



Monday, 1 July 2019

## **CABINET**

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

**Tuesday, 9 July 2019**

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Steve Darling (Leader of the Council)

Councillor Long

Councillor Stockman

Councillor Morey

Councillor Law

Councillor Carter

Councillor Cowell

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**A prosperous and healthy Torbay**

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# CABINET AGENDA

## 1. Apologies

To receive apologies for absence.

## 2. Disclosure of Interests

- (a) To receive declarations of non pecuniary interests in respect of items on this agenda.

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

## 3. Urgent Items

To consider any other items the Chairman decides are urgent.

## 4. Petition for Debate - Save our beach toilets at Goodrington

(To Follow)

To consider the submitted report and petition referred to the Cabinet by the Council on 19 June 2019 and to hear representations from the petition organiser.

## 5. Torbay Economic Growth Fund

(Pages 4 - 15)

To consider the submitted report on the creation of a £100m Torbay Economic Growth fund to stimulate Torbay's economy.

## 6. Proposal to increase the size of the Torbay Council Investment Fund

(Pages 16 - 24)

To consider the submitted report on a proposal to recommend the Council to increase the Investment and Regeneration Fund.

## 7. Torbay Council's Housing Rental Company

(Pages 25 - 41)

To consider the submitted report on the above.

8. **Enabling Communities and Delivering Services at a Local Level** (Pages 42 - 83)  
To consider the submitted report on the above and the proposed next steps for the Community Governance Review.
9. **Torbay Airshow** (To Follow)  
To consider the submitted report on a proposal to support the Airshow for 2020.
10. **Exclusion of 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 Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.
11. **The future of the Riviera International Conference Centre** (To Follow)  
To consider the submitted exempt report on the above.



**Meeting: Cabinet/Council**

**Date: 9 and 18 July 2019**

**Wards Affected: All Torbay**

**Report Title: Torbay Economic Growth Fund**

**Is the decision a key decision? No**

**When does the decision need to be implemented?**

**Cabinet Member Contact Details:** Councillor Swithin Long - Cabinet Member for Economic Regeneration, Tourism and Housing, Swithin.Long@torbay.gov.uk

**Supporting Officer Contact Details:** Kevin Mowat – Interim Director of Place, 01803 208433, Kevin.Mowat@torbay.gov.uk

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## **1. Proposal and Introduction**

- 1.1 In support of the Cabinet's ambition for a thriving economy, with a more diverse and sustainable base, the Partnership has indicated desire to establish a 'Torbay Economic Growth Fund' for the express purpose of making investments which will accelerate the development of the local economy in line with the objectives of the Council and its partners.
- 1.2 The Torbay Economic Growth Fund is intended to accelerate economic growth and support a thriving Torbay economy. It will bring momentum to the delivery of sites, premises and projects which will support growth in job numbers, increase the number of higher skilled jobs, create opportunities for all of Torbay's community, ensure that housing supply is meeting demand locally and in doing so bring wider benefits to the Council through improving the opportunities for local residents turning the tide on poverty and reducing long term costs on the Council.

## **2 Reason for Proposal and associated financial commitments**

- 2.1 Despite some indications of an improving economy such as faster GVA (Gross Value Added) growth and increased demand for employment space Torbay's economy continues to experience acute challenges. These challenges manifest in higher incidences of deprivation and higher costs for the Council and the public sector on statutory services and less funding for discretionary areas of spending.
- 2.2 The emerging priorities of the new Council administration provide an opportunity to address these challenges through a comprehensive and connected regeneration investment programme. Such a programme would complement the Council's considered and proactive approach to improving its financial sustainability with a



planned series of investments designed to support the local economy and also intended to attract additional funding from Government and its agencies.

- 2.3 Successful delivery of the Economic Growth Fund is anticipated to result in improved income streams for instance from assets and a growth in business rates and by creating opportunities support a reduction in demand related costs for the Council. Successful delivery will also
- increase the number of jobs in Torbay,
  - support growth in higher skilled sectors of the economy
  - improve the provision of housing
  - respond positively to opportunities to regenerate the town centres.
- 2.4 Addressing these issues will meet the Council's objective to develop a sustainable, inclusive economy for Torbay improving the living and working environment for local residents, businesses and visitors.
- 2.5 **Town Centres** – Torbay's town centres are, like town and city centres across the country, undergoing change. There are challenges relating to vacant units, a narrow mix of uses and issues which are present in areas which are subject to under investment. There are opportunities for each of the town centres to redefine their roles supporting residents, visitors and businesses and the Council is well positioned to lead and influence delivery, working for example to reconfigure space, deliver new homes, commercial space and community facilities, directly or in partnership with, other investors and the community.
- 2.6 Recognising the importance of Torbay's town centres the Council was unanimous in its support for an expression of interest to the Government's Future High Street Fund. Torbay's bid seeks £15m for a package of activity focused on Paignton town centre and an announcement on the submissions which are invited to develop full bids is expected over the summer.
- 2.7 Pending that announcement it continues to be the case that the Transformation Strategy for Torbay's Town Centres, based on views from business and resident community, provides robust context for local delivery. This Strategy will be tested with members and partners to ensure it continues to be valid however this report assumes that the desire to focus on town centre regeneration continues.
- 2.8 As such and recognising the strong support from the community for addressing the challenges for Torbay's town centres the Council will look to intervene, subject to satisfactory business cases, to ensure that the town centres can meet the future needs of the community. The Council will therefore explore all funding opportunities with Government and institutional investors that support the long term transition of the town centres.
- Bring forward proposals for regeneration of Union Street, Torquay, to support the introduction of a more diverse range of uses.
  - Submit an expression of interest for the High Street - Heritage Action Zone for delivery of public realm improvements and investments into the area around The Strand, Torquay.

- Pending the outcome of the Future High Streets Fund expression of interest, the Council will continue to progress Victoria Centre Paignton and seek funding for the delivery of Paignton Station Square townscape improvements.
  - Bring forward a business case for the redevelopment of Brixham Town Centre Car Park.
  - Seek funding for a programme to improve the digital capability and sustainable growth of independent high street businesses in Torbay.
  - Explore the opportunity to deliver the above through joint ventures where appropriate.
- 2.9 The Council will explore the opportunity to locate other footfall generating uses into the town centres. Working with health and other public services such as Libraries Unlimited, Network Rail and GWR the Council will ensure that Torbay's town centres play their full part in the economic growth of the area by fulfilling their role for the resident, business and visitor communities.
- 2.10 **Employment-** Torbay is experiencing very high levels of demand for employment space. This is in part due to the growth potential of local businesses, in part because of the higher costs of development and occupation in certain neighbouring areas and in part because of the work of TDA in promoting opportunities in Torbay to businesses and intermediaries.
- 2.11 Currently there is a pipeline of demand for employment space, principally but not exclusively for light industrial uses, in excess of 550,000 square feet. The Council has sought to address this in part through the delivery of the Claylands site in Paignton where grant from the Heart of the SW Local Enterprise Partnership is being used to open up that site for development. While a prospective tenant has been identified for the space the complexities of the Claylands site including its topography, ecology and other ground conditions makes clear that there is a requirement for co investment from public sector partners in Torbay to bring forward certain sites.
- 2.12 It is clear from the extent of the enquiries received, and from company visits made by TDA that there is significant unmet potential for jobs growth from local businesses. While some of the 550,000 square feet demand will be speculative the enquiries which are known to be serious exceeds 300,000 square feet of space and which could realise approximately 800 gross new jobs. With an acute shortage of appropriate employment space and a need to increase the supply of employment land for the medium term the Economic Growth Fund will catalyse the development of new space.
- 2.13 The list below is not definitive but indicates schemes that could be brought forward for additional employment generating uses in the short to medium term include;
- Torbay Business Park Phase 6 – where circa 80,000 square feet of space could be brought forward. This site has outline planning consent for light industrial uses, the Council has previously worked with Midas to bring Nissha Technologies into Torbay. Development here could create approximately 140 gross new jobs.

- Yannons Farm – previously identified for a new school that opportunity is no longer required which means that this site, adjacent to Aldi and the Pharmaceutical Manufacturing Unit in Paignton could support circa 80-90,000 square feet of employment space. Acquisition of the site would be required. Development here could create approximately 140-160 gross new jobs.
- Lymington Road – site of the Torbay Business Centre there is an opportunity, subject to planning, to increase the amount of space with the introduction of light workshop units. Situated in Tormohun increasing employment space here would mitigate the loss of space at the Dairycrest site. Development here could create approximately 15-20 gross new jobs.
- Lummaton Quarry – an existing site there is an opportunity to improve the provision of employment space increasing the density of use at the site and improving the job numbers.
- Edginswell – opportunities exist both at the Kerswell Gardens and at the Gallows Gate areas of Edginswell. Identified as part of the Torquay Gateway for employment uses alongside residential development the Gallows Gate site is likely to be longer term.
- Establishment of a Business Growth programme, a facility which would allow the Council to make commercial investments in businesses which were based and creating employment locally through loans or equity investments.
- Support activity which results in improved opportunities for businesses in digital, environmental and health care sectors.

2.14 Through the delivery of the Economic Growth Fund the Council will proactively address a strategic risk for the area however the Council cannot deliver alone and does not work in isolation. The Council will therefore continue to promote the needs of Torbay, and other coastal areas in Devon and Somerset, encouraging the Heart of the South West Local Enterprise Partnership to co-invest to unlock the growth potential of the area.

2.15 **Housing** – With over 1100 households currently on the Devon Home Choice waiting list for accommodation, particularly in the 1 to 3 bedroom market there is a pressing need to increase the supply of housing. The Council wants to ensure that Torbay residents can benefit from the right quality of accommodation to improve the opportunities for households across Torbay through access to housing stock which provides a range of tenures.

2.16 While 2018/19 saw an increase in the number of affordable homes delivered in Torbay the extent of demand for these homes requires that delivery to be continued. In order to do that there are sites which can be brought forward within the next two years across Torbay, i.e. at Hatchcombe, alongside others within Torbay Council's ownership. There are also stalled sites across Torbay where the Council could intervene to increase the supply of new homes particularly at brownfield and town centre locations.

2.17 The Council is, through a separate report, being asked to approve investment for the Housing Company but additional housing growth opportunities, subject to business cases being approved by Cabinet, could be brought forward to ensure that delivery meets the Council's requirements.

- 2.18 Approval of the principle of the Economic Growth Fund will bring forward recommendations for projects. There will be employment benefits from construction work and through the end use benefits. It is also expected that there would be financial benefits to the Council through the development of sites and premises directly and indirectly for instance increased business rate receipts as a consequence of additional space being created.
- 2.19 Seeking to bring forward the sites set out above will also allow the Council to better influence the creation of jobs locally which will complement the forecast growth of neighbouring places including the Greater Exeter area.
- 2.20 Approval and implementation of a coherent plan linked to a new Torbay Economic Growth Fund is expected to provide confidence and certainty to the local community, regional and national partners including the LEP and Government, alongside private investors. This will in turn increase the possibility of attracting co-investment from wider public and private sector partners.
- 2.21 By delivering schemes through a Torbay Economic Growth Fund the Council would adopt guiding principles which would include;
- Seeking to maximise local economic benefits within the contract procurement process. Specifically this will require proposals from contractors who will advertise job and supply vacancies within the area and who will work alongside the Council and its partners to advertise those vacancies and improve the level of skills that exist in the area. The Council will work to ensure that these projects have a direct impact on Torbay's most disadvantaged communities.
  - Seeking to complement Council finance with co-investment from partners. This will be through the development of closer working relationships between the Council and appropriate Government departments, agencies and partners such as Homes England, National Lottery Heritage Fund and the Heart of the SW Local Enterprise Partnership.
  - Where appropriate other investment such as from institutional investors will also be sought.
  - Employment schemes will typically be expected to provide a return net of the borrowing costs.
  - Regeneration schemes will typically be expected to meet their borrowing costs, schemes not meeting this test will only be approved by exception.
- 2.22 TDA, the Council's economic development company, will prepare proposals in respect of the above. Where funding is required to develop the proposals and test their feasibility it is expected that TDA will use its economic development funding to bring these proposals forward.
- 2.23 The proposals contained in this report will require the Council to commit to the principle of establishing a Torbay Economic Growth Fund using funds borrowed through the Public Works Loan Board. The total fund required for the projects set out above is estimated at £100m but funding for individual projects would only be allocated once Cabinet has agreed the individual business case for each proposal.

### **3. Recommendation(s) / Proposed Decision**

That the Cabinet recommend to Council:

- 3.1 That a Torbay Economic Growth Fund be established and up to £100m of prudential borrowing be approved for the progress of a range of capital projects for economic growth and regeneration within Torbay and, to be funded from the future income from those projects.
- 3.2 That Council delegates to Cabinet the approval of each project, or a number of linked projects, subject to a business case that demonstrates the regeneration outcomes and that the borrowing required to initially fund the project is prudent and affordable.
- 3.3 That TDA be asked to confirm the criteria against which the Torbay Economic Growth Fund would be allocated.
- 3.4 That TDA prepare acquisition and development reports for projects within the Borough of Torbay, which will accelerate the Council's ambition of a thriving economy and in particular to instruct officers to:
  - a) Bring a report back to Cabinet setting out projects for inclusion in a refreshed and prioritised Town Centre Regeneration Delivery Strategy, including the projects identified in this report, and associated budget requirements.
  - b) Bring forward proposals for appropriate regeneration schemes for Union Street.
  - c) Present to Cabinet the emerging Supplementary Planning Document for delivery of housing on Phase 1, Victoria Centre.
  - d) Present to Cabinet a full business case for the redevelopment of Brixham Town Centre Car Park, in line with community aspirations.
  - e) Explore, and present to Cabinet, options for any Joint Venture Partnership arrangements linked to the Torbay Economic Growth Fund.
  - f) Present to Cabinet proposals for refreshed governance arrangements, for integrated and speedier delivery of town centre regeneration.
  - g) Present to Cabinet proposals to develop with the private sector Torbay Business Park, Paignton.
  - h) Present to Cabinet proposals for additional workspace at Lymington Road, Torquay.
  - i) Present to Cabinet proposals for strategic acquisitions in support of the Council's employment growth objectives.

## **Background Documents**

Torbay Economic Strategy  
Town Centres Regeneration Strategy

## Section 1: Background Information

1.	<p><b>What is the proposal / issue?</b></p> <p>The economic position of Torbay is weak and needs sustained investment to improve the growth of local businesses and the creation of new employment opportunities for residents.</p>
2.	<p><b>What is the current situation?</b></p> <p>As set out in main report.</p>
3.	<p><b>What options have been considered?</b></p> <p>Proceed with current approach – would result in slower delivery and delayed achievement of the economic and financial benefits that are possible.</p>
4.	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>As set out in main report this proposal is fundamentally targeting the prosperity of Torbay seeking to create more opportunities for employment and thereby improving household incomes and reducing demand for services.</p>
5.	<p><b>How does this proposal contribute towards the Council's responsibilities as corporate parents?</b></p> <p>The proposed operating principles of the Fund set out 2.21 of the main report set out that every opportunity to support maximising local employment and supply chain benefits. This would include local authority care leavers in line with the economic strategy.</p>
6.	<p><b>How does this proposal tackle deprivation?</b></p> <p>As set out in main report.</p>
7.	<p><b>How does this proposal tackle inequalities?</b></p> <p>As set out in main report.</p>
8.	<p><b>How does the proposal impact on people with learning disabilities?</b></p> <p>No direct impact.</p>

<p><b>9.</b></p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>Project proposals brought forward under the Growth Fund will be subject to consultation with relevant groups which might include Torbay Business Forum, Community Partnerships, traders groups and Chambers of Commerce and other stakeholders depending on the project. Specific details will be confirmed for those projects and will be the responsibility of the project manager.</p>
<p><b>10.</b></p>	<p><b>How will you propose to consult?</b></p> <p>To be determined.</p>



## Section 2: Implications and Impact Assessment

<b>11.</b>	<b>What are the financial and legal implications?</b>  The financial implication of this recommendation is significant and when making the decision the total borrowing commitments of the Council should be considered.  The risks and rewards of a significant level of borrowing are outlined in the Capital Strategy that was approved by Council in February 2019. It is of this level on the Council's total borrowing position, whether the level of borrowing is proportionate and is affordable and understand the potential risks and rewards of the proposals.  All regeneration schemes will be dealt with on a full repayment basis (on an annuity basis over the asset life).  The borrowing associated with these assets will comply with the Prudential Code of Practice 2017
<b>12.</b>	<b>What are the risks?</b>  Risks will be set out for each project as they come forward.
<b>13.</b>	<b>Public Services Value (Social Value) Act 2012</b>  Not applicable
<b>14.</b>	<b>What evidence / data / research have you gathered in relation to this proposal?</b>  Torbay JSNA, Economic Strategy evidence base
<b>15.</b>	<b>What are key findings from the consultation you have carried out?</b>  Not applicable
<b>16.</b>	<b>Amendments to Proposal / Mitigating Actions</b>  Not applicable

## Equality Impacts

17.	Identify the potential positive and negative impacts on specific groups		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			there is no differential impact
People with caring Responsibilities			there is no differential impact
People with a disability			there is no differential impact
Women or men			there is no differential impact
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			there is no differential impact
Religion or belief (including lack of belief)			there is no differential impact
People who are lesbian, gay or bisexual			there is no differential impact
People who are transgendered			there is no differential impact
People who are in a marriage or civil partnership			there is no differential impact
Women who are pregnant / on maternity leave			there is no differential impact

	Socio-economic impacts (Including impact on child poverty issues and deprivation)			there is no differential impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			there is no differential impact
<b>16</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A		
<b>17</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	N/A		



**Meeting:** Cabinet/Council

**Date:** 9 and 18 July 2019

**Wards Affected:** ALL

**Report Title:** Proposal to increase the size of the Torbay Council Investment Fund

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** Immediately

**Executive Lead Contact Details:** Swithin Long, Cabinet Member for Economic Regeneration, Tourism and Housing. [Swithin.long@torbay.gov.uk](mailto:Swithin.long@torbay.gov.uk)

**Supporting Officer Contact Details:** Liam Montgomery, Director of Asset Management, Investment and Housing Tel: 208720 and Martin Phillips, Head of Finance Tel: 207285

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## 1. Proposal and Introduction

1.1 The report seeks to increase Torbay Councils investment fund to generate income to help meet the funding gap to provide local services.

## 2. Reason for Proposal

2.1 The current Medium Term Resource Plan (MTRP) highlights the financial challenges faced by the Council. It estimates that the Council will have to close an estimated funding gap of £18.3m over three years between 2020/21 and 2022/23 based upon existing service demands and “normal” budget pressures including inflation, demand pressures and income assumptions, however it is known that there are increasing cost pressures within Children’s Services which are likely to have further implications for the MTRP.

2.2 An investment fund has been in place for some 20 months, and its current authorisation is for £200m. The purpose of this investment fund is to generate income which can then be used to help fund local services.

2.3 Since the creation of the fund approximately £186m has been committed to acquire a diverse range of investments in a range of different sectors and locations. After the loan repayments and after a contingencies allowance have been made, these investments have generated £2.9m of additional revenue in 18/19, rising to £3.3m in 19/20. Once all of the current commitments are complete and assuming a full year’s income, the fund will generate over £3.5m per annum revenue for the Council to allocate towards local services.

2.4 The proposal is to increase the fund further to £300m. At this level it is projected that this would generate an additional £1.5m of income per annum assuming a

1.5% net return after costs and capital. Eventually this would take the total income from the fund to £5m per annum to help deliver local services. Based on current market conditions it is anticipated that it will take an additional 12-18 months to commit all of the proposed additional £100m.

- 2.5 The current strong due diligence requirements will remain as outlined in the Investment and Regeneration Strategy along with the change for approvals to be by Cabinet not a specific Committee of the Council.
- 2.6 The current investment boundary of the Local enterprise partnership footprint, is restrictive and limits the investment opportunities available to the Council. As such it is recommended that the boundary be increased to include the wider economic area.
- 2.7 The Council will continue to have “regard” to any Statutory Guidance issued by the Minister for Housing Communities and Local Government (MHCLG) that is relevant to the purchase of these properties and any resulting Minimum Revenue Provision.

### **3. Recommendation(s) / Proposed Decision**

#### **That Cabinet recommends to the Council:**

- 3.1 That Council authorise £100m of additional prudential borrowing to enable the Investment and Regeneration Fund to increase to £300m.
- 3.2 That Council set the investment boundary to the Greater South West peninsula or the Functional Economic Market Area (FEMA), and instruct the Monitoring Officer to make the necessary amendments to the Investment and Regeneration Strategy Policy Framework document.

### **Appendices**

Appendix 1: The Economic interdependency between areas

### **Background Documents**

None included

## Section 1: Background Information

<b>1.</b>	<p><b>What is the proposal / issue?</b></p> <p>This report proposes that Torbay Council increases the investment fund to £300m to provide additional income to help meet the budget deficit facing the Council, which also provides greater resilience to the fund by increasing its size.</p> <p>Increasing the fund to £300m could deliver an additional £1.5m of income per annum taking the total projected income from the increased fund to £5m p.a.</p>
<b>2.</b>	<p><b>What is the current situation?</b></p> <p>The investment fund is currently limited to £200m of which £186m has already been committed. With other proposals in the pipeline it is expected that the balance of the fund will be committed by the end of August 2019.</p> <p>Once the fund is fully committed and a full year's income is received then it will provide over £3.5m in revenue for the Council and local services.</p> <p>The Council faces a minimum predicted funding gap of £18.3m over the next 3 years and while a number of measures are being taken to address this, additional income from an increased fund would go some way to help resolve this.</p> <p>Currently the investment portfolio is fully let and a number of investments will see their income increase over the coming years due to specific rent increase clauses in their leases.</p> <p>The predicted rent increases and therefore how the additional financial benefit also increases is carefully monitored. It should also be noted that the borrowing for the fund is based on a full repayment model (on an annuity basis over the asset life up to a maximum of 50 years) and therefore once the loans are repaid the income will increase substantially, and in the meantime it is expected that the capital value of the asset will appreciate.</p> <p>As with all investments there are risks although if the fund is increased then the same level of scrutiny and due diligence will take place to ensure that any risks are identified, mitigated against or quantified.</p> <p>The current investment boundary of the Local enterprise partnership footprint, is restrictive and limits the investment opportunities available to the Council. As such it is recommended that the boundary be increased to include the wider economic area.</p> <p>Economic geography is recognised as complicated. People live, work and undertake leisure activities across a wide geographic area and across</p>

different administrative areas i.e. they might live in one area, work in another but principally shop or spend their leisure time in a third or fourth. While for the business community that geographic diversity is broader with functional geographies for businesses that export being genuinely global.

Research carried out by SQW in 2010 on functional economic market areas recognised that there is no universally agreed approach to defining Functional Economic Market Areas (FEMAs) and no definitive map or criteria.

What is generally accepted is that FEMAs are shaped by a variety of themes that influence economic development which include housing markets, commercial property market areas, commuting patterns, retail catchment, business areas of operation, transport networks and journey times and economic governance & partnership areas (Lichfields).

Torbay is part of a layered economy which includes the very local but there is clear evidence that patterns of commuting, in and outbound, from Torbay extend over a wide geography with people travelling to and from Torbay across the South West including the north Somerset and Bristol M5/M4 corridor for work.

Under the economic governance and partnership area factor noted above the role of partnerships including Local Enterprise Partnerships is important in helping determine the area.

- Torbay is part of the Heart of the South West spanning Devon & Somerset.
- Heart of the South West LEP is itself part of a wider group, Great South West, which recognises the interdependence of different geographies including Dorset, Cornwall and Heart of the South West and aligns those areas because of the shared assets, infrastructure and opportunities across that area.
- The South West region, including Wiltshire and Gloucestershire, continues to be a recognised designation by Government which reflects the connectivity and relationships across that area.

To help inform this position advice was sought from the Councils external auditors on extending the investment boundary and their response was:

*'We have considered your proposed approach for investments properties, which has defined a Functional Economic Market Area (FEMA) using inflows and outflows of labour in Torbay based on 2011 census data. We have noted that the economic note issued by CLG (as it was then) in 2010 on Functional Economic Market Areas comments that the most widely accepted approach to identifying FEMAs is by reference to Travel to Work Areas (TTWAs), but also states that there is no universal approach to defining FEMAs and that there is an argument for analysing census commuting and migration data. We are therefore not minded to challenge this approach, however this is a fast-moving landscape and we therefore reserve the right to come to a different view based on any formal challenge or any emerging interpretations elsewhere.'*

<p><b>3.</b></p>	<p><b>What options have been considered?</b></p> <p>Leave the fund at current level of £200m.</p> <p>Increase the fund but at a lower level than is being recommended. This would see the risk and reward reduce proportionally.</p> <p>Increase the fund to a higher level than is being recommended. This would see the risk and reward increase proportionally.</p>
<p><b>4.</b></p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>A prosperous and healthy Torbay</p> <p><b><u>Principles:</u></b></p> <ul style="list-style-type: none"> <li>• Using reducing resources to best effect</li> <li>• Integrated and joined up approach</li> </ul> <p><b><u>Targeted actions:</u></b></p> <ul style="list-style-type: none"> <li>• Protecting all children and giving them the best start in life</li> <li>• Working towards a more prosperous Torbay</li> <li>• Promoting healthy lifestyles across Torbay</li> <li>• Ensuring Torbay remains an attractive and safe place to live and visit</li> <li>• Protecting and supporting vulnerable adults</li> </ul>
<p><b>5.</b></p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>All wards will be affected by this proposal as the income delivered will fund services all across Torbay.</p> <p>The Councils Finance department are a key consultee on this issue to ensure that the Councils actions are prudent and at a sustainable level.</p>
<p><b>6.</b></p>	<p><b>How will you propose to consult?</b></p> <p>The proposal has been debated and discussed at an Officer level, has previously been discussed with the Investment and Regeneration Committee when it was in existence and has been discussed with the Cabinet.</p> <p>The report has been circulated to all of the required departments within the Council for specific comment and those comments have been incorporated into the report/</p>



## Section 2: Implications and Impact Assessment

### 7. What are the financial and legal implications?

Section 120 Local Government Act 1972 permits a Council to acquire by agreement any land, whether situated inside or outside of their area, where it is for the benefit, improvement or development of their area. Case law demonstrates that property acquired solely for investment purposes is not sufficient to demonstrate compliance in this respect, and the Council's approved Investment and Regeneration Strategy therefore requires any acquisition to deliver multiple benefits. The Strategy recognises that the demand for Council services can be reduced by delivering economic growth, tackling inequality and creating change in the area.

The financial implication of this recommendation is significant and when making the decision the total borrowing commitments of the Council should be considered.

The risks and rewards of a significant level of borrowing are outlined in the Capital Strategy that was approved by Council in February 2019. It is recommended that members review this document and the impact of an increase of this level on the Council's total borrowing position, whether the level of borrowing is proportionate and is affordable and understand the potential risks and rewards of purchasing properties.

It should also be noted that the Council owns over 600 assets locally on which there are no loan charges. As such if you were to spread the total investment fund over all of the assets the Loan to Value level would be significantly reduced. As of the end of 2018 those assets were valued at £235m.

All investments are dealt with on a full repayment basis (on an annuity basis over the asset life up to a maximum of 50 years) which certainly reduces the risk to the Council, which will further diminish over time as the loans are repaid.

The borrowing associated with these assets will comply with the Prudential Code of Practice 2017 which states:

"..the responsibility for decision making and ongoing monitoring in respect of capital expenditure, investment and borrowing, including prudential indicators, remains with full Council".

The management of these assets will comply with the Treasury Management Code of Practice 2017 which includes these assets as "Non Treasury Investments".

There continues to be a level of comment from central government and public sector bodies such as CIPFA over the increased level of commercial activities in Councils and the resulting higher risks. As a result MHCLG issued Statutory Guidance in 2018 on both Investments and Minimum Revenue Provision. The

	<p>National Audit Office is currently undertaking a review of Councils’ commercial activities and will report later this year. This may result in further clarification or restriction around Councils ‘borrowing.</p> <p>The Council will continue to “have regard” to any Statutory Guidance issued by the MHCLG relevant to these Investments in particular to ensure that each investment has a multiple objective:</p> <p>Statutory Guidance on Investments is as follows:</p> <p><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/678866/Guidance_on_local_government_investments.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/678866/Guidance_on_local_government_investments.pdf</a></p> <p>A clarification document of the changes in the Statutory Guidance is as follows:</p> <p><a href="https://www.gov.uk/government/consultations/proposed-changes-to-the-prudential-framework-of-capital-finance/prudential-framework-of-capital-finance-qa">https://www.gov.uk/government/consultations/proposed-changes-to-the-prudential-framework-of-capital-finance/prudential-framework-of-capital-finance-qa</a></p> <p>The MHCLG clarification document states:</p> <p>“.....we are proposing that all local authorities disclose the contribution that each investment makes towards the core objectives of the local authority. The proposals also make it clear that borrowing solely to fund yield generating investments is borrowing in advance of need. Local authorities will be able to borrow to fund investments that have multiple objectives, including generating yield.</p> <p>The positive financial implications are that the income achieved from the increased fund will make a considerable contribution towards the budget deficit.</p>
<p><b>8.</b></p>	<p><b>What are the risks?</b></p> <p>All investment carries a degree of risk. What is important is that appropriate processes and procedures are in place to ensure that these are identified as part of the decision process and then are further investigated and mitigated against through a robust due diligence process.</p> <p>It is also worth noting that information obtained as part of this due diligence process has seen the Council withdraw from three separate approved investments since the fund was created.</p> <p>Robust information supported from a variety of surveys and experts ensures that decisions are well informed. Furthermore the Council always seeks an independent view on the value and quality of the investment prior to proceeding.</p> <p>In terms on obtaining the right number and quality of investments, if the fund were to be increased then the most prominent risk associated with this is the potential rise in interest rates and the potential rise in investment prices. This risk is mitigated against in that each investment is considered on its own merits and if</p>

	the right balance of risk and reward is not there then the Cabinet would not proceed.
<b>9.</b>	<b>Public Services Value (Social Value) Act 2012</b>  Not applicable.
<b>10.</b>	<b>What evidence / data / research have you gathered in relation to this proposal?</b>  Medium Term Financial Plan Data and information from within the Investment Dashboard.
<b>11.</b>	<b>What are key findings from the consultation you have carried out?</b>  The robust process that has happened to date should continue with Cabinet and that the quality of investments should not be compromised as a result of the reduced boundary. On this basis the fund should be increased.
<b>12.</b>	<b>Amendments to Proposal / Mitigating Actions</b>  n/a

### **The Economic interdependency between areas**

Economic geography is recognised as complicated. People live, work and undertake leisure activities across a wide geographic area and across different administrative areas i.e. they might live in one area, work in another but principally shop or spend their leisure time in a third or fourth. While for the business community that geographic diversity is broader with functional geographies for businesses that export being genuinely global.

Research carried out by SQW in 2010 on functional economic market areas recognised that there is no universally agreed approach to defining FEMAs and no definitive map or criteria.

What is generally accepted is that FEMAs are shaped by a variety of themes that influence economic development which include housing markets, commercial property market areas, commuting patterns, retail catchment, business areas of operation, transport networks and journey times and economic governance & partnership areas (Lichfields).

Torbay is part of a layered economy which includes the very local but there is clear evidence that patterns of commuting, in and outbound, from Torbay extend over a wide geography with people travelling to and from Torbay across the South West including the north Somerset and Bristol m5/M4 corridor for work.

Under the economic governance and partnership area factor noted above the role of partnerships including Local Enterprise Partnerships is important in helping determine the area.

- Torbay is part of the Heart of the South West spanning Devon & Somerset.
- Heart of the South West LEP is itself part of a wider group, Great South West, which recognises the interdependence of different geographies including Dorset, Cornwall and Heart of the South West and aligns those areas because of the shared assets, infrastructure and opportunities across that area.
- The South West region, including Wiltshire and Gloucestershire, continues to be a recognised designation by Government which reflects the connectivity and relationships across that area.



**Meeting:** Cabinet

**Date:** 9 July 2019

**Wards Affected:** All

**Report Title:** Torbay Council's Housing Rental Company

**Is the decision a key decision?** No

**When does the decision need to be implemented?**

**Cabinet Member Contact Details:** Councillor Swithin Long - Cabinet Member for Economic Regeneration, Tourism and Housing, Swithin.Long@torbay.gov.uk

**Supporting Officer Contact Details:** Kevin Mowat – Interim Director of Place, 01803 208433, Kevin.Mowat@torbay.gov.uk

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## 1. Proposal and Introduction

1. In December 2018 the Council accepted in principle the clear benefits of TDA creating a Housing Company to enable relevant affordable housing schemes to be delivered at pace subject to due diligence and TDA Board Approval.
2. Consequently a number of decisions need to be updated, replacing the Housing Company with TDA.
- 1.3 It was also agreed that the Assistant Director of Business Services (now the Interim Director of Place) be authorised to undertake the due diligence and, if appropriate, finalise a detailed commissioning agreement with the TDA for the delivery of affordable housing schemes in consultation with the Executive Lead for Adults and Housing, the Chairman of the Housing Committee and the Section 151 Officer.
- 1.4 Since December 2018 work has been ongoing to progress the due diligence and to agree a detailed commissioning agreement. The extent of the due diligence undertaken refers to the Council's intention to commission TDA, or a subsidiary company of TDA, which will be a company that the Council wholly owns. Whilst significant work has been undertaken, the commissioning agreement has not been finalised.
- 1.5 In July 2017 Council approved, in principle, £25m of prudential borrowing to facilitate the work of the Housing Rental Company, in the form of a loan for a capital purpose. It was agreed that detailed business cases would be required to be

presented to the Housing Committee for approval, in order to trigger any draw down against this amount. The terms of the loan would then be determined at the point of draw down by the Head of Finance.

- 1.6 During discussions regarding the detailed commissioning agreement TDA raised serious concerns about the impact on the pace of delivery and the risk of abortive time, duplication, effort and cost, given the existing access arrangements to drawdown funds from the £25m borrowing approval.
- 1.7 TDA were clear that the current decision pathway presented a significant risk to the successful delivery of affordable housing schemes and therefore the viability of the new housing company. Although discussions were held with the Executive Lead for Adults and Housing, the Chairman of the Housing Committee and the Section 151 Officer, it was not possible to reach an agreed position on this matter prior to the 2019 Local Election. Consequently it was agreed that this matter should be reconsidered after local elections and by the new Administration.
- 1.8 The Cabinet is asked to recommend to Council that land at Torre Marine be transferred to TDA for the delivery of specialised affordable housing in return for 100% nomination rights in perpetuity. This disposal, if approved, would mirror the previous decisions made by the Council in respect of 286-288 Totnes Road and St. Kilda's, albeit that these earlier decisions need to be updated to reflect the TDA or subsidiary thereof. The nature of these disposals require a Council decision as they fall outside of the Council's Policy Framework.

## **2. Reason for Proposal and associated financial commitments**

- 2.1 The Council wishes to expedite a programme of affordable housing development on Council-owned sites and retain the ownership and management of those sites in the long term. The potential advantages of TDA taking forward this role, as opposed to the existing Housing Company, are that it has existing governance arrangements and existing staffing, expertise and office accommodation available to it.
- 2.2 It has already been agreed by the Council that TDA are the most appropriate subsidiary company to take forward the affordable housing development function. However, although the principle of providing £25m of prudential borrowing to facilitate the work of the Housing Rental Company has been approved, the existing arrangements that govern the draw-down of that loan is preventing the finalisation of a commissioning agreement with TDA.
- 2.3 TDA have requested that the Council's existing decision pathway regarding access to the £25m of prudential borrowing be changed. Their request is that following approval of a housing scheme by TDA's Board; that the Council's Section 151 Officer be asked to review the financial aspects only of each proposal and then, having consulted as required, confirm/reject the prudential borrowing request with a

response not to be unreasonably delayed. In addition TDA would provide an open invitation to the Section151 Officer to join TDA Board meeting whilst the scheme is being discussed and provide relevant information in advance of the meeting to enable review.

- 2.4 The transfer of Torre Marine to TDA for the delivery of specialised affordable housing has multiple benefits. It provides the critical mass necessary to make the venture viable for TDA. It also demonstrates a substantial pipeline to Homes England which is a requirement in the application process and finally using TDA to deliver Torre Marine should see the site come forward promptly.

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### 3. Recommendation(s) / Proposed Decision

#### Decisions for Cabinet

- 3.1 That in consideration of the Council's previous decision made in July 2017 and set out below;

*'That Council approve £25m of Prudential Borrowing, in principle, to facilitate the work of the Housing Rental Company, in the form of a loan for a capital purpose. Detailed business cases are required to be presented to the Housing Rental Company Committee for approval, in order to trigger any draw down against this amount. The terms of the loan to be determined at the point of draw down by the Head of Finance'*

that Cabinet;

- 3.1.1 Delegate to the Chief Finance Officer the authority to approve detailed business cases submitted by the TDA (thereby approving a loan for a capital purpose) to be funded from the approved prudential borrowing of £25m, to be drawn down at 0.25% above the prevailing Public Works Loan Board rate subject to review of the financial aspects of each scheme to ensure compliance with state aid, the Prudential Code, and scheme viability in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing, and the Interim Director of Place.

- 3.2 That the Chief Finance Officer be instructed to confirm/reject the prudential borrowing request from the TDA, with a response not to be unreasonably delayed and in any event within 10 working days of the request.

#### **That the Cabinet recommend to Council:**

- 3.3 That a loan of up to £1m be approved to TDA to allow access to the necessary working capital required to set up the Housing Company with the terms of the loan delegated to the Chief Finance Officer to agree, in consultation with the Cabinet Member for Finance.
- 3.4 That the land at Torre Marine, edged red on the attached plan set out at Appendix 1 to the submitted report be transferred to TDA for the delivery of affordable

housing, subject to an appropriate nomination and grant agreement, at nil cost in return for 100% nomination rights in perpetuity.

- 3.5 That the urgent Council decision of 17 November 2017 be rescinded and that the following be approved:  
“That the disposal of the land edged red in plans EM2354a and EM1687 at Appendices 2 and 3 to this submitted report in respect of 286-288 Totnes Road and Redwell Lane to the TDA or subsidiary thereof, in order to deliver affordable housing in return for 100% nomination rights in perpetuity and in order to assist in meeting the objectives identified in the housing strategy, be approved and that delegated authority be given to the Chief Executive in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing, to agree the detailed terms of these disposals.”
- 3.6 That the decision made by the Council on the 19 October 2017 2017 (Minute 103/10/17 refers) be rescinded and that the following be approved:  
“That the Chief Executive, in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing, be given delegated authority to allocate the Affordable Housing capital budget to the TDA or subsidiary thereof to facilitate the delivery of affordable housing in line with the commissioning agreement.

## **Appendices**

Appendix 1 – Plan identifying the land at Torre Marine

Appendix 2 – Plan EM2354a

Appendix 3 - Plan EM1687

## **Background Documents**

Record of Decision – Use of Land at 286-288 Totnes Road and Redwell Lane -  
<https://www.torbay.gov.uk/DemocraticServices/ieDecisionDetails.aspx?ID=625>

Council Report – ‘Torbay Council's Housing Rental Company’ – 5 December 2018 –  
Minute 137/12/18

Housing Committee Report – ‘Torbay Council’s Housing Rental Company’ - 19 November  
2018

Council Report – ‘Delivery and implementation of the Housing Strategy’ - 20 September  
2018

Council 19 October 2017 - Housing Strategy and Housing Company (Affordable Housing,  
Empty Homes Scheme and Private Sector Renewal)



## Section 1: Background Information

1.

### **What is the proposal / issue?**

In December 2018 the Council accepted that there appeared to be clear benefits in TDA setting up a Housing company and becoming a Registered Provider and Investment Partner with Homes England, to enable relevant affordable housing schemes to be delivered at pace.

The Assistant Director of Business Services (now the Interim Director of Place) was authorised to undertake further due diligence and, if appropriate, finalise a detailed commissioning agreement with the TDA for the delivery of affordable housing schemes, in consultation with the Executive Lead for Adults and Housing, the Chairman of the Housing Committee and the Section 151 Officer.

The transfer of Torre Marine to TDA for the delivery of preferably Extra Care Housing has multiple benefits. It provides the critical mass necessary to make the venture viable for TDA. It also demonstrates a substantial pipeline to Homes England which is a requirement in the application process. This disposal will be a recommendation from Cabinet to Council, along with a request to amend previous decisions regarding other housing sites. This is because the nature of these disposals require a Council decision as they fall outside of the Council's Policy Framework.

2.

**What is the current situation?**

Since December 2018 work has been ongoing to progress the due diligence and to agree a detailed commissioning agreement. The extent of the due diligence undertaken reflects the Council's intention to commission TDA, or a subsidiary company of TDA, which will be a company that the Council understands and owns.

Although officers were given delegated authority to finalise a detailed commissioning agreement with TDA, for the delivery of affordable housing schemes, the commissioning agreement is not yet in place.

During negotiations regarding the detailed commissioning agreement TDA raised concerns about the impact on the pace of delivery and the risk of abortive time, effort and cost, given the existing access arrangements to drawdown funds from the £25m borrowing approval.

TDA were clear that the current decision pathway presented a significant risk to the successful delivery of affordable housing schemes and the viability of the housing company. Although discussions were held with the Executive Lead for Adults and Housing, the Chairman of the Housing Committee and the Section 151 Officer, it was not possible to reach an agreed position on this matter. Consequently it was agreed that this matter should be reconsidered after the May 2019 local elections.

TDA have requested that the Council's existing decision pathway regarding access to the £25m loan facility for a capital purpose funded via prudential borrowing be changed. Consequently the Cabinet is being asked to agree that the Section 151 Officer be given delegated authority to allow funds from the previously agreed £25m of prudential borrowing, to be drawn down, on a scheme by scheme basis, subject to an acceptable financial review only, and following consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing, together with the Interim Director of Place.

TDA have also requested a loan of up to £1m to help with the set up costs of a Housing Company.

<p><b>3.</b></p>	<p><b>What options have been considered?</b></p> <p><u>Do Nothing</u> The Council has agreed that we need to do more to stimulate the delivery of affordable housing to meet the objectives and outcomes identified within the Housing Strategy.</p> <p><u>Continue with the Council’s existing Housing Company approach</u> The Council’s Housing Company business plan is unviable for the reasons set out in the report presented to Council in December 2018.</p>
<p><b>4.</b></p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>Ambitions: Prosperous and Healthy Torbay</p> <p>Principles:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Use reducing resources to best effect</li> <li><input type="checkbox"/> Reduce demand through prevention and innovation</li> <li><input type="checkbox"/> Integrated and joined up approach</li> </ul> <p>Targeted actions:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Protecting all children and giving them the best start in life</li> <li><input type="checkbox"/> Working towards a more prosperous Torbay</li> <li><input type="checkbox"/> Promoting healthy lifestyles across Torbay</li> <li><input type="checkbox"/> Ensuring Torbay remains an attractive and safe place to live and visit</li> <li><input type="checkbox"/> Protecting and supporting vulnerable adults</li> </ul>
<p><b>5.</b></p>	<p><b>How does this proposal contribute towards the Council’s responsibilities as corporate parents?</b></p> <p>When considering all matters in relation to affordable housing the Council will take into account how this can assist looked after children to help give them the best start in life.</p>
<p><b>6.</b></p>	<p><b>How does this proposal tackle deprivation?</b></p> <p>Delivery of more affordable housing will have a positive impact on deprivation.</p>

7.	<p><b>How does this proposal tackle inequalities?</b></p> <p>Delivery of more affordable housing will have a positive impact on reducing inequalities.</p>
8.	<p><b>How does the proposal impact on people with learning disabilities?</b></p> <p>When considering all matters in relation to affordable housing the Council will take into account how this can assist people with learning disabilities.</p>
9.	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>The principle of providing access to the £25m loan facility for a capital purpose funded by prudential borrowing has already been agreed. The development of a finalised commissioning agreement will require further consultation with TDA, the Cabinet Member for Economic Regeneration, Tourism and Housing and the Section 151 Officer.</p>
10.	<p><b>How will you propose to consult?</b></p> <p>No formal consultation is required for this proposal.</p>

## Section 2: Implications and Impact Assessment

11.

What are the financial and legal implications?

The Council's Housing Rental Company Policy Framework approved in July 2017 requires the delivery of affordable housing at "cost neutral" position to the Council.

There will be a Commissioning Agreement (operating framework) between the Council and TDA which will be the basis for the future operating and funding arrangements.

The framework will require the support of the Council's affordable housing budget (on a grant per unit basis) and access to prudential borrowing as set out in the recommendations within this report.

Approvals for any schemes to be funded from prudential borrowing and the affordable housing capital grant will be subject to the terms set out in the Housing Company Commissioning Agreement (operating framework).

For all proposed schemes State Aid will need to be considered. For housing to be sold or privately rented, that is not for the purposes of cross subsidising the wider affordable housing units, then the loan will need to comply with State Aid rules.

Loan drawdowns will be in line with capital expenditure by the company.

Loans will be accounted for as a loan not an investment.

Loan terms will ensure that any future sales of housing assets will result in a repayment of the relevant part of the loan.

In line with existing arrangements TDA and any subsidiary company will fall under the scrutiny of the Council's external auditor in respect of company structure, financing and accounting. This is to ensure compliance with relevant legislation and accounting standards.

The level of turnover and value of assets from this housing activity will significantly increase the assets and liabilities of the TDA group of companies which will require the production of Council Group accounts. TDA will be required to provide draft statutory accounts for consolidated reporting on an annual basis.

If a housing scheme does not ultimately progress on the land transferred by the Council, the asset will be transferred back to the Council at nil cost.

Whilst all of the development activity, including the management and maintenance regime will be fully funded over the life of the buildings, through the rental stream, there will be set up costs incurred to establish an effective

	<p>housing function which are not currently funded. This will focus primarily around the RP and IP applications and all the necessary policies and procedures that will need to be produced and be in place before Homes England will approve any application. In addition there will be some external advice on the tax and accounting treatments and the optimum structure for TDA to operate within. TDA have given a commitment to fund these costs at no additional cost to Torbay Council.</p>
<p>12.</p>	<p><b>What are the risks?</b></p> <p><u>Development risk</u></p> <p>Any decisions to proceed with any development will be supported by fully costed and detailed business plans showing both the initial development costs but then also the lifecycle costs of any scheme and how both will be repaid. It is envisaged that any developments will be let on a design and build fixed price contract to minimise any exposure or cost overrun. Whilst this does not remove all risks it should help limit any potential exposure. To mitigate this further TDA will create a Project Board for each scheme to monitor activity and performance against programme and budget. In addition to this they will create a separate TDA Sub-Committee to monitor and deal with the performance of the overall programme.</p> <p><u>Demand/market conditions</u></p> <p>Once the homes are built it is imperative that they are occupied in-line with the assumptions set out in the business plan. Any reduction in the occupation will have a negative impact on the scheme performance. There are currently over 1,000 households on the Torbay Council waiting list with 100% of nominations going to Torbay Council. Also, currently Torbay has no 'hard to let' stock within the affordable sector, such is the demand. What this means is that for every vacancy there are multiple households wanting the accommodation and in some cases between 15 and 20 households per property.</p> <p><u>Not acquiring RP and IP status</u></p> <p>This is a significant risk and any decision to proceed would be subject to the TDA obtaining this status. The grant payments are essential to make development viable and without this funding, the delivery will not be possible. The Government has released further funding for affordable housing and Homes England have been supportive to TDA's proposals which mitigates the concerns in this area. It is envisaged that this application process will take approximately 4 months and therefore until this is finalised it will delay any development activity. Consequently a rapid Council decision is required to avoid any further delay on the three sites at Totnes Road, St Kilda's and Torre Marine.</p> <p><u>Company Losses</u></p> <p><u>If the company fails to meet its income targets the company may accumulate losses which would have to be funded, with the Council bearing the ultimate risk. To mitigate this risk regular performance reporting to the Council would</u></p>

	<p>be required in line with the detailed Commissioning Agreement (operating framework), which will include the need for a Business Plan.</p>
13.	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Not applicable.</p>
14.	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>This proposal has been discussed with the relevant officers within the Council, the Directors and Board of TDA, as well as the Directors of the Council's Housing Company.</p>
15.	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>TDA were clear that the current decision pathway presented a significant risk to the successful delivery of affordable housing schemes. Although discussions were held with the Executive Lead for Adults and Housing, the Chairman of the Housing Committee and the Section 151 Officer, it was not possible to reach an agreed position on this matter. Consequently it was agreed that this matter should be reconsidered after the May 2019 local elections.</p>
16.	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>Other than those set out in this report, no additional amendments or mitigating actions were forthcoming after the internal consultation. Further discussions with TDA may result in amendments to the broad principles of an operating framework in agreement with the Council.</p>

## Equality Impacts

17.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			There is no differential impact
	People with caring Responsibilities			There is no differential impact
	People with a disability			There is no differential impact
	Women or men			There is no differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
	Religion or belief (including lack of belief)			There is no differential impact



People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact

<b>18</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable
<b>19</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable





# Agenda Item 7 Appendix 2



EM Plan No: EM2354a  
Date: 1st April 2014  
Title: 286 & 289 Totnes Road, Paignton

Asset No: P1072 & P1073  
LR Title No: DN59588  
Scale: 1:1250  
Area: 1,248.43m<sup>2</sup>





Title: Redwell Playground & Amenity Area, Paignton

EM Plan No: EM1687

Asset No: P0833

Date: 25th June 2007

Scale: 1:1250

FINANCE DIRECTORATE - ESTATES SERVICE

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**Meeting:** Cabinet

**Date:** 9 July 2019

**Wards Affected:** All wards

**Report Title:** Enabling Communities and Delivering Services at a Local Level

**Is the decision a key decision?** No

**When does the decision need to be implemented?** 22 July 2019

**Cabinet Member Contact Details:** Cllr Christine Carter, Cabinet Member for Corporate and Community Services [Christine.Carter@torbay.gov.uk](mailto:Christine.Carter@torbay.gov.uk)

**Supporting Officer Contact Details:** Anne-Marie Bond, Director of Corporate Services and Operations, 01803 207160, [anne-marie.bond@torbay.gov.uk](mailto:anne-marie.bond@torbay.gov.uk)

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## 1. Proposal 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 community governance arrangements including whether new parish/town councils should be created in areas of the authority that are currently unparished.
- 1.2 The Council decided to undertake the review because not only was it considered that the establishment of parish/town councils, which have the ability to raise income through the precept mechanism could allow for the continued provision of local services that Torbay Council will be unable to sustain in the future due to resource and demand pressures, but also that Parish/town councils promote community engagement and effective local government at the most local level.
- 1.3 The terms of reference for the community governance review were published on 14 January 2019 and a first phase of consultation ran from that date until 15 March 2019, during which all local residents, organisations and interested parties were invited to comment on a range of questions related to community governance. The process for the review is that following consideration of the responses to the first phase of consultation the Council needs to publish its draft recommendations for the review which would then be subject to a second phase of consultation prior to final decisions being made on the outcome of the community governance review later in the year.

## **2. Reason for proposal and associated financial commitments**

- 2.1 The draft recommendations are brought forward for approval at this stage in order to enable the second phase of consultation to proceed. By law a community governance review must be concluded within 12 months of its commencement.
  - 2.2 The draft recommendations proposed below are intended to facilitate further consultation on the potential benefits that could flow from the establishment of new parish/town councils whilst addressing some of the concerns raised during the first phase of consultation in relation to costs and precept levels.
  - 2.3 The proposals contained in this report will commit the Council in respect of undertaking the second phase of consultation. It is important that in the second phase of consultation that the public are fully informed as to the likely future of Council Services, and the wider community engagement benefits of Parish/Town Council. Whilst the first phase of consultation was primarily on line, it is believed that this phase will need to be undertaken very differently, with a range of events and communication methods. Council previously allocated monies in respect of undertaking the Community Governance Review, which will also cover this second phase of consultation.
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## **3. Cabinet Recommendation to Council**

- 3.1 That the following be recommended to Council to be agreed as the draft recommendations of the Community Governance Review of Torbay, to be the subject of a second phase of consultation with local electors, residents, organisations and interested parties to run for a period of 8 weeks, from Monday 2 September to Friday 25 October 2019:
  - (a) That two new parishes be created within Torbay – one entitled Torquay Parish covering the wards of Barton with Watcombe, Cockington with Chelston, Ellacombe, Shiphay, St Marychurch, Tormohun and Wellswood and the other entitled Paignton Parish covering the wards of Clifton with Maidenway, Collaton St Mary, Goodrington with Roselands, Kings Ash, Preston and Roundham with Hyde. For the ward of Churston with Galampton, that further consultation be undertaken to determine whether it should be within the Paignton Parish, or whether it should be included within the boundaries for Brixham Town Council.
  - (b) That councils be established to serve the new parishes of Torquay and Paignton with effect from 1 April 2020 (note that once established a parish council may decide to call itself a town council).
  - (c) That the new parish/town councils for Torquay and Paignton each be divided into wards for the purposes of electing parish councillors – the ward boundaries and number of councillors to be elected for each ward to be the same as the existing arrangements for those wards on Torbay Council.
  - (d) That Torbay Council set a maximum Band D precept of no more than £90.00 per annum for each of the new parish/town councils in their first year of operation.

(e) That no changes be made to the status or electoral arrangements for Brixham Town Council, with further consultation to be undertaken to determine whether the ward of Churston with Galmpton should be within the Paignton Parish, or whether it should be included within the boundaries for Brixham Town Council.

3.2 That the terms of reference for the community governance review be amended by the adoption of the revised timetable attached at Appendix 1 and republished.

### **Appendices**

Appendix 1: Revised timetable for the community governance review

Appendix 2: Current and forecast 2024 electorate figures

Appendix 3: Report on responses to the first phase consultation

Appendix 4: Council tax levels across Devon 2019-20

### **Background Documents**

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



## Section 1: Background Information

### 1. What is the proposal / issue?

'Community governance' refers to the way in which communities are represented and governed at the local level including by parish councils, which form the most local tier of government in England. They are directly elected, independent of other layers of government and can play an important role in representing their communities, delivering services to meet local needs and promoting wellbeing. A parish council that serves a town area may choose to call itself a town council.

Parish/town councils do not have statutory responsibility for services such as social care, education or housing 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 a statutory consultee on planning applications.

Parish/town councils are funded by an annual precept – an additional amount added to the council tax in their area. The parish/town council itself decides what funding it needs to meet its running costs and therefore what level of precept to charge. In the case of any new parish/town council(s), Torbay Council would set the precept for their first year of operation based on the estimated cost of the level of activity expected and any services anticipated to be transferred.

Torbay Council, as a 'principal council', is responsible for making any changes to community governance within its area. Under the provisions of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') if the Council wishes to make any such change – for example creating new parishes, setting up or abolishing parish/town councils, changing their boundaries or electoral arrangements - it must first carry out a community governance review, a formal process involving consultation with local electors and other interested parties.

#### **Community Governance Review of Torbay**

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.

The terms of reference for the community governance review were published on 14 January 2019 and a first phase of consultation ran from that date until 15 March 2019, during which local residents, organisations and other interested parties were asked to comment on a range of questions related to community governance, including:

- the relative benefits of new parish/town councils compared with other potential measures such as developing the way the Council works with existing local agencies;
- 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 if so, which services;
- what areas any new parish/town councils should cover and what they should be called;
- whether any changes should be made to Brixham Town Council; and
- 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.

Consultees were also invited to submit any other comments and suggestions in relation to community governance of the area.

### **Electorate forecasts**

In considering the electoral arrangements for any existing and/or potential parish/town councils in its area, a principal council must consider the number of local government electors in the area under review, and any change in that number or the distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.

Current electorate figures and forecast figures for January 2024 in each of the wards in both the parished and unparished parts of Torbay are attached at Appendix 2.

## **2. What is the current situation?**

### **Consultation**

The first phase of consultation on the community governance review closed on 15 March 2019. The report on the responses received during the consultation is attached at Appendix 3.

The Council must now consider its draft recommendations for the review to form the basis of the second phase of consultation.

### **Considerations**

In accordance with the 2007 Act the Council must have regard to the need to secure community governance within the area under review which:

- is reflective of the identities and interests of the community in that area;
- provides for effective and convenient local government; and
- takes into account any other arrangements for the purposes of community representation or community engagement in the area.

Government 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; and will seek to make recommendations that bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

### **Parish areas and parish/town councils**

Torbay currently has just one parished area – that is served by Brixham Town Council. In relation to whether a parish or parishes should be created in some or all of the rest of Torbay, the terms of reference for the review noted the Government's continued commitment to parish and town councils and its guidance that it 'expects to see a trend in the creation, rather than the abolition, of parishes'.

The 2007 Act provides that where a new parish is created which has 1,000 or more electors, the principal council must recommend that the parish has a council. Where a new parish is created that has between 151 and 999 electors the principal council may decide whether or not it should have a council.

As set out in the report at Appendix 3, in the first phase of consultation a significant majority of those responding to the consultation did not support the establishment of parish/town councils to serve those areas of Torbay that do not currently have them.

It is therefore necessary for the Council to consider the findings of the first phase of consultation in the context of its belief as set out in the terms of reference that 'town councils can play an important role in empowering and representing communities and that they can enable the continued resourcing and provision of services that residents value at the local level'. In this regard the Cabinet has a strong commitment to community engagement and empowerment, recognising that the Council needs to facilitate people to do more for themselves and their communities, and a belief that town councils have the potential to assist in establishing better communities and all of the benefits that can flow from that.

Analysis of the responses to the first phase consultation indicates 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.

It is therefore suggested that if the Council is persuaded of the potential benefits in relation to community identity/engagement and retention of services that may otherwise need to be ceased, any proposal for the second phase of consultation that involves the establishment of new parish/town councils must provide significant information not merely on these benefits but also reassurance regarding the extent of any additional costs entailed.

Residents of the unparished areas of Torbay currently pay the lowest council tax in Devon. Analysis of the relative levels of council tax across the county for 2019/20 shows that the addition of a parish council precept would still mean that residents of Torbay paid lower levels of Council tax than many areas within Devon.

### **Alternative arrangements**

The 2007 Act requires a principal council in undertaking a community governance review to give consideration to other (non-parish) forms of community governance that have been made, or could be made, for the purpose of community representation or engagement in the area under review. Government guidance states that these should be considered as alternatives to, or stages towards, the establishment of parish councils. However, the guidance also states that 'what sets parish councils apart from other kinds of governance is the fact they are a democratically elected tier of local government, independent of other council tiers and budgets, and possess specific powers' and that 'their directly elected parish councillors represent local communities in a way that other bodies, however worthy, cannot since such organisations do not have representatives directly elected to those bodies'.

No substantial evidence has been submitted to the review to suggest that any specific alternative arrangements would give rise to benefits equivalent to those of parish/town councils and it is not recommended that this approach should be pursued, for the reasons set out in the guidance.

### **Draft recommendations**

In light of the above it is proposed that the second phase of consultation should seek views on draft recommendations for the creation of parishes in the unparished areas of Torbay and parish /town councils to serve those parishes, subject to any precept to be set by Torbay Council for the first year of operation of those councils being restricted to no more than £90.00 per annum at Council Tax Band D.

As part of any Reorganisation Order agreed at the conclusion of the review Torbay Council may transfer assets or liabilities to any new councils in order to facilitate them in carrying out their functions.

As at 21 June 2019, there were 45,700 properties assessed as being in the tax base. Of these, 6,188 were in Brixham, approximately 16,321 were in Paignton and approximately 23,191 in Torquay (NOTE : the tax base figures are currently being re-run which may impact upon the split between areas, but will not impact upon the overall number/amount raised as a consequence – this will have been completed and the report updated prior to this paper being presented to Full Council). Considering these numbers of properties, and working on the basis of £90.00, based on a Council Band D property, this would raise precept in the region of;

- Paignton £1.47m
- Torquay £2.09m

From these figures, administration costs would be incurred. Brixham Town Council currently spend approximately £180,000 per year on general administration. If this were taken as an average administration charge for parish/town councils, this would result in the remaining sums being able to be used to support services in these areas;

- Paignton £1.29m
- Torquay £1.91m

If the Council also explored with Brixham Town Council transferring services to them, recognising that a precept is already in existence as are the general administration charges, an increase of £40.00 in their precept (based on a Council Band D property), would result in approximately an additional £250,000 being available to support the delivery of local services in Brixham.

This level of precept would enable the new councils to take on the delivery of services for their local areas to the value of £3.45m. Such a value would see the following services continue to be delivered at existing levels;

- Recreation and Landscape,
- Museums, theatres, public entertainment and events
- Public toilets,
- Seafront illuminations.

### **Proposed parish boundaries and names**

As set out in the terms of reference the Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity and that electors should be able to identify clearly with the parish in which they are resident. The boundaries between parishes should reflect the distinct community identities of the respective areas. In addition parishes should be viable as an administrative unit and should possess a precept that enables them effectively to promote the well-being of their residents and contribute to the provision of services in their area in an economic and efficient manner.

Torbay Council was in 2018 subject to an electoral review by the Local Government Boundary Commission for England (LGBCE) as a result of which it is considered that the current ward boundaries represent a satisfactory reflection of community identities within the authority.

With regard to the geographical names of any parishes, the Council believes that these should reflect existing local or historic place names that people identify with.

For the purpose of the second phase of consultation it is therefore proposed that two new parishes be created within Torbay: one entitled Torquay Parish covering the wards of Barton with Watcombe, Cockington with Chelston, Ellacombe, Shiphay, St Marychurch, Tormohun and Wellswood and the other entitled Paignton Parish covering the wards of Churston with Galmpton (subject to consideration if this Ward should be within Paignton Parish or the current Brixham Town Council), Clifton with Maidenway, Collaton St Mary, Goodrington with Roselands, Kings Ash, Preston and Roundham with Hyde and that parish councils be established to serve each of the new parishes.

### **Electoral arrangements**

A community governance review must consider what electoral arrangements should apply to any new council that is created. 'Electoral arrangements' are defined as:

- the ordinary year in which elections are held;

- the number of councillors to be elected to the council;
- the division (or not) of the parish into wards for the purpose of electing councillors;
- the number and boundaries of any such wards;
- the number of councillors to be elected for any such ward; and
- the name of any such ward.

In relation to the year of election, the ordinary election of parish councillors takes place in 2019 and at four-yearly intervals thereafter. If the review results in the establishment of a new town council or councils to which it is appropriate to hold an election for councillors at an earlier date than the next scheduled ordinary elections, the Council may resolve to modify or exclude the application of sections 16(3) and 90 of the Local Government Act 1972 to provide for the first election to be held in an earlier year and the terms of office of any newly elected town councillors will be so reduced as to allow the electoral cycle to revert to the normal cycle in Torbay at the next ordinary elections. Accordingly it is proposed that the first elections to the new parish councils would be held in May 2020 and the councillors elected would serve a reduced term of office until May 2023.

In relation to the number of councillors, legislation provides that the number of councillors for each parish/town council shall not be fewer than five. There is no maximum number. Government guidance is that 'each area should be considered on its own merits, having regard to its population, geography and the pattern of communities'. Additionally, the terms of reference for the review stated that 'when considering the number of councillors to be elected for any town council ... the Council will have regard to the recommended guidance issued by the National Association of Local Councils (NALC) and indicative national data on representation published by the former Aston Business School; existing levels of representation, the pattern of existing council sizes which have stood the test of time and the take-up of seats at elections; and the desirability of a broadly equitable allocation of councillors to town councils across Torbay, whilst acknowledging that local circumstances may on occasion merit variation'.

In relation to warding of a parish, the 2007 Act requires that in considering whether a parish should be divided into wards the Council should consider (i) whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and (ii) whether it is desirable that any area or areas of the parish should be separately represented on the council. Government guidance states that 'there is likely to be a stronger case for the warding of urban parishes ... [where] ... community identity tends to focus on a locality ... [and] ... each locality is likely to have its own sense of identity'.

Taking into account the above, as well as the electorate projections set out in Appendix 2; the view of the LGBCE that it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in levels of representation; and the fact that the electoral arrangements of Torbay Council itself have very recently been the subject of an electoral review, it is proposed that the new parish councils for Torquay and Paignton be divided into wards for the purposes of electing parish councillors – the ward boundaries and number of councillors to be elected for each ward to be the same as the existing arrangements for those wards on Torbay Council.

	<p><b>Brixham Town Council</b></p> <p>Brixham Town Council was established in 2007 and covers the wards of Furzeham with Summercombe and St Peter's with St Mary's.</p> <p>The first phase of consultation elicited a range of responses in relation to possible changes to the status and/or electoral arrangements of Brixham Town Council. However no single response achieved a substantial majority and the total numbers of respondents to these elements of the consultation were relatively low. It is not proposed that the draft recommendations of the review should include any changes to the current arrangements for Brixham Town Council's status, boundaries, warding or electoral arrangements.</p> <p><b>Timetable for the remainder of the review</b></p> <p>The 2007 Act requires that a community governance review must be completed within 12 months of its commencement. The terms of reference proposed that any new parish/town councils set up as a result of the review should be established no later than April 2020 and set out an indicative timetable to enable the review to be completed in time for any necessary preparatory work to be completed before this date. The terms of reference recognised that the indicative dates, particularly in the latter part of the timetable, may be subject to change.</p> <p>The timetable does need to be updated, and a revised timetable for the remainder of the review is now proposed as set out in Appendix 1. This will require the revised terms of reference to be formally adopted and published.</p>
<p><b>3.</b></p>	<p><b>What options have been considered?</b></p> <p>Two main alternative options have been considered:</p> <ul style="list-style-type: none"> <li>(i) to recommend that no new parishes or town councils be established in Torbay. This option is not proposed because of the potential benefits of establishing parish/town councils in terms of community identity/ engagement and retention of services that may otherwise need to be ceased, as set out in the report.</li> <li>(ii) to recommend the establishment of parishes and town councils as in the council's initial proposal, with no provision as to the limitation of the initial level of precept. This option is not proposed in recognition of the many concerns raised by respondents to the first phase consultation regarding potential increases in the level of council tax.</li> </ul>
<p><b>4.</b></p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>The proposals support the ambition of a prosperous and healthy Torbay as they represent an innovative approach to building community empowerment and engagement as well as safeguarding certain services that are valued by local communities in a time of reducing resources.</p>

<p><b>5.</b></p>	<p><b>How does this proposal contribute towards the Council’s responsibilities as corporate parents?</b></p> <p>The Council decided to undertake the review at this time because it considers that the establishment of town or parish councils, which have the ability to raise income through the precept mechanism that is not currently subject to capping rules, could 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.</p>
<p><b>6.</b></p>	<p><b>How does this proposal tackle deprivation?</b></p> <p>The establishment of town/parish councils can promote community empowerment and engagement as well as safeguarding certain services that are valued by local communities in a time of reducing resources.</p>
<p><b>7.</b></p>	<p><b>How does this proposal tackle inequalities?</b></p> <p>The establishment of town/parish councils can promote empowerment and engagement of all sections of the local community as well as safeguarding local services that are particularly important to disadvantaged groups within the community.</p>
<p><b>8.</b></p>	<p><b>How does the proposal impact on people with learning disabilities?</b></p> <p>The establishment of town/parish councils can promote empowerment and engagement of all sections of the local community as well as safeguarding local services that are particularly important to disadvantaged groups within the community.</p>
<p><b>9.</b></p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>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.</p> <p>In coming to its final recommendations in the review, the Council will take account of the views of local people and stakeholders including residents, business organisations, community groups, other local organisations, political parties and elected representatives for the areas under review and Brixham Town Council.</p>
<p><b>10.</b></p>	<p><b>How will you propose to consult?</b></p>



	<p>The Council wishes to promote community engagement and transparency in decision-making. In order to promote awareness and encourage responses to the review, the Council will:</p> <ul style="list-style-type: none"> <li>- publish the revised terms of reference for the review;</li> <li>- publicise the review as widely as possible and seek to engage the local media in reporting the issues under review;</li> <li>- consult 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;</li> <li>- make key documents available at the Council offices and at other venues in the areas under review;</li> <li>- accept submissions by post or via e-mail or the Council's website;</li> <li>- take into account representations received in connection with the review; and</li> <li>- publicise the final recommendations and the outcome of the review.</li> </ul> <p>The Community Governance Working Party received the outcome of the results of the consultation at its meeting on 1 July 2019.</p>
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<b>Section 2: Implications and Impact Assessment</b>	
<b>11.</b>	<p><b>What are the financial and legal implications?</b></p> <p>The 2007 Act provides that if a principal authority wishes to make changes to the community governance arrangements in its area, it must first undertake a community governance review. In undertaking such a review the Council 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 must comply with Part 4 of the 2007 Act, the relevant parts of the Local Government Act 1972 and regulations issued under those acts.</p> <p>The proposals contained in this report will commit the Council in respect of undertaking the second phase of consultation. It is important that in the second phase of consultation that the public are fully informed as to the likely future of Council Services, and the wider community engagement benefits of Parish/Town Council. Whilst the first phase of consultation was primarily on line, it is believed that this phase will need to be undertaken very differently, with a range of events and communication methods. Council previously allocated monies in respect of undertaking the Community Governance Review, which will also cover this second phase of consultation.</p>
<b>12.</b>	<p><b>What are the risks?</b></p> <p>If the proposal is not implemented there is a risk that the Council will not fully explore the opportunities available to safeguard the future the provision of</p>

	local services that it may be unable to sustain in the future due to resource and demand pressures.
<b>13.</b>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>The proposal does not require the procurement or provision of services together with the purchase or hire of goods or the carrying out of works.</p>
<b>14.</b>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>The relevant evidence, data and research is included in the body of the report and the appendices.</p>
<b>15.</b>	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>The key findings of the first phase consultation on the community governance review are set out in Appendix 3.</p>
<b>16.</b>	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>See 'what options have been considered?' above.</p>

<b>Appendix 1 - Revised Timetable for Community Governance Review of Torbay</b>	
<b>Action/stage of process</b>	<b>Proposed dates</b>
<b>Preparation phase</b>	
Consultation on draft terms of reference; preparation of maps, electorate forecasts, consultation materials etc.	Wednesday 21 November 2018 to 31 December 2018
Publication of terms of reference	Monday 14 January 2019 <i>(formal start of review)</i>
<b>First phase consultation – initial submissions</b>	
Initial submissions invited: publicity campaign, meetings etc	Monday 14 January 2019 to Friday 15 March 2019
Deadline for initial submissions	Friday 15 March 2019
Consideration of initial submissions/ preparation of draft recommendations	Monday 18 March 2019 to Friday 21 June 2019
Council to agree draft recommendations and process for second phase consultation	Thursday 18 July 2019
<b>Second phase consultation – submissions on draft recommendations</b>	
Preparation of consultation material/programme	July/August 2019
Formal publication of draft recommendations and launch of second phase consultation	Monday 2 September 2019
Submissions invited on draft recommendations: publicity campaign, meetings etc	Monday 2 September 2019 to Friday 25 October 2019
Deadline for second phase consultation responses	Friday 25 October 2019
Consideration of responses to second phase consultation/ preparation of final recommendations	Monday 28 October 2019 to Friday 8 November 2019
Constitution Working Party to meet to consider consultation responses	w/b 11 November 2019
<b>Decisions &amp; implementation</b>	
Publication of final recommendations	Monday 18 November 2019 <i>(formal end of review)</i>
Cabinet to consider final recommendations and make recommendation to Council	Tuesday, 26 November 2019
Council to decide whether to give effect to final recommendations/make any Reorganisation Order	Thursday 5 December 2019
Revised electoral register published	1 December 2019 (or 1 February 2020 if any amendments required to polling districts, wards)
Order takes effect – implementation of any changes for financial and administrative purposes.	No later than 1 April 2020
Elections to new town or parish councils (if any)	7 May 2020 (term of office would run until May 2023)

Appendix 2 - Torbay's Population Growth over the next 5-10 years.

Number of New Dwellings and population expected in Torbay over the next five years.				
Ward	Number of registered electors as at 1 February 2019	Number of new homes likely to be built by 2024/5 (5yrs)	Hypothetical number of People*	Notes
<b>TORQUAY</b>				
Barton with Watcombe	8,426	150	320	This contains "Barton New Town"/Scotts Bridge Barton/ The Willows. The area is largely built out. However Scotts Meadow currently being built and possible further development of Hatchcombe Lane in next 5 years. There is likely to be limited further growth post-2024 as part of Torquay Gateway.
Cockington with Chelston	6,013	130	277	The largest growth area is the former Hollicombe gas works. Site remediation has taken place. But growth will be lower if Hollicombe in not built in the next five years.
Elacombe	5,558	50	107	Largely developed high density Victorian area. Limited opportunities for new housing, although some brownfield development/conversions likely.
Shiphay	6,027	50	107	Limited growth in next 5 years but significant growth (@550) after year 5-15 years as part of Torquay Gateway.
St Marychurch	8,891	120	256	Several small sites have planning permission likely to deliver about 100 new dwellings in next 5 years.
Tormohum	8,384	500	1065	Tormohun is a largely built-up Ward but contains the largest area of "urban capacity" in Torquay in terms of brownfield sites, including some former hotels and town centre regeneration sites. Development of similar numbers likely to continue into the post 5 year period as urban regeneration projects continue.
Wellswood	5,632	80	170	Much of Wellswood is Conservation Area. However there are several medium size redevelopment proposals likely to be completed in next five years. A similar rate of growth is likely to continue post year 5.
<b>Torquay Sub Total</b>	<b>48,931</b>	<b>1,080</b>	<b>2,300</b>	

Number of New Dwellings and population expected in Torbay over the next five years.				
Ward	Number of registered electors as at 1 February 2019	Number of new homes likely to be built by 2024/5 (5yrs)	Hypothetical number of People*	Notes
<b>PAIGNTON</b>				
Clifton with Maidenway	6,002	30	64	Area is largely developed with limited development proposals likely to be built out in the next 5 years.
Collaton St Mary	2,099	400	852	This Ward contains several areas allocated as Future Growth Areas in the Torbay Local Plan, including Yannons Farm/Yalberton Road which is currently being built out. Later phases of development here, and development at Collaton St Mary likely to carry on into years 6-15 (circa 500 further additional dwellings post 2024).
Goodrington with Roselands	5,908	20	43	No significant permissions for new housing are outstanding. Some new homes may arise from smaller sites.
Kings Ash	5,286	120	256	The main growth in this Ward will be continued development of Great Parks Phase 2, with a similar level of further development post 2024.
Roundham with Hyde	5,977	150	320	Roundham with Hyde contains Paignton Town Centre. Whilst flooding issues are likely to constrain development particularly eastwards of the railway line, there are significant regeneration sites and redevelopment opportunities. In the next 5 years there is likely to be relatively limited development, but the regeneration sites that are likely to boost numbers post 2024.
Preston	8,110	110	234	The largest development in Preston over the next five years is likely to be the former Police Station (46 apartments) There is likely to be further limited development of circa 100-150 homes in the 5-10 year period.
Churston with Galmpton	5,616	200	426	Note that the south and east of this Ward abuts Brixham, and part of the existing (pre-2019) Ward is within the Brixham Peninsula Neighbourhood Plan Churston with Galmpton covers the White Rock Future development Area, which is currently being built out and will be where most new growth in the Ward takes place over the next 5 years. This area relates functionally to Paignton (and is included in Paignton's housing target in the Adopted Local Plan). The South of the Ward is much more rural and there is unlikely to be significant growth in the next 5 years, although smaller scale

Number of New Dwellings and population expected in Torbay over the next five years.				
Ward	Number of registered electors as at 1 February 2019	Number of new homes likely to be built by 2024/5 (5yrs)	Hypothetical number of People*	Notes
				development opportunities may arise. Longer term growth will need to be considered through the Local Plan Review, but development will need to overcome landscape and ecological constraints.
<b>Paignton Sub Total</b>	<b>38,998</b>	<b>1030</b>	<b>2195</b>	Note that this area includes Churston with Galmpton. The main areas with planning permission for housing are in the North of the Ward, which relate more closely to Paignton. The south of the proposed Ward is within the Brixham Peninsula Neighbourhood Plan Area.
<b>BRIXHAM</b>				
<b>Furzeham with Summercombe</b>	8,078	30	64	Furzeham with Summercombe is largely built up although there are some limited redevelopment and infilling opportunities.
<b>St Peters with St Marys</b>	5,216	90	192	The largest development areas are the completion of Wall Park and Sharkham Village. In the longer term there is scope for limited additional housing through urban regeneration of the town centre. However the remaining green areas have a high level of landscape and biodiversity protection.
<b>Brixham Sub Total</b>	<b>13,294</b>	<b>120</b>	<b>256</b>	
<b>Torbay Total</b>	<b>101,223</b>	<b>2,230</b>	<b>4,753</b>	Please see the caveats above. It is noted that this figure is slightly higher than the 2016 based population projections.

\*For simplicity the number of homes is multiplied by the projected average household size of 2.13 persons. This does not take into account institutional population or differences between household sizes in different areas. Numbers may not add up due to rounding.

February 2019



# Community Governance Review New Town or Parish Councils in Torbay Consultation Report April 2019

Number of questionnaire responses received
585

This consultation was open between Monday 14 January 2019 and Friday 15 March 2019.

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# 1. Executive Summary

Town and parish councils exist in many rural and urban areas and are the most local tier of government in England. Torbay Council is classed as a Principal Authority and therefore has responsibility for deciding whether to create, amend or abolish parish areas within its boundaries and whether to establish councils to serve any of the parishes.

A parish council that serves a town area may call itself a 'town council'.

Town or parish councils do not have statutory responsibility for services such as social care, education or housing but they may decide to provide some local services for their residents. In some cases, they may take over responsibility for services previously or currently delivered by Torbay Council.

The Council decided to undertake a Community Governance Review because town or parish councils could enable services to continue in Torbay which Torbay Council may no longer be able to provide. This is because they are able to raise additional income through their Council Tax precept. Therefore this would mean that, if town or parish councils are established, residents would pay more Council Tax overall.

These local councils can also play a key role in communities by the promotion of community engagement between the Council and residents, and more inclusive local government.

All local residents, business owners and organisations were invited to give their views via an on-line questionnaire. Posters were put up in all the Council's public facing offices and engagement visits were carried out at libraries in each of the towns. The Community Governance Review was publicised in a press release and promoted widely across all Torbay Council's social media accounts, including Facebook, Twitter, Google+ and LinkedIn.

Detailed supporting information about the review is available on our website [www.torbay.gov.uk/communitygr](http://www.torbay.gov.uk/communitygr)

All feedback will be considered before draft recommendations are made. These will then be published for further consultation between June and August 2019 ahead of a final decision in October 2019. If any new town or parish councils are established they will come into existence no later than April 2020.

A total of 585 completed questionnaires were received. There were also three written representations received. These have been collated, anonymised where necessary, and can be found in section 5.

Respondent's comments have been grouped into themes with examples shown alongside. Some comments span a range of themes. Comments are shown as they were received and have not been altered.

## 2. Headline Results

The majority of respondents identified themselves as **Torbay residents** (546). Of the respondents who told us their postcode, **42.3%** were from Torquay, **40.7%** from the Paignton, and **13.2%** from the Brixham area.

**80.0%** of respondents **did not** think that creating town or parish councils would provide more benefits than if the Council developed how we work with the existing bodies.

**81.0%** of respondents **did not** think that the new town or parish council(s) should consider delivering some local services that are currently provided by Torbay Council and for these to be paid for by the town council precept.

**34.9%** of respondents think that there **should** be changes to the area covered by Brixham Town Council, but they were closely followed by the percentage of those that **didn't know** at **33.3%** and those that thought there should be **no changes** to Brixham Town Council at **22.7%**.

**41.9%** of respondents **didn't know** if there should be any changes to the number of councillors who make up Brixham Town Council. **30.8%** of respondents thought there should be **fewer councillors**.

**78.5%** of respondents **disagreed** that that town or parish councils should be set up to serve the parts of Torbay that do not currently have them. **14.9%** thought they **should** be set up.

### 3. Summary of Results

#### 1) Please tell us whether you are a:

(multiple choice)	Number	Percent
Local resident	570	97.4%
Local employee	51	8.7%
Local business person	28	4.8%
Official representative responding on behalf of a community organisation	5	0.9%
Other	>5	~

#### 1a) Please tell us the name of your organisation

Comments
<i>"Brixham Arts &amp; Theatre Society"</i>
<i>"Brixham Town Council"</i>
<i>"Community Health &amp; Welfare Alliance-which includes Torbay &amp; South Devon TUC"</i>
<i>"Torbay Street Pastors"</i>

**2) Do you think that creating town or parish councils would provide more benefits than if the Council developed how we work with the existing bodies?**

	Number	Percent
Yes	88	15.0%
No	468	80.0%
Don't know	29	5.0%
No answer	>5	~
<b>Total</b>	<b>585</b>	<b>100.0%</b>

**2a) Please tell us why you gave the above answer**

Theme	Examples of comments
<p><b>Cost / Tax</b> (208)</p>	<p><i>"If taxes have to be raised to pay for Town Councils projects then why can't Torbay Council raise the equivalent tax to pay for the services it can't afford to run."</i></p> <p><i>"Creating town or parish councils would create yet another tier of bureaucracy and cost the local tax payer even more. Town Councils would need to be set up including a building, offices, lighting, heating, water, toilet facilities and additional officers to administer services. This is just a back door way of increasing the Council Tax!"</i></p> <p><i>"I think that local councils would have a better understanding and commitment in relation to matters appertaining to matters in their area. I would be prepared to pay more in council tax for relevant improvements in local services. Paignton needs a bigger 'voice' in improving the town centre for example which at present is rather shabby and run down."</i></p> <p><i>"It will mean an increase in council tax which is already too high for some of us to manage."</i></p> <p><i>"It would just be another expensive tier in local government that must residents, apart from paying more council tax would not notice any difference."</i></p>
<p><b>Management of local needs and services / Representation</b> (205)</p>	<p><i>"If you create town councils for torquay and paignton, many people would struggle to understand why we need Torbay Council and why we continue to pay them a monthly amount. Torbay council has been mismanaged for so long it now as a widespread reputation for being incompetent. Outsourcing responsibilities to other organisations whilst still collecting the same amount of tax will do nothing to help that reputation."</i></p> <p><i>"It would allow Town Councils to source additional funding for services such as street cleaning and local projects and initiatives. It would bring the decision making process closer to home. It could also reduce the need for the number of councillors on Torbay Council."</i></p> <p><i>"My area does not have any local body, and instead is lumped in with the larger entity of Torbay with which we have little in common."</i></p>

Theme	Examples of comments
	<p><i>"The more levels of authority/responsibility there are, the more communication and admin is needed. We have 2 local councillors in our area and I can see no reason why they can't continue to liaise with the community partnership directly and get their information 'from the horse's mouth' so to speak."</i></p> <p><i>"Torbay is a relatively small local government area . There is no need for a further level of governance . The costs involved to the council tax payer are not justified . The idea that we can get around central government expenditure / tax raising rules by creating town councils is naive . Government will introduce the same controls for town councils as exist for other levels of local government"</i></p>
<p><b>Bureaucracy (175)</b></p>	<p><i>"We do not need another layer of bureaucracy in this area. Elected mayoral position abolished by popular vote. Another layer of government would eat up any benefit more revenue through increased taxes could bring. Please work alongside the existing bodies."</i></p> <p><i>"there is o need for another tied of bureaucracy - this will just cost the residents more in council tax without any improvement is services."</i></p> <p><i>"more red tape, more people to make decisions, more ways of holding up decision making"</i></p> <p><i>"It's a ridiculous idea. Dreamt up by politicians to create more politicians. In business you reduce management layers and involve stakeholders to become more efficient and efficient. This is just increasing cost, reducing effectiveness, increasing bureaucracy and political agendas. In summary it's a waste of money and will decrease effectiveness"</i></p> <p><i>"It should be possible to ensure fairness of resource allocation without an extra layer of bureaucracy."</i></p>
<p><b>Other ways / Existing bodies (62)</b></p>	<p><i>"We fought to become a unitary authority to have one strong voice so we should enhance it not destroy it."</i></p> <p><i>"Where is the evidence that Brixham Town Council has delivered benefits for the community that outweigh the costs? Community Partnerships already provide a local vehicle for residents to become involved in improving their neighbourhoods, along with Neighbourhood Plans."</i></p> <p><i>"I believe that the Council could be run more efficiently by a radical re-structure of the way it provides non-statutory services."</i></p> <p><i>"There are already a number of community and voluntary groups in Torbay that could achieve much more locally if they had more funding and support from Torbay Council."</i></p> <p><i>"I see the Community Partnerships as providing a forum to float many random ideas that can create a cohesive local direction but this needs a 'formal' structure into which it can report - the town or parish council in effect becoming the 'civil service' to drive forward adopted ideas with a local interest"</i></p>
<p><b>Cost effectiveness (50)</b></p>	<p><i>"I have such a low opinion of Torbay Council that it works be hard for this to get worse. That said, I see little benefit in adding more layers. These things rarely add to efficiency or cost effectiveness."</i></p> <p><i>"I know a lot of people who live in Brixham and none think they have had any benefit since a Parish was formed there. Whilst they initially supported the idea, they feel very disillusioned that all it seems to have done is raise council tax with no clear benefit"</i></p>

Theme	Examples of comments
	<p><i>"too much of the extra money on the tax will be used for Admin and there will be more people involved meaning more red tape and no benefit for the extra money when the current rates already put working people in the middle income bracket in poverty as no help available for this demographic"</i></p> <p><i>"We pay one of the highest council tax in the country as it is. Why pay more when it is wasted . Get town centres sorted first."</i></p> <p><i>"I just think it is creating another layer of government at a much higher cost to residents that will not necessarily be any more effective. Most of the money would be spent on salaries or expenses."</i></p>
Other (40)	<p><i>"It costs to much and it will turn the clock way back."</i></p> <p><i>"I feel Torbay council is out of touch"</i></p> <p><i>"Not enough information on pros and cons of each option"</i></p> <p><i>"The conservative members of the council need to approach their fellow party members in government and 'insist' local authorities are properly funded!!!"</i></p>

**3) Do you think the new town or parish council(s) should consider delivering some local services that are currently provided by Torbay Council and for these to be paid for by the town council precept?**

	Number	Percent
Yes	84	14.4%
No	474	81.0%
Don't know	24	4.1%
No answer	>5	~
<b>Total</b>	<b>585</b>	<b>100.0%</b>

### 3a) What sort of services do you think town or parish councils could deliver?

There were 80 responses to this question. The 10 most popular answers are listed below.

Theme	Number of comments
Street cleaning / litter collection	29
Grounds maintenance / grass cutting	22
Events	12
Parks	11
Parking rates or permits	11
Bin collection	10
Community Centres / activities	8
Highways	7
Tourism	6
Planning / regeneration	6

### 3b) Please tell us why you gave the above answer.

Theme	Examples of comments
Cost / Taxes (112)	<p><i>"Again, another level, and additional costs to the already hard pressed taxpayer"</i></p> <p><i>"Because having more Town and Parish councils would not be cost effective."</i></p> <p><i>"This will involve more costs on implementation/staff/offices and less money going where it is needed."</i></p> <p><i>"Torbay council needs to spend more wisely and increase council tax when it has the opportunity, not add a new layer where the precept would get swallowed by the running costs."</i></p> <p><i>"These are all things which would make our area a more attractive environment for both locals and visitors and is sadly lacking at present."</i></p> <p><i>"Just a way to increase taxes"</i></p>

Theme	Examples of comments
<p><b>Service provision / A waste (99)</b></p>	<p><i>"since I moved to the bay some years ago, services have gone downhill, most of the towns are litter strewn and no-one cares what the place looks like, there is little community spirit."</i></p> <p><i>"the current council can continue to provide their services and if Torbay council were to increase the rates the same as would be needed for a new parish/council then they could improve the services provided."</i></p> <p><i>"We pay a large amount of money to the council and i cannot aford any more out of my pension to see another collection of councils waste it like the ones do now"</i></p> <p><i>"I would rather any increase in Council Tax was spent on vital services like Mental Health, Schools, Domestic Abuse victims etc. Not to fund extra bureaucracy."</i></p>
<p><b>Already paying Torbay for these services / Will be paying twice (77)</b></p>	<p><i>"The council should run the services If the government cut back are cutting so deep that the council cannot run the services It should lobby government for more money Take on commercial enterprises to raise more money or go bust"</i></p> <p><i>"Torbay Council should do this already!!!! It should be standard with any competent council!!!!"</i></p> <p><i>"We are already paying Torbay Council for these services."</i></p> <p><i>"Why pay twice if it a council service then the council should supply it,"</i></p> <p><i>"Torbay council are already paid for these services, they do not offer a rebate to tax payers why would anyone want to pay twice."</i></p>
<p><b>Representation / Community (68)</b></p>	<p><i>"Because they won't have the necessary skills to run some of the services that the Council does."</i></p> <p><i>"A Town Council is a positive attribute to the community. They can facilitate community activities, organise and sponsor events and promote community spirit and inclusiveness. They can provide services such as manage parks and public spaces, markets and organise events that attract visitors and promote their community."</i></p> <p><i>"People know where these things are needed in their local area and decisions made are not always the right ones for our town."</i></p> <p><i>"More money to provide more burearcy and more people who think they are important"</i></p> <p><i>"Torbay Council is focused on Torquay. We need a local council focused on Paignton."</i></p>
<p><b>Bureaucracy / Administration (56)</b></p>	<p><i>"It is an unnecessary additional bureaucratic level that we cannot afford locally. If Torbay Council could work more effectively with the voluntary and community sector much more would be achieved than through setting up town councils."</i></p> <p><i>"We would lose any potential economies of scope or scale. Where county councils are saving money by combining service provision around the country, we are discussing doing the opposite. It will create extra costs for the council tax payer. Given Brexit means we will need to tighten our belts and we will have less money, extra bureacracy is not the way."</i></p> <p><i>"This will involve more costs on implementation/staff/offices and less money going where it is needed."</i></p>



Theme	Examples of comments
	<p><i>"It seems a bureaucratic process to create councils, and divide services, when usually (central government / arms length national agencies etc) work on the basis that critical mass = savings, not duplication of functions. Evidence indicates it does not save money or improve service and is a backdoor way to increase local tax."</i></p> <p><i>"waste of money.... more pen pushers"</i></p>
<p><b>Don't agree with them / Not needed (52)</b></p>	<p><i>"We do not need a new town or parish council"</i></p> <p><i>"Why would you need to set up another council. If TBC already can't control the costs. Then what hope have we really got? £1300 for council tax is already enough out of a partly £18.5k wage a year. So no thank you"</i></p> <p><i>"Don't agree with splitting down the council that already exists"</i></p> <p><i>"I don't believe the geographical size of the area warrants additional levels of administration."</i></p> <p><i>"No, economies of scale should be exploited; they will be lost in this case. I do not agree with further devolution and I do not believe t9wn councils would be adequately held to account for delivery"</i></p>
<p><b>Pay enough already (50)</b></p>	<p><i>"We pay enough already. If the Council were more efficient there is no need. Concentrate on improving efficiency and productivity instead."</i></p> <p><i>"We don't need more costs...they are high enough as they are, and as Torbay has a high percentage of pensioners, we don't need this!"</i></p> <p><i>"we already pay a high council tax and unless you are 'in care' you receive very little for it. why would you pay more when you get poor value already."</i></p> <p><i>"It is of concern that any new costs (precept) will just rise and rise. We already pay for many things in our council tax and appear to see little of what we pay for."</i></p> <p><i>"Because we pay council tax. That should be used to pay for service. Not over paid pen pushers. 50-60 a year would mean families already struggling worse off."</i></p>
<p><b>Other (46)</b></p>	<p><i>"I don't understand how it would work."</i></p> <p><i>"Outside the main town centre area the council do not seem to care what happens"</i></p> <p><i>"this would descend into abject chaos"</i></p> <p><i>"Until we know the range of options, what boundaries a town council would cover, which services that council may chose to take on board - no one can offer an informed answer. Your use of the £200 - £300 precept figure is as honest and as misleading as £350m a week for the NHS on the side of a bus!"</i></p>
<p><b>As before / Previous answer (46)</b></p>	<p><i>"Same reasons as above."</i></p> <p><i>"See my answer to Q2."</i></p> <p><i>"For reasons already stated"</i></p> <p><i>"For the same reason as last answer and it would mean a further cost to the council tax payer."</i></p>
<p><b>Works fine as it is (8)</b></p>	<p><i>"The present system is capable of working out where the priorities lie."</i></p>

**4a) Based on where you live, which Torbay town, parish, area or locality do you feel you belong to?**

Respondents fed back with a variety of areas, some being individual Torbay wards or singular smaller neighbourhoods such as Broadsands or Wellswood. The most common responses (shown below) were the names of the three towns in the bay. 574 respondents answered this question.

Area or locality	Number or respondents that mention the locality
Paignton	162
Torquay	119
Brixham	70
Torbay	50
Preston	36

**4b) What is your postcode?**

(We are asking this to understand where you live in relation to the locality you feel you belong to)

	Number	Percent
TQ1 (Torquay)	111	19.5%
TQ2 (Torquay)	129	22.7%
TQ3 (Preston/Paignton)	131	23.1%
TQ4 (Paignton)	100	17.6%
TQ5 (Brixham)	75	13.2%
Other areas	22	3.9%
No answer	291	51.2%
<b>Total</b>	<b>858</b>	<b>100.0%</b>

If you do think that new town or parish council(s) should be created:

5a) What area(s) should it/they cover?

Theme	Number of comments in category
Disagree with them / Don't want them / No / None / NA	210
Their town area	88
Smaller neighbourhoods or wards	36
Torbay / One council / Keep things the same	25
Other comments	15
Do away with Brixham Town Council	5
Don't know	5

5b) What would you name the new town or parish council(s)?

Theme	Number of comments in category
Disagree with them / Don't want them / No / None / NA	142
Name after the town	73
Names should reflect the neighbourhood or ward	35
Other comments	35
Waste of money	17
Refer to previous answer	17
Keep it the same / Torbay	16
Don't know	7

This review is an opportunity for local people to comment on any changes that they might like to suggest in respect of the existence of Brixham Town Council, the area covered by it and its electoral arrangements.

**6) Do you think that there should be any changes to the area covered by Brixham Town Council?**

	All responses		Brixham responses only*	
	Number	Percent	Number	Percent
Yes, it should cover a larger area	18	3.1%	9	12.0%
Yes, it should cover a smaller area	>5	~	>5	~
Yes, it should be abolished	204	34.9%	33	44.0%
No	133	22.7%	28	37.3%
Don't know	195	33.3%	>5	~
No answer	31	5.3%	0	0.0%
<b>Total</b>	<b>585</b>	<b>100.0%</b>	<b>75</b>	<b>100.0%</b>

\*These are respondents who supplied a TQ5 postcode. (291 respondents did not supply a postcode).

**6a) Please tell us why you gave the above answer.**

There were 384 responses to this question. The top 10 response categories are listed below.

Theme	Examples of comments
<b>Don't live in Brixham / It's for Brixham to decide / Don't know enough about Brixham to comment (117)</b>	<p><i>"As I don't live there I do not feel qualified to answer this question as I have no idea how it currently operates."</i></p> <p><i>"I did not agree with Brixham having. Town Council but up to Brixham Residents to decide whether they want to continue with a town council"</i></p> <p><i>"This is for brixham people to decide - they pay the additional rates."</i></p> <p><i>"nothing to do with me"</i></p> <p><i>"Not clear about the benefits to Brixham of the current model"</i></p>
<b>Works fine / Don't change (48)</b>	<p><i>"Brixam is a great community based town &amp; Brixam Town Council should not incorporate anything other than what it already does"</i></p> <p><i>"It appears to now be working well albeit it took a while for this to happen. "If it's not broke donned change it"</i></p> <p><i>"The current organisation does a effective job within the limited scope and funding provided by Torbay."</i></p> <p><i>"Seems to work well today - if it 's not broke don't change it"</i></p> <p><i>"They are doing fine."</i></p>

Theme	Examples of comments
<p><b>Other</b> (44)</p>	<p><i>"Torbay should become under Devon County Council"</i></p> <p><i>"Only does things in Town Centre"</i></p> <p><i>"Not sure of the area they cover presently, but all 3 should about each other so there are no gaps"</i></p> <p><i>"We need to work together on all issues."</i></p>
<p><b>A single, Torbay wide Council</b> (34)</p>	<p><i>"Bring the whole Bsy under one umbrella"</i></p> <p><i>"Brixham Councillors should represent this area on a whole bay council. We need to improve unity with the bay."</i></p> <p><i>"The recent 'refugee' case showed it to be an out of touch, anti-democratic institution which does not have the best interest of the area at heart. Besides, no part of the bay should be run separately from the rest"</i></p>
<p><b>Money / Cost</b> (30)</p>	<p><i>"Brixham town council hasn't delivered anything meaningful since it commenced. Lantern parades and pirate festivals are expensive activities for those paying the extra money."</i></p> <p><i>"Brixham is somewhat unique at helping itself. This is something that it can do without the help of elected and no elected officials. Removing the Parish Council would reduce the taxation burden. We should not forget that 40% of the additional tax raised to support Brixham people goes in paying and housing these officials."</i></p> <p><i>"It does not work for nothing so it is an extra expense at a time councils should be cutting back"</i></p>
<p><b>Don't agree with town councils / Don't believe it works</b> (30)</p>	<p><i>"I do not agree with the Town Council proposal. As brixham exists it should remain the same until it proves it can deliver more for less - or scrapped."</i></p> <p><i>"No parish councils"</i></p> <p><i>"I don't believe Town Councils are the way ahead"</i></p>
<p><b>Added bureaucracy</b> (25)</p>	<p><i>"Because real decisions are not made by the town council and it has only created more bureaucracy and a larger Council tax bill."</i></p> <p><i>"We need less bureaucracy, not more, it has not improved service in my opinion"</i></p>
<p><b>Not beneficial / Ineffectual</b> (22)</p>	<p><i>"It has never done ANYTHING useful and never will. I have personally tried to improve matters and have had to give up"</i></p> <p><i>"Because I am not aware of any significant or beneficial difference that Brixham Town Council has made. Do the people of Torbay in general know it exists? Do they care? and would they care if it wasn't there? For that matter how many people in Brixham think the Town council offers significant benefit to them? All a bit cynical I'm afraid but you did ask!"</i></p>
<p><b>Brixham residents pay more</b> (21)</p>	<p><i>"Why should the residents of Brixham have to pay twice for the same service? Barmey"</i></p> <p><i>"I don't agree with there being a Brixham town council it costs tax payers more money"</i></p>

**7) Do you think that there should be any changes to the number of councillors who make up Brixham Town Council?**

	All responses		Brixham responses only*	
	Number	Percent	Number	Percent
Yes, there should be more councillors	11	1.9%	8	10.7%
Yes, there should be fewer councillors	180	30.8%	35	46.7%
No	103	17.6%	24	32.0%
Don't know	245	41.9%	7	9.3%
No answer	46	7.9%	>5	~
<b>Total</b>	<b>585</b>	<b>100.0%</b>	<b>75</b>	<b>100.0%</b>

\*Respondents who supplied a TQ5 postcode. (291 respondents did not supply a postcode).

**7a) Please tell us why you gave the above answer**

There were 329 responses to this question. The top 10 response categories are listed below.

Theme	Examples of comments
<b>As above / Previous answers (54)</b>	<p><i>"All my answers make the reason clear."</i></p> <p><i>"Same as above"</i></p> <p><i>"N/A see 6A above"</i></p> <p><i>"Ditto"</i></p>
<b>Cost / Money (45)</b>	<p><i>"To save money and spend it on things the locals actually need!"</i></p> <p><i>"too small to have any influence. but expensive to run."</i></p> <p><i>"Less councillors would be more cost effective and efficient"</i></p> <p><i>"Less cost to council taxpayer."</i></p>
<b>Don't know (42)</b>	<p><i>"Don't have enough information to comment"</i></p> <p><i>"Don't know who the current councillors are"</i></p> <p><i>"I am not familiar with Brixham Town council, and can therefore not comment on how many councillors it should have."</i></p> <p><i>"I don't know how many councillors there are not or how busy they are."</i></p>
<b>Too many / Fewer councillors / No councillors (40)</b>	<p><i>"No Town Councillors would be the best option. Brixham representatives should sit on the main Torbay Council"</i></p> <p><i>"There are too may Councillors across all of Torbay which is why we end up with so many political arguments."</i></p> <p><i>"More councillors always result in more in-fighting with residents bearing additional costs."</i></p> <p><i>"Too many of our existing councillors are struggling to deliver and are stepping down...we want fewer and more long term councillors that deliver the answers."</i></p>

Theme	Examples of comments
I don't live there (39)	<p>"Not a Brixham Resident and do not know enough about the present situation"</p> <p>"I don't thankfully live there!!"</p> <p>"I have no experience of Brixham."</p>
Representation (30)	<p>"I do not know how many councillors there are . however there does seem to be something successfully different about Brixham and there is a pride that is reflected around Brixham which cannot be seen elsewhere in the Bay"</p> <p>"Brixham should be properly respesented at Torbay council, with councillors providing a local voice and influencing council policy."</p> <p>"There should be a set number of residents per councillor"</p>
Fine as it is (27)	<p>"Knowing all three councillors over many years, they represent Brixham very well."</p> <p>"They are currently sufficiently accessible. Further members would increase the Bureaucracy and cost"</p>
Abolish Brixham Council (22)	<p>"Brixham Council should be abolished so there is a consistent system over the whole of Torbay."</p> <p>"Brixham council to join Torbay Council."</p>
Other (20)	<p>"It is nothing but a self congratulatory talking shop for self important little people."</p> <p>"all government is unaffordable under the current central govt"</p>
For Brixham to decide (14)	<p>"I do not live in the area and the Brixham residents are the electorate who must be satisfied by their Council."</p>

**8) Do you agree that town or parish councils should be set up to serve the parts of Torbay that do not currently have them?**

	Number	Percent
Yes	87	14.9%
No	459	78.5%
Don't know	29	5.0%
No answer	10	1.7%
<b>Total</b>	<b>585</b>	<b>100.0%</b>

**9) Do you have any other comments on governance issues at the parish/town council level?**

Theme	Examples of comments
<p><b>Efficiency / Services / Representative (123)</b></p>	<p><i>“As stated before. Too many already over paid councillors who don't already do the job they're paid for. Roads are a disgrace, cutbacks are atrocious.”</i></p> <p><i>“Governance is also about competence and I really wonder about white elderly men spending my money on debate after debate.”</i></p> <p><i>“Residents should be able to hold their elected representatives to account better. Far too often the voice of local people is ignored and decisions past by the current council and out going mayor that does not represent the local population. While we all understand that business and investment is vital to our economy it should not be at the expense of those who actually live here.”</i></p> <p><i>“We don't need another layer of bureaucracy. Torbay Council needs to focus and get on and do its job properly rather than looking for ways out. The Homeless are a great visible problem across the Bay but nothing is done positively to improve matters. The benefits system provided by the Council seeks to put people off making legitimate claims and is not fit for purpose. Food banks! Business support is poor.”</i></p> <p><i>“It is regrettable that it is necessary to think along these lines which should be viewed in the context of the abject failure of Torbay Council to provide the services that our communities have a right to expect. Let's also be honest and admit that the consideration of new parishes is also a means to raise more money in the bay and may be opposed for this reason alone.”</i></p>
<p><b>No / Not needed / Don't want (76)</b></p>	<p><i>“I do not agree that town or parish councils are needed in Torbay”</i></p> <p><i>“It time that Torbay treated all it's working parts equally - there are 3 entities - Torquay, Paignton &amp; Brixham and they are all equally important - one town is no more important or worthy than the other. It is not a big enough area to need 3 separate parish councils - that just brings in extra levels of bureaucracy and extra layers of cost for no advantage. Pare it all back, save money &amp; spend that money where it is desperately needed on children &amp; the elderly.”</i></p> <p><i>“Since I don't wish to have them I will not be willing to pay towards them, I would be more willing to go to prison for non payment”</i></p> <p><i>“They are not needed if Torbay Council do their job properly”</i></p> <p><i>“This is a thoroughly bad idea and does not have my support.”</i></p>
<p><b>Increase in tax / Cost (76)</b></p>	<p><i>“Do not want to pay anymore council tax for more people to argue and cost more money. The council we have should be able to care for all the community”</i></p> <p><i>“If taxes have to be raised to pay for Town Councils projects then why can't Torbay Council raise the equivalent tax to pay for the services it can't afford to run. If TBC find it difficult to control what service like Tor2 provide then what chance has a small Town or Parish Council got to ensure services of that or similar service continue, will it have back up from Torbay Council.”</i></p>



Theme	Examples of comments
	<p><i>"I do not see how another layer of bureaucracy will change anything, it is just a way of raising more money by getting around the council tax cap. We pay enough already!"</i></p> <p><i>"I would be willing to pay more money through my existing Council Tax to support spending in social care, rather than creating further bureaucracy. It just seems a way of getting round the cap on Council Tax to avoid a referendum. This is the real issue. Why should local government be subject to a referendum (unless you are Northamptonshire!) when they want to increase spending but central government can increase taxes when they want?"</i></p> <p><i>"Council Tax is already too high for most local residents, please do not make the situation worse."</i></p>
<p><b>Other (55)</b></p>	<p><i>"Do away with the office of elected mayor. The current incumbent has not been effective."</i></p> <p><i>"Badly worded questionnaire Should have started with the costs first"</i></p> <p><i>"If they exist they should be purely voluntary."</i></p> <p><i>"We already have community partnerships"</i></p>
<p><b>Bureaucracy (38)</b></p>	<p><i>"Although Town/Parish Councils are a good idea in principle they are impossible to be effective if the precept is not paid to them, also it is just increasing beurocratic costs before any benifits are forthcoming."</i></p> <p><i>"A waste of money and unnecessary added bureaucracy."</i></p> <p><i>"Although Town/Parish Councils are a good idea in principle they are impossible to be effective if the precept is not paid to them, also it is just increasing beurocratic costs before any benifits are forthcoming."</i></p>
<p><b>Keep as Torbay (25)</b></p>	<p><i>"Torquay, Paignton and Brixham to be run by one organisation."</i></p> <p><i>"There should be existing dedicated departments within Torbay Council to serve these areas!"</i></p>
<p><b>Join with Devon or other authority (17)</b></p>	<p><i>"I am obviously not if favour of town councils and it was not long ago that we were talking about Torbay joining with Devon to get economies of scale. It is a pity this was not acted upon."</i></p>
<p><b>Waste of money (17)</b></p>	<p><i>"I think that there would be too many councillors elected if there were town or parish councils and there would be a huge waste of money setting up the new entities. Money that could be well spent on street cleaning and painted road markings!"</i></p>
<p><b>Previous answers (13)</b></p>	<p><i>"No need to repeat my objections again."</i></p>

## 4. Social Media Evaluation

There were **473 unique page visits** to the community governance review webpage and almost 80% clicked through from social media sites. Over half of these (**241**) were **direct link clicks** from Torbay Council's social media accounts.

The posts on Facebook and Twitter **reached** a potential audience of **32,564**. More importantly, engagement was high with **585 reactions, comments and shares** on the Council's Facebook and Twitter accounts. The engagement percentage rate for both Twitter and Facebook was also high (this is the percentage of people reached who liked, shared, commented or clicked on a post). For Facebook this figure was **6.88%** (3.5 and over is good), whilst Twitter achieved a **0.86% engagement rate** (between 0.09% and 0.33% is considered to be high).

The **most effective posts** directly asked people about future council tax payments or referred to the future funding of services. The least effective promoted the public engagement events, suggesting that posts which prompt an emotive reaction are more engaging.

### Top line figures

Number of unique page views to the Community Governance Review information web page <a href="http://www.torbay.gov.uk/communitygr">www.torbay.gov.uk/communitygr</a> :	473	
Direct link clicks to website from the Council's Facebook, Twitter, Google + and LinkedIn accounts:	241	
Reach for posts on Facebook and Twitter:	32,564	
Engagement (reactions, comments and shares) on Facebook and Twitter:	585	
Engagement % rate: (number of people reached who liked, shared, commented or clicked on the post)	On Facebook	6.88% (high)
	On Twitter	0.86% (high)

### Feedback on social media

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 and they want the Council to do something about local problems e.g. road maintenance, street cleansing, homelessness, refuse collection etc. Other comments 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.

## Posts

Most effective	On Facebook	Would you pay an extra Council Tax payment to fund new town or parish councils so they can deliver services to your local community? Let us know what you think. Find out more at <a href="http://www.torbay.gov.uk/communitygr">www.torbay.gov.uk/communitygr</a> #Torbay	85 link clicks
			15% engagement
			225 reactions, comments and shares
	On Twitter	It's likely we'll be able to provide less services as our funding reduces and pressures on our statutory services increase. So, would you pay more for town or parish councils to provide things like tree planting and traffic calming? Have your say <a href="http://www.torbay.gov.uk/communitygr">www.torbay.gov.uk/communitygr</a> #Torbay	9 link clicks
			1.8% engagement
			18 reactions, comments and shares.

Least effective	On Facebook	Have you got any questions? Should town and parish councils provide local services like tree planting and traffic calming that Torbay Council may not be able to deliver in the future? The first engagement event's at Paignton Library today 10 – 12. <a href="http://www.torbay.gov.uk/communitygr">www.torbay.gov.uk/communitygr</a> #Torbay	4 link clicks
			4% engagement
			23 reactions, comments and shares.
	and On Twitter		0 link clicks
			0.3% engagement
			2 reactions, comments and shares

## 5. Written Representations

“As a council tax payer even though I am on long term sick me and my husband do not get any rebate and I don’t get any benefits so tell me where we will get another 40-60 a year. Try charging 2nd home owners full council tax and cut wages and crack down on benefit cheats.”

“Not a good idea. Just another body set-up to give their views on certain issues. Can’t see the point or the funds needed for it.”

“I am a local resident of 4 years and have begun to understand how the area operates over the summer months; a great deal of resources are diverted to propping up the tourist businesses. This is understandable, but in return the area sees little immediate financial benefit although in the long run I appreciate that without this source of revenue the area would wither. However, in return the restaurants and bed and breakfasts should contribute more so although the small business relief is a national policy places could charge a nominal fee per person for each night stayed and provided this was carefully implemented and managed it would provide income when the town most needs it.

On the matter of additional layers of bureaucracy, those that work in the private sector get told to work harder, have fewer breaks and stop complaining, in other words, get a grip. Please note I am not a serial complainer”



For further information please contact the Corporate Support Team on 01803 207227 or email [consultation@torbay.gov.uk](mailto:consultation@torbay.gov.uk)

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

**Policy, Performance and Review Team**



**APPENDIX 4 – ANNUAL COUNCIL TAX LEVELS ACROSS DEVON 2019-20**

Authority	Band D household Council Tax excluding any parish precepts	Band D household Council Tax including parish precept (range)
West Devon BC	1914.72	1914.72 - 2077.66
Mid Devon DC	1886.93	1886.93 - 1994.11
North Devon Council	1866.44	1866.44 - 1976.60
Teignbridge DC	1853.26	1853.26 - 1974.75
South Hams DC	1848.51	1853.27 - 2019.84
Torrige DC	1846.75	1846.75 - 1987.73
Exeter CC	1838.14	1838.14 - 1838.14
East Devon DC	1824.87	1824.87 - 2080.90
Plymouth CC (UA)	1813.14	1813.14 - 1813.14