holiday destination and source of employment for our residents.
60	anonymous	We must also hold perpetrators of anti social behaviour accountable for their behaviour, for example fines should represent the real cost of that behaviour, damage, cleaning, arrest, detection and court costs should all be in the fine and calculated by the JP, opportunities to pay should be varied from cash payment through to include community service.....
61	anonymous	In my opinion area around harbour is perfect spot for pubs and nightclubs, keeping that venues cumulated will help policing efforts and mitigate impact on residents and buissnes. This venueas are important part of Torquay night life and essential for turism. But we cant have places like pub on castle circus which is center point of ASB and Crime. Bit higher standards please.
62	anonymous	The level of drug use and crime within these areas is shocking and unsightly. Something desperately needs to happen to regenerate this area. There are often needles on the floor, groups of people high and spaced out it intimates the general public and scares of business right in the centre of our town.

ID	Name	Responses
63	anonymous	It is vital for the town centre to be carefully monitored and licensed premises to remain accountable. The two areas in question are key sites for tourists and locals alike.
64	anonymous	To win votes, and the only way to rescue Torquay is to close [REDACTED] and relocate it out of the tourist area i.e. Exeter.
65	anonymous	I find my trouble in harbourside area is caused by pub and club doormen,loads are bullies and pick on people for no reason ,as i witnessed first hand on sat night at the cinnabar torquay
66	anonymous	The area outside the [REDACTED] is a disgrace with groups of undesirable men who have the appearance of street sleepers and beggars outside bringing the town into further comments of being a run down undesirable town and somewhere to avoid as a tourist, plus unsightly and potentially a dangerous area for elderly local people.
67	anonymous	Please take into account a large number of people enjoy themselves without resorting to getting drunk and disorderly. As a democracy the should not penalise the majority for the behaviour of the few
68	anonymous	Over the last three years there has been a significant increase in unruly behaviour, and licensed premises not taking proper action to control their clientele. I would support your controls to make these areas more conducive to the majority of people who live, work and visit the area.
69	anonymous	The CIA POLICY should stay in place in order to control & limit the Antisocial behaviour. To control excessive noise from within any premise and outside both of which have over recent years have had a detrimental effect & considerable disturbance to residents living in Park Hill Road above Victoria Parade as well as several other residential properties close to the shaded area near the Strand & Lower Torwood Street. This could well reduce the number of Police Turnouts who have to attend all to frequently into these often hostile gathering putting themselves at risk for the properly behaved Torbay Citizens. They deserve our grateful thanks.
70	anonymous	We need to consider other visitors to our area on whose spending power we depend. Tourists do not want to patronise our theatres and restaurants in the evening nor will they like strolling around the harbour area if confronted by raucous groups of people who are worse for drink.
71	anonymous	Castle circus is not a nice place ,many elderly people are afraid of using this area, to many undesirables roaming around often drinking alcohol or begging.
72	anonymous	With all the continued issues around castle circus - anti social behaviour, drugs and drink related issues, Castle Circus area should have no licences granted at all! It is disgusting to see people outside [REDACTED] drinking, taking drugs, fighting, rolling around on the floor not to mention the number of times the police and ambulances have to attend. The area has become a no go area for anyone who does not take drugs or drink to excess. Torquay is no longer a desired place to live or visit. The sooner the top end of town is sorted the better as far as I'm concerned!

ID	Name	Responses
73	anonymous	Please continue to adopt a strong attitude toward this matter
74	anonymous	Castle Circus and Torquay town centre has been absolutely destroyed with homeless people and drug addicts...who agreed to this it's so sad neglect and out of town stores have not helped I remember in the early 1980s you couldn't not get a seat near the big Christmas tree at castle Circus this area was beautiful the town was mobbed with families as it should have been ...what has happened to allow this neglect ...who agreed to feed the homeless there.... heartbreaking to watch this decline year after year it's no longer the sought after location it once was.. drugs and alcohol are prominent and far too easily available . this NEEDS to stop save Torquay for all our sakes
75	anonymous	As a holiday resort Torbay is struggling to maintain visitor numbers and is becoming more unattractive to potential future visitors. We need to make sure our businesses are able to offer attractions visitors want and setting restrictions on licensees in the Strand area will reduce their ability to do that. Whilst I agree we need to tackle anti-social behaviour we have an excellent police force that can do that and as we pay for them I see no reason why we shouldn't expect them to do their job. I am all for a CIA remaining in place for Castle Circus which has long had a poor reputation for anti-social behaviour and drug abuse, but we need to give the Strand a chance to improve what it offers.
76	anonymous	This survey is a very good idea.
77	anonymous	Clean up Castle Circus area. What on earth are you people thinking. You have created a slum area at the top of the town. Idiots.
78	anonymous	I think you need to worry less about the areas listed for entertainment purposes and concentrate on the drugged-up and drunk individuals, who congregate around Castle Circus and sort out the drug dealing I have witnessed!
79	anonymous	Personally, given the blatant drug trade, drunkenness and ASB occurring around Castle Circus area of Torquay, I wouldn't expect the Council to grant any liquor licences whatsoever! Close them down please.
80	anonymous	The answer is not to stop licensed premises they are not the problem. As long as the licensee is responsible and the business plan good then why on Earth would you stop legitimate businesses from helping with tourism and generating revenue? The harbour area is made up of bars/licensed cafes and cocktail/ wine bars. It always has been. [REDACTED] has been closed with no offers on the lease as all interest for bars etc have been rejected. Therefore you have empty units instead. Same under the [REDACTED] The [REDACTED] is a huge success why would you look to restrict more in such an area. The issue in Castle Circus is the proximity of the Factory Row facility. There were more bars in the area and less issues. Maybe make the whole of upper Inion Street into housing rather than flog a dead horse and then invest in bottom of town and harbour.
81	anonymous	I fully understand its purpose but prevention of further new premises with alcohol licences on the harbour will severely restrict development in the area. Nearly all new premises in the are are food led and not late night and noisy. Places like the old mambo building will never get a lease holder as even a food led modern eatery would need a licence. High Street stores are in decline and will not pay Harbour rates. Thus this is damage progress in this area. However

ID	Name	Responses
		top of top premises tend to be low cost wet led and absolutely are highly likely to have a cumulative negative impact.
82	anonymous	More restaurants and chains around the harbour will be a good thing. Less alcohol around factory rowe seems wise.
83	anonymous	The way things are going in Torquay, and Torbay in general is a major blot on our area and anything that seeks to or has a positive influence on changing is it a major step in the right direction.
84	anonymous	The Area you indicate must be policed and the law enforced. Currently its a free for all.
85	anonymous	Well done
86	anonymous	Police presence would help
87	anonymous	Castle Circus has had too many problems over the years.What the nearby traders have had to put up with is most unfair.Please sort the problem once and for all.
88	anonymous	I was born in Torquay, went to school here then moved abroad. On return in 2003, I was horrified to see that the town I was so proud of growing up, had deteriorated so much. I believe that Factory row [REDACTED] Is predominantly responsible for this decline. Rather than treat the residents for all forms of addiction and anti social behaviour, it has taken the entire surrounding area, down with it. I do not frequent the new cinema for fear of walking as a woman alone at night, or choose to walk home anywhere nearby. Those in need should be housed in a residence in the countryside, given help for their various addictions, mental illnesses etc. Torquay has become a dumping ground for ' undesirables' A drug pushers paradise. The council should spend hard earned tax payers money on attacking the real problems. Not turning a blind eye and encouraging tourists and cruise ships to visit only to find this once beautiful ' English Riviera' Is a DUMP, full of zombie crack heads, charity shops (because the rents are too high for independant traders), vape shops and sleazy pubs [REDACTED]
89	anonymous	As you are aware the areas are notorious trouble spots in town which add to the already rubbish reputation for the town centre - keep it strict to reduce problems, which are already bad
90	anonymous	The top end of the town, castle circus area is where I have seen most issues with drug taking and alcohol misuse. It's not just pubs, but shops selling alcohol this is often then drunk on the streets in the town. The steps from factory row to Abbey road are a no go area, and this is the quickest route to the seafront for visitors and locals it's a disgrace for an area that wants to be a premium holiday destination. The steps from lower union lane to Abbey road by the telephone exchange is another example of a bad area where openly people are dealing and taking drugs, this is another area avoided by lots of people I know. I think what the council needs to insist on is regular police patrols along these areas, and then for the police to take action when they see crimes, and bad behaviour taking place, at the moment it's being ignored. This action of ignoring crime and bad behaviour is why Torquay and Paignton have such a poor perception and a reputation of attracting the wrong people from other areas into our towns. Torbay mainly

ID	Name	Responses
		Torquay and Paignton are seen as being the least desirable areas in Devon to live, when it used to be one of the best. The issues clearly visible are not being addressed by the council. I often wonder where the heads of the council live, I bet most if not all are live miles away from the Town??
91	anonymous	The Strand area depends on pubs/ bars/clubs, and so I don't think this will help the economy. The problem is places closing at the same time, more options are needed to dispersé pinchpoints.
92	anonymous	There needs to be a greater consideration and alignment between the Council's planning and licensing policies.
93	anonymous	Live at the junction of Montpellier and Braddons Hill Road West and strongly agree that you need to impose limitations on new applications and renewals. The noise (already subject of a complaint and notices issued) is beginning to creep up again. Have also seen 3 people urinating , drunk, in the last few weeks opposite our residence.
94	anonymous	The Castle Circus and Union Street area is a no go area for us even in the daytime, due to alcohol and drug related behaviour of individuals. In the Fleet Walk area there are a large number of commercial waste bins in a row (opposite Edinburgh Woollen Mill), which, when we last walked down there, were overflowing with waste with associated odour and flies. These should be housed in a proper area. It looks awful. It's a pity there is no data available on waste and street cleaning complaints.
95	anonymous	I agree to the principle but thought needs to be given to resultant over crowding of a limited number of venues.
96	anonymous	We must make it clear that ASB etc in our town centre areas is not acceptable and that action will be taken against the few that wish to spoil the enjoyment of the majority. We must provide the tools the police need to take action and support our local Police Officers in carrying out their duties. If we want our day and night time economies to thrive and Torbay to be a premier resort destination we must enforce these CIA policies. I support the CIA and our teams to enforce them 100%
97	anonymous	Castle circus & top end of town has been a blight on that area for years. With anti social behaviour & drug active. Not to mention the stealing from the shops (witnessed personally) The harbour if controlled properly at peak times can be an asset
98	anonymous	There should be stricter NO ALCOHOL areas such as hopes nose, thatchers point , berry head, and all other open spaces. These are being ruined by drinkers and BBQs etc
99	anonymous	[REDACTED] The place is a danger to the public. Every time I am in that area, some sort of disorder is going on. Same to be said for Market Street as well.
100	anonymous	The Town centre & Castle circus is the area in most need of constant surveillance. The Harbour for the most part is much better & only needs extra surveillance at the weekend with the night time economy

ID	Name	Responses
101	anonymous	The need to continue to monitor, manage and try to alleviate the problems and challenges associated with undesirable behaviour related to abuse of alcohol is clear, and the regular review of the CIA is welcomed.
102	anonymous	I am a licensing law solicitor. My view is that there are enough other provisions within legislation and policies to provide adequate protection in the designated areas to remove the need for the Cumulative Impact Policy. CIA's are now very rare and not often seen in town and city centres.
103	anonymous	Alcohol should be banned from on streets from strand to Castle circus and fines issued to regular abusers
104	anonymous	More enforcement is needed throughout the CIA
105	anonymous	Both areas covered by the CIA have their social issues, these manifesting at differing times of day/night and affecting differing elements of the population. In both instances the presence of alcohol and other legal and illegal substances are a primary contributory factor in disturbances and criminal activities. With these factors in mind it is imperative that the council not only use their powers under a CIA to negate impact but also put it much more stringent measures, as the ongoing norm, to deal with anti social and criminal behaviour in these areas. Zero tolerance on alcohol and drugs in the street and also those under the influence is a must to keep the majority population safe from those who choose to behave in an anti social/ criminal manner. Whilst I do agree that those with dependency issues need support, this support must be offered in appropriate venues - NOT the town centre which only seems to encourage their presence and involvement in anti social and criminal activity - and NOT at the detriment of the wider population of the town as a whole. We, who do behave appropriately, conduct our lives within the bounds of the law and make a positive contribution to our local society, as well as funding our community through payment of our taxes should not be in a position where we feel threatened, frightened or unable to visit locations for fear of becoming innocent victims to those who behave criminally or anti socially.
106	anonymous	The problem can be drink bought in shops consumed on the street, not necessarily licensed premises themselves
107	anonymous	I think all the venues by the harbour and strand area should be aloud to operating longer than [REDACTED] should be not longer than midnight. Also the Council should take care of the drug problems and homeless around town Center and surrounding areas to help the businesses and communities around this places.
108	anonymous	I think it would be naive to think this alone will help address ASB behaviour. Businesses need support. It's a whole community effort not just licensing laws that need to be implemented. This could have the adverse effect and kill business. This is only reactive and not proactive to addressing the real issues within torbay that lead to excessive drinking, poor mental health etc. Need to be more creative. Better early help support alongside these schemes.
109	anonymous	The council needs to take whatever steps are necessary to reduce the "yobbish" behavior that is contributing to making Torquay an unpleasant place to be. It is time that profit take a lower priority to safety.

ID	Name	Responses
110	anonymous	Ban alcohol from all areas of Torbay streets and parks
111	anonymous	Castle Circus needs action asap
112	anonymous	Since excessive consumption of alcohol is a leading cause of both violent and sexual offences tight licensing conditions should at least be maintained, better still made more restrictive with earlier cut off times for drinking and more prosecutions for premises that allow underage drinkers to purchase alcohol either as cans/bottles or for consumption on the premises.
113	anonymous	It can be an area that feels unsafe when walking, particularly on an evening and certainly uncomfortable and unpleasant.

Table 1: Two written responses received in response to the CIA consultation

Number	Written response received
1	<p>The [REDACTED] should be shut down immediately and the licensee fined; it is a well known fact that criminals use this venue for the sale/purchase of illegal substances - the smell of cannabis is so strong when you walk along that part of Union Street. In addition, [REDACTED]</p> <p>[REDACTED]</p> <p>All establishments which deal with the public should have their licences reviewed on an annual basis; perhaps only then will Torquay return to the once loved, safe holiday resort Agatha Christie knew. Torbay is living on the historical reputation it once held; now it has become a seedy, crime and drug ridden centre for those elements of society, i.e. the residuum who choose to live from the profits of drugs/crime. Quality tourism will not return until the authorities gain back control from the criminals.</p>
2.	<p>Having looked at the Cumulative Impact assessment areas, I would like to point out that although the Assessment covers the top of the town center including Factory Row and Union Street, this particular area is becoming a big concern for anti-social behaviour, crime and disorder.</p> <p>Whilst I do not want to see anybody lose their license, there is extra concerns from my guests and staff of that particular area where people are doing drugs and drinking to excess.</p> <p>I feel that for public safety I would like to see extra measures put in place to curb the prevention of all public nuisances in this area.</p>

Meeting: Cabinet **Date:** 21 November 2023

Wards affected: All

Report Title: Coroners Service – Re-organisation

When does the decision need to be implemented? Following decision and end of call-in period

Cabinet Member Contact Details: Alan Tyerman – Cabinet Member for Corporate Services

Director Contact Details: Matthew Fairclough-Kay Director – Corporate Services

1. Purpose of Report

- 1.1 To obtain approval in principle for Torbay Council (as a partner authority) to agree proposals and work with other relevant authorities in Devon to re-organise the Coroner's Service following the retirement of the Senior Coroner in March 2023, to the extent that the proposed changes are cost efficient and will not result in any increase in costs to the authority by way of its recharges.
- 1.2 To agree a new lead authority responsible for delivering the Coroners Service that affect Torbay and to agree a new combined Coroner area for the County of Devon.

2. Reason for Proposal and its benefits

- 2.1 First tier authorities have a statutory duty to resource the function of the Coroner's Service that is delivered in their area. Whilst the post of Coroner is a quasi-judicial role and independent in nature, local authorities need to resource the office administration, remuneration and infrastructure of the service. Coroner's jurisdictions do not always follow local authority boundaries and sometimes those councils deliver the service for neighbouring authorities if their portion of the area is smaller. Up until 2013 Torbay Council was the lead for the Torbay and South Devon Coronal area. The Ministry of Justice decreed around that time that nationally they were looking to reduce the number of Coroners from over 200 to around 60 full time appointments and that merger opportunities should always be considered when the service was re-organising or a Coroner retiring. This opportunity arose in 2013 and Torbay and South Devon merged with the Plymouth and West Devon area creating a larger combined jurisdiction. Ian Arrow was the Senior Coroner of this new area and Plymouth City Council became the lead council for delivering the service. The Torbay office/court operations moved to Plymouth Coroners

Court. In 2022 the Senior Coroner indicated his intention to retire. In March this year Ian Arrow retired from his role leaving the post vacant. Philip Spinney, the Exeter and Greater Devon Coroner (Lead: DCC) has acted up in the role for Plymouth and Torbay since Mr Arrow left as a Senior Coroner needs to be in place in any area even on an interim basis for the progression of cases and inquests, augmented by assistants and deputies. The requirement therefore to review arrangements as to Coroner areas and delivery arose again. Plymouth and Torbay have been liaising with colleagues in Devon County Council as to a possible merger of the service to create a combined Coroner area for the geographical county of Devon. The population of the new area would match the preferred size of jurisdiction as set out by the MoJ. Devon County Council would be the lead council to deliver the service.

- 2.2 The reasons for the decision are Torbay Officers are supportive of this proposal for the following reasons: i) there are opportunities for economies with the merger (in our capacity as a recharge authority for the cost of the service affecting Torbay). ii) we would simplify the arrangements as to coroner posts and remuneration. iii) there are opportunities for the bereaved in Torbay to travel to Exeter rather than Plymouth to attend inquests. iv) there is potential for simplified contractual arrangements with suppliers and SLAs between the authorities in the delivery of the function

3. Recommendation(s) / Proposed Decision

- 3.1. That Cabinet approve in principle the merger proposals, to the extent that the proposed changes are cost efficient and will not result in any increase in costs to the authority by way of its recharges; and
- 3.2. That the Director of Corporate Services be given delegated authority to progress re-organisation of the new combined service subject to 3.1 above.

Appendices

Appendix 1: Map of Current Plymouth, Torbay and South Devon jurisdiction (in yellow) which would merge with the rest of the County.

Background Documents

1. Introduction

- 1.1 Torbay Council, as a partner authority with Devon County Council and Plymouth City Council, intends to re-organise the Coroner's Service following the retirement of the Senior Coroner in March 2023, to the extent that the proposed changes are cost efficient and will not result in any increase in costs to the authority by way of its recharges.
- 1.2 A coroner is a special judge who investigates unnatural or violent deaths, where the cause of death is unknown, or because the death took place in prison, police custody or another type of state detention, such as a mental health hospital. The investigation may include an inquest hearing. The coroner's role is to find out who died and how, when, and where they died.

2. Options under consideration

- 2.1 Retain the current service arrangements.

Benefits: No impact or work to alter Coroner area.

Disadvantages: This would be contrary to the guidance of the Ministry of Justice to merge Coroner areas where this may be applicable. Would not take advantage of potential efficiencies / economies that may arise from merger.

- 2.2 Merge jurisdiction with Exeter and Greater Devon.

Benefits: Would take advantage of potential efficiencies / economies that may arise from merger. Simplify appointment of number of Coroners in the Devon area with the associated reduction in costs. Scope for bereaved to travel to Exeter rather than Plymouth for inquests.

Disadvantages: None anticipated.

3. Financial Opportunities and Implications

- 3.1 There are opportunities for economies with the merger (in our capacity as a recharge authority for the cost of the service affecting Torbay). There are also opportunities to simplify the arrangements as to coroner posts and remuneration.

4. Legal Implications

- 4.1 Would meet Ministry of Justice requirements to review and merge co-terminus Coroner areas where the criteria applies.

5. Engagement and Consultation

- 5.1 The following are involved or have been consulted: Internal finance colleagues, senior management, partner local authorities, Devon and Cornwall Police.
- 5.2 Torbay has no assets to close / move or staff affected. Members of the public would benefit from Exeter now being an inquest venue meaning.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 This is a change to the current service, rather than a new service.

7. Tackling Climate Change

- 7.1 Potential for shorter journey times to Exeter for inquests resulting in slight travel impact benefits as regards sustainability / emissions.
- 7.2 No others apply.

8. Associated Risks

- 8.1 Potential risk of challenge / inquiry by the Ministry of Justice if merger opportunities not investigated.

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

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Y		
People with caring Responsibilities	Y		
People with a disability	Y		
Women or men			Y
People who are black or from a minority ethnic			Y

background (BME) (Please note Gypsies / Roma are within this community)			
Religion or belief (including lack of belief)			Y
People who are lesbian, gay or bisexual			Y
People who are transgendered			Y
People who are in a marriage or civil partnership			Y
Women who are pregnant / on maternity leave			Y
Socio-economic impacts (Including impact on child poverty issues and deprivation)			Y
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Y		

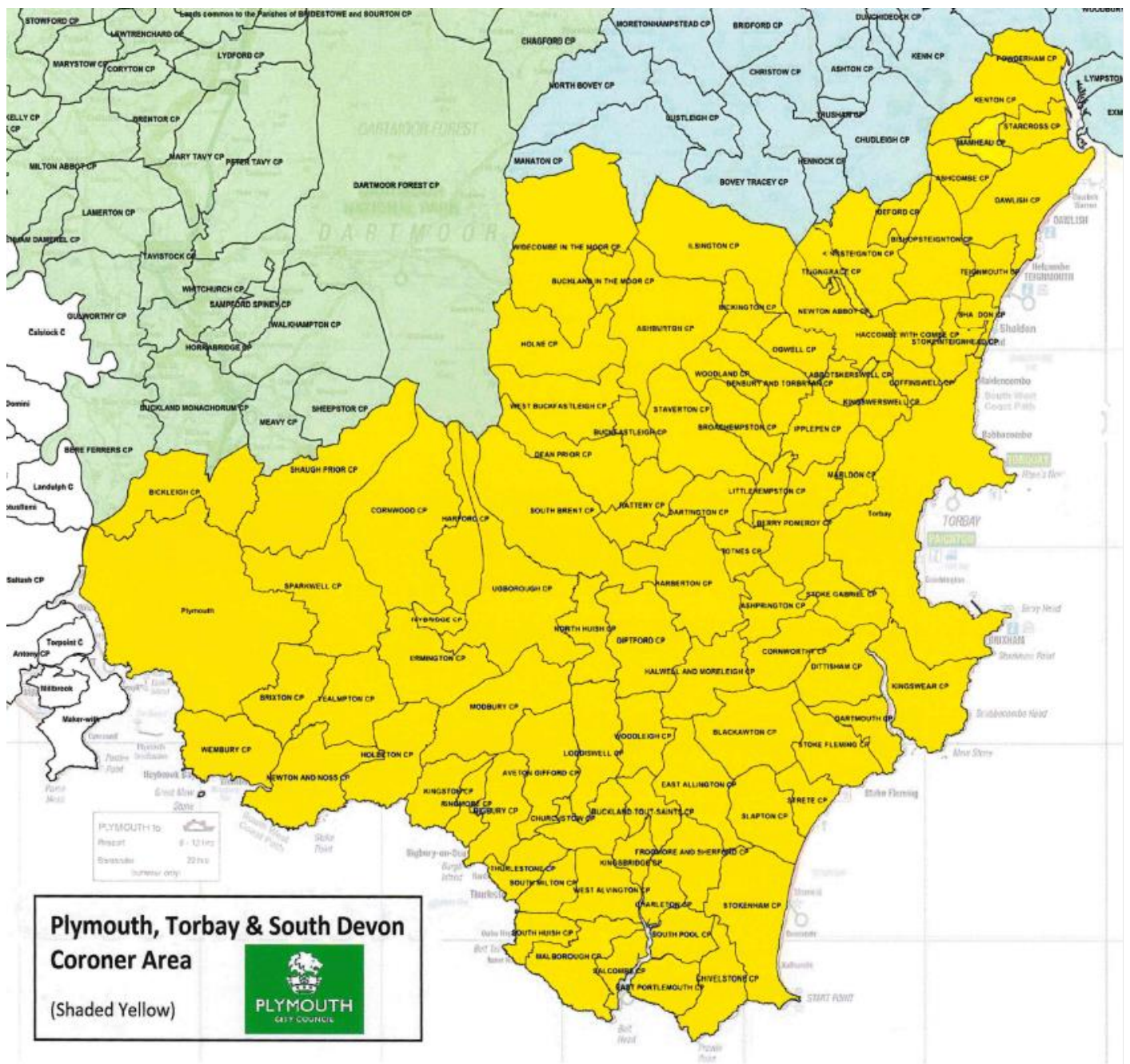
10. Cumulative Council Impact

10.1 See above potential efficiencies / economies.

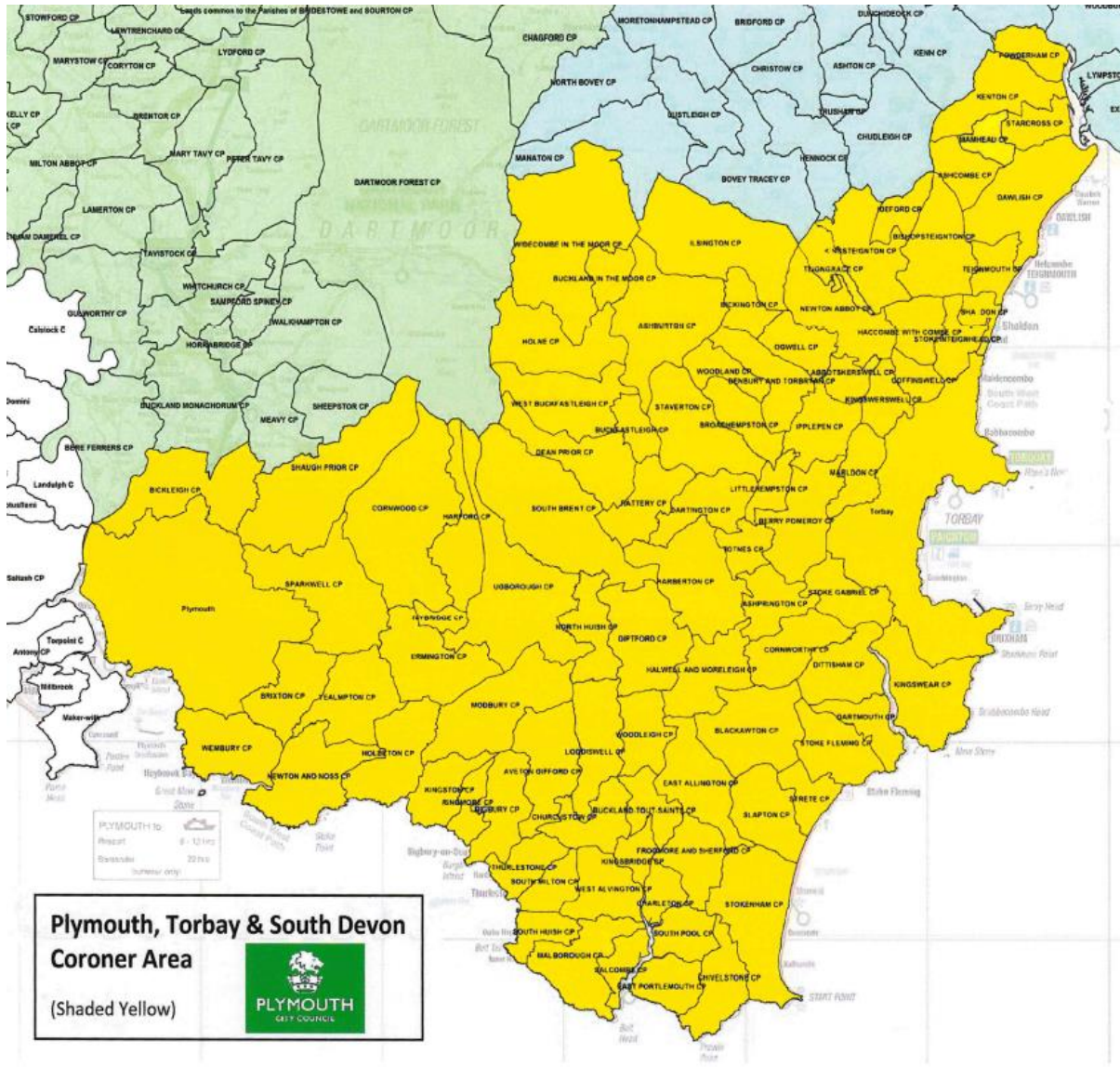
11. Cumulative Community Impacts

11.1 N/A

Appendix 1: Map of Current Plymouth, Torbay and South Devon jurisdiction (in yellow) which would merge with the rest of the County.



Coroners Service – Re-organisation Appendix 1



Meeting: Overview & Scrutiny Board/Cabinet/Council **Date:** 8 Nov/21 Nov/7 Dec 2023

Wards affected: All Wards

Report Title: Budget Monitoring 2023/24 – April to Sept 2023 Revenue and Capital Outturn Forecast.

When does the decision need to be implemented? N/A

Cabinet Member Contact Details: Alan Tyerman, Cabinet Member for Finance
alan.tyerman@torbay.gov.uk

Supporting Officer Contact Details: Ian Rowswell, Deputy Director of Finance,
ian.rowswell@torbay.gov.uk,

1. Purpose and Introduction

- 1.1. This report provides a high-level budget summary of the Council's revenue and capital position for the financial year 2023/24, reviewing budgets and considering year-end forecasts. These forecasts are based on the levels of spend and financial information at the end of quarter 2 (up to 31 September 2023).
- 1.2. The Council continues to face significant external pressures due to the wide-reaching implications of the current economic situation. The levels of cost inflation are impacting the Council across almost every single service in terms of direct cost pressures. We are also seeing an impact on the levels of income received, with many projections being below the levels budgeted. This pressure is resulting in a year end forecast for 2023/24 of **£1.3m overspend**, a £200k reduction on the forecast made at quarter 1.
- 1.3. The Capital Plan is still under review and an updated forward looking capital programme will be included within the 2024/25 budget setting papers in early 2024. Whilst this review is in progress there are some decisions required to enable progress to be made on some specific projects.

2. Recommendations

Recommendations for Overview and Scrutiny Board

- 2.1. That the Overview & Scrutiny Board notes the Council's forecasted revenue outturn position and mitigating action identified and make any comments and/or recommendations to the Cabinet.
- 2.2. That the Overview & Scrutiny Board notes the additional new capital schemes and make any comments and/or recommendations to the Cabinet.

Recommendations for Cabinet/Council

2.3. That the Cabinet notes the forecasted revenue outturn position and recommends that Council approves:

2.3.1. The addition of the following new projects (full details in para 8.4) to the current capital programme

- Paignton Academy STEPS Relocation – project totalling £1,250,000.
- EPIC Centre X-Ray equipment –A new project totalling £150,000.

2.3.2. The provision of a £60k grant to the Shoalstone Seawater Pool Community Interest Company, subject to them being successful in their funding bid to the Community Ownership Fund (COF). This match funding (from reserves) will support towards the costs of major repairs required to the pool.

3. 2023/24 Budget Summary Position

3.1. Budget monitoring has identified a number of spending pressures and is initially forecasting a total overspend at year end 2023/24 of £1.3m, broken down between Council Directorates as follows:

Service	Current Budget £m	Projected Outturn £m	Outturn Variance Q2 £m	Outturn Variance Q1 £m
Adult Services	51.424	52.479	1.055	1.020
Children's Services	50.179	51.561	1.382	1.733
Corporate and Executive Services	12.245	12.694	0.449	0.201
Finance	-11,941	-13,941	-2.000	-1.600
Investment Portfolio	-4.134	-4.134	0	0
Place	22.727	23.160	0.433	0.124
Public Health	10.430	10.430	0	0
TOTAL	130.950	132.269	1.319	1.478

3.2. Appendix 1 provides a summary of the agreed budget savings for 2023/24, showing whether these saving proposals have been achieved. Further details of the savings can be found within the published budget papers - [proposals-for-efficiencies-income-generation-and-service-change.pdf \(torbay.gov.uk\)](https://www.torbay.gov.uk/media/1000000/proposals-for-efficiencies-income-generation-and-service-change.pdf). Almost 70% of the total savings have already been achieved by this point in in the year.

3.3. Delivering a mitigated and reduced overspend by the end of the year will require robust financial management and control from all services across the Council. Overspend recovery plans have been completed by each Director and will continue to be reviewed by the Senior Leadership Team.

3.4. The following areas will require particular focus over the rest of the financial year due to the level of overspends being forecast.

- Increasing costs associated with homelessness prevention activity and the provision of Temporary Accommodation.
- Cost pressures being experienced by Councils around Childrens Services Placements, including caring for Unaccompanied Asylum-Seeking Children (UASC).
- The Dedicated Schools Grant and in particular the Higher Needs Block, which is not currently shown within the table above. Spend continues to be monitored as part of the safety valve agreement in order to facilitate the future write off of accumulated deficits of over £12m.

4. Service Budgets

4.1. The table below summarises the most material variances (over £100k) currently being forecast at the end of June 2023. Please note there are other smaller variances which are not highlighted within the table below.

Service	Current Budget £m	Projected Outturn £m	Outturn Variance £m
Adults Service - Housing (Temporary Accommodation)	1.565	2.585	1.020
Corporate and Exec Service - Legal services	1.327	1.837	0.510
Children's Services – Care placements incl. UASC	20.400	22.256	1.856
Childrens – Net staffing underspend across various CS teams/services.	19.200	18.632	-0.568
Childrens – Home to School Transport	3.792	3.949	0.157
Finance – Investments and borrowing	-1.927	-3.927	-2.000
Place - Income below target across services (<i>N.b figures relate to income only</i>)	-1.289	-0.645	0.644
Place - Waste disposal	4.453	3.983	-0.470
Place - additional management fee to TCCT	0.320	0.490	0.170
			1.319

Adult Services (incl. Community and Customer Services)

4.2. Within Adult Social Care the majority of spend is against a fixed price financial arrangement (contract) for the delivery of services provided by the Integrated Care Organisation (ICO). This agreement was uplifted by £5m in 2023/24, with a further £1.1m

agreed for the following year. A new arrangement will need to be negotiated for 2025/26 onwards and activity is well underway with partners to identify actions that can reduce spend and enhance financial sustainability for the future.

- 4.3. The **£1.020m** overspend currently forecast at Q2 is within our Housing Service and predominantly relates to increasing costs for both homelessness prevention activity and the provision of Temporary Accommodation. There continues to be considerable demand in this service, fuelled by the cost of living, which is impacting significantly on clients both financially and emotionally. The main reasons for homelessness is the loss of private rented accommodation and breakdown in family relations.
- 4.4. Since 2020, there has been a 64% increase in people presenting to the local authority as homeless and a 66% increase in those being provided temporary accommodation. Compared to this point in time in 2022 there has been a 40% increase in presentations. Increasingly, families are approaching the service, and overall complexity is increasing.
- 4.5. This is combined with low availability of temporary options for individuals and family groups in need of temporary accommodation. As at the end of September 2023 there were 153 households living in Temporary Accommodation, of which 67 were families, with a significant amount of prevention activity underway to mitigate the risk of numbers significantly increasing.
- 4.6. Throughout 23/24 there has been a focus on directly purchasing and leasing property to reduce the costs associated with spot purchasing and increase the stability of accommodation options available to the Housing Options team. As at the end of September 2023 26 properties have been purchased by Torbay Council, with 21 currently occupied by families, providing 160 bed spaces. This will help to stabilise costs and allow more work to be done to prevent homelessness and support households to find more permanent housing.

Corporate Services & Executive

- 4.7. An overspend of **£0.510m** is currently being forecast within Legal Services. This is a result of the difficulties the service faces in recruiting permanent staff to meet levels of demand. This has meant the service have had to use more expensive agency staff to continue delivering legal support to services across the Council.
- 4.8. The council have struggled to compete with the salaries paid by other organisations – both within the private and public sector. The service are now applying additional market factors in the hope this will make a difference to their ability to recruit and reduce their requirements of agency workers. However, it should be noted that recruitment of legal professionals in the public sector is a national issue.
- 4.9. Within Corporate and Executive Services, there are some underspends forecast across other teams and service areas, which are partially offsetting the overspend within Legal Services.

Children's Services

- 4.10. Overall Children's Services is experiencing significant financial pressures due to extreme external forces outside of the control of the Council. An overspend of **£1.856m** is currently being forecast across care placements, despite the overall numbers of cared for children being lower than previous years. Significant shortages of suitable available placements are driving up costs within the market, with price increases since 21/22 of over 30% in residential and unregulated/unregistered placements. The legislation on unregulated placements changed in September 2022 and is resulting in further pressure on this budget into 2023/24.
- 4.11. This is exacerbated by the demand arising from the cases allocated to Torbay through the National and Regional allocation of Unaccompanied Asylum Seeking Children (UASC). Costs of placement and support are in excess of the Home Office Funding, with current financial pressures arising from UASCs estimated at £0.781m and significantly contributing to the overspend.
- 4.12. All of this means that despite the continued oversight, challenge and support from colleagues, external factors are now significantly influencing spend.
- 4.13. There is also cost pressure within the Home to School Transport budget as a result of increasing costs. This now totals **£0.157m** and relates to the existing routes.
- 4.14. Offsetting some of these pressures are underspends in staffing budgets totalling **£0.568m** Agency costs have been a significant financial pressure in recent years, but following successful recruitment and retention within the service, the total agency costs are forecast to be £2.3m this year compared with spend in 2021/22 of £4.9m. This demonstrates that Torbay Council has achieved significant improvements to influence spend where it can. We are now seeing significantly increased salary expectations within the agency market and stiff competition from other Councils that are offering increased hourly rates to stabilise their own workforces.
- 4.15. Outside of Local Authority funded activities, the schools' higher needs block in the Dedicated Schools Grant (DSG) remains under financial pressure from continual referrals for assessment for higher needs support for children.
- 4.16. The Council is part of the Education and Skills Funding Agency (ESFA) and Department for Education (DfE) Safety Valve programme, which supports councils in achieving future financial sustainability in this area. If the council can deliver on its recovery plan and achieve a balanced higher needs budget, all of the historic DSG deficit will be written off, through additional funding by ESFA.
- 4.17. Torbay Council has already received £6.193m from the ESFA in response to its recovery plan, without which the DSG cumulative deficit was forecast to be £12.963m by the end of the financial year. For 2023/24 the DSG is forecasting an overspend of £929k at quarter 2, an improved position compared with the forecast deficit within the agreed safety valve plan of £1.263m. It is of importance to the Council's future budget position that the Council delivers its recovery plan.

Finance

- 4.18. A **£2.0m** positive variance is being forecast, mainly as a result of increased interest rates, being applied on council investments. This means the Council is forecast to earn higher levels of interest on its current cash balances than was budgeted. Given the current low levels of spend on Capital projects, there is also a saving on interest payable by the Council as lower levels of spend activity means lower amounts borrowed, therefore reduced interest paid by the Council.
- 4.19. As part of setting the 2023/24 budget a few centrally held contingencies, mainly linked to pay and inflation risks, were held under finance and will be released to contribute toward known cost pressures. A total of £0.489m has been released to date, addressing specific budget pressures identified within 2023/24.
- 4.20. The 2023/24 budget was based on a 4% pay award. Sufficient central contingency is being held back to fund any increases, following settlement of the final pay award.

Investment Portfolio

- 4.21. The Council's Investment Portfolio is forecast to contribute £4.134m towards Council activity – in line with budget. The investment property reserve is in place to cover lost rent and holding costs arising from empty units.

Place

- 4.22. Within the Place directorate an overspend of **£0.433m** is currently forecast, mainly due to levels of income being lower than budgeted.
- 4.23. Planning have highlighted that projected application fee income is £0.150m below target and building regulation applications are similarly projecting a £0.050m shortfall. In addition, a shortfall of £0.060m is forecast on income from local land searches. All three of these elements reflect the challenging economic position of the country and the region.
- 4.24. An overspend of £0.100m is forecast for Torre Abbey despite admission numbers being higher than this time last year. The Paddington Exhibition and planned events/activities had some positive impact on admissions, but income from the Café continues to be below budget.
- 4.25. Income from the Garden Waste service is projected to be short of the amount budgeted, with numbers of subscribers being lower than the levels anticipated. The shortfall is forecast to be £250k, after a contribution from reserves of £150k – as part of supporting the scheme's first year of operation.
- 4.26. The reduced Directorate levels of income are expected to be offset by an underspend within the waste budget. This is currently forecast at £470k due to disposal levels and associated costs being lower than forecast.

- 4.27. An overspend of £170k is being forecast in respect of the management fee paid to the Torbay Coast and Countryside Trust for management of land leased to the Trust by Torbay Council. This provides protection and enhancement of Torbay's natural heritage for the benefit of the community and visitors. The additional fee is to provide short term support, whilst the Trust implements a number of measures to improve its financial sustainability.
- 4.28. Currently Parking Services is forecast to break even, with forecast losses in parking income offset by increases in enforcement income.
- 4.29. Torbay Council have been approached by the Shoalstone Seawater Pool Community Interest Company, requesting match funding of £60k to support a major scheme of repairs, estimated at £850k. After a positive expression of interest submission to the Community Ownership Fund (COF), the charity are now working towards submitting a full funding bid in January 2024 for 80% of these costs, so approx. £680K.
- 4.30. After accounting for matched funding from reserves and funds raised from their 'Save Shoalstone from the Waves' campaign totalling £50k, there is an estimated shortfall of £120k. They are seeking half of that matched funding from Torbay Council in the form of a one-off grant, with a similar request for £60k made to Brixham Town Council.
- 4.31. We would look to fund this £60k from reserves with payment likely to be in 2024/25.

Public Health

- 4.32. Overall Public Health is reporting a balanced position within its ring-fenced grant. A significant amount of spend relates to the provision of 0-19 services, which is expected to see increased spending pressures in future years, because of inflation.

5. Collection Fund

- 5.1. Collection rates for 2023/24 are currently slightly below forecast levels, with the rising cost of living appearing to be having an impact. We continue to explore opportunities to increase our overall collection rates, whilst supporting residents and businesses. This will not have any impact on the 2023/24 financial year and the collection fund equalisation reserve is maintained to manage any impact in the following year.

6. Wholly owned companies

- 6.1. SWISCo. has been managing the financial pressures associated with rising costs, particularly fuel and materials. However, due to movements in the international markets, the value of recycled material resale has dropped considerably and a shortfall of £130k is now being forecast. SWISCo will continue to manage these pressures with the aim of returning to a breakeven position for 2023/24.
- 6.2. TDA divisional P&L account to the end of August 2023 reported a year to date surplus of £0.168m against a budget of £0.151m. Within the TDA Group, TorVista reported a loss

at the end of Sept 2023 of £0.258m against a budgeted loss of £0.194m. A specific budget code is being established to capture the transitional costs associated with managing the transfer of TDA to Torbay Council.

7. Statement of Accounts – 2020/21 and 2021/22

- 7.1. The Council's Statement of Accounts for 2020/21 were only signed off by Grant Thornton in April 2023, despite their findings being presented to Audit Committee in December 2021.
- 7.2. The Council's Statement of Accounts for 2021/22 remain unaudited by Grant Thornton and have not been signed off by the Government's Statutory deadline. This is a national audit issue, partly due to lack of capacity in the market. At the time of writing this report, Grant Thornton had just commenced auditing the 2021/22 accounts with the aim of completing that year, before progressing to the 2022/23 accounts in early 2024.
- 7.3. The protracted statement of accounts process has continued to put significant pressure on the finance team, who continue to work concurrently on multiple financial years.

8. Capital

- 8.1. The Council is seeing extreme cost inflation in respect of its Capital projects. As a result, several schemes that are in progress are facing rising costs, which are at variance to initial business cases and forecasts. The viability of schemes supported by prudential borrowing are further impacted from the recent rises in borrowing rates.
- 8.2. The revenue outturn position for 2022/23 enabled £0.4m surplus to be transferred to a specific earmarked Capital Reserve, which will assist the Council in the re-prioritisation, and ultimate delivery, of the Capital Investment Programme. Revenue costs will be required to continue with design and feasibility work for specific schemes alongside bolstering capacity, and skills, in project delivery.
- 8.3. The Capital Plan is still under review and an updated forward looking capital programme will be included within the 2024/25 budget setting papers in early 2024.
- 8.4. Following discussion and support at the Capital and Growth Board it's proposed that the following projects are added to the capital programme.
 - 8.4.1. Paignton Academy STEPS Relocation – A new project totalling £1,250,000 for the relocation of STEP's provision (enhanced resource provision which caters for secondary pupils with ASD) to Paignton Academy. *(£500k funding to be provided by the Thinking Schools Academy Trust and £750k grant funding allocated from Higher Needs Capital Fund.)*
 - 8.4.2. EPIC Centre – A new project totalling £150,000 for the purchase of specialist X-Ray equipment. *(Fully grant funded from the Heart of the South West Local Enterprise Partnership).*

8.5. The following improved capital grant allocations has been announced since figures reported at Q1.

8.5.1. Disabled Facilities Grant -Ministry of Housing Communities and Local Government have announced further funding of £185,749.

9. Risks & Sensitivity

9.1. There are a number of financial risks facing the Council as shown below:

Risk	Impact	Mitigation
Financial sustainability and write off of the DSG Deficit	High	The Council has a recovery plan approved with the Department for Education's Safety Valve programme.
Adult Social Care funding is not sufficient to meet forecast costs.	High	The Director of Adult Social Care is developing a range of intervention activity and savings plans, in collaboration with Health Trust colleagues
High inflation rates have a major impact on both revenue and capital costs.	High	The 23/24 budget includes a higher than usual allowance for inflationary pressures, with contingencies also held for revenue and capital. A strategic review of the capital programme has commenced.
The "cost of living" economic impact on the Council's residents from higher mortgage, rent, fuel and utility costs is likely to impact on both demand for council services and may result in reduced income from council tax.	High	The Council will continue to mitigate where possible the impact on council services and support/signpost residents to appropriate support.
Collection Fund shortfall	High	Additional resources allocated to support the Revenues & Benefits team and a review of debt recovery will be undertaken. End to end processes are being reviewed.
Unable to recruit staff and need to use agency staff.	High	Work continues to identify solutions to these challenges which seem to be on a national scale.
Delivery of Children's Services cost reduction plan	High	Meetings continue to monitor the current rate of delivery against the identified actions from the Sufficiency Strategy.

Investment Property Income changes	High	The Investment Board will continue to review future leases and manage any potential break clause implications – maintaining appropriate balances within the Investment Reserve
Temporary Accommodation – increasing demand and cost pressures within the local housing market.	High	Work is underway on directly procuring and leasing property to increase the stability of accommodation options available to the Housing Options team. The Council has also increased its focus and resources on preventive work.

APPENDIX 1

Monitoring of savings appearing on 23/24 published budget papers				
Description of saving/efficiency	Directorate	£m	Achieved?	Comments
Harbour Health and Safety post to be funded by Harbours	Adults & Community	-0.050	Partial	Part achieved - 80%
CCTV - contribution from Fleet Walk	Adults & Community	-0.050	Yes	Achieved - budget adjusted
Home to School Transport	Childrens	-0.067	No	Issues flagged and budget pressure in 23/24
Reduction in agency costs	Childrens	-0.030	Yes	Savings achieved
Removal of Transformation post	Corporate	-0.060	Yes	Achieved - budget adjusted
Digitalisation within electoral services	Corporate	-0.010	No	Not yet achieved
Use of MS365 - security	Corporate	-0.020	Yes	Savings from New E365 licences - from Jan 24
Town Hall - savings from reduced usage	Place/Corporate Services	-0.100	Partial	Behind target on achieving savings
Transport post funded from capital	Place	-0.050	No	Issues flagged and budget pressure in 23/24
SWISCO efficiencies	Place	-0.250	Yes	Achieved - budget adjusted
Climate change savings offsetting borrowing costs	Place	-0.060	No	Issues flagged and budget pressure in 23/24
Increased recycling reducing costs of waste disposal	Place	-0.055	Yes	Achieved - budget adjusted
Increased income from Section 38 highways works	Place	-0.010	Yes	Savings achieved
Marketing costs to be picked up externally	Place	-0.006	Yes	Budget adjusted and no issues
Increased income from events	Place	-0.033	No	Pressures emerging at Q1
Reduce net costs of Torbay Airshow - sponsorship	Place	-0.027	N/A	Additional budget found to reverse saving
TDA to fund borrowing costs of regeneration schemes	Finance	-0.200	N/A	Additional budget found to reverse saving
Total published savings		-1.078		
Savings achieved		-0.481	45%	
Savings n/a		-0.227	21%	
Savings partially achieved		-0.150	14%	
Savings not achieved		-0.220	20%	
		-1.078	100%	

Meeting: Cabinet **Date:** 21 November 2023

Wards affected: All

Report Title: Fuel and Electric charging cards

When does the decision need to be implemented? Upon conclusion of the call-in period

Cabinet Member Contact Details: Councillor Tyerman, Cabinet Member for Housing, Finance and Corporate Services, alan.tyerman@torbay.gov.uk

Director/Divisional Director Contact Details: Malcolm Coe, Director of Finance, Malcolm.coe@torbay.gov.uk

1. Purpose of Report

- 1.1 The provision of fuel cards and associated services contract with the current supplier, procured via CCS Framework RM6000, is due to expire on the 22 March 2024
- 1.2 Approval sought for the direct award of contract utilising the CCS RM6186 framework which allows all public sector organisations to buy vehicle fuel/electric charging from service stations and fuel stations using a fuel/electric charging card.

2. Reason for Proposal and its benefits

- 2.1 Continuation of provision of fuel and electric vehicle charging cards required for Council and wholly owned companies staff travel needs. Benefits of using these cards include:
 - Savings on fuel reflected in a reduction (pence per litre) off pump price.
 - Allocation of charging cards to vehicles and drivers means that employees will not need to make expense claims for fuel or electric charging.
 - Managers are able to control costs.
 - Carbon emissions reports are also available to help with the development of our carbon reduction plan.

3. Recommendation(s) / Proposed Decision

1. That delegated authority be given to the Director of Finance to award the contract for fuel and electric vehicle charging cards following completion of the CCS RM6186 Framework process for a contract duration of two years and an extension of up to two years (four years in totality).

Background Documents

None

Supporting Information

1. Introduction

- 1.1 The current service provider for fuel and electric vehicle charging cards is Allstar Business Solutions Limited. Allstar are the leading supplier with the most coverage across the UK for electric charge ports and petrol stations and are recommended by market experts.
- 1.2 The requirement centres on the need for drivers of vehicles to simply fill up at a filling station and present a card to enable the transaction. Allstar provides a Fuel Card with a consolidated invoice showing full details of each transaction to the organisation for payment. This detailed management information assists organisations to control their fleet fuel spend and allocate less time to dealing with administrative tasks. Carbon emission reports are also available to organisations.

2. Options under consideration

- 2.1 The only option under consideration is the need to reprocur a provider of fuel and electric charging cards for staff travel as the existing contract ends in March 2024.

3. Financial Opportunities and Implications

- 3.1 Net spend for Torbay Council during 2022/23 financial year was £68,485, therefore we are anticipating a contract value of £274k excluding VAT (over a period of 4 years).

4. Legal Implications

- 4.1 There are no legal implications.

5. Engagement and Consultation

- 5.1 None

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Social Value will not be included within this contract,

7. Tackling Climate Change

- 7.1 Carbon emission reports will be made available which will indicate the type of travel used (EV or fuel) and the distance travelled.

8. Associated Risks

- 8.1 If the proposal is not approved, staff will be without fuel or electric cards for staff travel needs.

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

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			No differential impact
People with caring Responsibilities	Staff with a duty of care will be able to use fuel and electric cards and therefore can be assured that any travel cost in relation to fuel or re-charging will be met.		
People with a disability			No differential impact
Women or men			No differential impact
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			No differential impact
Religion or belief (including lack of belief)			No differential impact
People who are lesbian, gay or bisexual			No differential impact
People who are transgendered			No differential impact
People who are in a marriage or civil partnership			No differential impact
Women who are pregnant / on maternity leave			No differential impact
Socio-economic impacts (Including impact on	Staff will be able to use fuel and electric cards without the		

child poverty issues and deprivation)	need to have to pay for fuel or charging themselves.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			No differential impact

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None

Meeting: Cabinet **Date:** 21 November 2023

Wards affected: All

Report Title: Contract Award in respect of Cyber Insurance

Cabinet Member Contact Details: Councillor Alan Tyerman, Cabinet Member for Finance and Corporate Services, alan.tyerman@torbay.gov.uk

Director Contact Details: Matthew Fairclough-Kay, Director of Corporate Services, Matthew.Fairclough-Kay@torbay.gov.

1. Purpose of Report

- 1.1 The Council's insurance against Cyber attacks expires on 30th November 2023. The Council following competitive market testing via our Insurance Brokers needs to negotiate and agree terms and conditions to insure the Council for Incident Response Costs following a Cyber attack.
- 1.2 The report seeks delegated approval to award the contract for the purchase of suitable insurance cover that would cover Cyber attacks against the Council.

2. Reason for Proposal and its benefits

- 2.1 The reasons for the decision are mainly financial. Insuring the Council against possible losses following a cyber attack ensures that the Council has adequate provision for incident response costs:- Legal and Regulatory Costs, IT Security and Forensic costs, Crisis Communication costs, Privacy Breach Management costs, System and Damage Rectification costs, Direct Loss of Profits and Increased Cost of Working, Network Security & Privacy Liability, Management Liability, Regulatory Fines, PCI Fines, Penalties and Assessments, Media Liability, Intellectual Property Rights Infringement and Court Attendance Costs.

3. Recommendation(s) / Proposed Decision

1. That the Director of Corporate Services be given delegated authority to enter into a contract with the preferred bidder that provides the most suitable terms and conditions of insurance in the event of a cyber attack.

Appendices

None

Background Documents

None

Supporting Information

1. Introduction

- 1.1 The UK insurance market has experienced a severe rate correction over the last few years after a long period of overly competitive pricing, which eventually became unsustainable. As a response to the lack of profitability, many insurers withdrew from the market entirely, consolidated their exposures or merged to reduce their cost base. Those that remained responded sharply by reducing capacity, narrowing their risk appetite and limiting their exposure. This has created very hard market conditions, as competition almost disappeared for some insurance products and trade sectors. The implications of a Cyber attack are significant, the impact would cripple the Council service delivery and data being leaked to the Dark Web and used for criminal activity would be significant for our residents and reputationally incredibly damaging. It is therefore imperative that the Council has the level and type of insurance necessary against incident costs as a result of a cyber attack. Insurance against a cyber attack has always be a high risk insurance for insurers with a very limited number of products available and the Council are required to demonstrate levels of control measures that are in place to prevent a cyber attack, such as adherence to best practice with end to end encryption, dual factor authentication and the 24 hour cyber security operations centre monitoring contract that was awarded by Cabinet in August 2023.
- 1.2 Historically, the Council has undertaken a public procurement exercise which was unsuccessful and generated no interest from any insurer, a situation which had been experienced by colleagues in other Local Authorities. Subsequently agreement was sought to deviate from standard procurement methods and an insurance broker was engaged to seek terms and conditions of insurance that provided adequate insurance cover to provide reassurance that the Council is covered in the event of a cyber attack.
- 1.3 Given that this route was successful in the past procurement and that the hard insurance market with few suppliers willing to provide insurance terms continues, it will be necessary to undertake again the above alternative to market facilitated by the Authority's Insurance Broker.

- 1.4 The terms of possible insurance cover are still being negotiated hence the request for Cabinet to delegate authority to the Director of Corporate Services to award the contract to the preferred insurance supplier.

2. Options under consideration

- 2.1 Option 1 - Award to the preferred supplier – recognising that market conditions are very challenging.
- 2.2 Option 2 – Not to award to the preferred supplier. The Council would be uninsured in the event of a cyber attack which could leave the Council exposed to considerable financial and reputational risk.

3. Financial Opportunities and Implications

- 3.1 An open market procurement is unlikely to secure any competitive insurance quotations. Therefore, given the challenging market conditions the Insurance Broker route to the Cyber Insurance Market is the best opportunity the Authority has in being able to secure insurance terms that provides adequate cover. The new premium, circa £150k will be funded from within the existing corporate insurance budget.

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 Colleagues across the Council have been consulted in terms of the requirements of insurance cover.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Social Value is not included in this proposal because this procurement significantly competitive in a very challenging market.

7. Tackling Climate Change

- 7.1 N/A.

8. Associated Risks

- 8.1 The implications of a cyber attack are significant in themselves, the impact would be the crippling of Council service delivery and data being leaked to the Dark Web and used for criminal activity. Due to the challenging market there is a risk that terms of insurance may not be available or are not as comprehensive as the Council would like to mitigate all risks of a potential Cyber Insurance attack.

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

	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 background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact
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			There is no differential impact

the general health of the population of Torbay)			
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10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None

Meeting: Cabinet **Date:** 21 November 2023

Wards affected: All

Report Title: Contract Award in respect of Insurance for Investment Properties

Cabinet Member Contact Details: Councillor Chris Lewis, Cabinet Member for Place Development and Economic Growth, chris.lewis@torbay.gov.uk

Director Contact Details: Alan Denby, Director of Pride in Place, alan.denby@torbay.gov.uk

1. Purpose of Report

- 1.1 The insurance for the Council's Investment Properties expires on 1 December 2023. The Council following competitive tender needs to negotiate and agree terms and conditions to insure the Council's Investment Properties.
- 1.2 The report seeks delegated approval to award the contract for the purchase of insurance premiums to provide the most appropriate, cost effective sustainable insurance cover to protect the Council's financial risk exposure (material damage and legal liability) for the Investment Property Portfolio.

2. Reason for Proposal and its benefits

- 2.1 The reasons for the decision are mainly financial. Insuring the Council's Investment Properties ensures that the Council is protected from material damage to the properties, loss of rental income, Landlord's Legal Liability and to ensure the money borrowed to purchase such properties is not adversely affected by an insurable event should something happen that could result in loss of property/income to cover the borrowing. Accessing the specialist insurance markets and the bespoke policy wording necessary to provide the breadth of insurance cover to support the Council's responsibilities as Landlord and provide financial cover for insurable risks to property damage and rental income via a Broker led exercise will ensure access to Insurers best placed to partner with the Authority.

3. Recommendation(s) / Proposed Decision

1. That the Director of Pride in Place be given delegated authority to enter into a contract with the preferred bidder that provides the most suitable terms and conditions of insurance.

None

Background Documents

None

1. Introduction

- 1.1 The UK insurance market has experienced a severe rate correction over the last few years after a long period of overly competitive pricing, which eventually became unsustainable. As a response to the lack of profitability, many insurers withdrew from the market entirely, consolidated their exposures or merged to reduce their cost base. Those that remained responded sharply by reducing capacity, narrowing their risk appetite and limiting their exposure. This has created very hard market conditions, as competition almost disappeared for some insurance products and trade sectors. This position is beginning to change with signs of stabilisation in the Insurance market and competition between Insurers prepared to consider well managed and well performing property portfolio risks.
- 1.2 The usual Public Sector procurement process has limitations when it comes to the placement of cover for investment property portfolios and generally has not driven positive results compared to Broker led exercises. It has been reported that a large neighbouring County Authority failed to secure insurance for their Property Investment Portfolio when following a Public Procurement tender, resulting in no bids received for the risk. The County Authority had to revert to a more commercial exercise through a Broker led exercise to access the necessary specialist Property Insurance markets in order to gain the insurance required. The Investment Properties require a specialist Insurance Market to ensure the breadth of cover is provided to reflect the Council's obligations as Landlord and to obtain competitive and sustainable premiums that can be justified and defended when recharging tenants under the terms of their lease. This requires the technical input of the Authority's specialist real estate insurance brokers who have assisted with a previously successful competitive tendering process (in 2019) in conjunction with the Council's Insurance team. They will undertake a thorough and transparent market review, engage with highly rated specialist Insurers, provide evaluation against an agreed criteria of Price, Coverage and Technical/Quality. Upon completion of the exercise, a recommendation will be put to the Authority together with evidence of the evaluations for each quotation.
- 1.3 The terms of the insurance premium are still being negotiated hence the request for Cabinet to delegate authority to the Director of Corporate Services to award the contract to the preferred insurance supplier.

2. Options under consideration

- 2.1 Option 1 - Award to the preferred supplier – recognising that market conditions are very challenging.
- 2.2 Option 2 – Not to award to the preferred supplier. The Council would have a significant investment property portfolio uninsured which would fiscally be very damaging.

3. Financial Opportunities and Implications

- 3.1 To gain access to Specialist Insurance markets with an appetite for Investment Property Portfolios at competitive and sustainable premiums as the Public Procurement route has not driven positive results. As a basis the current annual premium spend is £221,000 and met by tenant recharges on the properties. There are a number of variables that sit behind the forecasting of annual premiums. The annual premium changes to reflect property uplifts in accordance with the Royal Institute of Chartered Surveyors (RICS) and Insurer recommendations for building reinstatement costs, as well as changes to rental income figures and acquisitions/disposals. The other variant is if the Insurer increases rates, although officer do tie into an extended agreement (3 years) to try and stabilise rates which works unless the Authority has a poor claims exposure during that time.

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 Colleagues across the Council have been consulted in terms of the requirements of insurance cover.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Social Value is not included in this proposal because this procurement is significantly competitive in a very challenging market.

7. Tackling Climate Change

- 7.1 N/A.

8. Associated Risks

8.1 Financial Risk. The Council cannot afford to have any Investment Property uninsured or risk not securing appropriate, affordable and sustainable insurance cover aligned to the requirements of an Investment Property Portfolio.

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

	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 background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact
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

10.1 None

11. Cumulative Community Impacts

11.1 None

Meeting: Cabinet **Date:** 21 November 2023

Wards affected: All

Report Title: Local Government Association Coastal Special Interest Group – Pledge for the Coast

When does the decision need to be implemented? Upon the conclusion of the call-in period

Cabinet Member Contact Details: Councillor David Thomas, Leader of the Council,
David.thomas@torbay.gov.uk

Director Contact Details: Anne-Marie Bond, Chief Executive, anne-marie.bond@torbay.gov.uk

1. Purpose of Report

- 1.1 The report seeks agreement for the Council to sign up to the 'Pledge for the Coast'. Through this initiative we can promote the coast as a sustainable year-round destination, to raise awareness of issues impacting coastal communities and businesses whilst showcasing new products and developments.

2. Reason for Proposal and its benefits

- 2.1 The reasons for the decision are to recognise the vital contribution to the economy, leisure and enjoyment for residents and visitors that our coast offers and commit to pledging support for our coast and making them more resilient into the future.

3. Recommendation(s) / Proposed Decision

1. That the Cabinet on behalf of the Council sign up to the Pledge for the Coast, and joins the call for a dedicated Minister for the Coast who can bring together governmental departments to focus on the needs of coastal communities;

2. That Cabinet encourages all Members to pledge one thing that they will do to support our coast and support the pathway to making them resilient into the future; and
3. That the Chief Executive be requested to explore with Human Resources the ways in which staff can undertake volunteering opportunities that support our coastline.

Appendices

None

Background Documents

<https://lgacoastalsig.com/pledge-for-the-coast/>

Supporting Information

1. Introduction

- 1.1 The Chair of the All-Party Parliamentary Committee for Coastal Communities, Sally- Ann Hart MP, on behalf of the LGA Coastal Special Interest Group, launched a campaign for a “Pledge for the Coast” – encouraging MPs, Businesses, Organisations, Communities, Partnerships and Local Authorities to make their Pledge to support our coasts and our coastal communities. Our coastline holds an emotional connection with many of our residents and visitors, however, like many other coastal areas, our residents are some of the most deprived.
- 1.2 The ‘Pledge for the Coast’ asks for organisations and communities to pledge one thing that they will do to support our coasts and support the pathway to making them resilient into the future.

2. Options under consideration

- 2.1 To not sign up to the ‘Pledge for the Coast’ – this option was discounted as raising the challenges faced by coastal communities is important in order that we do not get overlooked in favour of bigger towns and cities.
- 2.2 Sign up to the ‘Pledge for the Coast’ – preferred option.

3. Financial Opportunities and Implications

- 3.1 Signing up to the ‘Pledge for the Coast’ and encouraging our Members, communities and employees to undertake a pledge themselves does not have any financial implications but the resulting outcomes of a cleaner, tidier coast could bring economic benefits.

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

5.1 None

6. Purchasing or Hiring of Goods and/or Services

6.1 Not applicable

7. Tackling Climate Change

7.1 Individuals, communities and organisations that 'Pledge to our Coast' by volunteering or making little changes to their lifestyles such as going plastic free could make a difference to the environment and ecology of our coastline.

8. Associated Risks

8.1 None

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

	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 background (BME) (Please note Gypsies /			There is no differential impact

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

10.1 None

11. Cumulative Community Impacts

11.1 None