



Town Hall, Castle Circus,
Torquay, Devon TQ1 3DR
Main Switchboard (01803) 201201
Fax (01803) 207006 DX 59006

Tuesday, 24 December 2019

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **Rosetor Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 9 January 2020** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Parrock'.

Steve Parrock
Chief Executive

(All members are summoned to attend the meeting of the Council in accordance with the requirements of the Local Government Act 1972 and Standing Orders A5.)

A prosperous and healthy Torbay

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June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR

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

Meeting of the Council Agenda

1. **Opening of meeting**
2. **Apologies for absence**
3. **Minutes** (Pages 5 - 12)
To confirm as a correct record the minutes of the meeting of the Council held on 24 October 2019.
4. **Declarations 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.)
5. **Communications**
To receive any communications or announcements from the Civic Mayor, the Overview and Scrutiny Co-ordinator, the Council's representative on the Heart of the South West Joint Committee or the Chief Executive.
6. **Members' questions** (Pages 13 - 14)
To respond to the submitted questions asked under Standing Order A13.
7. **Proposed Council Tax Support Scheme 2020/21** (Pages 15 - 27)
To consider the Council Tax Support Scheme for 2020/2021 as set out in the submitted report.

8. **Council Tax Base 2020/2021** (Pages 28 - 33)
To consider the submitted report on the above.
9. **Community Governance Review of Torbay - outcome of second stage consultation and final recommendations** (Pages 34 - 76)
To consider the submitted report and the recommendations from the Cabinet on the above.
10. **Heart of the South West Joint Committee - Governance Review** (Pages 77 - 85)
To consider a report that provides an update for the Constituent Authorities on the Heart of the South West Joint Committee's governance arrangements and budgetary position for 2019/20.
11. **Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee Revised Terms of Reference** (Pages 86 - 91)
To approve the revised terms of reference for the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee as set out in the submitted report.
12. **Review of Political Balance** (To Follow)
To consider the submitted report on a review of political balance following the Goodrington with Roselands By Election.
13. **Statutory Officer Appointment**
To confirm the following Statutory Officer appointment with effect from 13 January 2020.

Interim Director of Children's Services – Nancy Meehan.
14. **Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency** (Page 92)
To note the schedule of Executive decisions to which the call-in procedure does not apply as set out in the submitted report.
15. **Exclusion of the Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in Part 3 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.
16. **Funding for Torbay Leisure Centre and Riviera International Conference Centre** (Pages 93 - 104)
To consider the submitted exempt report setting out the recommendations of the Cabinet on the above.
17. **Cabinet Recommendation - Investment Opportunity**
To consider any recommendations from the Cabinet on investment opportunities.

Note

An audio recording of this meeting will normally be available at www.torbay.gov.uk within 48 hours.



Minutes of the Council **(Council decisions shown in bold text)**

24 October 2019

-: Present :-

The Worshipful The Mayor of Torbay (Councillor Douglas-Dunbar) (In the Chair)

Councillors Amil, Atiya-Alla, Barrand, Brooks, Brown, Bye, Carter, Cowell, Mandy Darling, Steve Darling, Dart, Doggett, Dudley, Ellery, Foster, Hill, Kavanagh, Kennedy, Barbara Lewis, Chris Lewis, Long, Loxton, Mills, Morey, O'Dwyer, Pentney, Stockman, Sykes, David Thomas and Jacqueline Thomas

67 Opening of meeting

The meeting was opened with a prayer.

68 Apologies for absence

Apologies for absence were received from Councillors Howgate, Law, Manning and John Thomas.

Councillor Dart arrived later during the meeting.

69 Minutes

The Minutes of the meeting of the Council held on 26 September 2019 were confirmed as a correct record and signed by the Worshipful the Mayor of Torbay.

70 Declarations of interests

No interests were declared.

71 Communications

The Worshipful the Mayor of Torbay:

- a) advised that on 30 September 2019, she had the pleasure in meeting a number of Torbay's Foster Carers at a thank you event organised by the Cabinet Member for Children's Services. On behalf of the Council, the Worshipful the Mayor of Torbay expressed thanks and appreciation to all Foster Carers for all that they do for Torbay's looked after children;

- b) referred to her attendance at the Torbay and District Lifesaving Club twinning event with Hameln on 9 October 2019 where she was impressed by the young people's lifesaving abilities; and
- c) reminded members of the Remembrance Sunday Service due to be held on 10 November 2019.

The Leader of the Council:

- a) updated the Council on his attendance, as the Council's representative, at the Heart of the South West Joint Committee held on 27 September 2019 including:
 - the Local Industrial Strategy being formally submitted;
 - development of the Heart of South West Housing Task Force; and
 - letter on behalf of the Joint Committee to Michael Gove MP on the impacts of a No Deal Brexit for the South West;
- b) reported on his attendance at the Great Western Railway Stakeholder Conference held on 11 October 2019. The event enabled the Leader of the Council to lobby for improved rail timings and connections for Torbay both locally and nationally. The Conference also included a debate on climate change and how to de-carbonise the rail infrastructure. In addition, the Leader of the Council advised he had the opportunity to discuss with Network Rail their involvement in the Future High Streets bid; and
- c) advised members that Torbay's CCTV had been upgraded in partnership with the Police and Crime Commissioner to create safer places for the community. The system provided high resolution footage to provide better quality evidence for convictions.

72 Public question time

In accordance with Standing Order A24, the Council heard from Julie Harrison who had submitted a statement in relation to 5G frequency emissions and its potential adverse health effects on the community. The Cabinet Portfolio Holder for Adults and Public Health responded to the statement that had been put forward, plus a supplementary question asked by Ms Harrison.

(Note 1: Councillor Dart arrived during consideration of this item.)

(Note 2: A letter and information on 5G from Ms Harrison was circulated to members prior the start of the meeting and is available on the Council's website.)

73 Members' questions

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A13. The paper also contained the answers to the questions which had been prepared by Councillors Steve Darling, Long and Morey and was circulated prior to the meeting.

The Worshipful the Mayor of Torbay advised that she had accepted an urgent question from Councillor Barrand and in accordance with Standing Order A12.2(ii).

Supplementary questions were put and answered by Councillors Steve Darling, Long and Morey, arising from their responses to the questions in respect of questions 1 to 5 and the urgent question.

74 Torbay Adult Social Care April 2020 - March 2023

The Council considered the recommendations of the Cabinet and the submitted report setting out proposals for the renewal of the integration of Torbay's Adult Social Care with Torbay and South Devon NHS Foundation Trust and Devon Clinical Commissioning Group through joint financial arrangements and a 'risk share' for three years.

Councillor Stockman proposed and Councillor Steve Darling seconded a motion, which was agreed (unanimously) by the Council as set out below:

- (i) that the continued integration of Torbay's Adult Social Care with Torbay and South Devon NHS Foundation Trust and Devon Clinical Commissioning Group be approved for the period 1 April 2020 to 31 March 2023 and that the Chief Executive be given delegated authority to finalise the arrangements for the same in consultation with the Leader of the Council and Cabinet Member for Adult Social Care on the following basis:**
 - (a) the Torbay Adult Social Care Risk Share 2020 to 2023 agreement will be under the powers outlined in S.75 NHS Act 2006. Under these arrangements, the Council retains legal responsibilities for the provision of Adult Social Care in accordance with the Care Act 2014, the Mental Capacity Act 2005 and the Mental Health Act 1983, but these be delegated to Torbay and South Devon NHS Foundation Trust; and**
 - (b) the agreement to be based upon the following conditions:**
 - A capped financial commitment from Torbay Council per year of £45 million for core spend, plus £2 million additional funding to acknowledge the spend is currently unacceptably over this level for the period of the agreement;**
 - A non-recurrent additional payment of £1 million in 2020/2021;**
 - An acknowledgement that all parties need to work together to deliver savings of £2 million per year in respect of the costs of Adult Social Care; and**
 - That partners prioritise working together on an Adult Social Care Improvement Plan, and that the same is overseen by senior officers from all partners, which includes a review of**

governance so as to ensure the Council's appropriate involvement, and includes a joint approach to maximising estates and economic development opportunities in Torbay.

75 Development or disposal of land at Garfield Road (part Victoria Centre), Paignton

Members received the recommendations of the Cabinet and the submitted report on proposals to release land on Garfield Road, Paignton, for redevelopment by a development partner. It was noted the land was currently occupied by one of the two multi-storey car parks at the Victoria Centre and the redevelopment was supported by the Local Plan, Neighbourhood Plan, Paignton Town Centre Masterplan and the Council's Transformation Strategy for Town Centres. Land Release Funding of £900,000 had been secured to enable the site be used for housing related development.

Members noted an officer addendum to the report on land supply circulated on 21 October 2019 and further updated as appended to these minutes.

Councillor Long proposed and Councillor Cowell seconded a motion as set out below:

that the Cabinet recommend to Council:

- (i) that the disposal of the freehold interest of land at Garfield Road, Paignton (identified in Appendix 1 to the submitted report), be approved and the Chief Executive be given delegated authority to agree and finalise any Heads of Terms in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing and the Section 151 Officer;
- (ii) that delegated authority be given to the Chief Executive to select and then enter into a development agreement with a development partner for the effective delivery of the Scheme; and
- (iii) alternatively if (i) above is not achieved within timescales required for the Land Release Fund, the Chief Executive be given delegated authority to dispose of the site at Garfield Road on the open market, as a straightforward freehold sale.

During the debate Councillor David Thomas proposed and Councillor Chris Lewis seconded an amendment to the motion as follows:

- (iv) that any surplus monies from this development be reinvested into the town of Paignton to help support the infrastructure projects that could include, but is not limited to, Paignton Geo Play Park and Station Square street enhancement. (Surplus is intended to reference the value of any capital receipt, less any relevant costs.)

The amendment was put to the vote and declared carried (unanimously).

The amended (substantive) motion was then considered by members, which was agreed (unanimously) by the Council as follows:

- (i) **that the disposal of the freehold interest of land at Garfield Road, Paignton (identified in Appendix 1 to the submitted report), be approved and the Chief Executive be given delegated authority to agree and finalise any Heads of Terms in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing and the Section 151 Officer;**
- (ii) **that delegated authority be given to the Chief Executive to select and then enter into a development agreement with a development partner for the effective delivery of the Scheme;**
- (iii) **alternatively if (i) above is not achieved within timescales required for the Land Release Fund, the Chief Executive be given delegated authority to dispose of the site at Garfield Road on the open market, as a straightforward freehold sale; and**
- (iv) **that any surplus monies from this development be reinvested into the town of Paignton to help support the infrastructure projects that could include, but is not limited to Paignton Geo Play Park and Station Square street enhancement. (Surplus is intended to reference the value of any capital receipt, less any relevant costs.)**

76 Port Masterplan (Addendum)

The Council considered the recommendations of the Cabinet and the Harbour Committee on an addendum to the Port Masterplan to provide a strategy for Tor Bay Harbour for 2019 to 2024.

Councillor Amil proposed and Councillor Dudley seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Port Masterplan (Addendum) set out at Appendix 1 to the submitted report be approved.

77 Treasury Management Mid-Year Review 2019/20

The Council noted the review of Treasury Management activities during the first part of 2019/20, as set out in the submitted report.

78 Appointment of Overview and Scrutiny Lead Member

The Council considered the appointment of the Overview and Scrutiny Lead for Place following the resignation from the Council of Councillor Heyse.

Councillor Mandy Darling proposed and Councillor Loxton seconded a motion as set out below:

that Councillor Doggett be appointed the Overview and Scrutiny Lead Member for Place for the remainder of the Municipal Year 2019/20.

During the debate Councillor Chris Lewis proposed and Councillor Bye seconded an amendment to the motion as follows:

that Councillor Brown be appointed the Overview and Scrutiny Lead Member for Place for the remainder of the Municipal Year 2019/20.

During the debate on the amendment, a procedural motion (in accordance with Standing Order A15.11(ii)) to move to the vote was proposed by Councillor Cowell and seconded by Councillor Steve Darling and was declared carried. Accordingly, the amendment was put to the vote and declared lost.

Councillor Mandy Darling's and Councillor Loxton's original motion was then considered by the Council which was agreed (unanimously), as set out below:

that Councillor Doggett be appointed the Overview and Scrutiny Lead Member for Place for the remainder of the Municipal Year 2019/20.

79 Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency

Members noted the submitted report setting out the executive decision taken (Investment Opportunity 7/10/19) to which the call-in procedure did not apply.

The Worshipful The Mayor of Torbay

Council Meeting

24 October 2019

Addendum to Section 2 paragraph 2 (shown in bold text):

The National Planning Policy Framework (paragraph 73) requires the Council to maintain a supply of specific, deliverable sites sufficient to provide 5 years' worth of housing to meet housing requirements set out in Local Plans. ~~*The Council currently has less than 3 years' worth of supply. The Council is now required, by law, to take urgent action to deliver new homes.~~

**Updated text following publication of report:*

Torbay Council consulted on its five year supply between 4 July 2019 and 5 August 2019. This consultation was based on a supply 3.28 years, which is significantly less than the 5 year supply. At the time of drafting this addendum there has been no formal sign off of the 5 years' figure following the receipt of the consultation responses.

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Agenda Item 6

Meeting of the Council, Thursday, 9 January 2020

Questions Under Standing Order A13

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

<p>Question (1) by Councillor Kennedy to the Overview and Scrutiny Co-ordinator (Councillor Howgate)</p>	<p>Following this administration's declared climate emergency, what practical outcomes have been achieved, or are working towards being achieved. I understand we have joined the Devon Climate Emergency Response Group but what are we doing which is specific to Torbay? For example, has an audit been commissioned, or is it due to be commissioned, about the capacity to place solar panels on the roof of Council buildings? Has an SPD to allow the Planning Committee to take into account, for instance, a potential developers stated target to deliver a zero carbon dwelling been started, or is it due to be? What account has been taken of the Torbay Marine Conservation Zone given much of our area is bounded by coastline and the opportunity this affords for environmental protection and environmental benefits? When are we going to hear positive outcomes on these listed areas and any other areas specific to Torbay to show some substantive progress with regards to the scale of the emergency this Council has declared?</p>
<p>Question (2) by Councillor David Thomas to the Leader of the Council (Councillor Steve Darling)</p>	<p>Further to my previous question regarding the Town and Parish Council consultation which was answered at the last full Council meeting. I went on to ask a supplementary question that was unable to be answered. As I have not been supplied with a written response and the deadline for questions is tomorrow, I seek to ask that same supplementary question again, however this time in the form of a written question.</p> <p>Cllr Darling you informed us last month that the Council wrote to 6,000 residents and supplied them with a questionnaire to fill in regarding the town council proposal. How were the 6,000 selected from the electoral role? Please provide a breakdown of the 6,000 in a ward by ward basis. How many were returned – a total amount will be sufficient and does not need to be allocated to a ward (at this stage). What was the percentage for or against of these specially selected residents who responded directly to the mail merge?</p>
<p>Question (3) by Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>How many visits by parking enforcement officers and parking tickets have been issued on Ilsham Road Wellswood for the months of September October and November 2019?</p>

Second Round

<p>Question (4) by Councillor O'Dwyer to the Cabinet Member for Corporate and Community Services (Councillor Carter)</p>	<p>Following Grenfell Tower and other recent issues, as at the 20 November 2019, are there any compliance reports/certificates or other legal requirements that are unavailable, unknown or out of date for properties the authority own, lease, manage or utilise that would leave the Authority in a difficult insurance or legal position, ie asbestos, gas certificates, 5 and 10 year electrical safety reports, legionella, fire risk assessment's.</p>
<p>Question (5) by Councillor Kennedy to the Cabinet member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>During the summer months the Promenade at Broadsands Beach has more than 8 bins placed along its length. All these bins are removed on 1 October despite the fact that Broadsands Beach is busy all year round, so much so that we have two permanent cafes on the promenade selling food and drink to eat in or out. However, visitors find that they have nowhere to put their rubbish after enjoying a stroll along the promenade. This has resulted in a great deal of rubbish, including plastic, getting blown out to sea.</p> <p>What is the hardship in leaving 3 weather and gull proof bins at intervals along the promenade as I requested in the summer and have been requesting ever since these bins were removed? There would have been no cost incurred to the Council as these bins were already on the Promenade on 30 September, and the little rubbish collection truck has to drive the length of the promenade to get to a bin that it does empty by the pitch and putt.</p> <p>How does allowing plastics and other forms of rubbish to enter our marine conservation area fit with our climate emergency declaration in May?</p>

Third Round

<p>Question (6) by Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Following the Council meeting on 24 October 2019, I provided information to the Cabinet Member for Infrastructure, Environment and Culture as requested, on pavements that could be in breach of the Equalities Act, preventing everyone to access and pass along the pavements such as Higher Erith Road, and Teignmouth Road. Could they provide an update on what has occurred in assessing the potential breaches and options to rectify those breaches.</p>
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Meeting: Cabinet & Council

Date: 7 Jan 2020 & 9 Jan 2020

Wards Affected: All Wards

Report Title: Proposed Council Tax Support Scheme 2020/21

Is the decision a key decision? Yes

When does the decision need to be implemented? Full Council – 9th January 2019

Cabinet Member Contact Details: Councillor Christine Carter – Cabinet Member for Corporate and Community Services, Telephone: 07848 829159
email: christine.carter@torbay.gov.uk

Supporting Officer Contact Details: Jon Bell, Operations Manager Customer Services, Revenue & Benefits, Telephone 01803 207572, email: Jon.bell@torbay.gov.uk

1. Proposal and Introduction

- 1.1 This report provides members with the background of the current scheme and recommendations for the 2020/21 local Council Tax Support scheme.
- 1.2 Schedule 1A of the Local Government Finance Act 2012 requires local authorities to annually review their local scheme.

NB: Pension Age households are not affected. The DWP retain control of the regulations applied for local authorities to pay Council Tax Support to pension age customers. As pension age claims are protected by legislation, these proposed changes will only affect claims from those of working age:

2. Reason for Proposal and associated financial commitments

- 2.1 The Council has a statutory duty to provide a local Council Tax Support Scheme for working-age households within its area. Pension age households are subject to statutory provisions determined on a national basis that must be incorporated within each authority's local scheme.
- 2.2 The Council must approve the final scheme by 11 March 2020 for operation by 1 April 2020. The scheme cannot be changed mid-financial year.
- 2.3 It is proposed that Personal Allowances and Premiums are uprated from 1 April 2020 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government.

Failure to make this change would result in a cut in entitlement should there be an increase in household income.

- 2.4 Unfortunately it is not possible to proceed with the initial proposed income banded scheme format for the Council Tax Support from April 2020. This is due to delays with the software provider being able to present necessary assurances that all works could be successfully completed within the required timeframe. This is an essential factor to ensure a smooth transition of scheme format.
 - 2.5 The 6 week public consultation for an income banded Council Tax Support scheme closed on 11 October 2019. The proposals were well received within the 470 responses submitted and this positive feedback provides the required level of confidence and assurance for resubmitting a new proposal for the introduction an income banded scheme from April 2021.
 - 2.6 Although a delay is disappointing, it is the correct pragmatic approach to take. A number of other Devon authorities will also be following our timeline by making the change to an income banded scheme from April 2021. Please see appendix 1.
 - 2.7 Therefore this submission is for approval of a Council Tax Support scheme for 2020/2021 which is based on the current scheme with no changes other than the standard yearly uprating of the personal allowances and premiums. These values take into account the statutory inflationary increase in personal allowances used to calculate entitlement to Council Tax Support. These allowances represent a households basic living needs.
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3. Recommendation(s) / Proposed Decision

That Council be recommended:

- 3.1 That Personal Allowances and Premiums, used to calculate Council Tax Support, are uprated from 1 April 2020 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government.
- 3.2 That the Chief Finance Officer be given delegated authority, in consultation with the Cabinet and the Executive Lead for Customer Services, to make any further adjustments required to the Exceptional Hardship Policy and fund.

Appendices

Appendix 1: Proposed 2020/21 schemes for other Devon Authorities

Appendix 2: Current scheme - <https://www.torbay.gov.uk/media/12396/council-tax-reduction-scheme-2019-20.pdf>

Background Documents

None

Section 1: Background Information

1. What is the proposal / issue?

The current Council Tax Support scheme was approved by members at Full Council in December 2016.

For each financial year, the Council must consider whether to revise its scheme or to replace it with a replacement scheme. It must make any revision to its scheme, or any replacement scheme, no later than 11 March for the subsequent financial year.

Entitlement to Council Tax Support is based on a means test, by taking into consideration a person's income and comparing this with any personal allowances, premiums and disregards to which they may be entitled.

The current scheme needs to be updated to take into account the inflationary increase in the personal allowances used to calculate entitlement to Council Tax Support - these allowances represent a households basic living needs.

This will ensure the scheme is compliant with the Prescribed Requirements for all local schemes, determined by the Department for Communities and Local Government and also aligned to national working-age benefits, determined by the Department for Work and Pensions.

2. What is the current situation?

The scheme that will be adopted for 2020/21 is the same as the scheme that was adopted for 2019/20. The reasons for this are it:

- is based on the previous scheme and involves no additional new risk;
- does not disproportionately affect any particular group – disabled persons, single parents, etc;
- presents a very low risk of legal challenge.
- A revised income banded scheme format will be proposed for introduction from 2021/22

For people of working age, the current scheme has the following key elements:

- All awards are based on 70% of the Council Tax charge for the property. This means that the maximum a working age household can receive is 70% of the Council Tax due. These households have to pay a minimum of 30% of the Council Tax due;
- Second Adult Rebate for working age households is not available;
- No entitlement if working age households have savings over £6,000;
- Restrict working age households to the equivalent of a Band D property charge and apply the 70% restriction detailed above;
- A hardship fund is provided for within the scheme and is available to households should they be experiencing hardship as a result of their Council Tax Support award.

Under the current scheme pensioners are protected and the level of entitlement for them must remain. Protection will be achieved by keeping in place the existing national rules, with eligibility and rates defined in the Prescribed Pensioners scheme.

The components used to calculate Council Tax Support consist of the following:

- **Personal Allowances** - the basic amounts of money the government says a claimant needs to live on. The level depends on the claimant's age and whether they are part of a couple. There are additional allowances for dependent children.
- **Premiums** - additional amounts added to the personal allowance because of claimant's personal circumstances. The government recognises that it is more expensive to live with a family or if someone has a disability or caring responsibilities. Extra amounts are added to income based benefits to account for this.
- **Disregards** - the amount of earnings not taken into account when calculating entitlement to benefits. There are standard earnings disregards for singles, couples and lone parents. People in certain groups, such as carers and people with disabilities are eligible for a higher disregard.
- **Non Dependant Deductions** - the amount that is deducted for other people who are 18 or over and live in the household. The deduction rates for non-dependants are set according to their income, as it is assumed that they can make a financial contribution to the household.

<p>3.</p>	<p>What options have been considered?</p> <p>In line with the proposal presented to Cabinet on 6 August 2019 and the subsequent completion of a highly supportive 6 week public consultation, the intention was to introduce an income banded Council Tax Support scheme from April 2020. Unfortunately, due to delays in software implementation it is no longer possible to support this timeframe. Therefore, this proposal will be resubmitted to Cabinet in the new year for approval of a new scheme by Full Council from April 2021.</p> <p>Over the past 3 years, it has been nationally accepted that a household income banded system is the correct option for Council Tax Support schemes to incorporate in order to absorb the impacts of Universal Credit. This was consulted upon however unfortunately it is not possible to proceed with the initial proposed income banded scheme format for the Council Tax Support from April 2020. This is due to delays with the software provider being able to present necessary assurances that all works could be successfully completed within the required timeframe. This is an essential factor to ensure a smooth transition of scheme format.</p>
<p>4.</p>	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</p> <p>Priorities:</p> <ul style="list-style-type: none"> • Thriving People and Communities • A Thriving Economy • A Council Fit for the Future <p>Principles:</p> <ul style="list-style-type: none"> • Use reducing resources to best effect • Reduce demand through prevention and innovation • Integrated and joined up approach <p>Torbay’s most vulnerable groups will continue to be protected as the scheme will retain the current scheme characteristics.</p> <p>The continuation of the hardship scheme will also help cushion the effect of the changes and should mitigate any adverse impacts where possible</p>
<p>5.</p>	<p>How does this proposal/issue contribute towards the Council’s responsibilities as corporate parents?</p> <p>The scheme issues financial support for low income households to provide a reduction in their Council Tax charge based on the level of household income and occupancy composition.</p> <p>It will assist those who only had the support of the council in reducing barriers of living in the community, where there is a risk of falling into debt, particularly with their Council Tax.</p>

<p>6.</p>	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>Council Tax Support provides proportioned financial assistance to low income households.</p> <p>The exceptional hardship fund also provides additional financial assistance for households that are most in need.</p>
<p>7.</p>	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>The scheme is being amended in line with statutory requirements and uprating the financial allowances. There is no change to the way the existing scheme operates so no equality assessment has been undertaken.</p> <p>The current scheme has the same characteristics as Council Tax Benefit, where additional premiums and income disregards are applied within the calculation of the Applicable Amount when certain state benefits are received. This applies to all disadvantaged groups.</p>
<p>8.</p>	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>This proposal will affect all working age households receiving Council Tax Support from 1 April 2020 to 31 March 2021.</p> <p>There are no requirements to undertake additional public consultation as the scheme remains unchanged.</p>

Section 2: Implications and Impact Assessment

9.	<p>What are the financial and legal implications?</p> <p>The Council's requirement to review its Council Tax Support scheme annually must consider both the application of the scheme itself and to take into account the financial implications of its administration.</p> <p>Financial Implications</p> <p>This report is integral to the revenue budget and Council Tax setting process for 2020-21. The financial and resource implications and underlying assumptions are dealt with in that report.</p> <p>Legal Implications</p> <p>Schedule 1A of the Local Government Finance Act 2012 requires local authorities to consider whether to revise or to replace its scheme each year. Any revisions or a replacement scheme must have been considered and agreed no later than 11 March 2020 for operation from 1 April 2020.</p> <p>There are no requirements to undertake a public consultation should the scheme remain unchanged</p>
10.	<p>What are the risks?</p> <p>The council continues to face the financial risk of receiving less Council Tax income than budgeted due to:</p> <ul style="list-style-type: none">• Any significant increase in caseload during the year, not provided for when the Council Tax taxbase is set;• A greater than anticipated impact of the wider welfare reform changes on the level of Council Tax Support awarded;• A reduction in the level of Council Tax collection, not provided for when the Council Tax taxbase is set. <p>By maintaining existing levels of support it is not anticipated that there will be any legal challenge to the council's scheme.</p>
11.	<p>Public Services Value (Social Value) Act 2012</p> <p>The procurement of services or provision of services is not relevant for this report.</p>

<p>12.</p>	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Prior to April 2013 the national Council Tax Benefit scheme was available to taxpayers on low incomes to assist them with their Council Tax.</p> <p>The Government announced the abolition of Council Tax Benefit as part of the Spending Review 2010, with the intention to replace it with a localised support scheme from 1 April 2013.</p> <p>Torbay's scheme was prepared as part of a Devon wide approach, where the overarching principle was to develop a cost neutral scheme. However, it was unlikely that each authority's scheme would be identical, or produce the same end result for residents across the county, because of the different local demographics and the constraints placed on the design of local schemes by the government.</p> <p>Appendix 1 provides details of the proposed 2020/21 schemes by all other Devon Local Authorities.</p>
<p>13.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>A consultation is not applicable for this proposal presented.</p> <p><i>NB A 6 week public consultation concluded on 11 October 2019 for the proposed introduction of an income banded Council Tax Support scheme. A substantial response of 475 submissions was received.</i></p> <ul style="list-style-type: none"> • <i>There was general agreement on all 11 proposals presented.</i> • <i>The percentage of overall respondents who agreed with the proposals varied from a high of 76.7% to a low of 50.9%.</i> • <i>For seven of the eleven Proposals the agreement level was 60% or higher</i> <p>A proposal will be resubmitted to Cabinet in the new year for approval of a new income banded scheme from April 2021.</p>
<p>14.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>Not applicable for this proposal.</p>

Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	If Personal Allowances and Premiums were not uprated in line with the prescribed pensioner scheme and national working-age benefits residents would effectively have a cut in their entitlement should their income increase.		
	People with caring Responsibilities			Protection for those receiving a carers allowance is in line with the old Council Tax Benefit scheme.
	People with a disability			Protection for disabled people is in line with the old Council Tax Benefit scheme. Disability benefits, such as Disability Living Allowance, will continue to be fully disregarded as well as the associated personal allowances and premiums that are currently awarded to people with disabilities.
	Women or men			Although this information is recorded, there is no adverse impact on the grounds of gender. Torbay's scheme is open to applications from persons of any gender and there are no aspects of the scheme which impact in any way on the availability of support to claimants based solely on gender.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact

Religion or belief (including lack of belief)			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are lesbian, gay or bisexual			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are transgendered			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are in a marriage or civil partnership			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
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
16	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable for this proposal.		
17	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable for this proposal.		

Supporting Information

Service / Policy:	Council Tax Support Scheme 2020/21
Executive Lead:	Christine Carter
Director / Assistant Director:	Tara Harris

Version:	1	Date:	14 November 2019	Author:	Jon Bell
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Section 1: Background Information

Devon's Council Tax Support Proposed Schemes

The following information was correct as per the last meeting 10 October 2019

South Hams & West Devon Council

Commenced a banded scheme from 2019/2020.

East Devon District Council

Proposing to launch a banded scheme from 2020/2021

Plymouth City Council

Proposing to launch a banded scheme from 2020/2021

Mid Devon District Council

Proposing to launch a banded scheme from 2020/2021

North Devon District Council

Proposing to launch a banded scheme from 2020/2021

Teignbridge District Council

Proposing to launch a banded scheme from 2020/2021, but may defer to 2021/2022

Exeter City Council

Proposing to launch a banded scheme from 2021/2022

Torrington District Council

Proposing to launch a banded scheme from 2021/2022



Meeting: Council

Date: 9th January 2020

Wards Affected: All Wards

Report Title: Council Tax Base 2020/21

Is the decision a key decision? Yes

When does the decision need to be implemented?

Executive Lead Contact Details: Councillor Darren Cowell,
Darren.Cowell@torbay.gov.uk

Supporting Officer Contact Details: Martin Phillips, 01803 207285 and
Martin.Phillips@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The Council is required to determine its Tax Base for Council Tax purposes for 2020/21 during the period 1 December 2019 to 31 January 2020 and the level of Council Tax subsequently set must use this base figure. A Tax Base calculation is provided in Appendix 1 for an appropriate decision to be made.
- 1.2 The Council, as a billing authority, is required to calculate a separate Tax Base for the Brixham Town Council area. A Tax Base calculation for the area is provided in Appendix 2 for an appropriate decision to be made.

2. Proposed Decision

- 2.1 **To increase the Council Tax (Long Term) Empty Homes Premium for those properties that have been empty for more than 5 years from 100% to 200% from 1st April 2020.**
- 2.2 **That the calculation of the Torbay Council Tax Base for the year 2020/21 be approved as shown in Appendix 1.**
- 2.3 **That the calculation of the Brixham Town Council Tax Base for the year 2020/21 be approved as shown in Appendix 2.**
- 2.4 **That, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2020/21 should be 46,274.88. (Dependant on approval of 2.2).**

2.5 That, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2020/21 should be 6,261.12. (Dependant on approval of 2.3).

3. Reason for Decision

3.1 The calculation of the Council Tax Base for both Torbay and Brixham Town Council is a statutory requirement in the budget setting process.

For more detailed information on this proposal please refer to the supporting information.

Supporting Information

4. Position

A1. Taxbase

- A1.1 The Council is required by the 31st January to establish a base figure for the purpose of setting the level of Council Tax each year – the “Tax Base”. The calculation of this figure is prescribed by the Local Authorities (Calculation of Tax Base) (England) Regulations 2012.
- A1.2 The Regulations require this calculation to be made between 1st December 2019 and 31st January 2020 and for this figure to be notified to precepting authorities by the 31st January 2020. For the year commencing 1st April 2020 these will be the major precepting authorities of Police and Crime Commissioner for Devon and Cornwall, Devon and Somerset Fire and Rescue Authority and as a local precepting authority, Brixham Town Council.
- A1.3 Torbay Council, together with Police and Crime Commissioner for Devon and Cornwall, Devon and Somerset Fire and Rescue Authority and Brixham Town Council are required to use the tax base calculated by Torbay Council, as the billing authority, to determine their basic amounts of Council Tax for 2020/21.
- A1.4 The calculation of the tax base is prescribed by statute. It reflects the aggregate of the “relevant amounts” for each valuation band (including the impact from Council Tax Support Scheme) multiplied by the anticipated collection rate for the year. The calculation for the Council’s tax base is shown in Appendix 1 and the calculation for Brixham Town Council is shown in Appendix 2.
- A1.5 The calculation of the relevant amount begins with the actual number of dwellings on the “relevant date”. For 2020/21 this is the 30th November 2019 and this is the date that must be used. This number is adjusted to make allowance for estimated variations to the list in the course of the year and for the impact of allowed discounts to certain classes of dwellings.
- A1.6 The impact of the Council Tax Support Scheme including the impact of the exceptional hardship scheme, which is linked to claimants, is converted to an equivalent number of dwellings per band by dividing the estimated cost per band of the reductions divided by the estimated Council Tax for that band.

- A1.7 These are then converted into Band “D” equivalents to produce the “relevant” amounts prescribed by the Regulations.
- A1.8 The billing authority then estimates its Council Tax Collection Rate, which is the percentage of 2020/21 Council Tax demands which it predicts will be paid into the Collection Fund during 2020/21. The in year Collection rate estimated for 2020/21 is 96.0% and this is reflected in the Tax Base calculation. Any tax collected in excess of 96.0% for the billing year 2020/21 and prior years will be reflected in the annual Collection Fund surplus.
- A1.9 The calculated Council's tax base for 2020/21 of 46,274.88 compares with the 2019/20 tax base of 45,699.55, a 1.25% increase. This increase reflects the growth in the number of properties, which may be either new build or older properties, adapted and brought back in to use offset by the number of dwellings subject to an exemption, discount or a reduction and the level and value of claims under the Council Tax Support Scheme.
- A1.10 For the calculation of the council tax due to Brixham Town Council a Tax Base must be determined by Torbay Council, as the billing authority. The tax base for Brixham Town Council is and the calculation is shown in Appendix 2.
- A1.11 The calculated Brixham Town Council's tax base for 2020/21 of 6,261.12 compares with the 2019/20 tax base of 6,187.87 a 1.2% increase.

A2 Technical Adjustments

- A2.1 Within the taxbase calculation there are a number of exemptions and discounts for certain categories of dwellings. Some of these are set by central government and some the Council has discretion over. Separate to the Council Tax Support Scheme there is 1 change within the 2020/21 calculation compared to the 2019/20 calculation.
- (i) The ‘Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018’ permits Councils to increase the Council Tax (Long Term) Empty Homes Premium for those properties that have been empty for a period of time. The Act permits increases in the premium to 200% from April 2020 and 300% from April 2021 subject to the parameters in the Act linked to the period the property has been empty – the higher premium rates can apply if empty for more than 5 and 10 years. Therefore the recommendation is for to increase the Council Tax (Long Term) Empty Homes Premium for those properties that have been empty for more than 5 years from 100% to 200% from 1st April 2020. This increase has been included in the calculation of the 2020/21 tax base.
 - (ii) As part of the 2021 budget setting process, the Council will seek to approve for April 2021 the increase to 300% for homes empty for more than 10 years.

3. Possibilities and Options

- 3.1 None – calculation of taxbase is based on statute.

4. Fair Decision Making

4.1 Not applicable

5. Public Services (Social Value) Act 2012

5.1 Not applicable

6. Risks

6.1 If taxbase not approved by end of January 2019 then the Council is unable to set a budget and this will impact on other precepting bodies.

7. Appendices

Appendix 1 The calculation of Torbay Council Tax Base 2020/21

Appendix 2 The calculation of Brixham Town Council Tax Base 2020/21

CALCULATION OF COUNCIL TAXBASE - 2020/21

Appendix 1

30th November 2019 - "Relevant date"

TORBAY COUNCIL		TAX BASE CALCULATION								2018/2019			
		BAND A <small>with disabled relief</small>	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL		
(H)	CHARGEABLE DWELLINGS FOR BAND	17.00	13,462.00	17,479.00	16,614.00	10,339.00	5,149.00	2,353.00	1,226.00	111.00	66,750.00		
(Q)	Total Discounts	2.50	2,214.90	1,817.85	1,384.25	734.50	299.00	132.00	74.50	6.75	6,666.25		
(E)	Long Term Empty Premium	-	174.00	90.00	63.00	21.00	20.00	16.00	4.00	6.00	394.00		
(J)	Total Adjustments	0.00	0.00	0.00	0.00	200.00	0.00	0.00	0.00	0.00	200.00		
(Z)	Local Council Tax Scheme Reductions	0.00	3,146.13	2,680.75	1,566.53	665.52	102.81	28.22	6.36	0.75	8,197.05		
	TOTAL DWELLINGS	14.50	8,274.97	13,070.40	13,726.22	9,159.98	4,767.19	2,208.78	1,149.14	109.50	52,480.70		
(F)		5	6	7	8	9	11	13	15	18			
(G)	Ratio to Band D	9	9	9	9	9	9	9	9	9			
(A)	RELEVANT AMOUNTS' for 2020/2021	((H-Q+E+J)-Z) x (F divided by G)		8.10	5,516.60	10,165.90	12,201.10	9,160.00	5,826.60	3,190.50	1,915.20	219.00	48,203.00
		[Section 4 (1) of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012]											
(B)	COLLECTION RATE												96.0%
		[Section 3 (1) of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012]											
	TAX BASE - (A) x (B)												46,274.88

CALCULATION OF COUNCIL TAXBASE - 2020/21

Appendix 2

30th November 2019 - "Relevant date"

Brixham Town Council		TAX BASE CALCULATION								2018/2019			
		BAND A <small>with disabled relief</small>	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL		
(H)	CHARGEABLE DWELLINGS FOR BAND	8.00	1,380.00	2,227.00	2,467.00	1,585.00	694.00	337.00	100.00	3.00	8,801.00		
(Q)	Total Discounts	1.75	214.10	217.15	194.50	103.00	38.75	17.25	7.50	0.50	794.50		
(E)	Long Term Empty Premium	-	23.00	12.00	4.00	3.00	-	3.00	1.00	-	46.00		
(J)	Total Adjustments	0.00	0.00	0.00	0.00	26.00	0.00	0.00	0.00	0.00	26.00		
(Z)	Local Council Tax Scheme Reductions	0.00	329.66	346.61	236.85	84.13	16.02	3.80	0.00	0.00	1,017.06		
	TOTAL DWELLINGS	6.25	859.24	1,675.24	2,039.65	1,426.87	639.23	318.95	93.50	2.50	7,061.44		
(F)		5	6	7	8	9	11	13	15	18			
(G)	Ratio to Band D	9	9	9	9	9	9	9	9	9			
(A)	RELEVANT AMOUNTS' for 2020/2021	((H-Q+E+J)-Z) x (F divided by G)		3.50	572.80	1,303.00	1,813.00	1,426.90	781.30	460.70	155.80	5.00	6,522.00
		[Section 4 (1) of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012]											
(B)	COLLECTION RATE											96.0%	
		[Section 3 (1) of The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012]											
	TAX BASE - (A) x (B)											6,261.12	



Meeting: Community Governance Review WP **Date:** 6 January 2020
Cabinet 7 January 2020
Council 9 January 2020

Wards Affected: All wards

Report Title: Community Governance Review of Torbay – outcome of second stage consultation and final recommendations

Is the decision a key decision? No

When does the decision need to be implemented? as soon as possible

Cabinet Member Contact Details: Councillor Christine Carter, Cabinet Member for Corporate and Community Services, christine.carter@torbay.gov.uk

Supporting Officer Contact Details: Anne-Marie Bond, Director of Corporate Services, 01803 207015, anne-marie.bond@torbay.gov.uk

1. Purpose and introduction

- 1.1 On 14 January 2019 the Council launched a community governance review of the whole area of Torbay, to consider if any changes should be made to existing arrangements including whether new parish/town councils should be created in areas of the authority that are currently unparished.
- 1.2 Following a first phase of consultation, Council on 22 July 2019 agreed draft recommendations, to be the subject of a further consultation with local electors, residents, organisations and interested parties. The draft recommendations proposed the creation of two new parishes within Torbay – covering Torquay and Paignton respectively – and that parish/town councils be established to serve these new parishes from 1 April 2020. They further proposed electoral arrangements to apply to the new councils; that the Band D council tax precept for each of the new councils in their first year of operation would not exceed £90.00; and that no change be made to the status or electoral arrangements of Brixham Town Council, with further consultation to be undertaken on whether the ward of Churston with Galampton should be within the Paignton parish, or whether it should be included within the boundaries of Brixham Town Council.
- 1.3 Consultation on the draft recommendations opened on 2 September 2019 and closed on 25 October 2019. This report sets out the outcome of that consultation and proposes that in accordance with the majority of responses received, the proposals in the draft recommendations are not pursued and the final

recommendations of the community governance review be for no change to the existing arrangements.

2. Proposed Cabinet Recommendations

That the Council be recommended:

- 2.1 That the responses received to the second phase consultation on the Community Governance Review of Torbay be noted as set out in Appendix 1 to the submitted report.
- 2.2 That the Cabinet recommendations of the community governance review be that there shall be no change to existing community governance arrangements in Torbay and specifically:
 - (a) That no new parishes be constituted in the area under review;
 - (b) That no existing parishes in the area under review be abolished and that the name and area of Brixham parish and the electoral arrangements of Brixham Town Council remain unaltered.
- 2.3 That the Director of Corporate Services publish the final recommendations and take steps to secure that persons who may be interested in the review are informed of them; and
- 2.4 That the Council be recommended to give effect to the final recommendations set out at 2.2 above.

3. Reason for decision

- 3.1 The Local Government and Public Involvement in Health Act 2007 ('The 2007 Act') requires that a Community Governance Review must conclude within a period of twelve months after the start of the review.
- 3.2 The 2007 Act further provides that at the end of a Community Governance Review the principal council must make recommendations as to:
 - (a) Whether a new parish or any new parishes should be constituted;
 - (b) Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; and
 - (c) What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.
- 3.3 The Partnership is keen to listen to the views of the community to inform their decision-making which is why the Cabinet are proposing not to pursue the creation of new parish/town councils for Torquay and/or Paignton or any other change to the existing community governance arrangements within Torbay, in light of the wishes of the significant majority of respondents to the consultation on the draft recommendations of the review, who did not support any of the proposals for change.

Supporting Information

4. Background

- 4.1 'Community governance' refers to the way in which communities are represented at the local level including by parish/town councils, which form the most local tier of government in England. Parish/town councils do not have statutory responsibility for services but they may decide to provide some local services for their residents and/or take over responsibility for services previously delivered by the principal council. They are funded by an additional amount added to the council tax in their area called a 'precept'. Torbay currently has just one parished area, that served by Brixham Town Council.
- 4.2 Torbay Council, as a 'principal council', is responsible for making any changes to community governance within its area. Under the provisions of the 2007 Act if the Council wishes to make any such change it must first carry out a community governance review. In doing so it must have regard to the Guidance on Community Governance Reviews issued in March 2010 by the Secretary of State for Communities and Local Government and the Local Government Boundary Commission for England ('the guidance') and must comply with Part 4 of the 2007 Act, the relevant parts of the Local Government Act 1972 and regulations issued under those acts.
- 4.3 These requirements include a duty to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review; and to take into account any representations received in connection with the review.

5. Considerations

- 5.1 In accordance with the 2007 Act the Council must have regard to the need to secure that community governance within the area under review:
- reflects the identities and interests of the community in that area; and
 - is effective and convenient.
- 5.2 In deciding what recommendations to make the Council must also take into account any other arrangements that have already been made or could be made for the purposes of community representation or community engagement in the area.
- 5.3 The guidance requires that when considering the above criteria the Council will take into account the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish.

6. Community Governance Review of Torbay

- 6.1 On 20 September 2018 the Council decided that a Community Governance Review would be undertaken, this was taken in the context of Torbay Council facing significant challenges over the sustainability and resilience of future service delivery, and the Chief Executive's recommendation that the same be undertaken. With a view to creating Town Councils across the entirety of Torbay, who have the

ability to raise income through the precept mechanism, and devolve certain services to them.

- 6.2 On 14 January 2019 the Council launched a community governance review of the whole area of Torbay, to consider if any changes should be made to existing community governance arrangements including whether new parish/town councils should be created in areas of the authority that are currently unparished and if so, the electoral arrangements that should apply to those councils.
- 6.3 A first phase of public consultation ran until 15 March 2019, during which comments were invited on a range of questions related to community governance, including the Council's initial suggestion that two new parish/town councils should be set up, representing Torquay and Paignton respectively and between them, together with the existing Brixham Town Council, covering the whole of the Torbay area; whether any new parish/town councils should deliver some local services that are current provided by Torbay Council with the costs met from the parish/town council precept; and the relative benefits of new councils compared with other potential measures such as developing the way the Council works with existing local agencies.
- 6.4 The responses received to the first phase consultation were reported to the Council on 22 July 2019. A significant majority of respondents did not support the establishment of new parish/town councils. Analysis of the responses indicated that many respondents who did not support the establishment of new parish/town councils were opposed on the grounds of the potential cost of such a development and the higher levels of council tax that this might mean for local residents.
- 6.5 In developing its draft recommendations set out at 1.2 above the Council therefore sought both to progress its strong commitment to community engagement and empowerment and its belief that parish/town councils have the potential to assist in establishing better communities and safeguarding of services, and to provide reassurance regarding the extent of any additional costs entailed by stipulating that any precept to be set by Torbay Council for the first year of operation of any new councils would be restricted to no more than £90 per annum at council tax band D.
- 6.6 It was estimated that this level of precept would enable the new councils and Brixham Town Council to take on the delivery of services for their local areas to the value of £3.45m, allowing services to continue to be delivered at existing levels in the areas of recreation and landscape, museums, theatres, public entertainment and events, public toilets and seafront illuminations.

7. The second phase consultation

- 7.1 In accordance with the revised terms of reference agreed for the community governance review, the draft recommendations were published for a second phase of consultation with local electors, residents, organisations and interested parties, which ran from Monday, 2 September to Friday, 25 October 2019.
- 7.2 The second phase consultation featured a series of events including roadshows, Facebook live sessions, attendance at a range of community meetings and an open public event held at the Riviera Centre. A series of information videos was made available and a questionnaire hosted on the Council's website that attracted

over 1, 700 responses. The Council incurred costs of £4,800 during the second phase of consultation.

7.3 The consultation addressed the areas of concern raised during the first phase such as the amount of extra council tax residents may have to pay, the reduction in local services, what council tax is currently spent on and the number of additional town councillors which may be created. It provided more detailed information on how town councils might operate and the types of local services that could be provided that might otherwise need to be reduced or discontinued.

7.4 In accordance with the guidance current and forecast (January 2024) electorate figures for each of the wards in both the parished and unparished parts of Torbay were published to inform the consultation.

8. The current position

8.1 It is now necessary to agree the final recommendations of the community governance review. These must be published as soon as is practicable after they are made and the Council must take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of the recommendations.

8.2 The Council meeting on 9 January 2020 will then be recommended to give effect to the final recommendations. This decision and the reasons for it must also be published.

8.3 The report on the responses received during the second phase consultation on the community governance review is attached at Appendix 1. In summary:

- Proposal 1 (That two new parish councils be created within Torbay) was supported by only 15.8% of respondents.
- Proposal 2 (That the new parish/town councils for Torquay and Paignton are each divided into electoral wards with the same boundaries and number of councillors as there are for Torbay Council) was supported by 14.9% of respondents; and
- Proposal 3 (That Torbay Council will set a maximum council tax precept of no more than £90 a year (£1.73 per week) for each new parish/town council in their first year of operation in order to see certain specified services continue) attracted 14.7% support.

8.4 In relation to Proposal 4 (regarding Churston with Galmpton Ward), 10.6% of respondents stated that the ward should be within a new Paignton parish, 17.4% within Brixham parish and 11.7% split between the two, whilst 43.4% chose none of those responses.

8.5 No evidence was provided in response to the consultation that the existing community governance arrangements do not reflect the identities and interests of the community in the area or are not effective and convenient. Neither was it suggested that the existing arrangements have an adverse effect on community cohesion.

8.6 Whilst the position of the Council has not significantly changed in respect of the sustainability and resilience of future service delivery, taking into account the representations received in connection with the review both as set out above and during the previous phase of consultation, the Cabinet is proposing that the creation of new parish/town councils for Torquay and/or Paignton be not pursued and that the final recommendations of the community governance review shall be for no change to existing community governance arrangements in Torbay.

9. Possibilities and Options

9.1 One main alternative to the proposed recommendation was considered – to propose the implementation of the Council’s draft recommendations for the establishment of new parishes/town councils subject to a limitation of the initial level of precept.

9.2 This option would have the advantage of realising the potential benefits of establishing parish/town councils in terms of community engagement/ empowerment and retention of services that may otherwise need to be ceased, as set out in the report. The town councils would have suitable governance arrangements in place in order to help to support the community to deliver services within each town. This would enable them to be more sustainable in the longer term as they would have a structured support network instead of relying on the community to oversee and manage volunteers themselves, and would significantly contribute to the challenges faced by the Council over the sustainability and resilience of future service delivery,

9.4 The implementation of new town councils, however would be contrary to the consultation responses and representations received during the review.

10. Fair Decision Making

10.1 Legislation requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review, and to take the representations that are received into account by judging them against the criteria in the 2007 Act.

10.2 In accordance with its commitment to promote community engagement and transparency in decision-making, the Council sought to promote awareness of and encourage responses to the review by:

- publishing the terms of reference for the review and any revisions made to these;
- publicising the review as widely as possible and seeking to engage the local media in reporting the issues under review;
- consulting through a variety of mediums residents, business organisations, community groups, other local organisations, political parties and elected representatives for the areas under review and Brixham Town Council; and
- taking into account representations received in connection with the review.

11. Public Services (Social Value) Act 2012

11.1 The proposal does not require the procurement or provision of services, the purchase or hire of goods or the carrying out of works.

12. Risks

12.1 The Council decided to undertake the community governance review because it considered that the establishment of parish/town councils could promote community engagement at the most local level and, because such councils may raise income through the precept that is not currently subject to capping rules, could enable the continued provision of local services that Torbay Council may be unable to sustain going forward due to resource and demand pressures particularly in the statutory services of Children's and Adult Services.

12.2 The decision not to pursue the creation of new parish/town councils gives rise to a risk that the Council will not fully explore the opportunities available to safeguard the future the provision of local services that it may be unable to sustain in the future due to resource and demand pressures. Alternative responses to these budgetary issues will be required.

Appendices

Appendix 1: Community Governance Review of Torbay: report on responses to the second phase of consultation

Additional Information

No unpublished background documents have been relied upon to a material extent in the preparation of this report.



Community Governance Review New Town or Parish Councils in Torbay

Further Questionnaire Consultation Report October 2019

Number of online questionnaire responses received	1607
Number of paper questionnaire responses received	51
Number of postcards returned	150

**This consultation was open between Monday 02 September 2019 and
Friday 25 October 2019.**

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1. Introduction

On 14 January 2019 we launched a Community Governance Review of the whole area of Torbay. The review is to consider if any changes should be made to our existing arrangements. This includes whether new Parish/Town Councils should be created in areas that currently don't have them, which are Torquay and Paignton.

The first phase consultation ran from 14 January 2019 until 15 March 2019 and was for us to find out what the public's initial thoughts were on the introduction of town/parish councils. From this feedback, we heard that people were concerned about the amount of extra council tax they may have to pay, the reduction in local services, what council tax is currently spent on and the number of additional town councillors which may be created.

This second phase of the consultation was to provide more detail about these areas of concern. We focussed on the importance of local services within communities and asked if residents would be prepared to pay extra through the Town Council precept to protect the services that matter most to them.

Without this precept, it is likely that Torbay Council will have to end or further reduce services, such as flower beds, toilets, and public entertainment and events. This is because costs and demand for the services we have to deliver by law continue to increase. If we do not have Town Councils it is likely that more local services will be reduced or ceased as we won't have the funding to continue them in future years.

Town Councils are a way to protect local services that matter to residents such as street cleaning and maintaining parks and gardens. They are also a way to continue delivering services and balance the demands of reduced budgets.

A consultation on establishing Town Councils requires a two part consultation and is a process that is prescribed by law. This second phase was always part of the planned consultation.

Torbay Council continues to lobby central government to recognise the issues that Torbay, other coastal areas and local government in general face. We don't currently know what funding we'll receive from central government for 2020/2021 and beyond and so we need to plan based on our historical levels of funding.

2. Scope of Consultation

Whilst the first phase of consultation was primarily online, this phase needed to be undertaken very differently, with a range of events and communication methods. Some comments from the first consultation were based on presumptions about the level of council tax precept which would be levied and the number of town councillors required. Many respondents also believed the current level of council tax should be enough to support local services in future.

The aim of the second consultation was to ensure that local electors, all stakeholders, individuals and groups who have an interest in the potential for establishing town / parish councils were aware of the review and to facilitate further discussion on the potential benefits for community engagement and how town / parish councils could make a difference to their communities.

It was important that in this second phase the public were fully informed as to the likely future of council services due to the wider financial constraints on Torbay Council which have led to this proposal and to address some of the concerns raised during the first consultation in relation to costs and precept levels.

Detailed supporting information about the review and this second stage was made available on our website <https://www.torbay.gov.uk/council/new-town-councils>. This included services that could be transferred, estimated budgets for Town Councils, the cost to residents and Frequently Asked Questions.

Stakeholders

A request to share awareness of the consultation was made to Council staff, Torbay Hospital, South Devon College, local Police offices, community organisations such as Torbay Business Forum and the local Chambers of Trade. Key stakeholders were contacted directly and given information about the consultation and how they could get involved.

All Community Partnerships were contacted and asked to spread awareness about the consultation within their communities. They were offered the opportunity for a Councillor to attend one of their public meetings in order to give more detail about the consultation.

Torbay Community

All local residents, business owners and organisations were invited to give their views via an online questionnaire. Posters were put up in all the Council's public facing offices and the Community Governance Review was publicised in the mainstream media.

Over 400 Viewpoint panel members were emailed a link to the questionnaire and asked to complete it. A total of 6000 randomly selected Torbay households (10% of the total population) were sent letters and prompted to take part in the consultation.

Ward Councillors were briefed and asked to distribute posters and comment postcards at key community locations within their wards and 400 paper questionnaires were passed to those Councillors who requested them. At their request, 200 postcards advertising the consultation were passed to community representatives in Churston.

Roadshows

Councillors and senior officers attended advertised roadshows to spread awareness and engage with the community about the consultation in each of the three towns and at Churston Library. Councillors also attended primary schools across the bay at pick up times as well as Paignton and Brixham rugby clubs and Torquay football club on match days.

Social Media

Regular and timely social media posts highlighted our scheduled roadshows, Facebook Live question and answer sessions and the Question Time event. Questions and comments on social media were responded to and commenters were signposted to our on-line information and the questionnaire. Videos and infographics to explain the council's financial position and promote the consultation were posted and messaging was targeted to specific groups of the community (including young people).

Event

Our Ask Us panel event held at Riviera International Conference Centre (RICC) on 1 October 2019, meant that attending members of the public and those watching on Facebook could ask their questions to the panel of Councillors, senior officers and Cllr Browse (Chairman the Devon Association of Local Councils (DALC) and Chairman of Holberton Town Council).

3. Headline Results

Questionnaire

A total of 1607 completed questionnaires were received. A summary of results is shown below. Full results from the questionnaires are shown in [appendix 1](#) along with respondent's comments which have been grouped into themes with examples shown alongside. Where responses number less than five they are shown in the tables as >5. Some comments span a range of themes. Comments are shown as they were received and have not been altered.

Respondents answered positively to the first four questions of the questionnaire. **63.9%** believe **it is** important to have community cohesion where they live.

Just over half (53.5%) believe **it is** necessary to have leadership and commitment in developing and supporting community cohesion.

83.9% of respondents believe that services such as parks and open spaces, toilets, control of litter, community centres and events **are** important where they live. **75.9%** believe **it is** important that communities are able to influence decisions about these services.

The majority of respondents identified themselves as **Torbay residents** (1547). We can see from the 1469 postcodes we were given **40.6%** of all respondents were from Torquay, **44.6%** from Paignton, and **6.0%** from the Brixham area.

83.3% of respondents **did not** agree that two new parish councils should be created in Torbay.

82.9% **did not** agree that the new town or parish council(s) should each be divided into electoral wards with the same number of councillors as there are for Torbay.

84.1% **did not** agree that Torbay Council should set a maximum council tax precept of no more than £90 a year for each new parish / town council in their first year of operation in order to see services continue.

43.4% opted to choose "**something else**" when asked where they think Churston with Galmpton ward should be included. **39.8%** chose to either include it within a new Paignton parish, include within Brixham parish or split it between the two.

Roadshows and Postcards

We received **150 comment postcards**. These were primarily a tool given out by members and senior officers at roadshows, schools, and in the community to signpost people to the town councils web page information. They also provided an opportunity for the public to give rapid feedback by asking for a yes / no response to the proposal and leave comments.

Attendees of the roadshows reported that in conversation with members of the public, it was apparent that the more engaged people tended to be more informed about the proposal and its potential positive outcomes for their community, excepting Brixham residents where they already have a town council and generally did not want to stop and chat about them. Brixham residents were well informed about the reasons for town councils and their benefits.

The returned roadshow postcards show **57.4% against** creating town councils and **42.6% in favour**.

Results of the feedback received on the postcards can be found at [appendix 2](#).

Ask Us Event

Approximately 30 members of the public attended our Ask Us event at the Riviera Centre in person. The event was filmed and broadcast on Facebook Live and has now been viewed by over 22,000 people.

Attendees and those watching at the time were asked to submit questions to the panel. These were grouped by subject and put to the panel by the facilitator. At the end of the Facebook Live broadcast, there was also an opportunity for the audience to ask questions of the panel directly. All questions put to the panel were then made available on the town councils web page along with their answers.

Social Media

Throughout the consultation period **over 60 posts** were posted onto the council's Facebook and Twitter pages. All of these posts included either a video, photo or graphic which highlighted the ongoing consultation, the roadshows, public event and how Town Councils can be a benefit to Torquay and Paignton. These posts also included the two Facebook Live Question and Answer Sessions and the live broadcast from the public event.

These 60 posts reached **a potential audience of 186,369** and all of them received good engagement. Across Facebook and Twitter the posts were **reacted to 328 times, shared 395 times and received 1,062 comments**. On Facebook the average engagement rate on our posts was 5% (our posts ranged from 2 to 11%). For comparison, Facebook see the average for good engagement rate to be 2%.

Evaluating the social media posts and correlating this with the number of consultations completed, it can be seen which social media posts encouraged residents to complete the consultation.

The post below received the highest amount of reach on Facebook (26,259). It also **encouraged 193 unique page views** of the consultation webpage **with 76 consultations completed**:

Torbay Council
Published by Orlo [?] · 16 September · 🌐

Just 585 completed responses were received for our first consultation about Town Councils for Torquay and Paignton.

That's just 1 response for every 228 residents, or less than 0.45% , living in the Bay!

If you care about your town make your voice heard. Have your say on the proposals for Town Councils now!

Answers to a number of frequently asked questions, including why we are consulting again, can be found here: <http://socsi.in/wXmC5>

The consultation can be found here: <http://socsi.in/2mgtj> (closing date 25 October 2019)

1 in 228
www.torbay.gov.uk/new-town-councils

Get more likes, comments and shares
Boost this post for £16 to reach up to 5,200 people.

26,059 People reached **4,625** Engagements [Boost Post](#)

👍👎🗨️ Andrew Findell, Mary Pugh and 17 others 58 Comments 75 shares

Our Live broadcast of the Ask Us public event also encouraged a large number of consultations to be completed. The Live broadcast itself **reached a potential audience of over 22,000**. The tweets from the Live event also **reached over 7,000 Twitter accounts**. It can be seen that on the day of the event the **consultation webpage received 130 unique page views with 52 consultations completed**. But more noticeable is that the following day after the event - the **consultation webpage received 305 unique page views with 179 consultations completed**. This could be attributed to the fact that the Live broadcast is saved as a video onto your Facebook page and that our followers viewed it after the event had finished.

Most of the feedback on Torbay Council's social media channels was posted on Facebook. The majority of respondents to the Facebook posts are against setting up town or parish councils either replying "No" or making it clear in their comments that they do not support the introduction of town or parish councils. Common comment themes are; they are already paying too much in Council Tax, they do not want to pay any more Council Tax as they are very dissatisfied with how existing services are being delivered.

Other comments again mention that the Council should work harder with the funding it already has and / or spend it more fairly and wisely in delivering its services. Many commented that they feel the money they pay in Council Tax is being misused or wasted by the Council and that Councillors and staff should take pay cuts.

Torbay Council responded to these comments to answer any questions posed, to correct misinformation, to signpost people to the consultation, and refer people to the on line FAQs. In addition, members of the council joined in the conversations and were able to put their views direct to residents.

An evaluation of the response to our social media posts can be found at [appendix 3](#).

Written Representations

There were also 32 written representations received. These have been collated, anonymised where necessary, and can be found in [appendix 4](#).

4. Appendix 1 - Questionnaire Results

1) Do you believe it is important that there is community cohesion in the place where you live?

	Number	Percent
Yes	1027	63.9%
No	339	21.1%
Don't know	160	10.0%
No answer	81	5.0%
Total	1607	100.0%

1a) Please tell us why.

Theme	Examples of comments
Community and togetherness / Belonging / Good relations	<p><i>"A community that pulls together will be healthier, have a greater sense of identity, lower crime, more of a vision for its children and will be better able to deal with its local problems."</i></p> <p><i>"Because a cohesive community looks after itself better. There is less crime, less need for social care intervention."</i></p> <p><i>"Because people in that community have shared interests in the care and upkeep of their surroundings. This fosters a sense of belonging and also - with luck - encourages people to be more responsible for their area. Litter, rubbish, noise, just simple consideration for others. It ought to develop a more caring and responsible society for our children to grow up in and for everyone there to thrive."</i></p>
Wellbeing / Quality of life / Safety	<p><i>"So that people feel safe in their homes and on the street. Local environment will improve if people feel their efforts are appreciated by others."</i></p> <p><i>"To build stronger communities, sense of well-being and look after vulnerable members of society."</i></p> <p><i>"To raise community spirit and desire to live in a pleasant town."</i></p>
Representation / Local needs / Involvement	<p><i>"Because cohesion leads to greater understanding of problems faced by various sections of the community."</i></p> <p><i>"Because it is much more effective if all concerned work to the same aim and results in much better financial resources."</i></p> <p><i>"Best results are achieved by pooling resources, skills, expertise and experience and learning from others."</i></p>

2) Do you believe it is necessary for there to be leadership and commitment in developing and supporting community cohesion in the place where you live?

	Number	Percent
Yes	860	53.5%
No	475	29.6%
Don't know	183	11.4%
No answer	89	5.5%
Total	1607	100.0%

2a) Please tell us why.

Theme	Examples of comments
Leadership is positive if right person in charge	<p><i>"A leadership can inform people of matters which affect them."</i></p> <p><i>"Again, Torbay is the community. If the council leadership is unable to cope and manage Torbay correctly, then new leadership should be considered."</i></p> <p><i>"Because at the moment there is such a lack of local leadership in Paignton where I live. And look at where it has got us."</i></p>
Paying more will not get value for money	<p><i>"A separate town council will be just as toothless as the existing Brixham one. Paying more and not getting value for money."</i></p> <p><i>"Again. Completely irrelevant to the council. Torbay is a small authority it does not need more money wasted on wages and costs associated with yet more bureaucracy."</i></p> <p><i>"Because again I'm unsure if I say yes you will definitely charge us for it. Stop taking money from us without consent."</i></p>
Should be provided by Torbay Council	<p><i>"Again could and should be able to be provided by the main council."</i></p> <p><i>"Because it needs to be co-ordinated. However I don't believe it needs a new level of councillor to provide this, why isn't our current council working on this?"</i></p> <p><i>"Extra levels of bureaucracy are counterproductive."</i></p>

3) Do you believe that services such as parks and open spaces, toilets, control of litter, community centres and community events are important to the place where you live?

	Number	Percent
Yes	1349	83.9%
No	106	6.6%
Don't know	64	4.0%
No answer	88	5.5%
Total	1607	100%

3a) Please tell us why.

Theme	Examples of comments
All these promote Wellbeing public health etc.	<p><i>"People need space to relax, however the maintenance of the toilets have been contracted out and all refuse collections are done from a central location in the bay and a town council will change nothing."</i></p> <p><i>"People need toilets; if parks & litter are not serviced then communities deteriorate as the more un kept a community space is the less the community value that space and there is snowball effect of a downward spiral to vandalism & antisocial use of the spaces."</i></p> <p><i>"It promotes a sense of pride in the place you live in and a clean and tidy place gives a greater sense of wellbeing."</i></p>
Important to Torbay for Residents and Visitors	<p><i>"For the economy (tourism), for the children (freedom to explore and play), for the rest of us (for enjoyment and relaxation)."</i></p> <p><i>"If your locality is well cared for it encourages community engagement which is really important in a town like Brixham which has growing businesses but also tourism."</i></p> <p><i>"Living in a tourist resort which relies on tourism people need things to be looked after and maintained to provide safe environments for everyone."</i></p>
Vital to the community, people enjoy them	<p><i>"People are more likely to respect an area if it's nice"</i></p> <p><i>"It keeps the place pleasant and clean, and events are great for community spirit and building togetherness."</i></p> <p><i>"Pleasant environment to live in."</i></p>

4) Do you believe it is important that communities are able to influence decisions about the services listed above?

	Number	Percent
Yes	1220	75.9%
No	230	14.3%
Don't know	86	5.4%
No answer	71	4.4%
Total	1607	100.0%

4a) Please tell us why.

Theme	Examples of comments
Council doesn't Listen	<p><i>"But the council as is has not listened to the residents but seem to continue on with borrowing and investing in out of area developments."</i></p> <p><i>"Councillors don't listen to general public they do what they personally think is best which frequently is detrimental to the area."</i></p> <p><i>"Communities have never been able to influence any council decisions."</i></p>
Should be able to do this already	<p><i>"BUT they already do via their councillors."</i></p> <p><i>"By electing councillors to govern the whole of the Bay."</i></p> <p><i>"Decisions and finance should be provided by Torbay Council, the statutory body."</i></p>
Community voice is essential	<p><i>"Community involvement and responsibility will mean an increased pride among residents and hopefully reduce antisocial behaviour."</i></p> <p><i>"Community involvement and responsibility will mean an increased pride among residents and hopefully reduce antisocial behaviour."</i></p> <p><i>"Communities have to live with the services provided, therefore they should influence the services they get."</i></p>

Proposal 1

That two new parish councils are created within Torbay.

Torquay Parish would cover the wards of; Barton with Watcombe, Cockington with Chelston, Ellacombe, Shiphay, St Marychurch, Tormohun and Wellswood.

Paignton Parish would cover the wards of; Clifton with Maidenway, Collaton St Mary, Goodrington with Roselands, Kings Ash, Preston and Roundham with Hyde.

Churston with Galmpton ward is included in a later question.

5) Do you agree with this proposal?

	Number	Percent
Yes	254	15.8%
No	1339	83.3%
No answer	14	0.9%
Total	1607	100.0%

5a) Please tell us why.

Theme	Examples of comments
Cost more / Waste of money	<p><i>"Another level of bureaucracy which will only cost us the tax payers."</i></p> <p><i>"As previously stated why should we pay more for this service when it should be covered by our ward councillor."</i></p> <p><i>"Another tier of government is not required. Current structure is small enough without additional bureaucracy and cost."</i></p>
More bureaucracy / Unnecessary layer	<p><i>"Another level of bureaucracy and cost to the local taxpayer when local voluntary groups, with support from existing Torbay Council, could undertake the overseeing and development of facilities."</i></p> <p><i>"Absolutely object to the formation of a town council as a stealth tax and way of increasing my expenditure."</i></p> <p><i>"Additional and costly bureaucracy."</i></p>
Already have Torbay Council / Councillors	<p><i>"Duplication of already elected council."</i></p> <p><i>"Duplication of effort is wasteful especially when resources are scarce."</i></p> <p><i>"I am not prepared to pay more council tax when this could be easily managed by Torbay Council with more funding being made available by central Government."</i></p>

Proposal 2

That the new parish/town councils for Torquay and Paignton are each divided into electoral wards with the same boundaries and number of councillors as there are for Torbay Council.

6) Do you agree with this proposal?

	Number	Percent
Yes	239	14.9%
No	1333	82.9%
No answer	35	2.2%
Total	1607	100.0%

6a) Please tell us why.

Theme	Examples of comments
Cost more / Waste of money	<p><i>"As before - we already have Torbay Council & pay enough Council Tax!"</i></p> <p><i>"As before, Torbay is a deprived area and the residents cannot afford your proposed increases in taxes and council tax...regardless of how you want to divide up the town councils Torquay and Paignton have 2 of the most deprived wards in the country - how can you justify asking for more money from these people to add town councils to an existing LA which in itself serves on 3 towns? It's preposterous."</i></p> <p><i>"As stated before it is just another way of extracting money from the people who can afford it the least."</i></p>
Unnecessary	<p><i>"Completely unnecessary !!!!!!!"</i></p> <p><i>"I don't think town councils are necessary. Listen to the residents of Torbay."</i></p> <p><i>"It is not necessary to have any Town Councils"</i></p>
More bureaucracy	<p><i>"It will be extra bureaucracy."</i></p> <p><i>"Do not agree as I do not agree with Town Councils, More bureaucracy more costs for no useful purpose."</i></p> <p><i>"Another level of bureaucracy and cost to the local taxpayer when local voluntary groups, with support from existing Torbay Council, could undertake the overseeing and development of facilities."</i></p>

Proposal 3

The proposal is that Torbay Council will set a maximum council tax precept of no more than £90* a year (£1.73 per week) for each new parish/town council in their first year of operation. This level of precept could see the following services continue;

- Recreation and parks
- Landscaping
- Museums
- Theatres
- Public entertainment
- Events
- Public toilets
- Seafront illuminations

*For a Band D property

7) Do you agree with this proposal?

	Number	Percent
Yes	236	14.7%
No	1352	84.1%
No answer	19	1.2%
Total	1607	100.0%

7a) Please tell us why.

Theme	Examples of comments
Cost more / Council tax is too high	<p><i>"All covered by Torbay Council. This is an extra tax we cannot afford to pay."</i></p> <p><i>"Already pay enough council tax, this is just a waste of our resources."</i></p> <p><i>"A guarantee for one year is of little value. It's a guaranteed increase; then after that further increases. And no guarantee of any improvement in services for the tax paying citizen."</i></p>
Services should already be covered Already have a council / Pay enough already	<p><i>"All of the services listed above should be dealt with under the current Council budget and not expect residents to pay more to sort out the mess of poor management at Torbay Council. I think that things like museums and theatres should be privately run enterprises and the money created from them re-invested back into the business for a better run experience."</i></p> <p><i>"Looking at other areas of the Country, museums are fantastic and they are privately run. I would never visit the museum in Torquay"</i></p>

Theme	Examples of comments
	<p><i>as money hasn't been invested, but don't expect residents to foot the bill!"</i></p> <p><i>"All should be done by Torbay Council. No need for town Councils All these items should be managed through the existing council."</i></p>
Uncapped / Cost will rise	<p><i>"£90 first year how much the next year, and the years after that, on top of the council tax we pay"</i></p> <p><i>"£90 for the first year, how much thereafter? £300 per year or £6 per week is not acceptable to most households, many of whom are on benefits or are pensioners."</i></p> <p><i>"£90 this year and no restriction on how much you will charge on the future. If you want to fund this from your own resources then do whatever you like, but I do not want to pay a single penny more for the services we are supposed to receive. Torbay council may be on the break of a financial crisis, but don't expect us to pick up the bill for other people's financial failures"</i></p>

The Churston with Galmpton ward could be included within Paignton Parish, or within the boundary of Brixham Parish.

8) Please choose an option below which reflects where you think Churston with Galmpton Ward is most closely connected.

	Number	Percent
Include within Paignton Parish	171	10.6%
Include within Brixham Parish	280	17.4%
Be split between Paignton Parish and Brixham Parish	188	11.7%
Something else	698	43.4%
No answer	270	16.8%
Total	1607	100.0%

(For those that chose something else) Please tell us your preference for Churston and Galmpton.

Theme	Examples of comments
Don't live there / does not affect me / ask them / don't know	<p><i>"That question should solely be for people that live in Churston it has nothing to do with the rest of Torbay. The rest of Torbay should not decide their fate."</i></p>

Theme	Examples of comments
	<p><i>"Perhaps the people living in that area should vote on it personally."</i></p> <p><i>"No view - don't live there."</i></p>
Keep it as it is	<p><i>"No split necessary."</i></p> <p><i>"No change to existing boundary."</i></p> <p><i>"My preference is for it to continue as it is at present."</i></p>

8a) Please tell us why.

Theme	Examples of comments
Don't live there / does not affect me / ask them / don't know	<p><i>"Local residents need a voice."</i></p> <p><i>"It should be left to the people living in these Wards to decide."</i></p> <p><i>"It doesn't need changing."</i></p>
Keep thing as they are	<p><i>"It shouldn't be happening. We don't want it"</i></p> <p><i>"Either Brixham or Paignton - don't split it, people won't know who they belong to."</i></p> <p><i>"Do not want a split"</i></p>

About you

9) Please tell us whether you are a:

(multiple choice)	Number	Percent
Local resident	1547	96.3%
Local employee	177	11.0%
Local business person	116	7.2%
Official representative responding on behalf of a community organisation	5	0.3%
Other	11	0.7%

9a) Please tell us the name of your organisation

Comments
<i>"Torquay Town Centre Partnership"</i>
<i>"Galmpton Residents Association"</i>
<i>"Torbay GMB Union"</i>
<i>"TBC"</i>

9b) Please describe "other" here

Comments
<i>"Retired"</i>
<i>"Not local to the area."</i>
<i>"Ex employee; business owner now retired!"</i>
<i>"I wanna KILL"</i>
<i>"specil needs"</i>
<i>"STOP WASTING MONEY"</i>

10) What is your postcode?

	Number	Percent
TQ1 (Torquay)	352	21.9%
TQ2 (Torquay)	301	18.7%
TQ3 (Preston/Paignton)	344	21.4%
TQ4 (Paignton)	373	23.2%
TQ5 (Brixham)	97	6.0%
Other areas	>5	~
No answer	138	8.6%
Total	1607	100.0%

11) Which of the following best describes how you think of yourself?

	Number	Percent
Male	740	46.0%
Female	669	41.6%
In another way	7	0.4%
Prefer not to say	109	6.8%
No answer	82	5.1%
Total	1607	100.0%

Which of the following age groups applies to you?

	Number	Percent
0 – 15	>5	~
16 – 24	21	1.3%
25 – 34	120	7.5%
35 – 44	207	12.9%
45 – 54	275	17.1%
55 – 64	368	22.9%
65 – 74	387	24.1%
75+	150	9.3%
No answer	78	4.9%
Total	1607	100.0%

12) Do you consider yourself to be disabled in any way?

	Number	Percent
Yes	216	13.4%
No	1261	78.5%
No answer	130	8.1%
Total	1607	100.0%

13a) Please tell us how your disability affects you

(multiple choice)	Percent
It affects my mobility	2.2%
It affects my vision	9.0%
It affects my hearing	1.8%
It affects me in another way	5.4%

14) How would you describe your ethnic origin?

	Number	Percent
White	1313	81.7%
Mixed ethnicity	13	0.8%
Asian or Asian British	10	0.6%
Black or Black British	>5	~
Chinese	>5	~
Other ethnic group	12	0.7%
Prefer not to say	194	12.1%
No answer	61	3.8%
Total	1607	100.0%

4. Appendix 2 - Postcard Evaluation

There were 150 postcards returned to the council which were either handed back to roadshow attendees, handed in to a library or sent by post.

	Number	Yes	No	No preference indicated
Torquay Town 06/09/2019	>5	>5	0	0
Paignton Town 13/09/2019	38	34	>5	>5
Paignton Rugby Club 21/09/2019	>5	>5	0	0
Brixham Town 21/09/2019	6	5	>5	0
Churston Library 24/09/2019	6	>5	>5	>5
Ask Us Event RICC 01/10/2019	12	0	12	0
Torquay United 05/10/2019	0	0	0	0
Brixham Rugby Club 12/10/2019	18	17	>5	0
Independently returned / origin unknown	69	>5	66	0
Total	149	63	85	>5

Of the postcards we received back, 57.4% of postcards had **no** ticked. 42.6% of postcards had **yes** ticked. There were a few where the respondent had chosen not to tick a box but instead just left a comment.

Comments on the postcards of respondents that ticked **no**, expressed that they felt Town Councils were a waste of money, cost too much, were another layer of bureaucracy and were not wanted.

16 cards stated the respondent would like a separate town council for Churston with Galmpton, 13 of those had ticked **no** to town councils on their postcard.

Comments on the postcards of respondents that ticked **yes**, expressed suggestions for improvements to services, Brixham Town Council was good and that more local representation would be an improvement and town councils were a good idea.

71 people gave their postcode on their card. The table below shows that most respondents using postcards to feedback were from Paignton.

	Number
TQ1 (Torquay)	9
TQ2 (Torquay)	9
TQ3 (Preston/Paignton)	23
TQ4 (Paignton)	14
TQ5 (Brixham)	14

5. Appendix 3 - Social Media Evaluation

Please see the Spreadsheet on the next page for a breakdown on the evaluation of social media. This information is summarised at the start of this report in the Headline Results.

Date	Social media - Facebook							Engagement Rate %	Twitter				Web page hits - Unique Pageviews			No. of consultations completed
	Post	Graphic	Reach	Reactions	Comments	Shares	Impressions		Likes	Replies	Retweets	new-town-councils	Consultation	FAQ's		
30th Aug	Consultation starting on 2nd Sept	Your Town Your Voice	3,873	15	20	19	5%	1619	1	5	3	3	0	2		
31st Aug												0	0	0		
1st Sept												1	0	0		
2nd Sept												7	4	2		
3rd Sept												1	2	0	1	
4th Sept												7	34	1	12	
5th Sept	First roadshow taking place tomorrow	Your Town Your Voice	4,991	11	9	26	6%	981	0	1	1	3	4	0	2	
6th Sept	Torquay Roadshow starts in 1 hour	Your Town Your Voice	2,276	7	23	4	5%	1263	4	0	5	21	7	3	8	
	Torquay Roadshow taking place	Pic of Cllr Morey	2,110	12	10	2	7%	2369	4	3	6					
	Promoting 1st Facebook Live	#YourTQs	4,684	15	35	20	6%	750	0	0	1					
7th Sept												10	0	1	40	
8th Sept												4	0	0	4	
9th Sept												4	3	1	5	
10th Sept	Have your say on your town's future	Video	3,589	12	28	19	9%	606	2	0	2	44	29	11	25	
	First Facebook Live	Live Video	12,457	80	184	35	14%									
11th Sept												29	7	5	13	
12th Sept	Second roadshow taking place tomorrow	Cllr Morey video	2,715	13	20	6	8%	1266	1	0	0	22	3	8	12	
13th Sept	Paignton Roadshow starts in 1 hour	Your Town Your Voice	3,968	6	46	15	7%	1601	3	0	1	36	64	7	24	
14th Sept												7	13	2	6	
15th Sept												10	10	3	6	
16th Sept	1 in 228 residents completed 1st consultation	1 in 228	26,059	21	158	75	10%	1846	3	4	4	115	193	93	76	
17th Sept												37	84	19	26	
18th Sept	Approx. 200 emails sent out by consultation team to Viewpoint panel members											191	173	55	87	
19th Sept												154	132	59	53	
20th Sept	Next roadshow in Brixham	Cllr Darling Video	3,450	8	25	9	6%	1140	1	1	1	65	58	23	29	

	Next Facebook Live on Wed 25th Oct	#YourTQs	2,538	10	11	9	5%	1047	0	0	0				
21st Sept	Brixham Roadshow today	Your Town Your Voice	2,099	4	8	3	4%					35	28	8	60
22nd Sept												25	43	7	36
23rd Sept	Next consultation at Churston Library	Your Town Your Voice	2,538	5	6	5	3%	1011	1	0	1	47	32	10	26
24th Sept	Today's consultation at Churston	Your Town Your Voice	1,725	1	3	3	2%	810	0	0	1	37	18	11	8
	Letters sent to Paignton & Torquay residents														
25th Sept	Facebook Live taking place today		1,725	3	0	6	2%	1081	2	0	3	57	37	5	19
	Second Facebook Live	Live Video	4,267	22	114	14	11%	772	1	0	1				
	Letters sent to Torquay residents / Twitter post announcing Ask Us event								1337	4	0				
26th Sept												38	28	10	12
27th Sept	Announcing Ask Us event	Ask Us	1,454	2	8	0	4%	954	0	0	1	91	33	14	11
28th Sept												26	13	5	43
29th Sept												46	26	4	18
30th Sept	Twitter - reminder re Ask Us event							1519	2	1	2	80	37	5	29
Page 63 1st Oct	Ask Us Facebook Live	Live Video	22,034	22	216	10	5%					127	130	14	52
	Boosted event for Ask Us (4 days, cost £40)	Ask Us	5,859												
	Twitter - reminder re Ask Us event							1019	2	0	4				
	Twitter - room set for Ask Us event							1031	2	0	2				
	Twitter - Thread of 7 tweets for Ask Us event							7236	11	8	2				
2nd Oct												270	305	22	179
3rd Oct												129	88	7	41
4th Oct	Torquay United Roadshow tomorrow	Your Town Your Voice	16,832	7	31	30	4%	750	0	0	0	82	58	6	24
5th Oct	Torquay United Roadshow today	Your Town Your Voice	1,670	1	4	1	3%	1154	0	0	1	38	31	4	32
6th Oct												50	44	5	31
7th Oct												54	82	6	34
8th Oct												56	127	5	59
9th Oct												35	108	7	46
10th Oct												44	36	3	17
11th Oct	Brixham Rugby Club Roadshow Tomorrow	Your Town Your Voice	8,692	3	32	21	5%	975	0	0	1	59	35	3	24
12th Oct	Brixham Rugby Club Roadshow Today	Your Town Your Voice	2,167	0	20	3	4%	763	0	0	0	56	41	3	26
13th Oct												29	31	1	18
14th Oct												47	40	5	25

15th Oct												58	20	3	18
16th Oct												39	18	4	13
17th Oct												12	27	1	16
18th Oct												14	8	2	2
19th Oct												49	86	31	31
20th Oct												47	56	25	22
21st Oct												7	20	2	14
22nd Oct	Consultation closes at end of the week	Your Town Your Voice	10,321	5	22	21	3%	943	0	0	1	45	75	5	39
23rd Oct												35	53	3	28
24th Oct												65	118	4	51
25th Oct	Consultation closes today	Thank You	3,218	4	29	10	7%	911	1	1	1	77	139	4	74

157,311	289	1,062	366	5.8%	36,754	45	24	48	2,777	2,891	549	1607
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145%

- Over 50 consultations completed that day
- Facebook reach over 10,000
- Facebook reach under 2,000
- Twitter reach over 1,500
- Twitter reach under 800
- Web hits over 100

6. Appendix 4 - Written Representations

Paignton is always the poor relation . About time a compulsory purchase order was put on crossways and more investments sort to encourage the town revival . It seems as if Paignton is forgotten. The refurbishment of Jack Sears to move the down and outs and to get them out of Torquay is another kick in the teeth for the town . Money is found to make them have a lovely home but is not found for other needy services it's a joke. Very sensible to move them near a pub and bus station.

I only hope no more councillors are elected for separate councils. To save money we need less councillors and the big wards.

Paignton needs to encourage more investments for its future.

Why are we carrying on with another survey when the last one was overwhelmingly at 80% against Town Councils?

The town Council precept is an extra cost to households and an unnecessary burden on the people.

The over expenditure of Adult and Children's services means other services have been stopped and resulted in this needless survey.

Every time another tier of representation is introduced there is the potential for more conflict and decisions will be harder to agree.

I can't see a logical reason for introducing town councils

Having read your information on the thoughts for your proposals for another layer of councils I can only say that we have no need for an additional layer of bureaucracy or asking the residents to pay even more council tax for the promises of things that we will never receive. We were promised improved amenities when the Unitary Authority was approved, I know this because I was one of the Chairman of the local Chambers of Trade who were asked to support this application which had been rejected, we did so believing that we would see the improvements in the parks, the public toilets, the physical condition of the town, cleaner streets as an example which we still do not get as the cleaners almost never take the brooms off their carts or whatever it is you call them but what we did see is a car park suddenly full of new Mercedes, BMW's etc. for all the senior servants.

The promised improvements never materialised, one of the busiest tourist areas, Torquay Harbour, does not even have an open public toilet and yet there are thousands of visitors to that area every year including the elderly and young children who sometimes need to find a toilet a matter of urgency and we can be so proud of this council who decided that these people do not need one but we can complain so much if someone is so desperate that they use a wall but of course we can prosecute them for indecency then.

We are and I hope will always be a major British Holiday resort and it is about time that the council supported this fact and in supporting this huge measure of income to this area started realising that we do not need endless reports and ever increasing quantities of civil servants whose department managers have increasing salaries for managing a larger department, we need employees that will do the work required to improve the standards of

the Bay, we need leadership that will honour their word and not take years to do it as seems to be the case with handing over Oldway Mansion to the Friends of Oldway so that they start to apply for grants to restore the mansion and not have the obstruction of the council slowing everything down because they cannot decide what to do but somehow think that they can convince the public that they have the good of all at heart.

There is no trust in this council to honour anything that they say and another recent example of this is the council deciding to put parking meters in Preston near the beach which already has a time restriction for people parking there. This was rejected before and now you have once again decided that the Council Tax payers do not matter, you want them to have to pay even more to live here and use the facilities that should be open for all as residents in the Bay without having to pay even more.

Therefore, to re-iterate, in answer to your question as to whether or not we should have town councils, emphatically no, there is very little trust that the council would keep it's word and the track record in the last 25 years bears this out strongly. We do not need more bureaucracy, we need less and we need it managed better which will always be difficult as civil servants have no concept of cost, whatever they get wrong the tax payer always covers the cost and it is about time that this attitude stopped.

I object to their formation, they serve no purpose, the English Riviera council is quite enough.

As a local resident I am appalled to hear that you are wasting taxpayer's money to the tune of £50,000 for another consultation on Town Councils!!!
No one wants them, over 80% voted NO and do not want further duplicate administration to deliver services that will ultimately add a further £90 - £300.00 on our Council Tax Bill should we have Town Councils.
This is not what anyone wants and as Leader of the Council you should be looking to streamline your delivery not add administration and duplication.
Would you please run the Council in an efficient manner, delivering services that need delivering rather than thinking up ways to cost the taxpayer even more in an out of date manner and wasting money.
I heard that at a recent consultation at the Riviera Centre only 30 people turned up.
Doesn't this tell you something!
All very disappointing and certainly a failure on your running of the Council.

Do some work. I often see one person working and two or three others standing leaning on their shovels watching.
And there is often a street cleaner with his barrel of cleaning equipment who spends most of the day sitting in a shelter.
Get them all working not shirking.

As I thought more councillors more money tax payer paying. Perhaps go for more volunteering More community care Already people do lots of jobs for free i.e. beach cleaning Get people paying more for beech huts that use the services i.e. water donâ€™t pay for it Retired residents will be again hit more for money

The section "How much will cost you" is inaccurate and misleading. It doesn't allow for the capped amount that will be added to existing charge. Please be honest about this. Band D is likely to go up by £179.91 not the £90 you are telling your voters.

You are all a joke. Why waste more money creating another council. There are enough of you already. Buck your ideas up and stop wasting so much time and money.

I wish to vote a NO to the New Town Councils, and strongly object. I say NO-NO-No.

I have been following Torbay Council's latest wheeze to obtain money from the Council Tax payers with interest. As I understand it, all local councils are limited in their ability to increase Council Tax to a maximum of 2.99% without holding a referendum on the rise. Funnily enough, this is exactly the amount that Torbay Council have raised their Council Tax by – go figure.

So now, to get around this restriction, the great idea of a Town Council Precept has been dreamt up.

I have read a lot on this through Torbay Council communications and have been "reassured" that, for the average Council Tax payer, the Precept will be "less than £100 in the first year". Now, I don't know whether you have noticed, but employers in the Bay area have not been giving their employees pay rises for a number of years now – maybe council employees have been getting raises? £100 is not an insubstantial amount to find when people are struggling as it is. Even assuming that people can find this extra £100 (for the first year) I have found no mention of any mechanism in place to limit the amount that the Council can raise the Precept by each year. Indeed, I noticed with interest that the Brixham Town Council Precept was raised by 9.66% this year alone – let me state that again as it is quite incredulous – Brixham Town Council Precept was raised by 9.66% this year alone!

What is to stop Torbay Council (under the guise of the Town Councils) doing exactly the same with the new Town Councils' Precepts each year (or raising them by even more) to cover up for their own financial mismanagement? Will we be looking at Precepts of £200, £300, £400 or more in the next few years? Given that Council Tax payers have no recourse to fight any raises and are compelled to pay their bills, passing the introduction of

Town Councils without a way to limit the rise in Precepts appears to be a licence for the council to legally rob their residents.

Until there is a public acknowledgement that there is a mechanism in place to stop unseemly rises or a very clear statement to Council Tax payers that the council can raise the Precept by however much it pleases, I will be voting against the formation of the new councils and I will be encouraging everyone I know to do the same.

Can you offer any reassurances on the levels of rises that we would see should the new Town Councils become a reality?

The threat of extremely high raises in the charges would remain completely beyond the control of the residents.

I wonder whether the people of Brixham would vote for a town council again having experienced it for a few years. Somehow I doubt it but they are now stuck with higher council charges that are spiralling out of control.

My only hope is that the fate of the residents of Brixham does not befall the rest of Torbay.

NO. That is my answer to the latest brainwave from people who seem to think that more layers of management/government paid for by raising money from people who can least afford it is a way of improving services.

You may comeback with the argument "it only cost the price of a cup of coffee per week" but there are a great many pensioners living in this area who cannot afford a cup of tea let alone coffee. The rates in this region should provide enough money to provide all the services in the community and raising more money by a clever back door ploy is completely out of the question. Councils are constantly being shown as useless in the management of money so the first objective should be efficient management and reduction of waste. Sometimes humorous comments are more accurate than funny i.e. 'How many people does it take to change a light bulb for the council' 1.to note the fault 2.to write the repair order 3.to obtain the replacement from the stores 4.to hold the ladder 5.to fit the bulb 6.to dispose of the old bulb etc. etc.

So once again I emphasise my answer to your proposition is NO a thousand times NO.

If I could make an observation. As Torbay Councillors can perform the roll of Town Councillors it seems the only benefit of Town Councils is to enable fund raising for worthy projects over and above Council tax rises.

I have great sympathy with Councils, central government having disgracefully cut funding. This only serves to further enrich London at the expense of the regions. However, I prefer not to cooperate with further impoverishment of the regions. Please find ways to put pressure on central government instead of setting up Town Councils.

I don't want a new council

I reject proposal for town councils for Torquay and Paignton

Nothing really startling from Brixham Council, They try their best but many essential things are ignored. E.g. marking of bays in car parks especially disabled. Anyone can park anywhere as the bays are not clearly marked. At Breakwater none at all nor at Freshwater and Oxen Cove. There is bound to be more cost if local councils are set up, so where is the saving? I notice that Torquay still has just about everything.

We will not support any of these proposals as they are only adding yet another unnecessary level of bureaucracy, red tape and expense to local government. These proposals appear to be a rather circuitous way of adding an extra increase to the Council Tax.

Torbay is supposed to be a Unitary Authority. These proposals seem to be negating this fact and reverting to what was here some 30 years ago.

Torbay is a low income area. This additional charge will only put more pressure on the many low paid workers living here, who will then have to be supported by the benefit system, thus negating any imagined financial advantages of the proposed changes.

Also we will not support any further proposals by the Liberal Democrats, as the Party is not following the outcome of a national democratic referendum. The name 'Democrats' should be removed from the Party name as it is a misrepresentation of the Party that wishes this Country to remain under the dictatorial rule of the E.U.

Dear Lib/Dems and independents town
Councillors.

I have just read about your
plans to press ahead with new Town Councils.
Despite 80% of residents being against this
idea in a recent consultation.

My greatest concern is this
will result in a rise of the council tax.

I have to protest most strongly
You must be sensitive to council tax payers.

I am already struggling to pay with all
the recent increases of the council tax. And so on
many other people. It is my biggest bill and
far out of proportion to my small income.

Is it really necessary to have another
layer of bureaucracy. Surely that's what your
representation is all about. Please reconsider.

The councillors of Torbay Council are back to their old tricks, change for change's sake at extra cost to the rate payer.

If you want to reduce costs make the existing staff & councillors more efficient. Don't be a load of sheep following others. Don't waste so much money on paper chasing. Take responsibility for what you were elected for and don't try to offload your duties.

Further to your recent letter regarding establishing new Town Councils. The answer is NO NO NO.

We have recently had a consultation on new Town Councils where over 80% of residents were against your plan

We don't need a NEW LAYER of bureaucracy and costs to residents of up to £90 a year -extra. We are already anticipating a 2020 council tax rise of some 6% !!!!!

Is this going to be like Brexit? We keep voting until you get the answer YOU require!!

This council would serve us, its residents best by getting back to basics and

- (1) Restart a weekly kerbside bin collection.
- (2) Introduce a fortnightly garden waste kerbside collection. Currently some 140 local authorities even do it for free.
- (3) Get stuck-in on road sweeping and kerb weeding/grass killing including hedge and tree trimming. Barton district including Church Road is supposed to see a road sweeper every three months. Only every three months. To my knowledge we have had only ONE visit in 2019. We pay the same council tax rate as Torquay centre who gets a regular litter pick and road sweeper service yet we get treated to a third world service.
- (4) Re-instate a police presence. There used to be a foot patrol occasionally along Barton Hill with patrol cars sweeping the side roads. NOT SEEN FOR THE LAST TWO YEARS.

Whilst we applaud the savings and efficiencies Torbay Council has achieved this last few years we are certain on the basic services you have reduced far too much.

I am against the forming of Town Councils and believe they will be a waste of public spending and cause an increase in council tax.

With regards to your figures quoted whether it was £50,000, as seems the general consensus or £6,500, it really doesn't matter, it is still a total waste of taxpayer's money. £6,500 would pay for replacement broken lights along the seafront and harbour area, would contribute to the Christmas lighting and at least would have seen a benefit to the people of Torbay. £6,500 has just been torn up, thrown in the air and wasted!! Any spending on consultation that has already been done is not sensible, particularly where the Council has a moratorium on spend.

Town Councils add another layer of administration, would result in additional staffing and therefore incur additional costs. In my experience in Essex, Town Councils such as Witham also tend to be political and do not deliver anything other than what is currently being delivered by the unitary. It just adds another burden of cost to the ratepayer. On the other hand, small parish councils often have little or no officer cost and can deliver over and above what the Council delivers. Clearly, as a resident, I do not want to pay any further Council tax, particularly when it will not bring additional services.

I think if this Council forces through Town Councils it will forever damage their political reputation.

Let us hope that business sense takes prevalence. A consultation did take place previously regarding Town Councils and the results came back with an unanimous 80% "NO". So by asking different questions is a waste – people do not want them.

I have just completed and submitted your online questionnaire which I do not think was a particularly good one in helping to express my views.

I voted against the formation of any new town councils in the Torbay area.

I am not against the principle of town councils as such. In fact I was a keen and active member of Nailsea Town Council for seven years prior to coming to live in Devon. However I do not think that the introduction of town councils for Torquay and Paignton would be a good idea in our situation. We are essentially a common geographical unit and our needs and services should be capable of being effectively delivered by the present arrangements.

The problem as I see it is that of government funding, or the lack of, not that of operational efficiency and sensitivity to local needs. The answer is for the government to largely restore the cuts made to local authority funding which seemed to have been their main vehicle in achieving their "austerity" public spending cuts. I have been appalled about the supine way in which local government has largely accepted and implemented these cuts, particularly in this part of the world which is politically predominantly a Conservative area. Address this problem rather than introducing an otherwise, in this area at least, an unnecessary additional level of government.

I do not agree nor do I want town councils.

Do not agree with Lib Dem coalition with independents on council wards. Brixham should remain a self-governing council and not share any self-governing with Paignton or Lib Dems (cannot be trusted on bedroom tax).



Brixham Town Council

First Floor, Brixham Town Hall,
New Road, Brixham, TQ5 8TA

01803 859678 info@brixhamtowncouncil.gov.uk

Town Clerk: Mrs Tracy Hallett

Torbay Council
Town Hall
Torquay
Devon

consultations@torbay.gov.uk

18th October 2019

Dear Sirs

Re: Community Governance (Town Councils) Review Consultation

At the Full Council meeting on Thursday 17th October, members considered a response to the above consultation. The following response was resolved:

That Brixham Town Council decline to comment on Torbay Council's Community Governance Review on Town Councils in their second consultation. The Town Council agreed that there was a lack of information in order to make an informed decision.

Instead, Brixham Town Council supports Torbay Council to lobby Central Government to provide adequate funding to deliver essential services to our communities and prevent existential crisis.

Yours faithfully

Tracy Hallett

Tracy Hallett

The questions that arise are a mixture of possible/probably small errors and larger apparent omissions. I might preface my questions with an assurance that I am undecided on the issue of parish/town councils and have no bias except with respect to a preference for clear logic and clear communication.

In section 2, Current situation, as part of draft recommendations:

- a. What assets or liabilities are under consideration for transfer?
- b. The number of properties in Brixham are listed as 6.1714; it appears that this number should be 6,171.
- c. What is the reasoning behind the assertion that admin costs for Brixham (with just over 6,000 properties, would be the same for Paignton, with almost three times as many, and Torquay, with even more properties? Given that the councils for Paignton and Torquay would need to respond to far more people, general administrative costs would surely be greater.

In the section on Electoral arrangements, the first line of the second paragraph refers to "the ordinary election of parish councillors" as something that currently takes place in 2019. Given that we have no parish councillors, should the statement refer to Torbay Councillors, not parish councillors?

Section 5 refers to the role of parish councils to "allow for the provision of local services that Torbay Council may be unable to sustain in the future due to resource and demand pressures particularly in the statutory services of Children's and Adult Services." This statement seems ambiguous in that it is not clear whether parish council income could be used to meet Torbay Council's statutory services. Is it the case that parish council income could be used for this purpose, or are those statutory services necessarily funded from only the Torbay Council income?

Sections 6, 7, and 8 do not answer the questions they purport to answer. Nothing in the written material for Q 6 explains how the proposal would tackle deprivation. The written statement is a generic, rather bureaucratic sounding waffle that has no meaning in the context of the question. The same criticism applied to Q 7 and 8. Please would the council provide clear, informative answers to these questions? At present there is no pertinent information provided.

I note that although the current proposal includes assurance that the first year precept will be no more than £90 per annum for Band D property, item 5 clearly states that the advantage to establishing parish councils is that their precept mechanism "is not currently subject to capping rules", and so can increase by any amount. Is it the case that costs will only be controlled for one year, and could rise substantially in future years?

One final comment: I very much appreciate the change to the consultation procedures, to include people who are not in a position to be informed and respond via the internet. The previous consultation was seriously flawed in this respect. The refusal of the previous council to make provisions for responses other than online was contemptible.

I would like to propose a new town council for Churston & Galmpton wards.

I was rather surprised that I did not receive written notification of the above proposal by Torbay Council.

The documentation was sent to a near neighbour who kindly provided me with a copy. Given that Torbay Council appears to consider this matter rather important I would have expected to receive a copy.

I appreciate that I receive a discount as a single occupant but that is solely due to the death of my wife in July 2018.

I believe that I have a right to have been sent the documentation.

I have completed the online questionnaire although I feel the questions were aimed at providing the Council with the "right" answer, i.e., approval of the plan for Town Councils. I also feel the Council has failed to take into account any other increases in Council Tax which may / will occur. I believe there will be an increase of 2% in respect of Care services , plus the usual inflation busting increase from Torbay Council. The total increase could be nearly 10% next year.

Overall, I feel the limited distribution of the Consultation documentation is anti-democratic. However, as the Liberal Democrats are intent on ignoring the decision of 17+ million voters to leave the E.U., omitting a few thousand local voters is a mere drop in the ocean.

Overall, this is very poor.

I do not want a Paignton town council. It would fragment the local services at present supplied by Torbay Council. The various Town Community Partnerships can inspire and contribute to local activities and local democracy.

I live in Paignton and am completely against the creation of a separate layer of bureaucracy that would be caused by an additional council for Paignton.

Policy, Performance and Review Team



For further information please contact the Corporate Support Team on 01803 207227 or email consultation@torbay.gov.uk

The information used to collate this report has been collected and processed in accordance with the Data Protection Act, 1998.





Meeting: Council

Date: 9 January 2020

Wards Affected: All

Report Title: Heart of the South West Joint Committee – Governance Review Report

Is the decision a key decision? No

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

Cabinet Member Contact Details: Councillor Steve Darling, Leader of the Council and the Council's Representative on the Heart of the South West Joint Committee, steve.darling@torbay.gov.uk

Supporting Officer Contact Details: Steve Parrock, Chief Executive, steve.parrock@torbay.gov.uk

1. Summary

- 1.1. This report provides an update for the Constituent Authorities on the Joint Committee's governance arrangements and budgetary position for 2019/20. The report contains recommendations for amendments to the Committee's Arrangements document following the governance review.

2. Recommendations

- 2.1. **As a constituent member, approve the amendments (highlighted in italics) to the Heart of the South West Joint Committee's list of functions in the Arrangements document – Appendix A attached and note the updated budget position for 2019/20;**
- 2.2. **As a constituent member, approves the recommendation from the Joint Committee on 27 September 2019 to re-appoint Somerset County Council as the Administering Authority for the Joint Committee; and**

3. Reasons for recommendations

- 3.1 In recent months the Joint Committee has reviewed and updated its governance arrangements in the light of experience since its establishment in early 2018 and in response to changing Government policy and local circumstances. Some changes are required to the Committee's Arrangements document as a result and these need to be formally agreed by the Constituent Authorities. It is essential that the Joint Committee remains: fit for purpose, represents a sustainable way of working into the future; and delivers value for the resources committed to it by the Constituent Authorities.

4. Background

4.1 Review of the role and functions of the Joint Committee

4.1.1 The Constituent Authorities have previously agreed one addition to the list of delegated functions by giving the Joint Committee the function of agreeing the local authorities' input into the development of the HoSW Local Industrial Strategy (LIS).

4.1.2 In addition to the above policy development, the need to review the governance arrangements arose from:

- Changes in Government policy away from large devolution 'deals' to a more targeted dialogue on key themes of relevance to the local authorities and partners, eg, housing. The Joint Committee's influencing role has become increasingly important as recognised by Ministers, local MPs and Government officials. The ambition remains to draw down additional functions, powers and funding from Government.
- The evolution of the Joint Committee's role from agreeing policy (the HotSW Productivity Strategy) to overseeing delivery of the Strategy alongside the LEP.
- The developing relationships with other key local partnerships to ensure that there are appropriate reporting lines, ie, HotSW LEP Joint Scrutiny Committee, Peninsula Transport Board, Great South West, HotSW Local Transport Board.

4.1.3 Accordingly, the Committee has refined its focus into the following areas:

- Strategic policy development
- Influencing Government / key agencies to achieve direct intervention, support, funding and powers
- Designing and delivering strategic HotSW responses to 'Government' offers
- Designing and delivering public sector reform where this will deliver improved productivity, eg in health and education
- Delivering at scale –(beyond what individual councils can achieve)
- Oversight of the Delivery Plan – working with the HotSW LEP to ensure delivery of the HotSW Productivity Strategy.

It is not proposed at this stage to request the delegation of further functions from the Constituent Authorities to the Joint Committee.

These refinements to the focus of the Committee have been reflected in amendments to the list of functions contained in the Joint Committee's 'Arrangements' document – see Appendix A attached.

4.1.4 The subject matter focus for the Joint Committee will fall into the following areas of the Delivery Plan:

- Housing – including bid(s) for strategic housing deal(s) designed, submitted and agreed resulting in additional investment into HotSW
- Major Route Corridor Study agreed and completed
- Agreed HotSW LIS which meets our transformational objectives

- Successful engagement plan with MPs / Ministers
- Successful operational phase of the Brexit work in collaboration with Government
- Preparation for / response to offers of public sector reform to improve productivity
- Agreement and submission of Coastal Communities proposal to Government seeking additional Government support for our coastal communities
- Development of the JC's investment framework required to deliver the Productivity Strategy within a new national funding environment.
- Enable the partners to prepare for and respond to opportunities arising from the Comprehensive Spending Review and the Shared Prosperity Fund.

4.2 Joint Committee Political Arrangements

- 4.2.1** The Committee has agreed to change its meeting arrangements to achieve a better balance between formal decision-making meetings (fewer) and more opportunities for informal engagement and challenge sessions.

In addition, two informal engagement sessions will be arranged per annum to engage relevant Portfolio Holders and Directors on Joint Committee business.

4.3 Joint Committee Management Support Arrangements

- 4.3.1** Comprehensive management support arrangements have been in place to support the partnership (and latterly the Joint Committee) since 2015. These have been recently reviewed and refined. To minimise direct support costs impacting on the Committee's budget, most of the officer resource is provided by the Constituent Authorities on an 'in-kind' voluntary basis. In addition, Somerset County Council was appointed as the Administering Authority to the Joint Committee to support and run the Joint Committee and its meetings. SCC has been paid for undertaking this role from the Joint Committee budget. Other direct budget contributions towards the Committee support costs have been allocated to refund those Constituent Authorities who have provided officer resources for project management capacity and administrative support to the Brexit Resilience and Opportunities Group. Provision of £8,000, as a contribution to the administration and work programme of the Committee in 2020/21 financial year has already been made in the Council's budget.

- 4.3.2** The diagram in Appendix B shows the revised management support arrangements of the Joint Committee.

The revised arrangements provide for:

- A CEx Executive Group to lead the work of the Joint Committee and to include theme leads from the Delivery Plan. The membership of this Group is set out in Appendix B.
- Use of existing Devon and Somerset Chief Executives' and Leaders' meetings to support the work of the Committee;

- 1 x joint meeting per annum of the Devon and Somerset Chief Executives.
- Better alignment of the Joint Committee's support arrangements with the LEP.
- A Policy and Technical Officer Group of senior policy officers to focus on: delivery of the Delivery Plan; monitoring progress/measuring performance; and drafting responses to national policy changes.
- A dedicated and resourced programme management function, (funded from the Joint Committee's budget) to manage Joint Committee business on behalf of the CEx Executive Group and in addition to the Administering Authority role. This arrangement was initially agreed for 6 months (April to Oct 2019) pending a review of the work load.

4.5 Joint Committee Budget Position

4.5.1 The Joint Committee remains completely reliant on the Constituent Authorities for its budget and there are no obvious sources of additional funding to support running costs or delivery of its work programme.

The Joint Committee budget as at the end of March 2019 was as follows:

Constituent Authorities	Contributions – 18/19 £	Expenditure – 18/19 £
County Council x2	10,500	40,000 – Administering Authority costs (including staffing, venue hire, publicity costs) 16,346 – Brexit admin support costs 9750 – Housing audit 5000 – Housing conference 8759 - Transport consultancy 660 - Portfolio-holder event costs
Unitaries x 2	4,000	
Districts / National Park Authorities x 15	1,400	
Underspend carried forward from Devolution Budget	66838	
Total	116,838	80513 36,325 (carry forward to 2019/20)

4.5.2 The Joint Committee budget covers the costs of running the Committee and the work programme. Contribution levels for each council tier are based on population levels. The Committee agreed earlier this year that a larger annual budget was likely to be required to fund work programme priorities in future years and approved 'in principle' to seek the agreement of the Constituent Authorities to double the 2018/19 core contributions as a one-year arrangement so giving maximum contributions in 2019/20 of:

County Council - £21,000

Unitary Council - £8,000

District Council / National Park Authorities – £2,800

For 2019/20 the Constituent Authorities have been invoiced for 50% of the amounts stated above. A second invoice was to be sent to each Constituent Authority for the other 50% in the autumn if the budget proved to be insufficient to fund the work required in 2019/20 and only if fully costed work programme proposals were available to justify the request.

The overall budget position for 2019/20 is detailed in the table in 4.5.3. There are no plans to invoice the Constituent Authorities for the second budget contribution for 2019/ 20 because of the need to take stock of the direction of the Committee's work programme following the recent elections and delays in progressing discussions with Government as a result of Brexit. As it stands the contributions collected from the Constituent Authorities (£48,600) together with the underspend carried forward from 2018/19 (£36,326) totalling £84,926 is sufficient to cover the planned and anticipated costs for 2019/20 of £60k. A key unknown aspect of the work programme is the preparations for Brexit and the budget impacts of any work which the Committee may wish to commission. This will be kept under review in the coming months as the position becomes clearer.

4.5.3

Income	£ (,000)
Constituent Authority contributions	48,600 - committed 48,600 – in principle
2018/19 underspend	36,326
<u>Total</u>	133.5 (of which 48.6k is in principle)

Expenditure	£ ,000
Administering Authority Programme Office	20 – committed (for the year) 10 – committed (April to Sept) (Oct to March 2020 tbc but estimated at £10k)
Brexit Resilience and Opportunities Group – officer support costs	10 – in principle (April to Sept) (Oct onwards tbc but estimated at up to £10k)
Housing Task Force	Tbc
Growth Corridor Work	Tbc
MP/ Ministerial engagement	Tbc
Brexit work programme	Tbc
Coastal Communities proposal	Tbc
<u>Total</u>	£60k (including anticipated commitments detailed above)

- 4.5.4 Further discussions are planned as to how to establish a financially stable Joint Committee budget for future years as a pre-requisite to preparing a budget proposal for 2020/21 for submission to the Constituent Authorities.

5. Equalities Implications

- 5.1 There are no equalities implications associated with the recommendations.

6. Other Implications

6.1 Legal:

The review of the role and functions of the Joint Committee have taken account of the legal framework within which the Joint Committee operates.

6.2 Financial:

As stated in the report.

6.3 HR

As stated in the report.

6.4 Risk

The key risk to the Constituent Authorities is a Committee without a clear role and functions and with unsustainable support arrangements which threaten the security and operation of the model. If the Committee cannot be sustained into the future then the momentum already achieved with Government will be at risk and the opportunity to realise additional funds, powers and responsibilities from Government for the benefit of the HotSW will be severely compromised. This in turn would compromise the ability to deliver the Productivity Strategy.

- 6.5 Other Implications: Health and Well-being; Health and Safety; Sustainability; Community Safety; Privacy
No implications.

7. Background papers

- 7.1 Link below to the HotSW Joint Committee Arrangements document as agreed by all of the Constituent Authorities



Annex A Heart of the
South West Joint Con

Link below to the HotSW Joint Committee Inter-Authority Agreement as agreed by all of the Constituent Authorities



Annex A Heart of the
South West Joint Con

Note: For sight of individual background papers please contact the report author.

APPENDIX A – EXTRACT FROM THE JOINT COMMITTEE’S ARRANGEMENTS DOCUMENT

2. Joint Committee Functions:

2.1 The only delegated functions of the Joint Committee relate to:

- (a) the approval of the HotSW Productivity Strategy; and
- (b) the development and endorsement of the HotSW Local Industrial Strategy (LIS) (noting that final approval of the HotSW LIS rests with the HotSW Local Enterprise Partnership (LEP) and the Government.

All other matters referred to in 2.3 below are ‘referred’ matters where the Joint Committee will make recommendations to the Constituent Authority or Authorities for decision. Additional delegated or referred functions may be proposed for the Joint Committee in the future by the Joint Committee or any of the Constituent Authorities but shall only be agreed if approved by all of the Constituent Authorities.

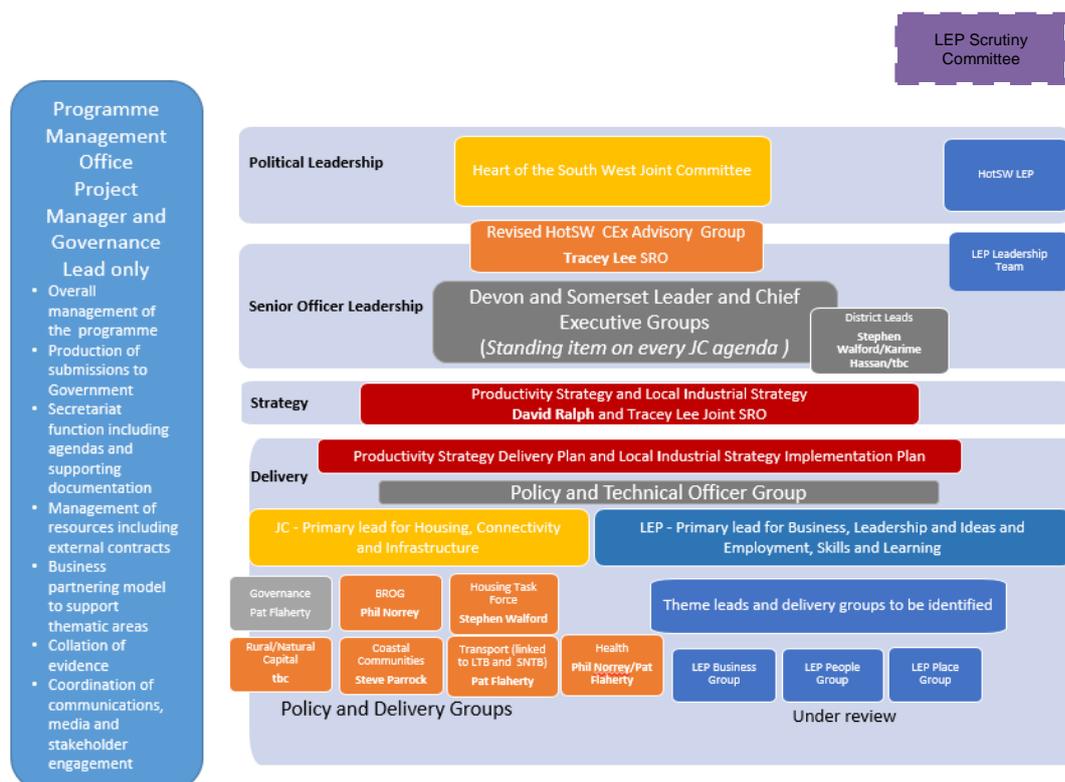
2.2 The principle of subsidiarity will apply to the relationship between the Joint Committee, the Constituent Authorities and local Sub-Regional Partnerships with decisions being made at the most local and appropriate level on all matters to do with the delivery of the Productivity Strategy and in relation to the other functions of the Joint Committee.

2.3 The Joint Committee shall:

- (a) Develop and agree the HotSW Productivity Plan in collaboration with the LEP.
- (b) Maintain oversight of the HotSW Delivery Plan = working alongside and in collaboration with the LEP using each other’s strengths and roles to ensure delivery of the HotSW Productivity Strategy.
- (c) Continue discussions /negotiations with the Government and Government agencies to achieve direct intervention, support, funding and powers to the benefit of the HotSW and assist with the delivery of the Productivity Plan and the LIS, working with the LEP.
- (d) Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government’s strategic infrastructure commitments, eg, strategic road and rail transport improvements.
- (e) Design and deliver the strategic HotSW response to ‘Government’ offers and respond to Government calls for evidence if appropriate.
- (f) Design and deliver public sector reform where this will deliver improved productivity to the HotSW, eg health, education.
- (g) Deliver at scale (beyond what individual councils can achieve).
- (h) Work with the LEP to identify and deliver adjustments to the LEP’s democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes endorsing the LEP’s assurance framework on behalf of the Constituent Authorities as and when required. However, this is subject to the Framework being formally approved by the LEP’s Administering Authority.
- (i) Ensure that adequate resources (including staff and funding) are allocated by the Constituent Authorities to enable the objectives in (a) to (e) above to be delivered.

APPENDIX B

HotSW Joint Committee Support Structure



Chief Executives' Executive Group Membership and Roles

Theme/Role	Lead	Body
HotSW Leaders SRO	Tracey Lee	JC (PCC)
Productivity Strategy SRO	Tracey Lee/David Ralph	JC (PCC)/LEP
LIS SRO	David Ralph/Tracey Lee	LEP/JC (PCC)
BROG	Phil Norrey	JC (DCC)
Governance lead	Pat Flaherty	JC (SCC)
Housing lead	Stephen Walford	JC (MDDC)
Transport lead	Pat Flaherty	JC (SCC)
Coastal Communities lead	Steve Parrock	JC (TC)
District Council Leads X 3	Stephen Walford (Devon - Rural) Karime Hassan (Devon - City/Urban) Stuart Brown (Somerset)	JC (MDDC/ECC/MDC)
Rural/Natural Capital lead	Kevin Bishop	JC (DNP)
Health theme	Via Phil Norrey and Pat Flaherty in the short term	JC (DCC/SCC)



Meeting: Council

Date: 9 January 2020

Wards Affected: All

Report Title: Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee Revised Terms of Reference

Is the decision a key decision? No

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

Cabinet Member Contact Details: Councillor Steve Darling, Leader of the Council and the Council's Representative on the Heart of the South West Local Enterprise Partnership, steve.darling@torbay.gov.uk

Supporting Officer Contact Details: Anne-Marie Bond, Director of Corporate Services, anne-marie.bond@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The Heart of the South West Joint Scrutiny Committee has been in operation for one year. In October 2019 a Joint Scrutiny LEP Review was undertaken and made several recommendations. The full review can be found on the following webpage: <https://democracy.devon.gov.uk/documents/s28188/LEP%20Review%20final.pdf>
- 1.2 One of the recommendations was to amend to the Terms of Reference for the Joint Scrutiny Committee. Any changes proposed to the Terms of Reference are required to be agreed by the constituent authorities of the Heart of the South West Local Enterprise Partnership. The revised Terms of Reference are set out in Appendix 1.

3. Recommendation(s) / Proposed Decision

- 3.1 That the revised Terms of Reference for the Heart of the South West Joint Scrutiny Committee, as set out in Appendix 1 to the submitted report be approved.

Appendices

Appendix 1: Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee Revised Terms of Reference.

Background Documents

Joint Scrutiny LEP Review October 2019

<https://democracy.devon.gov.uk/documents/s28188/LEP%20Review%20final.pdf>

Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee Revised Terms of Reference

1. Purpose

The Joint Scrutiny Committee will provide strategic overview and Scrutiny of the activities of the Heart of the South West (HotSW) Local Enterprise Partnership (LEP) to complement the existing Council's Scrutiny arrangements.

2. Roles, Duties and Responsibilities

In meeting its purpose, the Joint Scrutiny Committee will be specifically charged with:

- The review of strategic decisions made by the LEP Board;
- The review of progress of programmes under the management of the LEP to identify barriers to progress, good practice and possible improvements to the LEP's programme management function, notwithstanding the ability of Local Authorities to scrutinise individual programmes of delivery which impact on their communities;
- Scrutiny of the **development and** delivery of the Strategic Economic Plan and the Productivity Strategy, **and Local Industrial Strategy**; and
- To review LEP performance **effectiveness** and consider any comparative data the Joint Committee deems necessary.

3. Scrutiny Function

The Joint Scrutiny Committee will provide a new joint Scrutiny function and the Joint Committees constituent authorities will be asked to delegate the strategic overview of the LEP functions to the Joint Scrutiny Committee (this will not remove the right of local authorities to scrutinise matters relating to programme delivery that impact on the people within those communities).

4. Membership / Substitute Members

The membership of the Joint Scrutiny Committee will be:

Devon County Council	(4 Members)
Plymouth City Council	(2 Members)
Torbay Council	(2 Members)
Somerset County Council	(4 Members)
Devon Districts	(3 Members)
Somerset Districts	(2 Members)

In line with the requirements of the Local Government and Housing Act 1979, political proportionality has been considered and is not considered appropriate to apply to the collective membership of the Joint Scrutiny Committee. However, where a Council is appointing three or more Members, political proportionality will apply to those appointments in line with the legislation. For less than three, each constituent authority will be free to consider their own political proportionality in making their appointments to the Joint Committee on an annual basis.

The level of representation proposed for the County authorities is considered appropriate because of their administrative authority duties in respect of the LEP.

Members of the Executive / Cabinet from constituent authorities are precluded from sitting as members of the Joint Scrutiny Committee.

District Council representatives should be appointed from authorities not already represented on the HotSW Local Enterprise Partnership Board and also should not be County Councillors.

Constituent authorities may make substitutions in accordance with their own procedures where one of their Members is unable to attend any meeting of the Joint Scrutiny Committee. Substitutes do not need to be named, but as a courtesy the administering secretariat should be advised of the name of the substitute at least 24 hours in advance of the meeting.

Reflecting the approach to engage with stakeholders across the LEP Area, the Scrutiny Committee will be able to invite to meetings witnesses which it considers will contribute to the delivery of an effective Scrutiny function.

5. Work Programme

The Joint Scrutiny Committee will maintain a work programme of activities.

Constituent Authority Scrutiny Committees may ask the Joint Scrutiny Committee to consider matters for inclusion in the work programme. The final decision will be a matter for the Joint Scrutiny Committee. District Council Scrutiny Committees not directly represented on the Joint Scrutiny Committee should do this through the District Councils Members appointed to the Committee.

6. Reporting Arrangements

The work and recommendations of the Joint Scrutiny Committee will be regularly reported to the Heart of the South West LEP Board.

Members may make reports to their “home” constituent authority in accordance with their own governance procedures.

7. Agendas, reports and minutes

The agenda and supporting papers will be published and circulated at least five clear working days in advance of meetings.

The minutes of any meetings will be published on the administering secretariat's website and circulated to partner organisations as soon as practicable.

The Committee will operate under the Standing Orders of the administering authority.

The HotSW LEP will provide a link to the agendas and minutes of the Joint Scrutiny Committee on its website.

8. Frequency of meetings

The date, time and venue of meetings will be fixed in advance by the Joint Scrutiny Committee and an annual schedule of meetings agreed.

The Joint Scrutiny Committee will meet three times per year (March, July and November). Dates will be published on the website of the administering authority.

Additional meetings may be convened at the request of the Chair.

9. Election of Chair

The Chair will be elected on an annual basis by Members of the Joint Scrutiny Committee.

10. Quorum

The quorum of the Committee shall be one quarter of Members, equating to a quorum of 5.

11. Declarations of interest

Declarations of Interest will be made in accordance with the Government Guidance.

Joint Scrutiny Committee Members are subject to the Code of Conduct for Elected Members adopted by the Constituent Authority that nominated them

including the requirement to declare relevant interests at formal meetings of the Joint Scrutiny Committee.

12. Voting

In principle recommendations will be reached by consensus, but if a vote is required it will be by a simple majority of all members present.

Where there are equal votes the Chair of the meeting will have the casting vote.

13. Duty to attend, cooperate and respond

The Joint Scrutiny Committee may require by invitation the Chair of the LEP Board and the Chief Executive of the LEP to appear before it to explain (in relation to all aspects of the Committee's work) the performance of the LEP and / or any particular decision or series of decisions. The Chair and Chief Executive have agreed to attend if so required, unless they have a legitimate reason for not doing so.

Following each meeting of the Joint Scrutiny Committee, the Committee's recommendations will be submitted to the LEP Board for consideration. The LEP Board will be required to consider those recommendations at its next meeting and respond to the Joint Scrutiny Committee indicating what (if any) action the LEP Board proposes to take. The response should be made within 28 days of the LEP Board meeting and will be published.

14. Code of conduct

Members of the Joint Scrutiny Committee are expected to observe the "Seven Principles of Public Life" (the 'Nolan' principles) and shall be bound by their own authority's Code of Conduct in their work on the Joint Scrutiny Committee.

Members are expected to act in the interests of the Joint Scrutiny Committee, except where this would result in a breach of a statutory or other duty to their Constituent Authority or would be in breach of their Constituent Authority's Code of Conduct.

15. Access to information

Joint Scrutiny Committee meetings are regarded as a Council Committee for the purposes of Access to Information Act.

Meetings will be open to the press and public and the Freedom of Information Act provisions shall apply to all business.

16. Public Participation (in line with Devon County Council's Public Participation Scheme) at <https://www.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/part-13-representations-to-the-scrutiny-committee-meeting/>)

At Scrutiny Committee meetings, any member of the public who is resident in the administrative areas served by the Committee may make oral representations on any substantive matter listed on the Agenda of the Scrutiny Committee. Such representations will be limited to 3 minutes per person, within an overall time limit of 15 minutes. If you wish to make such a representation, you should, via email or letter, submit a brief outline of the points or issues you may wish to raise, before 12 noon 4 working days before the meeting. You will not receive detailed 'answers' to any points that you might raise, although the Committee will have regard to all issues so raised during its consideration of the substantive matter later in that meeting.

If more than one person wishes to make the same point or make similar representations, those persons may be asked to agree a spokesman to make a single presentation. For best effect, any statement/representations should be short and concise and must not be defamatory or offensive. No writing or photographic material may be circulated around a meeting during any presentation.

17. Webcasting and Filming

The proceedings of the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee will be recorded for broadcasting live on the internet. The whole of the meeting will be broadcast apart from any confidential items which may need to be considered in the absence of the press and public.

Anyone wishing to film the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at the meeting.

**Standing Order D11 (in relation to Overview and Scrutiny) – Call-in and Urgency
Council Meeting, 9 January 2020**

In accordance with Standing Order D11, the call-in procedure does not apply where the executive decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interests.

Before deciding whether a decision is urgent the decision making person or body must consult the Overview and Scrutiny Co-ordinator, or in his absence either:

- (a) (if the decision is a Key Decision and Standing Order E14 (General Exception) applies) each member of the Overview and Scrutiny Board shall be consulted; or
- (b) (in all other cases) the Civic Mayor, or (if there is no Civic Mayor appointed) the Deputy Civic Mayor, shall be consulted.

Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council, together with the reasons for urgency and a summary of the consultation undertaken.

The table below sets out this information:

Matter for decision	Decision-taker	Reasons for urgency	Consultation
Investment Opportunity 6/1/18 Update	The Cabinet	<p>The Cabinet took an exempt decision, at its meeting held on 26 November 2019, to move a previous general investment from the Council's Investment and Regeneration Fund to the Economic Growth Fund. The details of the investment was exempt as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council interests and result in the Council losing this investment opportunity.</p>	The Overview and Scrutiny Co-ordinator was consulted on 21 November 2019

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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