

Monday, 9 November 2020

CABINET

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

Tuesday, 17 November 2020

commencing at **5.30 pm**

The meeting will be held remotely via Zoom (the links to the meeting are set out below)

<https://us02web.zoom.us/j/85107601339?pwd=ZnRRRnl5bmlRRG53VDAwNGlrNDRLZz09>

Meeting ID: 851 0760 1339

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Meeting ID: 851 0760 1339

Passcode: 879114

Members of the Committee

Councillor Steve Darling (Chairman)

Councillor Carter

Councillor Long

Councillor Cowell

Councillor Morey

Councillor Law

Councillor Stockman

Together Torbay will thrive

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Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR

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

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. Communications

To receive any communications or announcements from the Leader of the Council.

4. Urgent Items

To consider any other items the Chairman decides are urgent.

5. Matters for Consideration

6. Notice of motion - Free School Meals

To consider the attached motion, notice of which has been given in accordance with Standing Order A13 by the members indicated.

(Pages 5 - 6)

7. Torbay Heritage Strategy for Adoption

To consider a report that seeks the adoption of the Torbay Heritage Strategy.

(Pages 7 - 76)

8. Local Plan Review (Local Development Scheme) - Local Plan Working Party Recommendations

To consider a report on the above.

(To Follow)

9. **Licensing Act 2003 - Licensing Statement of Principles 2021 to 2026** (Pages 77 - 146)
To consider a report that seeks approval of the Licensing Statement of Principles 2021 to 2026.
10. **Early Years Sufficiency Annual Update** (Pages 147 - 214)
To note the annual early years sufficiency update.
11. **Proposed Council Tax Support Scheme 2021/22** (Pages 215 - 238)
To consider a report that provides members with the background of the current scheme and recommendations for the 2020/21 local Council Tax Support scheme.
12. **Customer Relationship Management System** (Pages 239 - 260)
To consider a proposal to undertake a procurement exercise to identify a provider to supply, implement and maintain a new Customer Relationship Management (CRM) system.
13. **Leasehold Disposal Pier Point Restaurant and Retail Unit, Torbay Road, Torquay, TQ2 5HA** (Pages 261 - 267)
To consider a report that seeks approval of a leasehold disposal to Pier Point Restaurant and Retail Unit, Torbay Road, Torquay.
14. **Budget Monitoring 2020/21 - Quarter Two** (Pages 268 - 288)
To note the submitted report on the latest budget monitoring position and to consider any recommendations from the Overview and Scrutiny Board.

Instructions for the Press and Public for joining the meeting

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

Joining a meeting

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

Meeting Etiquette - things to consider when attending a virtual meeting

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.

Partnership - Notice of Motion

Cabinet

17 November 2020

Free School Meals

The Cabinet notes:

That numbers of pupils entitled to Free School Meals are rising fast. Torbay has witnessed a 29% rise in the number of children entitled to free school meals. Prior to the Covid-19 Pandemic there were 3,963 children entitled to free school meals, this has risen to 5,114 this September. This figure does not include data for 2 year olds with entitlement, therefore the number could be even higher. Every child who is entitled to Free School Meals is a sign of a family under significant financial pressure. This picture of increasing child poverty is supported by the rapid rise in the number of families dependent on food banks.

That children who are hungry are less able to learn and thrive at school.

That the extension of the school meals voucher scheme (campaigned for by Marcus Rashford) to cover the period of the summer holiday was incredibly important and valuable to families in food poverty.

The Cabinet recognises the fears that the second lockdown is likely to lead to further increases in child poverty.

The Cabinet therefore supports the calls by the Child Food Poverty Task Force, supported by Marcus Rashford and many leading food suppliers and producers, which calls for:

The expansion of free school meals provision to every child whose family is in receipt of Universal Credit or equivalent, or with a low-income and no recourse to public funds.

That provision be made for food vouchers to cover school holidays and periods of lockdown for all families in receipt of Universal Credit or with low-income and no recourse to public funds.

That Healthy Start vouchers should be increased in value to £4.25, and expanded to be made available to all those in receipt of Universal Credit or with a low-income and no recourse to public funds.

This Cabinet resolves to request the Leader of the Council to write to the Secretary of State for Education and the Chancellor of the Exchequer to call for:

1. An extension of the eligibility for free school meals to every pupil whose parents or guardians are in receipt of Universal Credit,
2. Food vouchers for every one of those pupils in every school holiday and during any period of lockdown,
3. An extension of the eligibility for free school meals to pupils from low-income families whose parents or guardians have no recourse to public funds and destitute asylum seekers under s4 of the Immigration and Asylum Act 1999.

Proposer: Councillor Long

Seconder: Councillor Morey

Meeting: Cabinet

Date: 27 October 2020

Wards Affected: All

Report Title: Torbay Heritage Strategy for adoption

Is the decision a key decision? Yes

When does the decision need to be implemented? ASAP

Cabinet Member Contact Details: Councillor Mike Morey, Cabinet Member for Infrastructure, Environment and Culture and Swithin Long, Cabinet Member for Economic Regeneration, Tourism and Housing

Supporting Officer Contact Details: David Edmondson
David.Edmondson@torbay.gov.uk Assistant Director of Planning, Housing and Climate Emergency

1. Purpose of Report

- 1.1 The purpose of the strategy is to clarify Torbay Council's approach to heritage, and to enable the Council to confirm and develop plans for specific locations. The new documents set out statutory requirements (e.g. Listed Buildings, Conservation Area Appraisals, Scheduled Ancient Monuments and non-designated heritage assets). The aim is also to ensure accessibility to a wide readership.
- 1.2 Torbay's current Heritage Strategy dates from 2011. It was not formally adopted by Torbay Council and has never been reviewed. Numerous changes have impacted the culture and heritage sector since that time; there also have been significant political changes locally and nationally, and cultural developments on the ground in the bay.
- 1.3 This Strategy is the result of a significant review of heritage in the Bay. It was conducted by lead consultant Katherine Findlay at Heritage Arts & People, on behalf of Torbay Council, with advice and support from Council officers, TDA and Torbay Culture. The process continued over several months involving local residents, partner organisation, elected Council members, officers and services. It has also taken place during the global Covid-19 pandemic and at a time of great change in the strategic funding context.
- 1.4 The development of the Strategy has been iterative and extensive. Two rounds of consultation were held. The first was during February with a public survey to encourage local people to get involved and share what mattered to them. This helped shape the strategy's structure and content. The second consultation over four weeks in August gathered detailed responses to the draft strategy. Throughout the review one to one conversations, and group discussions were held, including a

workshop at Torre Abbey with stakeholders. In total, over 800 people have engaged with the process. Alongside the individual feedback, we have worked closely with the lead bodies for heritage, including Historic England, the National Lottery Heritage Fund, English Riviera UNESCO Global Geopark and National Trust.

- 1.5 The Strategy has been modified to take into consideration comments raised during the consultation periods. Critically, the document has been split into two parts. The first of which is the Strategy itself, the second is formed by 'Our Stories' which reflect the vast research undertaken and wide range of responses received during the process.

2. Reason for Proposal and its benefits

- 2.1 This is an overarching document that focuses and co-ordinates a number of key recommendations including; a clear set of objectives for managing and protecting heritage assets, it is a tool to involve and inspire key partners and stakeholders, attract visitors and support our economy and respond to climate change whilst recognising our wide ranging internationally recognised heritage.
- 2.2 The proposals contained in this report do not commit the Council financially, other than within existing budgets. Due consideration will be given to the financial impacts of each aspect of the Heritage Strategy as individual decisions are progressed.
- 2.3 On 9 October, Historic England, the National Lottery Heritage Fund, and the Department for Digital, Culture, Media & Sport (DCMS) jointly announced the first 445 awards from the government's Culture Recovery Fund. At the same time DCMS and arm's length bodies are jointly promoting the #HereForCulture campaign. Torbay Culture at TDA applied and was successful in securing investment from the Culture Recovery Fund for Heritage. The funding which Torbay Culture has been allocated includes specific budget line agreed by the Heritage Fund to progress the new Torbay Heritage Strategy during the early part of 2021. The CRF will enable us to support detailed action planning which includes identifying priority projects and supporting local engagement with the process. The action planning phase will be able to explore the options for support, once needs and opportunities have been gauged.
- 2.4 The proposals in this report help us to deliver the ambitions within our Community & Corporate Plan through:
- thriving people; access to heritage and culture can contribute to improved health and wellbeing. The strategy will contribute to creating positive places.
 - thriving economy; there is significant change in the strategic funding context. The strategy will support key funding bids. Attracting new and younger visitors and lengthening the tourist season are fundamentally important to Torbay's future economy. This strategy puts heritage at the centre of our visitor offer for the first time.
 - tackling climate change; this strategy considers both the risks to historic assets and how we can decarbonise the way we work at and visit heritage sites.

- Council fit for the future; Torbay Council and TDA own and manage a range of historic sites and we support the wider heritage sector across the bay. This strategy aims to strengthen the sector and explains our priorities for key locations.
-

3. Recommendation(s) / Proposed Decision

- (i) That, the Heritage Strategy, as set out in Appendix 1 and 2 to the submitted report, be adopted subject to the Assistant Director Planning, Housing & Climate Emergency, in consultation with the Cabinet Member for Infrastructure, Environment and Culture, being given delegated authority to approve any necessary minor amendments to the documents.

Appendices

Appendix 1: Torbay Heritage Strategy Part 1
 Appendix 2: Torbay Heritage Strategy Part 2

Background Documents

[National Planning Policy Guidance \(NPPF\)](#)
[Torbay Local Plan](#)
[Neighbourhood Plans](#)
[Torbay Conservation Area Appraisals](#)

Report Clearance

Report clearance:	This report has been reviewed and approved by:	Date:
Chief Executive	Anne-Marie Bond	
Monitoring Officer		
Chief Finance Officer	Martin Phillips	
Relevant Director/Assistant Director	David Edmondson	22.10.2020

Supporting Information

1. Introduction

- 1.1 The Heritage Strategy sets out the Council's ambitions, aims and objectives. As part of its commitment to changing how the Council engages with its residents, communities and partners (and in line with the Council's Constitution), the Strategy has been subject to a wide range of early engagement, with public and stakeholder consultation.
- 1.2 This has clearly shown a need to understand our valued heritage and start the process of identifying solutions to protect it. The Strategy co-ordinates a number of key recommendations including; a clear set of objectives for managing and protecting heritage assets, it is a tool to involve and inspire key partners and stakeholders, attract visitors and support our economy and respond to climate change whilst recognising our wide ranging internationally recognised heritage.

2. Options under consideration

- 2.1 The existing Strategy is out of date and was never adopted. A new Strategy is required to reflect the current situation.

3. Financial Opportunities and Implications

- 3.1 The proposal contained in this report do not commit the Council financially.
- 3.2 There is no direct budgetary implication with the preparation of the Strategy itself, however it does set out a timetable and resource implications.

4. Legal Implications

- 4.1 No legal implications.

5. Engagement and Consultation

- 5.1 A wide range of research has been undertaken with data gathered from a three week stakeholder questionnaire. Various stakeholder events and meetings also took place. Overall, the process involved consultation with local residents, partner organisation, elected Council members, officers and services. Key stakeholders included Historic England, English Riviera UNESCO Global Geopark, National Lottery Heritage Fund and National Trust.
- 5.2 More formal, four week consultation held in August 2020 enabled the public and key groups to see their comments reflected in the final document. The research and data gathering enabled the team to understand the management of existing heritage assets and prioritise recommendations for their future.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 If the proposal requires:
 - the procurement of services or

- the provision of services together with the purchase or hire of goods or
- the carrying out of works

then you have a legal duty to consider the Public Services Value (Social Value) Act 2012. This places a responsibility on public sector organisations to consider social value in service contracts, or where there is a service element in goods or works contracts. It gives us the opportunity to consider, and give weighting to in procurements, any additional community benefits that could be achieved (outside the scope of the procurement). These benefits should link wherever possible to the Community & Corporate Plan and be reviewed as part of contract performance reviews. It is recommended that you obtain further advice or guidance on Social Value and the completion of this section from the Procurement Team. Please outline what considerations have been made (including any consultation) or the reason why you have not included Social Value in this proposal. Example - In a contract for Building works we may ask bidders to show how they would -Promote Local Skills & Employment – They may as part of their bid make a commitment to recruiting at least 10% of new recruits in the next 12months from people who have been in long term unemployment. This is of no direct benefit to the bid for building works but is of “added Social Value to Torbay”.

7. Tackling Climate Change

7.1 Climate change has been considered as part of the Strategy and is included in the vulnerabilities section. Climate change threatens Torbay’s historic buildings, landscapes and archaeology in a number of ways:

- Coastal flooding as the sea level rises
- Increased coastal erosion from wave action
- Changes to habitable ranges of invasive vegetation, fungus and pests
- Damage from increased rainfall
- Soil instability and chemical changes
- Different planting necessary in parks, gardens and farmland

7.2 A key objective within the Strategy is to ensure heritage assets in Torbay are protected from the effects of climate change and carbon reduction is central to their management.

8. Associated Risks

8.1 No expected risks.

Equality Impacts

9.	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
10.	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)			
11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)			

Torbay Heritage Strategy 2021 – 2026

Part 1

October 2020



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Foreword

The Torbay Heritage Strategy is the result of a significant review of heritage in the Bay. The review was conducted throughout the course of 2020 and involved extensive consultation with local residents, partner organisations, elected Council members, officers and services, and consideration of the changes in local and national plans and policies. This work took place during the global COVID-19 pandemic at a time of great change in the strategic funding context.

Throughout the process we have been keen to ensure this strategy is rooted in the needs and aspirations of Torbay and its residents, holding two consultations periods (February/March and again July/August 2020). We also worked closely with national heritage lead bodies, including Historic England, the National Lottery Heritage Fund and the National Trust to test our thinking. Whilst the focus is on cultural heritage and the historic environment, the wider context has been important and shaped this work.

Torbay has a fascinating history and rich heritage. The entire area is internationally recognised as the English Riviera UNESCO Global Geopark, and our inshore coastline is a Marine Conservation Zone. Torbay is home to part of the South Devon Area of Outstanding Natural Beauty (AONB) along with multiple Sites of Special Scientific Interest (SSSI), Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic Parks and Gardens, historic sailing vessels and outstanding museum and archive collections. Tor Bay is also a statutory harbour with 22 miles of coastline and 16 square miles of open sea within the harbour limits. Furthermore the Bay is home to the three enclosed harbours of Brixham, Torquay and Paignton.

We also know there are many competing priorities for limited resources. Part of this process was to consider how to prioritise heritage, including assets on Historic England's Heritage at Risk Register. The heritage review was conducted by lead consultant Katherine Findlay at Heritage Arts & People, on behalf of Torbay Council, with advice and support from Council officers, TDA and Torbay Culture. Our thanks go to Katherine for her excellent work on the review and report; and to all the people who responded to questions, attended consultations, and shared their thoughts during the process.

Importantly this strategy sits alongside the wider cultural strategy 'Enjoy, Talk, Do, Be' – a cultural strategy for Torbay and its communities 2014-24. It is aligned with the Torbay Local Plan and will inform its upcoming review, the English Riviera Destination Management Plan, the Torbay Economic Strategy, and the UNESCO Global Geopark validation. Heritage is not only about looking to the past, preserving and conserving. It is about the people and the places of today. Progress, enterprise and economic development need not happen at the expense of cultural heritage or the historic environment, and in the same way we should not see our heritage as a barrier to change, growth and progress. We hope this new strategy provides a pathway for Torbay's fascinating and significant heritage: A chance to be more ambitious about how Torbay's heritage can be at the heart of the visitor economy, used - and re-used - by local communities, and if appropriate, renewed in a responsible and inclusive way.

The pandemic has resulted in profound challenges for all of us, including the heritage and culture sectors. But we know that holding true to a good vision can improve the quality of life for people in the Bay. Heritage has a major role to play in that.

Signatories:

Leader of the Council/Deputy Leader/Council officer/Torbay Culture

Introduction

Vision

We envisage heritage at the heart of the cultural and creative development of Torbay, making our home – the English Riviera UNESCO Global Geopark - a better place in which to live, work, learn and visit. This ambition expands on the direction set out in *Enjoy, Talk, Do, Be, a cultural strategy for Torbay and its communities*.

Caring for our outstanding historic assets and sharing our stories will maximise the potential for heritage to bring social, cultural and economic benefits to all parts of the Bay. To do this, we will develop better understanding of the risks to historic places and of the diverse meanings of heritage to different people. In line with the Local Plan, heritage will be key to driving the visitor economy as Torbay attracts new audiences seeking distinctive experiences.

We recognise that our built, natural and cultural heritage are essential to the future success of Torbay. This approach does not prevent development, but encourages a responsible approach, balancing heritage with the need to evolve and change, for the benefit of all our communities, now and for future generations.

Purposes

The Torbay Heritage Strategy enables our vision to be realised by setting out a clear and focussed agenda for elected Council members and officers at Torbay Council, TDA and Torbay Culture to follow until 2026. It is also a tool to involve and inspire developers, building owners, heritage organisations and voluntary groups.

There is enormous interest in local heritage among Torbay residents and this strategy encourages opportunities for all our communities to understand, enjoy and share our history. It provides protection for the historic environment and highlights our museum and archive collections. It encourages new development that respects and finds inspiration in the distinct characters of our towns and countryside.

Attracting new and younger visitors and lengthening the tourist season are fundamentally important to Torbay's future economy. This strategy puts heritage at the centre of our visitor offer for the first time.

Torbay Council own and manage a range of historic sites and we support the wider heritage sector across the Bay. This strategy aims to strengthen the sector and explains our priorities for key locations.

The climate emergency affects every area of our work so this strategy considers both the risks to historic assets and how we can decarbonise the way we work at and visit heritage sites.

All of Torbay's human stories have their roots in the land and the sea. The international significance of our geology and the culture associated with it is recognised in the English Riviera's designation as a UNESCO Global Geopark. This strategy supports the Global Geopark as an

overarching framework within which the social, cultural, economic and environmental benefits of conserving our heritage are fully utilised to build a thriving future.

Approach

Torbay Council, TDA and Torbay Culture commissioned an independent heritage consultancy, Heritage Arts and People (HAP), in January 2020. The approach was to consult widely both internally and externally at the start of the process and to develop the Torbay Heritage Strategy in response.

There was an online residents' consultation that received 745 responses. It found that local people care deeply about special places and are enthusiastic about opportunities for greater engagement as visitors, volunteers and event attendees. This strategy was created in response to the priorities, concerns and ideas raised by this consultation.

There was also a stakeholders' gathering for heritage sector organisations, in addition to individual meetings, and many local heritage organisations have kindly contributed their expertise and views.

From this process, we drew out a series of stories that make Torbay special and developed a set of objectives around them.

The list of objectives is set out in full at the conclusion of Part 1, on pages 16-17. Some of these objectives will be fully achievable by 2026, while others will progress as part of a longer-term process.

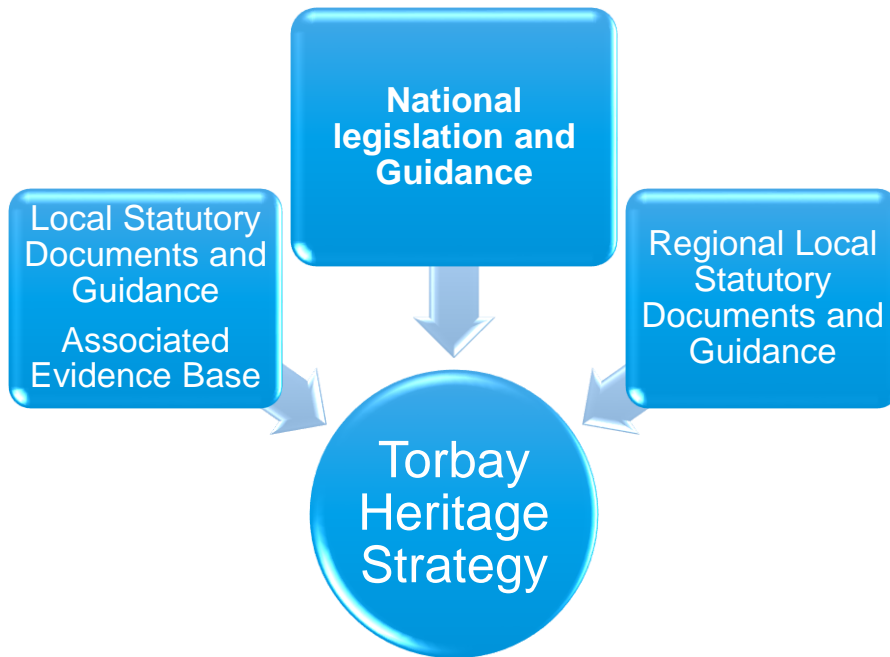
In Part 2, we explore each story in more detail and list its main historical assets. Key sites are presented in order of priority for action, using a 'traffic light' system. A table shows the objectives associated with each story and lists how we will know if we are on course to achieve them. The strategy does not set out individual tasks – these are set in a complementary Annual Heritage Action Plan.

In addition to the main stories, we examine cross-cutting issues and consider how heritage relates to wider public services in 'Heritage sector and services'.

It should be noted that the latter stages of this work were undertaken during the Covid-19 pandemic, in unprecedented conditions. The demands on local authorities and the availability and focus of external funding in the coming months and years is unknown at the time of writing, so the objectives in these documents will need to adapt to the future context. The role of heritage in Torbay's recovery is considered in more detail in the 'Emerging stories' section.

Policy context

The Torbay Heritage Strategy does not exist in isolation; it supports and is supported by a series of interlocking policy documents. As heritage interacts with so many aspects of life, this strategy complements Torbay Council, TDA and Torbay Culture's approach to a wide range of policy areas and functions within the context of national and local planning.



Policy Framework Diagram

National

[National Planning Policy Framework \(NPPF\)](#) sets out the Government’s planning policies for England and how these should be applied. It states very clearly the importance of conserving and enhancing the historic environment and a wide range of heritage assets. Both the NPPF and the [National Planning Practice Guidance](#) are material considerations in relevant planning applications.

Torbay

[Torbay Council’s Corporate Plan 2019 – 2023](#)

The Corporate Plan articulates at a strategic level the ambitions of the Council and the principles within which the Council will operate. The Ambition of the Plan includes Torbay as the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where the built and natural environment is celebrated.

[Torbay Local Plan 2012 - 2030](#) and the three adopted (made) Neighbourhood Plans for Torquay, Paignton and Brixham Peninsula together, provide the basis for planning decisions within Torbay. The Local Plan has five overarching aspirations, including the protection and enhancement of a superb environment. It requires that new development sustains and enhances historic features that make an important contribution to Torbay’s built and natural setting and heritage.

[Enjoy, talk, do, be: a cultural strategy for Torbay and its communities 2014 - 24](#) recognises that involvement in heritage activities provides a sense of connection that helps maintain social capital in a time of significant change. Its aims include maximising the distinctive natural and built cultural assets of Torbay.

[Torbay Economic strategy 2017 - 22](#) identifies tourism as a key sector and recognises the value of local heritage assets to growing the visitor economy.

[English Riviera Destination Management Plan 2017 - 21](#) states that cultural tourism can and should be increased in Torbay. Priorities include marketing the English Riviera as an all-year round destination, using Torbay's natural assets throughout the year to define and promote the offer. Developing a range of packages and experiences, which include history, heritage and culture, natural assets and outdoor experiences/activities and develop the UNESCO Geopark offer to maximise visitor interest and increase new International and domestic visitor markets.

The [Urban Design Guide](#) Supplementary Planning Document (SPD) was adopted in 2007 to guide the general form and design of future development. A new SPD is likely to result from the Local Plan review process that will need to enhance consideration of Torbay's unique environment, townscape character and urban form and heritage. Brixham Peninsula Neighbourhood Plan includes supporting bespoke design guides with historic references to the distinctive character areas.

The [Greenspace Strategy](#) (to 2028) is the SPD which outlines how Torbay Council and the community, intend to deliver and maintain high quality green spaces which enable equal access and opportunity for all, as well as protecting and enhancing the local environment. A refresh of the Greenspace Strategy is likely to emerge as part of the Local Plan review process.

In May 2020 WSP were commissioned to produce a Local Cycling, Walking and Infrastructure Plan (LCWIP) for Torbay. As part of the data gathering for this process, heritage assets will be included in the assessment of trip generators and attraction. In line with our commitment to promoting Active Travel and improving access to heritage for all, we also intend to explore ideas for more heritage-related trails across Torbay, building on Torbay Culture's successful 'Writers on the Riviera' cultural tourism product.

Local

[South Devon AONB Management Plan 2019 - 2024](#) commits to conserving and enhancing the AONB's historic features and distinctive vernacular buildings as part of a living and working landscape. Ten special qualities summarise the unique 'natural beauty' for which the South Devon AONB is designated as a nationally important protected landscape that includes 'A landscape with a rich time depth and a wealth of historic features and cultural associations'.

[Torquay, Paignton and Brixham Peninsula Neighbourhood Plans 2019](#) all aim to protect and enhance local identity and the historic environment. Brixham Peninsula Neighbourhood Plan includes supporting bespoke design guides with historic references to the distinctive character areas in the Peninsula.

Various strategies and evidence base documents such as [Conservation Area Appraisals](#).

Torbay's history in brief

The foundation of Torbay's exceptionally long human story is its geology. The sea carved out the Bay from the soft red sandstone, leaving the limestone headlands at Hope's Nose and Berry Head. Torbay's geology has fascinated scientists for centuries and is the source of the name used around the world for the period in which these features formed: the Devonian. More recently, over the last two million years, rainwater seeping through cracks and fissures slowly dissolved the limestone to form caves such as Kents Cavern in Torquay and Windmill Hill Cavern in Brixham. Discoveries in the caves have revealed human occupation going back half a million years, making Torbay internationally important for Palaeolithic archaeology. There is evidence here of three of the four human species ever to have lived in Britain.

Later, Neolithic and Bronze-Age farmers left signs of their passing at Wall's Hill and Broadsands tomb. This was the beginning of the small-scale farming and fishing that were the way of life for generations of Torbay people who shaped the landscape we see today.

We currently know little about Torbay during Roman times, but new discoveries in other parts of Devon are transforming our understanding of the period and we hope to find more local evidence in the coming years.

In the Middle Ages, Torquay developed around the Saxon hamlet of Torre (from 'tor' meaning hill or craggy peak). Torre Abbey, one of the most important historic buildings in the Bay, was the base for the monks who controlled much of the Bay and are credited with building the first fishing quay. Paignton appeared in the Domesday Book in 1086 as Peinton. The earliest settlement is believed to have taken place around 700 AD – the name means 'the farm of Paega's people'. Meanwhile, Brixham evolved from the Saxon 'Brioc's Ham'. Higher Brixham was originally a rural settlement while in Lower Brixham fishing was the main activity.

The harbour at Brixham grew due to the safe anchorage created by the shape of the Bay, which provided shelter from the prevailing south-westerly winds. William of Orange, later King William III of England, landed with his army there in 1688. It was used by the naval fleet during times of crisis, prompting the construction of the Berry Head Forts during the Napoleonic Wars.

Napoleon himself was an early tourist attraction on a prison ship anchored off Torquay, while the families of naval officers came to settle in the area. Torbay became famous for its mild climate and beauty and a resort began to grow at Torquay. From the Georgian period and accelerating in the Victorian and Edwardian eras, the grand villas and mansions that give much of the town its distinct character were built for visiting gentry. The town's prosperity was reflected in fine civic buildings such as the Town Hall. Agatha Christie was born in Torquay in 1890 and spent much of her early life in Torbay.

As mass tourism became a possibility with the development of the railways, so new structures sprang up in Torquay and Paignton, including promenades, parks and gardens, theatres, picture houses and dance halls.

Brixham began as a thriving fishing port in the nineteenth century, and it was here that deep sea trawling was pioneered, a development that had a profound impact on all the sea fishing communities of Northern Europe.

In the twentieth century, Torbay played an important role in the First and Second World Wars, as a site for war hospitals, training and troop billeting, and an embarkation/departure point for the D-Day landings. Refugees from Belgium found sanctuary in the Bay during both wars, particularly in Brixham.

In the post-war period British tourists took advantage of new cheap ways to travel abroad and Torbay as a resort (the English Riviera) felt the effects of a decrease in the popularity of seaside holidays. Torbay became a popular retirement and relocation destination for people from other parts of the UK, in particular the English Midlands. Being coastal, Torbay has always welcomed overseas travellers, and in the twenty-first century it became home to a new Polish community, among others.

The thread that runs throughout our history is the coastal landscape. The richness of the sea and the land and the mild climate have attracted people for millennia and continue to do so. Countless generations have left their mark here, shaping the rural, maritime and urban heritage that we know today. These layers of history are an essential part of Torbay's unique character and the foundation of a dynamic, inclusive heritage for everyone who lives, works and visits here.

Heritage assets and designations

A heritage asset is defined in Annex 2: Glossary of the NPPF (2019) as:

‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority.’

When producing this strategy, we undertook a detailed assessment that rated Torbay’s designated assets according to their significance, vulnerability to climate change and other threats, their potential for viable use and their accessibility. The types of designation included are listed below. The information about the designated status of sites was taken from the National Heritage List for England, July 2020.

In addition, we believe that although they are not part of the planning system, artefacts and archives profoundly enrich our understanding of places and should be cherished and understood in tandem with them. Torbay holds collections of enormous interest, including items of international importance. Therefore, these types of asset are also listed in relation to the places and stories they illuminate.

Listed buildings are considered to be of national importance and are therefore protected. Listed buildings come in three categories of significance’:

- Grade I for buildings of the highest significance
- Grade II*
- Grade II

There are currently 865 listed buildings in Torbay. 96% of these are Grade II listed. In the limited space of this strategy we consider Grade I and Grade II* buildings individually while Grade II listings are largely considered collectively as part of Conservation Areas. Occasionally a Grade II listed building is considered individually where it is of particular relevance.

Conservation Areas exist to manage and protect the special architectural and historic interest of a place. There are some extra planning controls and considerations in place to protect them. Torbay currently contains 24 Conservation Areas. There are 16 in Torquay, four in Paignton and four in Brixham.

Scheduled Monuments are important historic buildings or sites that are not used as dwellings or for worship. There are currently 13 Scheduled Monuments in Torbay.

Registered Parks and Gardens are planned open spaces such as private gardens, town squares, parks and cemeteries. There are currently six Registered Parks and Gardens in Torbay.

Full, legal definitions of these designations can be found on the Historic England website at: historicengland.org.uk/advice/hpg/hpr-definitions/

Environmental designations

Many heritage sites in Torbay also have high environmental value and so have multiple designations. This strategy complements Torbay Council's work on green infrastructure and we believe that our approach to heritage and the environment must be co-ordinated. Therefore, this strategy takes account of environmental designations where they apply to heritage sites. These include:

- Area of Outstanding Natural Beauty (AONB)
- Sites of Special Scientific Interest (SSSI)
- Special Areas of Conservation (SAC)
- National Nature Reserves (NNR)
- Local Nature Reserves (LNR)
- Public Right of Way (PRoW)

Assets beyond Torbay

There are some heritage assets beyond the boundary of Torbay that are intrinsically connected to our heritage and are therefore included in this strategy. All of the sites in this category are in the South Hams and are managed by the National Trust. We intend to work closely with colleagues at South Hams District Council and the National Trust to ensure that we develop a connected and consistent approach to these important places.

There are no known Protected Wrecks within the boundary of Torbay Council's remit as a planning authority, which extends as far as the low water mark. Beyond this, responsibility for heritage assets at sea lies with the Marine Management Organisation (MMO). As a statutory harbour authority, Torbay Council has produced a Port Masterplan, which sets out the development and growth aspirations of Tor Bay Harbour. The Port Masterplan seeks to consolidate, evolve and celebrate the rich maritime heritage in Tor Bay.

Vulnerabilities and opportunities

Vulnerabilities

Climate emergency

Climate change threatens Torbay's historic buildings, landscapes and archaeology in a number of ways:

- Coastal flooding as the sea level rises
- Increased coastal erosion from wave action as storm frequency increases
- Changes to habitable ranges of invasive vegetation, fungus and pests
- Damage from increased rainfall
- Soil instability and chemical changes
- Different planting necessary in parks, gardens and farmland

Unsuitable development

Heritage assets in both urban and rural areas can be vulnerable to development that changes their character. This type of threat can range from large new developments that overwhelm the historic character of a whole area to small changes to individual buildings. Over time, the incremental effect of these changes can erode the qualities that make a place special.

Lack of investment

The English Riviera Destination Management Plan 2017 - 21 identified under-investment over many decades in Torquay, Paignton and Brixham town centres as a significant issue. The risk to heritage assets is a lack of appropriate maintenance that can lead to an 'unloved' appearance, eroding the special sense of place, and to more serious problems with the fabric and structure of buildings.

Lack of local access

Heritage is at greatest risk of being lost if it is not experienced and valued by local people. A particular problem for areas that have long-established tourism industries is that residents can feel shut out of key sites that are focussed on attracting visitors.

63% of respondents to the Torbay Heritage Survey 2020 offered suggestions on how to help local people better engage with heritage. The most popular suggestion (25% of all answers) was better and more easily accessible information. Responses showed many people support some form of financial benefit for residents to enable greater access to heritage sites.

A number of those who responded to the survey saw parking issues as a barrier. When combined with our commitment to decarbonising Torbay, it is clear that better access to heritage sites by walking, cycling and public transport is needed.

Sector fragmentation

The heritage sector in Torbay is currently fragmented, with few opportunities for collaboration and

mutual support between different types of heritage organisations. These range from large attractions to small voluntary groups and individual researchers. This has an impact on the ability of the sector to co-ordinate funding bids, share knowledge, manage joint projects, produce consistent visitor information and attract volunteers.

Heritage crime, vandalism and anti-social behaviour

Heritage crime is any offence which harms the value of heritage assets and their settings. However, other crimes such as theft, criminal damage, arson and anti-social behaviour offences can also damage and harm heritage assets and interfere with the public's enjoyment and knowledge of their heritage.

Opportunities

Heritage assets

Torbay boasts an extraordinary range of heritage assets spanning millennia of human activity. Our collections, monuments, landscapes and buildings connect us to stories of international significance. The popular perception of Torbay as a seaside holiday destination has obscured the area's fascinating history and now is the time for its importance to be more widely recognised.

English Riviera UNESCO Global Geopark

All of human history in Torbay has been shaped to some extent by the underlying geology. The UNESCO Global Geopark designation, therefore, can be used as a catalyst for funding, tourism, education and outdoor activity and offers an umbrella under which all aspects of heritage can be explored and celebrated. Recent research for the English Riviera Destination Management Plan showed a significant increase in awareness of the designation since 2013 and highlighted the potential to further define and promote it.

Local engagement

The Torbay Heritage Survey 2020 showed an enormous interest in heritage among local residents. 99% of respondents said that experiencing the heritage around them was important to their quality of life, with 77% saying it was very important. Many respondents were keen to participate in more active care of heritage assets. Anecdotal evidence from heritage site managers suggests relatively low levels of volunteering at some sites, so this suggests that more people would volunteer with the right encouragement and communication.

The huge public interest in the future of iconic buildings such as Oldway Mansion, Torquay Pavilion and Paignton Picture House shows that local people are passionate about protecting much-loved sites. Groups devoted to Torbay's heritage on social media attract thousands of followers and contributors. Our residents are eager to engage with local history and there is great potential to involve more people in collective efforts to care for and promote our heritage.

New tourist audiences

The [English Riviera Destination Management Plan 2017 - 21](#) evidence base revealed that among tourists who had considered Torbay as a destination and decided to go elsewhere, 64% cited 'history, heritage and culture' as being very important to their choice. In contrast, just 14% of visitors to Torbay said that they intended to visit a historic site. This indicates that there is a very large, untapped and younger market of holidaymakers that could be attracted by Torbay's outstanding heritage.

Development and reuse

Torbay's heritage can inspire new development that enhances our historic environment and makes a positive contribution to local character and distinctiveness. Meanwhile, historic buildings can be protected for the future by finding new, viable and sustainable uses consistent with their conservation. Torbay Council encourages the use of traditional materials for all development and refurbishment proposals where it is appropriate to do so, including those materials that are locally sourced.

Co-operative Council

The Co-operative Council's Innovation Network is a collaboration between local authorities that are committed to finding better ways of working for, and with, their local communities. It is a non-party-political vehicle for helping councils put co-operative policy and principles into practice. Torbay Council is committed to sharing the learning from this Strategy's development through the Network, which enables us to be part of a wider national movement towards better understanding and policymaking around heritage and communities.

Objectives

ID	Objective
SEC01	Everyone in Torbay, including looked-after children, people with support needs and deprived communities, can access, experience and enjoy heritage.
SEC02	Torbay attracts large numbers of visitors seeking a heritage destination.
SEC03	Torbay's heritage sector is strong, connected, inclusive and collaborative.
SEC04	Heritage assets in Torbay are protected from the effects of climate change and carbon reduction is central to their management.
SEC05	The special and distinctive characteristics of Torbay's Conservation Areas are, where appropriate, preserved and enhanced.
SEC06	Building owners, retailers and developers are encouraged and equipped to enhance the built environment in historic areas.
SEC07	Public spaces in historic areas are easy to navigate and if possible, enhanced by appropriate street furniture and signage.
SEC08	Walking and cycling to Torbay's heritage sites and within the historic environment is easy, enjoyable and popular.
SEC09	Collections related to Torbay within the Devon Archives are secure, well managed and where appropriate, easily accessible.
SEC10	Torbay's Historic Environment Record is comprehensive and well managed.
GEO1	National and international visitors are attracted to the English Riviera UNESCO Global Geopark (ERUGGp). Visitors and residents experience, enjoy and understand the Geopark through easily accessible, high quality and consistent information and opportunities for engagement at multiple sites.
GEO2	The UNESCO Global Geopark designation is secure for the future and the work of the English Riviera Geopark Organisation (ERGO) is sufficiently resourced to deliver its aims.
GEO3	Natural sites where underlying geology is most accessible and visible are in excellent condition.

GEO4	Local stone worked features in churches and other historic buildings are in excellent condition.
HMN01	Torbay's story of early human evolution and migration, and the role of archaeological pioneers here, is widely known, valued and celebrated.
HMN02	Visitors and local people experience and enjoy Torbay's internationally important prehistoric sites and collections at multiple locations.
HMN03	Ashhole Cavern and Windmill Hill Cave are managed appropriately and protected for the future.
MED01	Torre Abbey, including its grounds and collections, is conserved and enhanced, and its future is kept secure. Local people and visitors experience and enjoy it as a key heritage site, accessible open space and high-profile event venue.
MED02	The special character of Old Paignton Conservation Area is preserved and where appropriate is enhanced.
MED03	The Bishop's Palace is managed appropriately and protected for the future.
AGR01	The special character of Torbay's agricultural landscape is preserved and where appropriate enhanced
AGR02	Access to and around rural areas is easy and enjoyable by public transport, walking and cycling.
AGR03	Walls Hill ancient field system is managed appropriately and protected for the future.
AGR04	Rural sites with significant historic assets are in Countryside Stewardship where appropriate.
NPL01	Battery Gardens is appropriately maintained and protected for the future, and visitors are encouraged to engage with the site's heritage.
NPL02	Visitors and local people experience and enjoy Torbay's Napoleonic heritage at multiple locations.
TRW01	The special character of Brixham Town Conservation Area is preserved and where appropriate enhanced.
TRW02	The sailing trawler <i>Vigilance</i> is restored and functioning as a high quality, popular heritage asset for Brixham, engaging local residents and visitors with trawling history and natural heritage.

RST01	Oldway Mansion, including its outbuildings and grounds, is, where appropriate, conserved and enhanced, and its future is viable, sustainable and secure. Local people and visitors experience and enjoy it as a key heritage site and accessible open space.
RST02	Torquay Pavilion is conserved and where appropriate enhanced, with a viable and sustainable commercial use.
RST03	Lupton House is conserved and where appropriate enhanced, and its Italianate garden is restored.
RST04	Princess Gardens and Royal Terrace Gardens are maintained and protected for the future.
RST05	The special characters of Roundham and Paignton Harbour and Torquay Harbour Conservation Areas area preserved and where appropriate enhanced.
RST06	Babbacombe Cliff Railway is recognised as a heritage asset and is protected for the future.
LIT01	Paignton Picture House is restored and converted to new use. It is well used by the community and is an anchor heritage site within a regenerated town centre.
LIT02	People seeking an Agatha Christie experience are attracted to Torbay in significant numbers.
LIT03	Visitors and residents experience, enjoy, understand and contribute to Torbay's literary heritage.

We recognise that priorities may emerge relating to these or other topics during the life of the Torbay Heritage Strategy, and it must have the flexibility to incorporate new objectives and actions accordingly.

Acknowledgements

Our thanks to the staff and volunteers of the following organisations who gave their time and expertise to help produce this strategy.

Brixham Town Council

Devon Gardens Trust

English Riviera UNESCO Global Geopark*

Friends of the Vigilance

Historic England

Kents Cavern

Lupton Trust

National Lottery Heritage Fund

National Trust

Paignton Heritage Society

South Devon Area of Outstanding Natural Beauty (AONB) Partnership

South West Coast Path

South West Heritage Trust

Torbay Civic Society

Torbay Coast & Countryside Trust

Torbay Community Development Trust

Torbay Culture

Torquay Museum

Torre Abbey Museum

*A full list of Geopark partners can be found on the English Riviera UNESCO Global Geopark website at www.englishrivierageopark.org.uk

Logos

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

Torbay Heritage Strategy 2021 – 2026

Part 2

October 2020



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Heritage services and sector

Spatial planning

Conserving and where appropriate, enhancing Torbay's distinctive qualities, including our rich built, historic, marine and natural environment, is one of the Local Plan's Strategic Aspirations. During its emergence, this guiding principle influenced strategic decisions about where future development can happen and where large development allocations have been located. It has helped to shape detailed placemaking and design policies. This link is set to continue through the Local Plan review and future iterations of the Plan.

Torbay Council recognises the importance of our role in ensuring development and maintenance are appropriate in historic settings and we are committed to reviewing our resources to carry out this work.

Conservation Area Appraisals

An appraisal defines the characteristics of a Conservation Area and evaluates what makes it special. It enables developers, Council members and planning officers to assess the impact of a proposed development and it is a key tool in managing change within historic urban areas. Torbay has 24 Conservation Areas with a high concentration (16) in Torquay, many of which are adjoining. At the time of writing, the most recent CAA was undertaken almost a decade ago, and more than half are at least 15 years old. There is a clear need for all CAAs to be reviewed to provide up-to-date tools for today's development context, and the case for re-assessing and/or amalgamating some Conservation Areas in Torquay should be considered. Updated CAAs should provide a clear and accessible tool for communicating with building owners.

Museums

Torbay is home to three accredited museums: Torre Abbey, Torquay Museum and Brixham Heritage Museum. Between them, they house collections of impressive range and richness, and every year they welcome thousands of local visitors and tourists to exhibitions and events. The Quarternary Caves Collection and Archive held at Torquay Museum has been recognised by Arts Council England as being of national and international significance. Torre Abbey is owned by Torbay Council while Torquay Museum and Brixham Heritage Museum are run by independent charities.

Archive and local studies services

Local authorities are required to provide an archive service that acts as a place of deposit for all official records. They are also treasure troves of documents, photographs and recordings relating to local people and places. Archive collections are the cornerstone of historical research and maintaining access to them is fundamentally important to a dynamic understanding of our past. Archive collections relating to Torbay have always been integral to Devon Archives and continue to be held at Devon Heritage Centre in Exeter. The service is managed by the South West Heritage Trust under a contract with Torbay Council. The arrangement means that material relating to Torbay is cared for to the highest standard and remains at the heart of the county's

written record. A service introduced in 2020 allows local people to pre-order documents from Devon Heritage Centre to be viewed at Torre Abbey in quarterly sessions, an initiative supported by Torbay Council.

In addition, extensive local studies records are held at Torbay's public libraries, managed by Libraries Unlimited, and local independent museums such as Torquay Museum. These collections offer a wide range of resources such as rare books, parish registers, newspapers and census information to local historians and family history researchers.

Historic Environment Record

Historic Environment Records (HER) bring together information relating to landscapes, buildings, monuments, sites, places, areas and archaeological finds within local authority areas. The Torbay HER provides essential information to inform planning decisions and it is available for public enjoyment, benefit and use. It is currently managed by the Historic Environment team at Devon County Council under a contract with Torbay Council. The administrative history of Torbay's HER has led to a backlog of entries accumulated in past years that is not covered by this arrangement. Torbay Council is committed to finding a solution to avoid historical and archaeological information being missed in the planning process.

Heritage destination marketing

The English Riviera Destination Management Plan 2017 - 21 identified the need for a better link between culture and tourism. It emphasised the opportunity for heritage to attract new audiences and extend the season. Research for this strategy showed that heritage was not promoted as a feature of visiting Torbay and that information about historic sites was difficult to find. There is a clear need for partners to work together to develop Torbay's heritage offer.

Heritage sector development

A thriving heritage sector depends on a mutually supportive network of diverse organisations that can share information and work together. At the time of writing, there is no structure in Torbay to facilitate this, leading to the issues described in the 'Vulnerabilities' section of this strategy. Opportunities to set up a Torbay heritage forum or similar networking mechanism should be explored for the benefit of the whole sector.

Integrated heritage

Experiencing, enjoying and caring for heritage can bring a huge range of social, cultural, economic, health and environmental benefits. We believe that our approach to heritage must be integrated across all aspects of Torbay Council, TDA and Torbay Culture's work.

Climate emergency

In 2019, Torbay Council declared a climate emergency. Torbay Council is a partner of and supports the work of the Devon Climate Emergency Response Group, which is aiming to help us get to net zero carbon emissions by 2050 at the latest and prepare Devon for the necessary adaptation to infrastructure and services required to respond to climate change. As described in the 'Vulnerabilities' section, heritage assets are at risk from a changing climate and have a role to play in decarbonising.

Objectives

ID	Objective	Measures of success	Responsible
SEC01	Everyone in Torbay, including looked-after children, people with support needs and deprived communities, can access, experience and enjoy heritage.	<p>Torbay Council, TDA and other heritage site partners, along with colleagues in social care and social services, work together to identify opportunities to benefit service users.</p> <p>Our interpretation and communication of heritage reflects and gives voice to diverse audiences.</p> <p>Visitors with a wide range of physical and sensory needs feel welcome at our heritage sites.</p> <p>Visitor data from our sites show an increasingly diverse visitor profile.</p> <p>Organisations in the wider heritage sector are supported to improve inclusivity.</p> <p>A sector-wide initiative to offer benefits to local residents is developed.</p>	Torbay Council, TDA, Torbay Culture and partner organisations
SEC02	Torbay attracts large numbers of visitors seeking a heritage destination.	<p>Heritage is a key feature of bay-wide destination marketing and the subject of specific campaigns.</p> <p>Online visitor information specific to heritage is easily accessible and high profile.</p> <p>Key heritage attractions promote links to other heritage sites.</p> <p>Large increase in percentage of visitors citing heritage as a reason for visiting.</p>	Torbay Council and TDA in partnership with the English Riviera BID company
SEC03	Torbay's heritage sector is strong, connected, inclusive and collaborative.	A regular Heritage Forum for Torbay is established, which is self-sustaining, and includes organisations of all sizes.	

		<p>Increased numbers of volunteers and voluntary opportunities across the sector.</p> <p>Partnership projects are successful in working strategically and attracting external funding.</p>	
SEC04	<p>Heritage assets in Torbay are protected from the effects of climate change and carbon reduction is central to their management.</p>	<p>New flood defence schemes recognise local distinctiveness in design and take into account relationship to heritage assets.</p> <p>All Torbay Council/TDA managed heritage assets with on-site staff review working practices to minimise energy and fuel consumption.</p> <p>Conservation practices at Torbay Council/TDA managed heritage assets are reviewed to take into account climate issues including flood risk, rainwater and heat protection, effects on building fabric, underlying stability, suitable planting, pests and invasive vegetation.</p> <p>Updated Conservation Area Appraisals assess risks from climate change and all guidance for building owners includes reference to mitigation and/or carbon reduction measures.</p> <p>Sustainable transport to all key heritage sites is encouraged and supported.</p>	<p>Torbay Council, TDA, Torbay Culture and partner organisations</p>
SEC05	<p>The special and distinctive characteristics of Torbay's Conservation Areas are, where appropriate preserved and enhanced.</p>	<p>All Conservation Area Appraisals are reviewed, updated and adopted where necessary.</p> <p>Building owners and managers in Conservation Areas feel supported.</p> <p>Proposals that enhance heritage assets or their setting are supported,</p>	<p>Torbay Council in partnership with building owners, developers and local communities.</p>

		subject to Local Plan and Neighbourhood Plan policies.	
SEC06	Building owners, retailers and developers are encouraged and equipped to enhance the built environment in historic areas.	Proposals for new developments which enhance or better reveal the architectural heritage of their setting are supported. Shop front design guides for Torquay, Paignton and Brixham are published and promoted. Updated Urban Design Guide and Residential Design Guide.	Torbay Council in partnership with building owners, managers and developers
SEC07	Public spaces in historic areas are easy to navigate and if possible enhanced by appropriate street furniture and signage.	Unnecessary street furniture and signage is removed. Where appropriate, the design of all new and replacement street furniture references and enhances the architectural heritage of its setting. Wayfinding in the public realm clearly and consistently aids navigation to key heritage sites and around the historic environment without unnecessary visual intrusion.	Torbay Council
SEC08	Walking and cycling to Torbay's heritage sites and within the historic environment is easy, enjoyable and popular.	Key heritage sites are integrated into the new Torbay Local Cycling and Walking Infrastructure Plan. Promotion of walking and cycling is integral to all heritage site visitor information.	Torbay Council
SEC09	Collections related to Torbay within the Devon Archives are secure, well managed and where appropriate, easily accessible.	The current service is maintained. Projects to enable further conservation, cataloguing and research of Torbay collections are supported. Torbay residents are actively engaged in archive research and enjoy easy access to the collections.	Torbay Council and South West Heritage Trust

SEC10	Torbay's Historic Environment Record is comprehensive and well managed.	The current service is maintained. The backlog of entries is added.	Torbay Council and Devon County Council
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Sites key

High priority for action
Medium priority for action
Low priority for action
Outside Torbay

Geology

As well as creating the tapestry of valleys, ridges, cliffs and beaches that give Torbay its unique character, geology has always shaped human activity here, as we can see in the harbours, farmland, settlement patterns and building materials. It also supports rare habitats for many important plant and animal species.

Torbay is famous for its limestone cliffs and rich, exposed geological heritage, from Devonian reefs to Pleistocene caves. The arms of the Bay are formed by massive limestone headlands at Hope's Nose and Berry Head, while softer Permian sandstone forms the lower lying land. The famous red cliff exposures can be seen around the coast of Preston and Paignton from Corbyn's Head to Roundham Head and beyond. Over many millennia, the action of water on the limestone created caves such as Kents Cavern.

The geology of Torbay was first mapped in the 1830s. Geological pioneers Roderick Murchison and Adam Sedgwick realised that fossils found in the limestones at sites in Torbay, such as Lummaton Quarry, gave vital evidence of what was happening to the Earth 409-363 million years ago. They named this geological period the Devonian, the term which is still used globally today.

Torbay's limestone and sandstone were extensively quarried and can be seen in many buildings such as Torre Abbey and [Torquay Town Hall](#). Quarries also sprang up where the limestone had metamorphosed into marble. In the nineteenth century, Torbay marble was crafted into exquisite interior features, art and jewellery for wealthy customers. Marble objects from this period can be seen in many churches and grand houses in Torbay.

English Riviera UNESCO Global Geopark

The English Riviera UNESCO Global Geopark exists to raise the profile of the English Riviera through its geological heritage. It is managed by the English Riviera Geopark Organisation (ERGO) which is made up of a range of agencies including Torbay Council and TDA and supported by a wider network of members who share its vision. Torbay Council hosts the ERUGGp Co-ordinator.

UNESCO Global Geopark designation is subject to review every four years. In 2020, the UNESCO Global Geoparks Council decided to renew the English Riviera's status following an assessment in 2019. This success was testament to the work of all the partners who worked together to support the designation, in line with the ten-year cultural strategy.

Key assets

Sites

Asset	Heritage Designation	Environmental designation	Ownership	Heritage at Risk Register
Torre Abbey	Grade I listed building Scheduled Monument		Torbay Council	
Coast/beaches	n/a	In parts: AONB, PRoW, SSSI, LNR, NNR, SAC	Multiple owners, Shoreline management Plan.	
Ashhole Cavern, Brixham	Scheduled Monument		Private owner	Y
Windmill Hill Cave, Brixham	Scheduled Monument		Private owner	Y
Kents Cavern, Torquay	Scheduled Monument	SSSI	Private owner	
Grade I listed churches: Church of All Saints; Church of St John the Evangelist; Roman Church of Our Lady, Help of Christians and St Denis	Grade I listed building		Diocese of Exeter	
Grade II* listed churches: Church of St Luke, Torquay; Church of St Mary Magdalene, Torquay;	Grade II* listed building		Diocese of Exeter	

Church of St Mary, Collaton St Mary; Church of St Matthew, Chelston; Church of St Matthias, Torquay				
Barton Road Cemetery, Torquay	Registered Parks and Gardens		Torbay Council	
Devonian type locality, Lummaton	n/a	SSSI	Private owner	
Bishops Walk	ProW		Torbay Council (managed by TCCT)	

Other assets

- Exceptional fossil and geological specimen collections and an extensive Victorian geological library at Torquay Museum. The collections include thousands of specimens of Devonian fossil corals and creatures and local minerals.
- The UK's only substantial collection of South Devon and Torbay marble objects held at Torquay Museum. This includes extremely fine and rare work such as inlaid pictures and platters, tables, vases and jewellery. There are also marble samples used at the factories and a selection of photographs of the industry.
- Marble objects in the collections of Torre Abbey

Objectives

ID	Objective	Measures of success	Responsible
GEO01	National and international visitors are attracted to the English Riviera UNESCO Global Geopark (ERUGGp). Visitors and residents experience, enjoy and understand the Geopark through easily accessible, high quality and consistent information and opportunities for	<p>All ERUGGp partners are consistently and actively promoting the ERUGGp as part of their own activities.</p> <p>There is an increase in visitors citing the ERUGGp as a reason for their trip.</p> <p>There is an increase in understanding and engagement among residents.</p> <p>ERUGGp has up to date, well maintained and effective communications tools.</p> <p>English Riviera UNESCO Global Geopark Organisation (ERGO) is</p>	All ERGO members and partners

	engagement at multiple sites.	<p>delivering high quality education and outreach outcomes.</p> <p>Wayfinding and interpretation of geology is consistent, high quality and widely available across partner sites and in the wider landscape.</p> <p>Building owners and site managers are well supported to interpret and promote their assets within the ERUGGp brand.</p>	
GEO2	The UNESCO Global Geopark designation is secure for the future and the work of the ERGO is sufficiently resourced to deliver its aims.	<p>Torbay Council and TDA are key ERUGGp partners and are providing the most appropriate hosting for staff.</p> <p>All members of ERGO, their organisations and staff are actively contributing to and supporting the ERUGGp at the same or higher level than in previous years.</p>	All ERGO members and partners
GEO03	Natural sites where underlying geology is most accessible and visible are in excellent condition.	<p>In determining planning applications regard is given to impact of proposals on the condition and public accessibility and interpretation of natural geological features.</p> <p>Proposals for new developments which enhance, or better reveal natural geological features are supported.</p> <p>Torbay Council and Natural England are working together to encourage and support site managers and private owners, including Torbay Coast and Countryside Trust, in the conservation and enhancement of natural geological features.</p>	Torbay Council, TCCT and ERGO in partnership with local landowners, land managers and developers
GEO04	Local stone worked features in churches and other historic buildings are in excellent condition.	In determining planning applications relating to historic buildings, regard is given to the significance of existing local stone features.	Torbay Council, Historic England in partnership

		<p>Proposals for new developments which enhance or better reveal the significance of worked local stone within the historic setting are supported.</p> <p>Torbay Council and Historic England are working together to encourage and support building owners in the conservation and enhancement of historic local stone features.</p> <p>Torbay Council and TDA are conserving and where appropriate, enhancing worked stone features in all historic buildings in our care.</p>	<p>with building owners including Diocese of Exeter</p>
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Early humans

Torbay is home to collections and sites of international importance in the story of human evolution and migration.

At Kents Cavern there is evidence of three of the four human species known to have lived in Britain. Finds at the site include a fragment of jawbone dated to period between 44,200 and 41,500 years ago, when a brief warm spell between ice ages made this part of Britain temporarily habitable. Scientific dating in 2011 revealed the true age of the fragment and established it as the oldest direct evidence of modern humans in Northern Europe. It has changed how we understand the interaction between modern humans and Neanderthals on the very edge of the habitable world.

The jawbone was originally found in 1927 by Arthur Ogilvy, curator of Torquay Museum. The find came towards the end of a remarkable period of discovery in Torbay's caves that began in the early nineteenth century. A series of explorers were drawn there, most notably the archaeologist William Pengelly who excavated Kents Cavern over a period of 15 years. His finds included tools, animal bones and hand axes from humans who lived over 450,000 years ago. The meticulous methods he developed in Torbay laid the foundation for all modern cave archaeology and his diaries offer fascinating insights into his life and work.

Ashhole Cavern in Brixham was excavated in the nineteenth century and evidence of occupation from the Neolithic to the Roman period was discovered.

Windmill Hill Cave, also in Brixham, is a system of galleries and smaller chambers lying mostly beneath a house in Mount Pleasant Rd. William Pengelly's excavations here in the nineteenth century revealed a rich assemblage of animal remains and flint tools that provided the first evidence for extinct animal species and humans co-existing.

Key assets

Sites

Asset	Heritage Designation	Environmental designation	Ownership	Heritage at Risk Register
Ashhole Cavern, Brixham	Scheduled Monument		Private owner	Y
Windmill Hill Cave, Brixham	Scheduled Monument		Private owner	
Kents Cavern, Torquay	Scheduled Monument	SSSI	Private owner	
Two bowl barrows at Beacon Hill	Scheduled Monument		Private owner	

Other assets

Torquay Museum holds over 32,000 specimens relating to the quaternary period in South Devon and a unique related archive. This collection is Designated by Arts Council England and is of national and international significance. Its highlights are numerous and include:

- KC4 human maxilla, the jawbone that provides the earliest evidence of anatomically modern humans in North West Europe
- William Pengelly’s Windmill Hill Cave and Kents Cavern notebooks, documenting the first excavations to unlock the true antiquity of humans anywhere in the world.
- The oldest bifacial tools discovered in the UK, over 525,000 years old
- Very early specimens of Cave lion and ancestral bear *Ursus deningeri*
- A selection of Neanderthal tools including very rare leafpoints
- Unique evidence for cannibalism in the Mesolithic and surviving human DNA in 9,000-year-old bones.

Objectives

ID	Objective	Measures of success	Responsible
HMN01	Torbay’s story of early human evolution and migration, and the role of archaeological pioneers here, is widely known, valued and celebrated.	<p>The early human story and its discovery is a key feature of all bay-wide tourism marketing and Global Geopark communications.</p> <p>Schools and community groups in Torbay are supported and encouraged to engage with prehistoric sites and collections.</p> <p>Torquay Museum is adequately resourced to conserve and interpret its early human collection to a level appropriate to its importance.</p> <p>A higher proportion of visitors are aware of and actively seeking to engage with the early human story when choosing Torbay as a destination.</p>	Torbay Council, TDA, Torquay Museum and Torbay Culture in partnership with ERGO, ERBID, key heritage sites and schools.
HMN02	Visitors and local people experience and enjoy Torbay’s internationally important prehistoric sites and collections at multiple locations.	<p>The links between locations and collections is integral to all key sites’ communications and interpretation.</p> <p>Key sites successfully attract funding through local partnerships to create excellent public engagement opportunities.</p>	Torbay Council, TDA and Torbay Culture in partnership with ERGO and key

			heritage site owners
HMN03	Ashhole Cavern and Windmill Hill Cave are managed appropriately and protected for the future.	<p>Management plans are agreed between the landowner, Torbay Council and Historic England, and an ongoing review process is in place.</p> <p>Ashhole Cavern and Windmill Hill Cave are removed from the Heritage at Risk Register.</p> <p>The potential for a wider Monument Management Scheme (MMS) for Torbay is explored.</p>	Torbay Council and Historic England in partnership with private landowners

Monastic and medieval

Medieval Torbay was the location of some significant religious sites including Torre Abbey in Torquay and the Bishop's Palace in Paignton, a residence of the Bishops of Exeter for 500 years. Local landowning families also built fine country homes. Outside these impressive buildings, the area was sparsely populated, although it is thought that the extent of settlement may have been under-estimated as evidence is likely to have been obscured by later buildings in the urban areas. New developments in our towns may reveal archaeology that adds to our understanding of this period.

By far the most important building in medieval Torbay was Torre Abbey. It was founded in 1196 and built from stone quarried from Corbyn Head. The Abbey became enormously wealthy and influential, controlling much of the land and activity in Torbay. It is believed that the monks built the first fish quay, giving Torquay its name. After the Dissolution of the Monasteries in 1539, Torre Abbey passed into private ownership until 1930, when it was acquired by Torquay District Council.

Today Torre Abbey houses a museum, art gallery, event venue and gardens. It is entering the final phase of an extensive programme of renovation made possible by grant funding from the National Lottery Heritage Fund, English Heritage and the Friends of Torre Abbey. Torre Abbey is the jewel in Torbay's medieval story and has the potential to be the focal point and engine of the Bay's arts and heritage offer. However, its future depends on its sustainability as a profitable venue. The Torquay Neighbourhood Plan includes an aspiration to transform the area in front of the Abbey to become a green space for summer festivals, music and events.

There are also several listed medieval churches in Torbay, the most significant of which is the Church of St John the Baptist in Paignton. It was founded in the twelfth century and has many elaborate and interesting features, including the most spectacular chantry chapel in Devon outside Exeter Cathedral.

Key assets

Sites

Asset	Heritage Designation	Environmental designation	Ownership	Heritage at Risk Register
Torre Abbey	Grade I listed building Scheduled Monument		Torbay Council	
Old Paignton	Conservation Area		Private, multiple owners	

Bishops Palace, Paignton	Grade II* listed building Scheduled Monument		Diocese of Exeter	Y
Spanish Barn, Torre Abbey	Grade I listed building		Torbay Council	
Cockington village	Conservation Area		Private, multiple owners	
Higher Brixham	Conservation Area		Private, multiple owners	
Church of St John the Baptist	Grade I listed building		Diocese of Exeter	
Grade II* listed churches: Church of St Andrew, Torquay; Church of St George and St Mary, Cockington; Church of St Mary the Virgin, Brixham; Church of St Mary the Virgin, Churston Ferrers	Grade II* listed building		Diocese of Exeter	
Ilsham Manor Oratory	Grade II* listed building		Private owner	Y
St Michael's Chapel, Chapel Hill	Scheduled Monument		Torbay Council	
Blagdon Manor, Paignton	Grade II* listed building		Private owner	
Kirkham House, Paignton	Grade II* listed building		English Heritage	
Compton Castle	Grade I listed building Scheduled Monument		NT	

Other assets

- The Cary family archive collection is held at Devon Heritage Centre and includes thousands of documents from the thirteenth century onwards. It is currently awaiting cataloguing.
- Medieval artefacts in the collections of Torre Abbey, including suits of armour, decorative tiles and stonework.

Objectives

ID	Objective	Measures of success	Responsible
MED01	Torre Abbey, including its grounds and collections, is conserved and enhanced, and its future is kept secure. Local people and visitors experience and enjoy it as a key heritage site, accessible open space and high-profile event venue.	<p>Stage 3 funding application to NLHF is successful and progress of the project is on schedule.</p> <p>Torre Abbey is financially self-sustaining as an attraction and commercial event venue with integral café.</p> <p>Torre Abbey's setting is well-maintained and connected to wider walking and cycling routes</p> <p>The public is consulted on the future of the grounds</p> <p>Local communities use the open space extensively for outdoor recreation.</p> <p>Volunteers are actively engaged in a wide range of roles.</p> <p>Visitor numbers to all parts of the site continue to increase.</p> <p>The Cary family archive collection is fully catalogued, and research is encouraged.</p>	Torbay Council
MED02	The special character of Old Paignton Conservation Area is preserved and where appropriate is enhanced	<p>Design of new sea defences protect the Conservation Area from flooding while recognising, where appropriate, its distinct character (see SEC04).</p> <p>Further loss of natural, local slate roofing is discouraged, and its use, where appropriate, is supported in new buildings and restoration works.</p>	Torbay Council in partnership with the Environment Agency, building owners, developers

		Traffic in the Conservation Area is reduced.	and local communities.
MED03	The Bishop's Palace is managed appropriately and protected for the future	<p>No immediate risk of decay.</p> <p>All interested and responsible parties are supported in carrying out an ongoing management plan.</p> <p>The Bishop's Palace is removed from the Heritage at Risk Register.</p>	Torbay Council, Historic England and Diocese of Exeter

Agricultural life

Torbay's combination of fertile soil, sheltered coast and mild climate has enabled people to feed their families well for thousands of years. Small scale farming and fishing were the main occupations of communities here for most of Torbay's past and have created the rural landscape we know today. The agricultural countryside within the South Devon AONB is recognised as a historic asset of national importance.

Settled farming began in the Neolithic period. Traces of these early farmers is evident in a chambered tomb near Broadsands and burial mounds at Beacon Hill and Barton Pines. Later Iron Age field patterns can be seen at Walls Hill. The local Dumnonii people cultivated the land in their own style throughout the Roman era and beyond, until Anglo-Saxon settlers brought with them an open field system. In later centuries, land ownership was consolidated into manors and estates in the hands of local gentry and religious houses. By the sixteenth century, the land was largely enclosed. It was at this time that the characteristic pattern of small, irregular fields and high Devon hedges emerged. Torbay was productive enough to feed its own population and provide victualling to Navy and merchant ships in its harbours.

People in rural Torbay lived on dispersed farmsteads or in small villages. Cottages and farm buildings were built of local stone and cob and were often thatched. Cockington is the most well-known historic village in Torbay and is cherished for its air of timelessness. Agricultural tools and domestic objects held at local museums, in particular the extensive collection at Torquay Museum, have great potential to connect us to past generations.

Other historic features of the rural landscape include sunken lanes, hedgerows, orchards, ancient trees, village greens and traditional signage. These features create the distinctive character of rural Devon, provide vital habitats for wildlife and give structure to transport routes and green spaces. The rural landscape positively contributes to the setting of many individual heritage assets such as listed buildings.

The semi-natural countryside offers simple and low-cost opportunities to improve physical and mental wellbeing through outdoor exercise, a sense of peace and space, and a connection to the shared past. It is also a working landscape, managed by farming communities whose long heritage continues into a living modern culture.

Key assets

Sites

Asset	Heritage Designation	Environmental designation	Ownership	Heritage at Risk Register
Prehistoric field system at Walls Hill	Scheduled Monument		Torbay Council	Y

			(managed by TCCT)	
Agricultural landscape including field patterns, orchards, hedgerows, soils	Grade II listing of buildings	In parts: AONB, SSSI, NNR, LNR	Multiple owners	
Spanish Barn, Torre Abbey	Grade I listed building		Torbay Council	
Conservation Areas: Churston Ferrers, Cockington and Galmpton	Conservation Area			
Conservation Areas: Maidencombe and Shorton	Conservation Area		Private, multiple owners	
Occombe Farm	n/a	LNR, SSSI	Torbay Council (managed by TCCT)	
Two bowl barrows at Beacon Hill	Scheduled Monument		Private owner	
Two prehistoric hilltop enclosures, a ditch system and four bowl barrows, Marldon	Scheduled Monument		Private, multiple owners	
Chambered tomb, 630m north west of Elberry Farm	Scheduled Monument		Torbay Council	
Manor Farmhouse, Torquay	Grade II* listed building		Private owner	

Other assets

- Torquay Museum houses one of the most important regional folk life collections in the UK. It contains hundreds of rare, pre-industrial rural life objects such as tools and furniture, many in a uniquely Devonian style.
- Relevant archive collections held at Devon Heritage Centre include tithe maps and apportionments, manorial documents, farm account books, sale catalogues, diaries and early photographs of rural life.

Objectives

ID	Objective	Measures of success	Responsible
AGR01	The special character of Torbay's agricultural landscape is preserved and where appropriate enhanced.	<p>Historic agricultural features such as orchards and hedgerows are key assets in the new Torbay Green Infrastructure Plan.</p> <p>Traditional and local materials are used in new developments in rural areas.</p> <p>Proposals that enhance the rural landscape are supported, subject to Local Plan and Neighbourhood Plan policies.</p> <p>Regard is given to the impact of proposals on views of and from designated protected areas within Torbay.</p>	Torbay Council in partnership with local communities and farmers
AGR02	Access to and around rural areas is easy and enjoyable by public transport, walking and cycling.	<p>Connectivity to and within rural areas is integrated into the new Local Cycling and Walking Infrastructure Plan for Torbay.</p> <p>Increased use of walking and cycling routes in rural areas.</p> <p>The needs of rural communities are appropriately served, where possible, by public transport.</p>	Torbay Council
AGR03	Walls Hill ancient field system is managed appropriately and protected for the future.	<p>A management plan is agreed between Torbay Council, TCCT, Historic England and Natural England that explores opportunities under current and future Stewardship schemes, and an ongoing review process is in place.</p> <p>There is no inappropriate furniture on site.</p> <p>Invasive vegetation is under control.</p> <p>Appropriate measures have been taken to address erosion.</p>	Torbay Council, TCCT, Historic England and Natural England

		Walls Hill is removed from the Heritage at Risk Register	
AGR04	Rural sites with significant historic assets are in Countryside Stewardship where appropriate.	Torbay Council, Natural England, Historic England and landowners work together to identify sites where Stewardship could be beneficial.	Natural England in partnership with Torbay Council and local landowners

Napoleonic Era

Torbay's rapid development in the nineteenth century owed much to the Napoleonic wars. Napoleon Bonaparte himself even became the Bay's first star attraction.

The wars prevented wealthy Britons from travelling to mainland Europe, so they began to look for destinations closer to home. At this time, Tor Bay as a natural harbour, was frequently used as an anchorage for the Channel Fleet that was protecting England from invasion by Napoleon. The families of high-ranking naval officers visited Torquay, further enhancing the town's reputation. Brixham was an important victualling port, where navy crews could stock up on fresh vegetables, meat and water. Meanwhile, all along Torbay's coast, business boomed for local smugglers of French brandy.

The fear of an attack on England by the French led to a decision to strengthen the coastal defences at Berry Head with a new fort and redoubt to protect the existing batteries. The remains there today represent an exceptionally well-preserved survival from the Napoleonic era that offers great insight into strategic military thinking of the time. The site is managed by the Torbay Coast and Countryside Trust for the enjoyment of all, and there is great potential to extend the interpretation of its history.

After the Battle of Waterloo in 1815, Napoleon was captured by the British and held on the warship HMS *Bellerophon*. It anchored in Tor Bay for two days and caused a sensation. Crowds flocked to glimpse him from the shore and even hired boats to get closer to the celebrity prisoner. He was soon removed to St Helena but by now Torbay was on the map.

In subsequent decades, local landowner Sir Lawrence Palk drove the development of Torquay after being inspired by the Italian architecture he saw on the Grand Tour. Torbay's mild climate and beautiful coastline made it an ideal location to import Italian design ideas, so Palk and local dignitary William Kitson commissioned villas and crescents that recreated a Mediterranean atmosphere. New, exclusive residential areas such as the Warberries and Lincombes became fashionable.

Key assets

Sites

Asset	Heritage Designation	Environmental designation	Ownership	Heritage at Risk Register
Battery Gardens, Brixham	Scheduled Monument		Torbay Council	
Brixham Town	Conservation Area – incomplete		Private, multiple owners	

	CAA and mapping			
Berry Head Forts and complex	Grade II* listed building Scheduled Monument	NNR, AONB, SSSI, SAC	Torbay Council (managed by TCCT)	
Two bowl barrows at Beacon Hill	Scheduled Monument		Private owner	

Other assets

- A letter signed by Napoleon from the collections of Torquay Museum, on display at Torre Abbey.
- A contemporary watercolour painting showing tourists in boats trying to see Napoleon on the *Bellerophon*, at Torquay Museum.
- An important collection work by Napoleonic prisoners of war in Dartmoor Prison, at Torquay Museum.
- Paintings, prints and engravings in collections of Torre Abbey showing portraits of Napoleon and his family, battles and his imprisonment on the *Bellerophon*.
- Copy of the death mask of Napoleon in the collections of Torre Abbey.

Objectives

ID	Objective	Measures of success	Responsible
NPL01	Battery Gardens is appropriately maintained and protected for the future, and visitors are encouraged to engage with the site's heritage.	Scheduled structures are free from vegetation. A management plan is agreed between Torbay Council and Historic England, and an ongoing review process is in place. Both Napoleonic and WW2 heritage are interpreted and accessible on site.	Torbay Council and Historic England in partnership with local volunteers
NPL02	Visitors and local people experience and enjoy Torbay's Napoleonic heritage at multiple locations.	Napoleonic heritage is well interpreted at key sites (Battery Gardens, Berry Head and Brixham Harbour) and links between sites are highlighted.	Torbay Council, Torbay Culture, Historic England and TCCT in partnership with local volunteers

		Greater engagement with Torbay's Napoleonic heritage among visitors and residents.	
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Trawling

This story is specific to Brixham, although its influence has been felt in fishing communities around Britain and northern Europe. In the late eighteenth century, motivated by dwindling catches, Brixham fishermen and boat builders set about creating faster boats that could fish in deep water. The design they developed was known as a Brixham trawler. It was a wooden sailing trawler, about 18 to 24 metres in length, with a long, straight keel. Its sleek underwater profile and tall rig gave it the speed fishermen needed to reach remote fishing grounds, tow a large trawl and return in relatively short time.

The sails of the Brixham trawlers were dyed a distinctive red colour with local ochre to give them extra protection – another example of the influence of Torbay’s geology.

To maximise the time spent fishing the rich waters of the North Atlantic, some Brixham men began to spend seasons in the north of England, at Grimsby and Hull. Soon this led to the permanent migration of many fishermen. The design of the Brixham trawlers was copied around the British coast as new ports sprang up to take advantage of the deep-sea grounds that were opening up to faster boats. Brixham retains a shared history with Grimsby, Hull and other deep-sea fishing ports, which arguably have closer cultural links with the town than Paignton and Torquay. By the end of the nineteenth century there were more than 3000 sailing trawlers based at British ports, with a fleet of 400 at Brixham.

Today, Brixham’s trawling heritage is evident in the distinctive setting of the harbour and the historic buildings and infrastructure around it. It is still a busy port with a living cultural heritage of fishing. Brixham is currently the most significant fishing port in England and Wales, based on the value of the catch. Trawler design has undergone many changes and only a handful of the original sailed boats survive. ‘*Vigilance*’ is looked after by a team of volunteers who aim to secure significant funding for her restoration and use as a floating heritage asset. The restoration work would take two years and subject to finding a suitable site, could provide a valuable attraction and learning opportunity for the town. Once back in the water, *Vigilance* could be a focus for hands-on heritage skills learning and interpretation of trawling history. She has the potential to offer trips along the Torbay coast that would open up not only fishing and maritime stories, but also natural history and a new view of the UNESCO Global Geopark.

Key assets

Sites

Asset	Heritage Designation	Environmental designation	Ownership	Heritage at Risk Register
Brixham Town	Conservation Area		Private, multiple owners	Y

Other assets

- The 1926 Brixham trawler *Vigilance*, managed by voluntary group Friends of the *Vigilance*.
- Fishing and ropemaking exhibition and photographic collection at Brixham Heritage Museum.
- Extensive shipping records relating to the Port of Brixham held at Devon Heritage Centre.

Objectives

ID	Objective	Measures of success	Responsible
TRW01	The special character of Brixham Town Conservation Area is preserved and where appropriate enhanced.	Further loss of natural, local slate roofing is discouraged, and its use is supported, where appropriate, in new buildings and restoration works. Creative interpretation of Brixham's distinctive heritage is accessible in the public realm.	Torbay Council in partnership with building owners, developers and local communities.
TRW02	The sailing trawler <i>Vigilance</i> is restored and functioning as a high quality, popular heritage asset for Brixham, engaging local residents and visitors with trawling history and natural heritage.	A suitable local site is identified and agreed for the two-year programme of restoration, with a programme of public engagement with the works. Stage 1 application to NHLF is successful and leads to successful Stage 2. Excellent programme of public engagement and permanent interpretation on and around <i>Vigilance</i> is planned and supported.	Friends of the <i>Vigilance</i> in partnership with Torbay Council and local communities

Golden Age of the resorts

The modern characters of Torquay and Paignton have been shaped in large part by their history as seaside resorts. As we have seen, tourists began visiting in large numbers in the nineteenth century, starting an explosion of development and a 'golden age' of prosperity that lasted until the Second World War. The architectural heritage from this period includes large numbers of villas, civic buildings, shops, churches, entertainment spaces, public gardens and tourist infrastructure. In Torquay, the town's former wealth is evident everywhere in the grand style of its historic buildings and open spaces. The maintenance of this heritage presents particular challenges in an area tackling deprivation today.

The scale of development during this period means that late Georgian, Victorian and early twentieth century architecture is prominent in both towns and makes up the majority of the built environment. This is where most interaction with Torbay's heritage happens, as people move through the urban environment, rather than during intentional visits to historic sites. Many of these buildings are listed and fall within Conservation Areas.

One of the most distinctive characteristics of the resorts' buildings, gardens and artefacts is the influence of Italianate design. It was consciously imported and reimagined in an effort to create a Mediterranean-style resort in a northern European setting – an 'English Riviera'. It inspired the Italianate garden at Lupton House, which is now at serious risk of decay. Recognising this style, protecting surviving examples and taking new inspiration from it are essential if we are to retain and enhance some of the special qualities of our resorts.

Wealthy people first came here for their health, particularly to escape cold winters in the rest of Britain. This heritage of healthcare and relaxation has many parallels with today's interest in wellbeing. Later tourists came for summer holidays and entertainment. New theatres and concert venues attracted the most prestigious acts from London for the summer season. The most iconic of these buildings is the Pavilion in Torquay. Today it is empty and requires investment to restore. As an emblem of Torbay's special entertainment heritage and a unique landmark, it is imperative that a commercially viable and sustainable new use is found for the building.

Many wealthy families who were attracted to Torbay settled and built large homes here. The most well-known and extravagant of these is Oldway Mansion near Paignton, built by the American sewing machine manufacturer Isaac Singer. Later in its life, the building was used as offices for Torbay Council, which still owns it. Oldway Mansion has been empty since 2013 and is now in urgent need of substantial investment for it to be restored and re-used. Oldway is greatly loved by local residents and consultation for this strategy showed clearly that its future is a matter of great concern to local people. The Oldway Mansion Trust was set up in 2019 in partnership with Torbay Council.

Key assets

Sites

Asset	Heritage Designation	Environmental designation	Ownership	Heritage at Risk Register
Oldway Mansion (house)	Grade II* listed building		Torbay Council	Y
Torquay Pavilion	Grade II listed building		Torbay Council managed by private leaseholder	
Torbay Cinema (Paignton Picture House)	Grade II* listed building		Paignton Picture House Trust	Y
Lupton Park	Registered Parks and Gardens		Lupton House Trust	Y
Oldway Mansion (grounds)	Registered Parks and Gardens		Torbay Council	Y
Princess Gardens and Royal Terrace Gardens	Registered Parks and Gardens		Torbay Council	Y
Lupton House	Grade II* listed building		Lupton House Trust	Y
Roundham and Paignton Harbour	Conservation Area		Private, multiple owners	
Torquay Harbour	Conservation Area		Private, multiple owners	
Coast/beaches	n/a	In parts: AONB, PRoW, SSSI,	Multiple owners (Shoreline	

		LNR, NNR SAC	Management Plan)	
Babbacombe Cliff Railway	Within CA but no designation of assets		Private owner	
Conservation Areas: Abbey Road, Babbacombe Downs, Barton, Belgravia, Cary Park, Chelston, Lincombes, Maidencombe, Polsham, St Marychurch, Tormohun, Torre, Upton, Warberries, Watcombe Park	Conservation Area		Private, multiple owners	
Cockington Court	Grade II* listed building		Torbay Council (managed by TDA)	
Hesketh Crescent, Torquay	Grade II* listed building		Private, multiple owners	
Watcombe Park and Brunel Manor	Registered Parks and Gardens		Part owned by Torbay Council	
Grade II* listed buildings: 1-15 Wellswood Park Road, Torquay; 163 Newton Road, Torquay; Aylmer, Brixham; Beacon Terrace, Torquay; Hatley St George, Torquay;	Grade II* listed building		Private owners	
Little Theatre, Torquay	Grade II* listed building		TOADS Theatre Company	
Bishops Walk	n/a	PRoW	Torbay Council	

			(managed by TCCT)	
Castle Tor	Registered Parks and Gardens		Divided, private owners	
Coleton Fishacre (house)	Grade II listed building		NT	
Coleton Fishacre (park and gardens)	Grade II* listed building		NT	

Other assets

- Extensive archive collections documenting the growth of the resorts held at both Torquay Museum and Devon Heritage Centre.
- Social history artefacts including shop signs and costumes from the period at Torquay Museum.
- The Seaside Fun gallery at Torre Abbey which includes several contemporary paintings of fashionable visitors and locals enjoying the resorts in the nineteenth century.

Objectives

ID	Objective	Measures of success	Responsible
RST01	Oldway Mansion, including its outbuildings and grounds, is where appropriate, conserved and enhanced, and its future is viable, sustainable and secure. Local people and visitors experience and enjoy it as a key heritage site and accessible open space.	<p>Short term grant funding is successfully secured to stabilise the building(s) and works complete.</p> <p>Medium to long term programme of fundraising for ongoing conservation and enhancement is in place and works in progress where funding allows.</p> <p>Oldway Mansion Trust is well managed and appropriately supported.</p> <p>Upper floors are converted for commercial tenancy where financially possible and long-term tenants found.</p> <p>Lower floor and grounds are accessible to the public.</p> <p>A high-quality visitor experience is enabled by appropriate facilities,</p>	Torbay Council, Oldway Mansion Trust, TDA, and Torbay Culture AND Historic England in partnership with local communities

		<p>including refreshments offer, and creative interpretation subject to funding.</p> <p>Local communities use the grounds extensively for outdoor recreation.</p> <p>Volunteers are actively engaged in a wide range of roles.</p> <p>Commercial uses for outbuildings are fully explored.</p>	
RST02	<p>Torquay Pavilion is conserved and where appropriate enhanced, with a viable and sustainable commercial use.</p>	<p>The building is safe to access, further decay has been halted and a programme of restoration is in place where financially possible.</p> <p>There is ongoing constructive engagement between all interested parties.</p> <p>Appropriate long-term management of the building in line with its cultural and historic value is agreed.</p> <p>Proposals which conserve and enhance the building and find appropriate new uses for it will be supported.</p>	<p>Torbay Council, Historic England and interested parties</p>
RST03	<p>Lupton House is conserved and where appropriate enhanced, and its Italianate garden is restored.</p>	<p>There is ongoing constructive engagement between all interested parties including Torbay Council, Lupton House Trust and Historic England.</p> <p>A management plan is agreed and operational, and Lupton House Trust are appropriately supported to deliver it.</p> <p>The building is secure, and deterioration is halted.</p> <p>The Italianate garden is in a programme of restoration.</p>	<p>Lupton House Trust in partnership with Torbay Council and Historic England</p>

RST04	Princess Gardens and Royal Terrace Gardens are maintained and protected for the future	<p>The Gardens continue to be maintained to a high quality.</p> <p>The Gardens are removed from the Heritage at Risk Register.</p> <p>Historic parks and gardens are key assets in the new Torbay Green Infrastructure Plan.</p>	Torbay Council
RST05	The special characters of Roundham and Paignton Harbour and Torquay Harbour Conservation Areas area preserved and where appropriate enhanced.	<p>Traffic in the Conservation Areas is reduced, where possible and appropriate.</p> <p>Further loss of historic features is discouraged.</p> <p>Walking and cycling in these areas is encouraged.</p> <p>Further loss of natural, local slate roofing is discouraged, and its use, where appropriate, is supported in new buildings and restoration works.</p>	Torbay Council in partnership with building owners, developers and local communities.
RST06	Babbacombe Cliff Railway is recognised as a heritage asset and is protected for the future.	DCMS confers listed building status.	Torbay Council and Historic England

Agatha Christie and writers on the Riviera

Torbay has a rich literary heritage, with world famous novelist Dame Agatha Christie as its figurehead.

Agatha Christie was born in Torquay in 1890. She began writing crime stories while volunteering as a nurse and dispenser at the Torquay Town Hall Red Cross Hospital during the First World War. It was here that she gained her knowledge of poisons. Her characters from this time were based on people she observed on the Torquay tram. She also met some of the Belgian refugees who sought sanctuary in Torbay, and from them she took the inspiration for her most famous detective, Poirot.

She was a keen cinema goer and she had a favourite seat which survives at the Paignton Picture House. Locations in her novels are often inspired by local places, for example Kents Cavern. Her beloved holiday home, Greenway, above the River Dart, provided the setting for several fictional murders. The house is now run by National Trust and houses an important collection of Christie artefacts.

Greenway is a place of pilgrimage for Agatha Christie fans, but most other sites associated with her are not currently exploited for tourism. The English Riviera [Destination Management Plan recognises that](#) Agatha Christie provides a useful cultural offer that is currently under-developed, while the Torquay Neighbourhood Plan includes a community aspiration to develop new visitor opportunities around the connection with her.

While Agatha Christie may be Torbay's most famous daughter, many other writers stayed and produced work here, where the beauty and sea air was believed to be restorative and inspiring. In 2019, Torbay Culture produced *Writers on the Riviera*, a guide to sites in Torbay associated with 15 of the greatest British and Irish writers of all time. They include Oscar Wilde, Mary Shelley, T.S Elliot, and many others.

Torbay is within the area covered by Exeter's UNESCO City of Literature status, and indeed links with Agatha Christie are among the reasons for the designation. We intend to fully explore opportunities resulting from the status that could further promote our literary heritage and support a vibrant culture of writing in the Bay.

Key assets

Sites

Asset	Heritage Designation	Environmental designation	Ownership	Heritage at Risk Register
Torbay Cinema (Paignton Picture House)	Grade II* listed building		Paignton Picture	Y

			House Trust	
Kents Cavern, Torquay	Scheduled Monument	SSSI	Private owner	
Church of All Saints	Grade I listed building		Diocese of Exeter	
Greenway	Grade II* listed building	AONB	NT	

Other assets

- The UK's only museum collection of Agatha Christie ephemera and memorabilia held at Torquay Museum. Its 1,000 items include books and first editions, costumes from television adaptations, a set from ITV's Poirot and a large collection of souvenirs, film and theatre programmes, film posters and fan items.
- Almost 21,000 items at Greenway, collected and treasured by the Christie family over several generations.
- The Agatha Christie Potent Plants Garden at Torre Abbey, featuring poisons used in her books.

ID	Objective	Measures of success	Responsible
LIT01	Paignton Picture House is restored and converted to new use. It is well used by the community and is an anchor heritage site within a regenerated town centre.	<p>Future use is agreed by all interested parties and a plan for conservation, conversion and ongoing management is in place.</p> <p>Paignton Picture House Trust is well managed and sufficiently resourced to deliver the management plan.</p> <p>Works are on schedule to achieve community access and use.</p> <p>Paignton Picture House is integrated into the programme of wider town centre regeneration.</p>	Paignton Picture House in partnership with Torbay Council, Torbay Culture, Historic England and local communities
LIT02	People seeking an Agatha Christie experience are attracted to Torbay in significant numbers.	<p>A strong relationship with the National Trust integrates Greenway into Torbay's Agatha Christie offer.</p> <p>Greenway is included as a key destination in sustainable transport planning in Torbay.</p>	Torbay Council, Torbay Culture and ERBID in partnership

		<p>The Agatha Christie Festival is appropriately supported and promoted and continues to thrive.</p> <p>Collaboration between sites and organisations that have Agatha Christie collections or associations is supported and encouraged.</p> <p>Visual links to Agatha Christie in the public realm, including public art are clearly marked and celebrated.</p> <p>Increase in visitors citing Agatha Christie connection as a reason for visiting.</p>	with National Trust and other key sites
LIT03	Visitors and residents experience, enjoy, understand and contribute to Torbay's literary heritage.	<p>Writers on the Riviera promotion continues and expands.</p> <p>Schools and community groups in Torbay are supported and encouraged to engage with literary heritage in creative ways.</p> <p>Literary heritage is a foundation for supporting new work by local writers.</p>	Torbay Council, and Torbay Culture in partnership with local arts groups and communities

Emerging stories

Our understanding of Torbay's past evolves constantly as new discoveries are made and the preoccupations of our own time change. Torbay Council and Torbay Culture support activities that uncover historical evidence, listen to unheard voices or re-evaluate established stories through new lenses.

Over the next five years, we expect to understand more about a range of topics, including:

Romans and Romano-British Torbay

Recent archaeological excavations at Ipplepen, just outside Torbay, have revealed the Roman influence in our region to be greater than previously thought. The site is unique to South West England and finds there are changing our understanding of life on the edges of the Roman Empire. There is a strong possibility that there is important Roman-age evidence within Torbay waiting to be discovered. A rectangular enclosure recently identified in cropmarks at Burrow Down near Paignton, for example, is a possible Romano-British site.

Marble industry

Research by the team at Torquay Museum has shed new light on Torbay's marble industry, a significant story that had been almost forgotten. In the nineteenth century, Torbay had a natural supply of high-quality marble and plenty of wealthy customers eager to buy luxury fittings for their new villas and mansions, fashionable marble jewellery and exclusive souvenirs. Many local people were employed in the industry, as quarrymen, engineers, designers, masons, craftsmen and retailers. Torquay marble can be seen in most grand houses and churches of the period in Torbay, including Oldway Mansion.

Torquay Museum holds a collection of impressive artefacts, but more work is needed to identify Torbay marble features and objects as local marble is often mislabelled. To better understand the history of the industry and its potential for public engagement, it is also necessary to establish the condition and accessibility of quarry sites and to track down relevant archive material.

Smuggling

The success of Brixham's annual pirate festival offers an opportunity to engage a wider audience with the town's real and more complex history through related maritime topics. Smuggling has a long history in Brixham with social, economic and cultural impacts. The smuggling exhibition at Brixham Heritage Museum is a way into the subject that could be extended via more research to establish and connect relevant sites in the town.

Recent decades

Torbay Council, TDA and Torbay Culture believe that recent history should be recognised, recorded and valued, and that all our communities should have the opportunity to contribute to our shared narratives. Therefore, we encourage new research and interpretation of the Bay's twentieth and twenty-first century heritage. Since the Second World War, many people have settled in

Torbay from elsewhere, particularly from other parts of the UK and Eastern Europe. Their experiences enrich our culture and are part of Torbay's story.

Covid-19 (coronavirus)

This strategy has been written in the midst of the Covid-19 pandemic, a global crisis that will come to be seen as a major historical event. From our perspective in 2020, we cannot predict exactly how Torbay will be affected but there will be a significant impact on our communities. As we recover, heritage will be essential in a number of ways:

Recording

It will be important to bear witness to the experiences of Torbay's people and create an account of what happened here for future researchers.

Community

We predict that heritage sites will become valuable places of gathering and reconnection when societal restrictions are lifted.

Learning

Once free movement is reinstated, we may see a surge of interest in experiential learning through visits to sites and engagement with collections

Health

Sickness, grief and isolation are likely to lead to significant physical and mental health issues for many people. We must explore the role that heritage sites can play in our collective healing through access to beauty, tranquillity, open space and voluntary opportunities.

Economy

At this stage we do not know how long travel restrictions will be in place but there is likely to be a significant impact on Torbay's tourism industry. Attracting new visitors and extending the season will be central to our economic recovery and it is imperative that heritage is a key component in Torbay's tourism offer.

Objectives

We recognise that priorities may emerge relating to these or other topics during the life of the Torbay Heritage Strategy, and it must have the flexibility to incorporate new objectives and actions accordingly.

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

Meeting: Cabinet
Council

Date: 17 November 2020
3 December 2020

Wards Affected: All

Report Title: Licensing Act 2003 – Licensing Statement of Principles 2021 to 2026

Implementation Date: 7th January 2021

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

Director/Assistant Director Contact Details: Tara Harris, Assistant Director Community and Customer Services, tara.harris@torbay.gov.uk

1. Purpose of Report

- 1.1 In accordance with Section 5 of the Licensing Act 2003, the Council is required every 5 years, to review, consult and republish its Licensing Statement of Principles (The Statement). The current Statement was published on 7th January 2016 and therefore, it has been reviewed and consulted upon and must be re-published, on or before 7th January 2021.
- 1.2 In addition, the Council's Cumulative Impact Policy (CIP), following a change in legislation, no longer forms part of the Statement and must now be a standalone Policy. This has also been revised and consulted upon and is required to be republished on or before 7th January 2021.

2. Reason for Proposal and its benefits

- 2.1 This proposal is made in order to meet a statutory obligation as prescribed under Section 5 (1) Licensing Act 2003, which requires that the Licensing Authority publish a Statement and review and re-publish the same, at least every 5 years.
- 2.2 Whilst this is a statutory requirement and many aspects are required by law, there is a discretion within the Licensing Act for a Licensing Authority to design its Statement around the local area and emerging issues. The Statement therefore includes many of the recommendations of Evening and Night Time Economy Solutions Ltd Report, along with consideration to the views of consultees. This ensures that the Policy not only meets its statutory requirements but also considers and supports business aspirations to thrive and therefore helping to address poverty and inequality. It also supports a diverse Evening and Night Time Economy which supports arts and culture.
- 2.3 The Statement includes the statutory Licensing Objectives, which seek to Protect Children from Harm and the wider community from the Crime and Disorder, Public Nuisance and to ensure Public Safety.

3. Recommendation(s) / Proposed Decision

That Cabinet recommends to Council:

- 3.1 That the Licensing Statement of Principles 2021 to 2026, for publication with effect from 7th January 2021 be approved; and
- 3.2 That the Cumulative Impact Policy 2021 to 2024, for publication with effect from 7th January 2021 be approved.

Appendices

- Appendix 1: Supporting Information and Impact Assessment
- Appendix 2: Licensing Statement of Principles 2021 to 2026
- Appendix 3: Cumulative Impact Policy 2021 to 2024
- Appendix 4: Summary of consultation responses and outline of response

Background Documents

Licensing Act 2003

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

Licensing Statement of Principles 2016 to 2021

<https://www.torbay.gov.uk/media/2993/licensing-statement-of-principles-2016-final.pdf>

Statutory Guidance issued under section 182 Licensing Act 2003

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Appendix 1: Supporting Information

1. Introduction

- 1.1 The Statement identifies how the Council will perform its role as Licensing Authority in relation to the licensing process for the sale and supply of alcohol, regulated entertainment and late night refreshments. It has been instrumental in directing applicants and licensing decisions over the last 5 years, and is now being reviewed following changes in legislation, statutory guidance and developments in best practice, in addition to a statutory obligation to review and re-publish.
- 1.2 The Council is not required to identify a Cumulative Impact Policy (CIP) area, however, it may do so in areas where there is increased crime and/or disorder that is caused by the cumulative effect of a number of licensed premises in the one area. The Council has therefore, adopted such a Policy for the area around the harbour side in Torquay and through Fleet Street and the Castle Circus areas. The size of this area has been reduced where no cumulative impact can any longer be identified.
- 1.3 The Act generally carries a rebuttable presumption to grant an application for a new or a variation to a Premises Licence. The effect of a CIP is that any such application received in the area of a CIP, will instead carry a rebuttable presumption to refuse. This places the onus upon the applicant to illustrate how they would adequately promote the licensing objectives as part of their operation were the application to be granted. The CIP, has been amended to only apply a rebuttable presumption to refuse for 'vertical drinking establishments', late Night Refreshment and 'Off Licences', in the revised CIP area.
- 1.4 A recent change in legislation requires that the CIP stands alone from the main Statement and must be kept under review a maximum of every 3 years.

2. Options under consideration

- 2.1 As the Statement is a statutory requirement, no other options have been considered.
- 2.2 Whilst there is an option in maintaining a CIP, it was not considered appropriate to withdraw it altogether based on current evidence. However, the current CIP has been amended to omit some areas where evidence suggests that there is no longer a requirement for it. This is the appropriate action in the absence of evidence of need in order to ensure that business is not unduly hindered and that the Council is safeguarded against legal challenge.

3. Financial Opportunities and Implications

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

4. Legal Implications

- 4.1 Any legal implications would arise only through a failure to fulfil the obligation to review and revise the Statement on time, as failure to do so could result in legal

challenge through Judicial Review, which could prove costly both in terms of financial impact and damage to reputation.

5. Engagement and Consultation

5.1 There is a statutory requirement to consult as laid out in Section 5 (3) of the Act, this extends to identification of those that must be consulted. The requirement is a broad one, which has been adhered to as part of the review process. The required consultees are:

- a) The Chief Officer of Devon and Cornwall Police
- b) The Chief Officer of Devon and Somerset Fire and Rescue Service
- c) The Director of Public Health
- d) Residents and businesses of Torbay
- e) Bodies representing businesses
- f) Holders of Premises Licences and Club Premises Certificates
- g) Bodies representing existing registered clubs
- h) Bodies representing holders of existing premises licences and personal licences
- i) Torbay and Southern Devon Health & Care NHS Trust
- j) Torbay Council: Children's Services
- k) Torbay Council: Planning, Environmental Health and Highways Authorities
- l) The Torbay Safer Communities Partnership
- m) The Maritime and Coastguard Agency
- n) Faith groups via Torbay Interfaith Forum and the Street Pastors
- o) Torbay Development Agency
- p) English Riviera BID Company
- q) Torbay Harbour Authority

5.2 In addition to the above, the Statement and the CIP were considered by Licensing Committee on 11th August 2020. Recommendations from Licensing Committee were considered in line with the consultation responses and incorporated into the amended document.

5.3 Two other responses were received in respect of the Statement and two with regard to the CIP. Where appropriate, these were considered and an amendment to the Statement has been made, the responses and the action taken are outlined in Appendix 4

6. Purchasing or Hiring of Goods and/or Services

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

7. Tackling Climate Change

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

8. Associated Risks

8.1 The risks are more associated with any failure to review and re-publish the Statement in time as the effect would be that the Council would have no Statement in place, which effectively would prevent lawful discharge of functions under the

Licensing Act 2003, which may lead to legal challenge against the Council and financial penalties being incurred.

- 8.2 The risks associated with agreeing the Statement are minimal as it has been reviewed in line with regulatory requirements, which include full consultation and consideration of any comments that are received.

Equality Impacts

<p>9.</p>	<p>Identify the potential positive and negative impacts on specific groups</p> <p>The Policy is a review of an existing Policy and therefore there is no change to impact of specific groups. Where there exists any potential for impact, this would generally be through the application process where there is the safeguard that any responsible authority or 'other person' may make representation. The four licensing objectives are also designed to ensure consideration of any impacts.</p>		
	<p>Positive Impact</p>	<p>Negative Impact & Mitigating Actions</p>	<p>Neutral Impact</p>
<p>Older or younger people</p>	<p>x</p>		
<p>People with caring Responsibilities</p>			<p>X</p>
<p>People with a disability</p>			<p>X</p>
<p>Women or men</p>			<p>X</p>
<p>People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i></p>			<p>X</p>
<p>Religion or belief (including lack of belief)</p>			<p>X</p>
<p>People who are lesbian, gay or bisexual</p>			<p>X</p>
<p>People who are transgendered</p>			<p>x</p>

	People who are in a marriage or civil partnership			X
	Women who are pregnant / on maternity leave			X
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			X
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	X		
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)	None		
11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	None		

Torbay Council's Statement of Principles 2021-2026

Licensing Act 2003

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The 'Licensing Statement of Principles 2021-2026 was ratified and adopted by Full Council on XXXXXXXXXX

Torbay Council's Statement of Principles 2021-2026

Introduction

Torbay Council is designated as a 'Licensing Authority' for the purposes of the Licensing Act 2003.

This document is Torbay Council's "Statement of Principles", made under Section 5 of the Licensing Act 2003, and has effect for the period of 7 January 2021 to 6 January 2026.

Torbay, also known as The English Riviera, is a popular, well-established holiday destination situated on the South Devon Coast, on the South West peninsular of England. It has a population of over 135,000 which can increase to over 200,000 in the summer months.

The area comprises three towns of Torquay, Paignton and Brixham, and is known for its mild climate, picturesque harbours, coves and beaches, and is home to numerous tourist attractions.

It offers 22 miles of beautiful coastline and is only one of seven places in the entire UK that has been designated a UNESCO (United Nations Educational, Scientific and Cultural Organisation) Global Geopark.

Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR

www.torbay.gov.uk

MAP of TORBAY



**If you require this document in another format please call
01803 208025 or email licensing@torbay.gov.uk.**

STATEMENT OF PRINCIPLES

This Statement of Principles (hereinafter referred to as 'the Policy') applies to the regulation of the following licensable activities at premises, vessels and members' clubs:

- (i) the sale by retail of alcohol;
- (ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- (iii) the provision of regulated entertainment to the public, to club members or with a view to profit;
- (iv) The supply of hot food and/or hot drink between 23:00 and 05:00.

This fifth Statement is made following consultation with:

- a) The Chief Officer of Devon and Cornwall Police
- b) The Chief Officer of Devon and Somerset Fire and Rescue Service
- c) The Director of Public Health
- d) Residents and businesses of Torbay
- e) Bodies representing businesses
- f) Holders of Premises Licences and Club Premises Certificates
- g) Bodies representing existing registered clubs
- h) Bodies representing holders of existing premises licences and personal licences
- i) Torbay and South Devon NHS Foundation Trust
- j) Torbay Council: Children's Services
- k) Torbay Council: Planning, Environmental Health and Highways Authorities
- l) The Torbay Safer Communities Partnership
- m) The Maritime and Coastguard Agency
- n) Faith groups via Torbay Interfaith Forum and the Street Pastors
- o) Torbay Development Agency
- p) English Riviera BID Company
- q) Tor Bay Harbour Authority

The aim of this Policy is to secure the safety and amenity of residential and business communities, whilst facilitating a sustainable entertainment and cultural industry. In adopting this Policy, Torbay Council (hereinafter referred to as 'the Council') recognises both the needs of residents and those businesses not covered by the provisions of the Licensing Act 2003 (hereinafter referred to as 'the Act'), to live and operate in a safe and healthy environment and the important role that well run licensed premises play in the local economy and in contributing to vibrancy of the Bay. To achieve this aim, the Council is committed to working in continued partnership with nominated Responsible Authorities under the Act, local businesses, members of the licensed trade, residents and visitors to the Bay, to promote the licensing objectives, as set out in this Policy.

SECTION 1 - The Guiding Principles that will direct the Council in making Licensing decisions

- 1.1 The purpose of this Policy is to outline the approach that Torbay Licensing Authority (hereinafter referred to as 'the Authority') will take to implement the Act. The Policy provides guidance for Applicants, Residents and Responsible Authorities under the Act. Responsible Authorities include the Council's Licensing Team, Health and Safety, Environmental Health, Planning, Trading Standards and Children's Services as well as the Police, Public Health, the Fire Authority and the Home Office.
- 1.2 This Policy, along with current national guidance issued by the Secretary of State and primary legislation, as set out in the Act, forms the basis on which licensing decisions are made and how licensed premises are likely to be permitted to operate.
- 1.3 The Act also outlines five key aims to support and promote good practice. These are:
- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.
 - Giving the police and licensing authorities the powers they need to manage and police the night-time economy effectively and take action against those premises that are causing problems.
 - Recognising the important role which pubs and other licensed premises play in our local communities, minimising the regulatory burden on business, encouraging innovation and supporting responsible premises.
 - Providing a regulatory framework for late night refreshment, and regulated entertainment which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area.
 - Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.
- 1.4 The Authority acknowledges the important role which pubs and other licensed premises play in both tourism and in local communities. The Authority therefore believes that providing licensed premises operate as compliant, well-regulated businesses and that their management act responsibly in promoting the licensing objectives, they make a positive contribution towards building local communities and supporting cultural development and Torbay's tourism offer. It is also important to appreciate that alcohol does play an important and inherent role within the leisure and entertainment industry.

- 1.5 The Authority equally recognises, however, that negative impacts will occur if good management practices are not followed by licensed premises. These can include anti-social behaviour, nuisance and disturbance caused to local residents, sometimes together with serious crime and disorder problems. Alcohol, in particular, is an important contributing factor to all of these issues. Alcohol-related violence, disorder and rowdiness impact on our community, public health and the public purse through the demands made upon hospital attendances and admissions; additional policing; additional street cleaning and the criminal justice system. The Authority does not consider that it is reasonable for local residents and compliant businesses to suffer because of a small number of irresponsible, poorly managed operators.
- 1.6 This Policy, therefore, seeks to provide a necessary balance between providing a platform upon which compliant, well-regulated businesses may operate and contribute towards a successful business and night-time economy, and ensuring that the quality of life of those who live and work in the Bay are protected through our robust licensing procedures. We believe these aims are achievable, if all parties concerned work together.
- 1.7 The Authority, has a duty under the Act to carry out it's licensing functions with a view to promoting the four Licensing Objectives set out below:
- **The Prevention of Crime and Disorder;**
 - **Public Safety;**
 - **The Prevention of Public Nuisance; and**
 - **The Protection of Children from Harm.**
- 1.8 The Authority will treat each Licensing Objective with equal importance.
- 1.9 While this Policy sets out a general approach to making licensing decisions, the Authority accords with the provisions in the Act. The Policy does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions and the Authority will consider each application on its individual merits.
- 1.10 This Policy does not override the right of any person to make Representations on an application or to seek a Review of a licence or certificate, where a provision has been made for them to do so in the Act.
- 1.11 Where an application is made and there are no relevant Representations, the application will be granted subject only to conditions reflecting the operating schedule and any mandatory conditions. Where there are relevant Representations, the Licensing Authority, will grant the application unless it is necessary to refuse it or to modify it, by imposing a condition(s) in order to

promote one or more the Licensing Objectives. Conditions imposed will be appropriate and proportionate.

- 1.12 In recognition of its responsibilities under Section 17 of the Crime and Disorder Act 1998, and within the strategic aims of the Safer Communities Torbay Strategic Assessment, the Authority will work together with businesses, charities and partner agencies to prevent crime and disorder in Torbay.
- 1.13 The Authority recognises its responsibilities to individuals under the European Convention on Human Rights, set out by the Human Rights Act 1998, and its statutory role as a Licensing Authority to fulfil the duties and responsibilities vested in it.
- 1.14 The Authority is also aware of its responsibilities to individuals under the Equality Act 2010, to have regard to the elimination of unlawful discrimination and its duty to promote equality of opportunity regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This Act replaces previous legislation (such as the Race Relation Act 1976, Disability Discrimination Act 1995).
- 1.15 The Authority is committed to achieving good outcomes for children, young people and their families. Children of all ages need to be kept safe from harm and safeguarding is about making sure that they are protected from all kinds of harm, not only physical and sexual but also psychological, emotional and moral harm. Where there is an actual or perceived risk of harm, it is important that appropriate steps are taken by the Authority to keep children safe. The Authority will have regard to any such risk when considering applications and seek to promote the Licensing Objectives.
- 1.16 The Authority is aware that effective licensing can only be achieved by recognising the value of collective contributions. The Authority strongly supports inclusivity and partnership working with the Police and other Responsible Authorities, local businesses, performers, local people, professionals involved in child protection and all others who can contribute positively to the successful promotion of the four Licensing Objectives. The Authority encourages membership of local schemes such as NiteNet, Best Bar None, Pub watch and StoreNet and values the contribution such schemes make to the fulfilment of the Licensing Objectives. An example of good partnership working is the twice yearly Licensing Forums, whose collective aim is to work with and support businesses in the Bay.
- 1.17 The Authority considers that its decisions can be a key factor in the control of anti-social behavior. Whilst the Authority will not use licensing conditions to

control anti-social behaviour by individuals once they are away from the licensable premises or place and beyond the direct control of the licensee, where there is a causal link between the behavior complained of and patrons of a licensed premises, it is expected that the Premises Licence Holder will take immediate steps to mitigate such impact within the vicinity of their premises.

Premises Licence Holders will be required to demonstrate that they have taken and intend to take appropriate action in this respect. Any conditions attached to licences will be within the control of the Premises Licence Holder and will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in lawful activity in the area concerned.

1.18 The Authority will not adopt blanket Policies of zoning to fix the trading hours of licensed premises. However, where it is necessary to promote one or more of the Licensing Objectives, the Authority will attach conditions to the premises licence to control a premises' trading hours. Such conditions will be imposed where there is supporting evidence to demonstrate that it is appropriate to do so. Appendix 4 of this Policy gives examples of the impact that certain types of premises may have on the surrounding area. Where representations are received, the Authority will refer to this Appendix and therefore Applicants are encouraged to use this to assist them in understanding the operating hours and the types of conditions they need to cover in their operating schedule.

1.19 The Authority is satisfied, having been advised by and provided with supporting data from Devon and Cornwall Police, that the night time economy is on occasions subject to crime and disorder problems which can lead to noise disturbance in some residential and commercial accommodation areas. Therefore the Authority has written a Special Saturation Policy, otherwise known as a Cumulative Impact Policy, which is now separated from this Policy, but needs to be read in conjunction with it. Where an application for a new licence, or variation of an existing licence falls within the Special Saturation Policy designated areas, there exists a rebuttable presumption that such applications would normally be refused, where a representation is received and it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in the area. The Special Saturation Policy will predominantly apply to 'vertical drinking establishments', 'Off Licences' and late night refreshment premises and not normally to business which are food orientated. The Authority actively encourages food orientated businesses in these designated areas. The Special Saturation Policy designated areas can be found on the Council webpage [XXXXXX](#)

1.20 Premises which are permitted to provide sales of alcohol for consumption off the premises, may be subject to conditions that limit trading hours and restrict types

and maximum quantities of alcohol where either the premises or the area in which the premises intends to trade, are known to be a focus for disorder and disturbance. A decision to impose such conditions will be subject to a relevant Representation being received and where there is supporting evidence to demonstrate that it is appropriate to do so.

- 1.21 In the case of age classifications for films, the Policy of the Authority is to follow the recommendations of the British Board of Film Classification for most purposes, whilst retaining the right to allocate a classification of its own to a particular film or to modify the advisory information proposed for use in connection with that film or the mechanism proposed for communicating that information.
- 1.22 In general, all premises which are the subject of a licensing application should have the benefit of planning permission or be deemed permitted development. Licensing and Planning are separate regimes but consents from both must be in place to operate lawfully. The Authority, as per paragraph 9.45 in the Section 182 Statutory Guidance, requires the two committees to work together to achieve a common agreement. If there is variance between the hours given under a licence and those permitted by the planning permission, the earlier hours will apply.
- 1.23 The Authority's Licensing Committee will receive regular reports on decisions made by Officers under the provisions of the scheme of delegation so that it maintains an overview of the general situation.
- 1.24 The Authority will actively encourage a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays. Premises specifically catering for young people in a safe, alcohol-free environment shall also be encouraged and promoted for the wider cultural benefit of the community in Torbay. Some departments within the Council have obtained licences for specified public open spaces and premises so that the benefit of any licence granted can be conveyed by the licence-holding department to authorised entertainers and performers within the event site. The Authority's Licensing Committee will consider such applications from an entirely neutral standpoint. It will also consider carefully any Representation that the licensing regime is adversely affecting the provision of live music and dancing as regulated entertainments in Torbay and will only impose restrictions that are appropriate, proportionate and reasonable as licensing conditions.
- 1.25 The Authority recognises that proper integration with local crime prevention, planning, transport, tourism and cultural strategies is essential to assist in the reduction of public disorder and disturbances. The Authority will ensure that future local transport plans reflect the need to disperse people from town centres

swiftly and safely, particularly late at night, so as to avoid concentrations which may produce disorder and disturbance.

1.26 The Authority recognises that licensing seeks:

- a) To control the physical safety of people using a location, however it does not seek to control public health, which is subject to other controls.
- b) To protect children, includes their protection from moral, psychological and physical harm.

1.27 To prevent the use of illegal drugs, or psychoactive substances (previously known as 'legal highs') in licensed premises, Premise licence Holders are encouraged to implement actions referred to in following documents:

'Safer Clubbing' http://www.csdp.org/research/safer_clubbing_txt.pdf
Safer Night Life
http://newip.safernightlife.org/pdfs/digital_library/uk_safer_nightlife_guideline.pdf and
WAVE
<https://nbcc.police.uk/article/?id=b2cd2a7d17d92c915996003a0473a4b8>

The Authority does aim through the licensing process to:

- a) **Prevent** drug dealing in Licensed Premises.
- b) **Minimise** drug availability and their use.
- c) **Safeguard** all the public attending events by requiring, through imposition of appropriate licence conditions, the provision of a secure and safe environment for such events to take place.

1.28 The Authority recommends that all Applicants seeking to supply alcohol should have had regard to 'The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks'.

1.29 While the Authority recognises that clear enforcement protocols for licensing and associated activities are essential, this will be achieved through close partnership working; notably the Police, Fire and through its Public Safety Advisory Group. It also recognises that in most cases, education and the support of businesses is likely to have longer term positive impact to ensure proper consideration is given to the four Licensing Objectives. It will, however, ensure that resources are targeted at problem and high risk premises and events, when required.

1.30 The Authority will review this Policy, at least once in every five years. The Special Saturation Policy will also be kept under review and considered by the Authority, at least every three years or sooner, if necessary, to ensure that it is still required.

SECTION 2 - Primary considerations when an application is made

The Licensing Authority will:

- 2.1 Deal with all applications within the statutory timescales.
- 2.2 Where relevant Representations are received, consider each application:
 - a) on its own merits,
 - b) in accordance with the Act, any subsequent amendments and supporting Regulations,
 - c) with regard to Guidance issued under Section 182 of the Act,
 - d) under the terms of this Policy.
- 2.3 Expect the Applicant to articulate clearly the type of venue they will be operating and to submit an Operating Schedule that properly addresses the impact their application may have on their neighbours or their surrounding communities, to ensure that each of the relevant Licensing Objectives is promoted. This is particularly relevant in the following circumstances.
 - (i) Crime and disorder arising out of the night time economy;
 - (ii) Noise from patrons and regulated entertainment where Premises are in close proximity to residential properties and have later opening times;
 - (iii) Public safety matters for higher risk activities and one-off events;
 - (iv) Public safety matters arising out of unmanaged occupancy levels.
(See Appendix 2 for further information on what to consider in your operating schedule.)
- 2.4 Consider the specific proposals regarding the requested licensing hours. It is important to note that “opening hours”, the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.
- 2.5 The Authority supports a continental café culture which makes a positive contribution to the street-scene and to the vitality of shopping and tourist areas bringing life, colour and interest on to the street. The Authority may grant permission under Section 115E of the Highways Act 1980 for an Applicant to use the public highway outside their premises for placing tables and chairs but the use of such an area will be subject to separate application, requirements and conditions under provisions of the Highway Act 1980. Applicants are reminded that either the proposed area of the public highway is included within their premises licence plan, or the premises licence must authorise off sales, as this is required where the pavement cafe area is not included on their plan.

2.6 'Special Risk Entertainment' events, are events that incorporate any of the following activities for the entertainment or attraction of the public:

- a) hypnotism (as defined by the Hypnotism Act 1952);
- b) striptease, lap dancing or any similar performance (see note below *);
- c) the installation of strobe or laser equipment;
- d) the use of special effects such as pyrotechnics (Fireworks) or the introduction to any area occupied by the public of naked flame or any material, vapour, liquid, foam or novelty foodstuff;
- e) the use of any temporary structure or staged area;
- f) sporting events that carry higher than normal risks, e.g. cage fighting;

Applicants' must specify clearly in their Operating Schedule, details of any 'Special Risk Entertainment' to be provided.

* The Policing and Crime Act 2009 became law in November 2009, amending Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 so as to incorporate 'sexual entertainment venues' as sex establishments governed by the Act as amended. The Authority adopted the legislation in so far as it relates to sexual entertainment venues on the 2nd December 2010. Under the Act as amended, premises offering lap dancing or any live sexual performance or display of nudity on more than 11 occasions within a 12 month period or less than one month since the last performance will be required to obtain a sexual entertainment venue licence from the Council's Licensing Authority to authorise such activity. The Authority has drawn up a statement of Licensing Policy for Sex Entertainment Venues which was agreed by Licensing Committee on the 17th March 2011.

2.7 The Authority requires individuals who are applying for a personal licence to be entitled to work in the United Kingdom (UK). The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected.

The Authority will not issue a personal licence to an individual who is illegally present in the UK, and is not permitted to work, or who is permitted to work but is subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. In order to discharge this duty, the Authority must be satisfied that an Applicant has the right to work in the UK as required on the back of the application form, to demonstrate that the Applicant has permission to be in the UK and that they are permitted to undertake work in a licensable activity. This also applies to individuals who apply for premises licences. The purpose of this is to prevent illegal working in the UK.

A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example if they are subject to an immigration restriction that does not permit them to work.

SECTION 3 - Additional considerations when an application is heard by a Licensing Committee

Where there are no relevant Representations, the application will be granted as applied for, subject to conditions which reflect the Operating Schedule and any mandatory conditions. Where there is a relevant Representation, the application will proceed to a hearing, following which the Authority may take such steps as are appropriate to promote the Licensing Objectives. In considering the application, the Authority will have regard to the matters set out below. In order to reduce the likelihood of relevant Representations and the cost and delay of a contested hearing, Applicants are strongly recommended to consult with the relevant Responsible Authorities, consider the matters set out below and incorporate them as necessary into their Operating Schedule

Where there have been relevant Representations, the Authority will consider the content of any application with respect to the following matters:

3.1 THE PREVENTION OF CRIME AND DISORDER

- a) The adequacy of measures proposed to prevent crime and disorder and the history of any previous relevant enforcement action, particularly in relation to the use of the Premises for:
 - (i) the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crime;
 - (ii) the sale and distribution of illegal firearms;
 - (iii) the evasion of copyright in respect of pirated films and music;
 - (iv) the under-age purchase and consumption of alcohol;
 - (v) prostitution or for the sale of unlawful pornography;
 - (vi) use by organised groups of paedophiles to groom children;
 - (vii) the base for the organisation of criminal activity;
 - (viii) the organisation of racist activity or the promotion of racist attacks;
 - (ix) unlawful gambling;
 - (x) the sale of smuggled tobacco and alcohol;
 - (xi) modern slavery/trafficking;
 - (xii) money laundering/financial abuse.

- b) The measures the Applicant has taken or proposes to take to:-
 - (i) To prevent the consumption or supply of illegal drugs and psychoactive substances (previously known as 'legal highs'), including a written drugs Policy, any entry and search procedures, the demonstration of a positive commitment to the deployment, when requested by the Police, of the Ion Track Itemiser Drug Detection Machine at the Premises or event, and in

respect of premises selling alcohol after midnight with a capacity of 500 or more, the provision of a drugs box and register.

(ii) To improve security or public safety, for example by:

- using CCTV of an evidential standard which is continually monitored with recordings retained for 14 days;
- undertaking a risk assessment for the employment of appropriate numbers of Security Industry Authority (SIA) registered door supervisors for security duties and / or stewards for general public service or management (see Appendix 2 of this Policy for further information). They shall be visible at all times and locations by wearing high visibility personal arm band identification.
- keeping and maintaining a daily premises register of SIA registered door stewards (see Appendix 2 of this Policy for further information)
- the adoption of a 'safe capacity' necessary for the promotion of public safety or the prevention of disorder on the premises, part of the premises or at an event.
- setting a maximum bag size policy during ENTE periods and carry out regular random bag searches
- providing cloakroom facilities for bag and coat storage
- random use of metal detectors in premises selling alcohol after midnight with a capacity of 500 or more persons
- ensure door stewards remain on duty until all customers have left the vicinity to ensure no crime, disorder or public nuisance whilst they are dispersing.

(iii) To determine that when employing SIA registered door supervisors, licence holders have considered:

(a) Recruiting SIA licensed door supervision staff from a company that is compliant with the requirements set out in the Security Industry Authority Approved Contactor Scheme (visit the SIA website www.sia.homeoffice.gov.uk for further information); and

(b) What measures will be taken and what procedures are in place for licensees to check the SIA register of licensed door supervisors to ensure their Premises and patrons are only protected by door supervisors with an SIA licence. Torbay Council recommends the use of the SIA Company Licence Checker facility (visit the SIA website www.sia.homeoffice.gov.uk for further information).

- (iv) To help prevent the use of glass bottles and drinking glasses being used as weapons and inflicting more serious harm during incidents of disorder, consideration needs to be given to the location and style of the premises/event, the times of opening, as well as features such as outside roof terraces, indoor sporting events, and televised sporting events. The use of plastic/polycarbonate vessels is recommended in late night vertical drinking establishments and to prohibit glass bottles from which it is intended or likely that a person will drink in these premises from 11.00 pm
- (v) To help facilitate effective communications by means of radio communications, i.e. Storennet and nitenet pagers or by other means to enable instant contact with the Council's CCTV Monitoring Room and other licensed premises in a locality, to warn of situations of disorder or potential disorder and to advise other premises of individuals ejected or refused entry to their premises
- (vi) To be able to demonstrate a responsible approach to alcohol sales by ending alcohol sales at a time specified in the application that is some time before the premises themselves are closed, and by not taking part in heavily 'discounted drinking' promotions. At the start of 2010, Parliament approved The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. This attaches five conditions to all Premises Licences and Club Premises Certificates where alcohol is sold or supplied on the premises (see Appendix 3 of this Policy).
- (vii) To help reduce the risk of excessive alcohol consumption by providing and promoting reasonably priced soft drinks; and as required as a mandatory condition, to provide free drinking water at all bars (see Appendix 3). The provision of free potable (safe to drink) water is a mandatory condition (see Appendix 3 of this Policy).
- (viii) To help reduce the risk of crime and disorder being caused by street drinkers, who are or appear to be alcohol dependant. This may be particularly relevant to premises that are permitted to provide sales of alcohol for consumption off the Premises, which are located in areas where concerns about street drinkers have been identified by Responsible Authorities or within the area defined in the Cumulative Impact Policy. Such Premises may be required not to stock or sell high strength or types of cheap ciders, beers or lagers with an abv of more than 6% or to sell single unit items, i.e. cans that are split from an original multi pack or other such packaging.

- (ix) To help manage the premises safely by the provision of sufficient SIA registered door staff following a detailed risk assessment taking into account the size and layout of the premises. (see Appendix 2 of this Policy for further information)
- (x) To determine whether door stewards are to be employed at takeaway premises which provide late night refreshment.
- (xi) To keep appropriate records, an incident log to record incidents that have occurred on the premises or within the vicinity but linked to the premises, telephone calls, complaints and refusals for entry (see Appendix 3 of this Policy for further information).
- (xii) To help to ensure that the Premises Licence Holder or the Designated Premises Supervisor (DPS) takes all reasonable steps to ensure that staff employed at the premises are trained so that they understand the requirements of both the Premises Licence/Club Premises Certificate and the broad provisions of the Licensing Act 2003. It is recommend that premises keep detailed training records that are available for inspection by Responsible Authorities.
- (xiii) To ensure that all staff in premises selling alcohol after midnight shall be trained and hold, within three months of the commencement of their employment, BIIAB Level 1 Award in Responsible Alcohol Retailing or similar qualification.
- (xiv) To manage appropriately, intoxicated customers, for example by using use a breath box to randomly test and refuse entry to customers where it is believed that they are heavily intoxicated, and to randomly test customers within the premises to ensure that there is no excessive drunkenness.
- (xv) To prepare a Policy to ensure that there is a safe area for leaving drinks when customers leave the premises temporarily, e.g. to smoke.
- (xvi) To ensure that the premises are adequately managed by a suitable person at all times and that whenever the premises are open for the sale of alcohol after midnight, a personal licence holder is on duty.
- (xvii) To ensure that the written authorisations of the DPS to all staff are be kept on the premises.

- (xviii) To implement a recommendation to adopt the Ask for Angela or Ask for Clive initiative, or any similar initiative that is developed from time to time:

Ask for Angela: <http://www.areyouok.co.uk/articles/ask-for-angela/>

Ask for Clive: <http://www.askforclive.com>

- (xix) To implement a recommendation for premises within designated areas of the Special Saturation Policy to meet the standard set by Best Bar None have been adopted.
<https://bbnuk.com/schemes/torquay/>
- (xx) To write Policies to ensure that all off sales are supplied in sealed containers for premises where there is a Designated Public Space Protection Order, and it is believed that the alcohol will be consumed within that designated area. The Policy should include the provision of notices to be clearly displayed where alcohol is sold, advising customers that the area is subject to a Designated Public Space Protection Order.
- (xxi) Where off sales are permitted or applied for and it is believed that alcohol may be consumed in public spaces close to the premises, in a way that may cause nuisance, crime, disorder or anti-social behaviour, there is an expectation that appropriate measures are put in place to monitor and manage any potential negative impact arising out of this.
- (xxii) To write Policies to ensure that where alcohol is supplied by way of a delivery service, all delivery drivers are trained in Challenge 25, No proof, no sale and that deliveries are only to be made to a residential address and received by a person 18 years or over.
- (xxiii) To ensure the even distribution of customers within a premises, to reduce crowding and pinch points which can lead to conflict.
- c) Work to reduce the likelihood of any violence, public disorder or Policing problems that may arise if a licence is granted.
- d) Implementing the outcomes of consultations held by the Applicant, in respect of their application and submitted Operating Schedule, with the Police. Including any recommendations made by the Constabulary's Architectural Design Liaison Officer.
- e) The expected attendance and participation at local licensing forums and high risk event meetings.

3.2 PUBLIC SAFETY

- a) The adequacy of measures proposed to deal with the promotion of public safety and in particular, the steps taken by, or the proposals of, the Applicant to:
- (i) To assess the risks to the public, staff and others associated with operating the premises or event in accordance with their submitted Operating Schedule and measures implemented to reduce those risks.
 - (ii) To provide adequate facilities for people or performers with disabilities and to ensure their safety.
 - (iii) To ensure that the number of people, staff and performers present in the premises or at the event can be safely evacuated in the case of emergency and that adequate access arrangements exist to permit the attendance of emergency vehicles, if required.
 - (iv) To ensure adequate staff training has been undertaken to deal with emergencies. To indicate the frequency that such training will be updated and the method of maintaining staff training records to demonstrate that regular training has taken place.
 - (v) To maintain controlled entry to the premises or event and establish the maximum number of persons who are occupying the premises or event at any time (see Appendix 2 of this Policy for further information).
 - (vi) To determine what the views are of the Maritime and Coastguard Agency, as the lead Authority with regard to all of the four Licensing Objectives, in the case of an application for a Premises Licence in respect of a passenger vessel.
- b) The Authority will undertake consultations with the Council's Officer responsible for the enforcement of Health and Safety legislation in respect of the application and the submitted Operating Schedule. It is the Policy of the Authority to not use its licensing powers to secure compliance with fire safety requirements, which arise from other legislation. However, in circumstances where fire safety inadequacies indicate that the premises pose a risk to the health and safety of those who enter them and where specific fire safety enforcement does not provide a sufficient or sufficiently rapid remedy; the Licensing Authority will take appropriate steps to ensure that the risk is removed.

- c) In preparing an Operating Schedule for large scale events, which would require a Premises Licence, the Applicant is expected to consider if appropriate the following guidance and publications:
- (i) Technical Standards for Places of Entertainment 2015 (ABTT, Chartered Institute of Environmental Health, District Surveyors Association, Institute of Licensing) ISBN 978 1 904031 83 3
 - (ii) The Event Safety Guide (The Purple Guide) www.thepurpleguide.co.uk
 - (iii) Risk Assessment – A Brief guide to controlling risks in the workplace HSE INDG163 (Rev4) <https://www.hse.gov.uk/pubns/indg163.pdf>
 - (iv) The Guide to Safety at Sports Grounds, 6th edition (The Stationery Office, ISBN 978-1-9164583-0-7 <https://sgsa.org.uk/greenguide-availablenow/>)
 - (v) Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, Published: 2004 Revised 2009 ISBN 978-0-9544892-5-0 <https://outdoorartsuk.org/product/safety-guidance-for-street-arts-carnival-processions-and-large-scale-performance/>
 - (vi) Guidance and advice from, Licensing Team, Town Hall, Castle Circus, Torquay TQ1 3DR. Tel: 01803 208025

3.3 THE PREVENTION OF PUBLIC NUISANCE

- a) The adequacy of measures proposed to deal with the potential for Public Nuisance and in particular the steps taken by, or proposals of, the Applicant to:
- (i) Prevent noise and vibration escaping from the Premises or open air sites, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
 - (ii) Manage the outside spaces, notably beer gardens, designated smoking areas, car parking areas which are within the direct control of the Premises Licence Holder, to prevent noise from patrons and entertainment creating a Public Nuisance to nearby neighbours.
 - (iii) Prevent disturbance by patrons arriving at or leaving the premises, or in the vicinity of the premises, especially when smoking.

- (iv) Prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises or otherwise manage the queue to prevent disturbance or obstruction.
 - (v) Consider the cumulative effect from multiple one off events giving rise to Public Nuisance.
 - (vi) Ensure that staff leave the premises quietly.
 - (vii) Evaluate whether taxis, private hire or other vehicles serving the premises are likely to disturb local residents and/or people staying in nearby holiday accommodation.
 - (viii) Evaluate whether routes to or from the premises on foot or by car, or for service or delivery vehicles, pass residential premises and holiday accommodation and if so, the effect this may have on such properties.
 - (ix) Prepare, implement and oversee, as appropriate, Policies regarding dispersal of customers, queue management, smoking areas and outside spaces.
 - (x) Take suitable steps to improve the management of the premises, following any previous or current enforcement action taken.
 - (xi) Prevent disturbance from light arising from security devices, floodlighting, advertising lighting or any special effect lighting.
 - (xii) Prevent noxious fumes from causing a nuisance to occupants of nearby residential and commercial premises or land.
 - (xiii) Determine whether the premises would result in increased refuse storage or disposal problems, or whether additional litter from or in the vicinity of the premises could cumulatively cause public nuisance.
 - (xiv) Implement where appropriate, the outcomes of consultations held between the Applicant and Torbay Council's Licensing & Public Protection Team in respect of the application and submitted Operating Schedule.
- b) The Authority advocates working with businesses, with the shared aim of providing a more business friendly and vibrant economy, however accepts that it equally has a responsibility to its residents. To aid in the process, Appendix 2 gives further advice relating to public nuisance that businesses, new or existing, may wish to consider when making an application or preparing for an event. This should aid both the business and the Authority

to ensure there is a common understanding of what is proposed and what the impacts might be. That contained within Appendix 2 of this Policy, should help Applicants' consider the areas they should address and to formulate their own Operating Schedule tailored to the type, nature and characteristics of the specific premises and its neighbourhood.

3.4 THE PROTECTION OF CHILDREN FROM HARM

- a) To consider that adequate measures are proposed to protect children from harm and in particular the steps taken by, or proposals of the Applicant to protect children:
- (i) In cases where there have been convictions or Fixed Penalty Notices against staff employed at the premises for serving alcohol to minors, or at premises with a reputation for underage drinking.
 - (ii) In premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
 - (iii) In premises where there is a known association with drug taking or dealing.
 - (iv) In premises where there is a strong element of gambling on the premises (e.g. jackpot machines).
 - (v) In premises where entertainment or services of an adult or sexual nature are provided.
 - (vi) In premises where, in the case of premises giving film exhibitions, the arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself.
 - (vii) In premises where children are employed without a work permit issued by Torbay Council.
- b) The steps the Applicant has taken or proposes to:
- (i) Clearly state their intentions to manage the premises so as to protect children from harm.
 - (ii) Limit the hours when children may be present.

- (iii) Impose age limitations, for those under 18 years, on attendance.
 - (iv) Impose age limitations, for those under 18 years, on employment.
 - (v) Limit or exclude children when “Special Risk Entertainments” are taking place.
 - (vi) Limit access by children to only parts of the premises.
 - (vii) Require the presence of an accompanying adult.
 - (viii) Fully exclude persons under 18 years from the premises when any or all licensable activities are taking place.
 - (ix) Prevent the service of alcohol to children under eighteen years, except in the limited circumstances allowed for by the law and when satisfied that proof of age has been adequately demonstrated.
- c) The Authority recommends that the only way to verify a young person’s proof of age is with reference to their:
- (i) Passport
 - (ii) Driving licence
 - (iii) Provisional driving licence
 - (iv) Proof of Age Standards Scheme (PASS) card
 - (v) Official Military identity card
- d) The Authority recommends that premises which sell or supply alcohol, adopt the Challenge 25 scheme.
- e) The Authority recommends that premises which sell or supply alcohol should ensure that staff are suitably trained in all aspects of age-related sales and that training is reviewed on a regular basis. The Authority also recommends that records of all staff training are kept for a period of 12 months and made available to a Responsible Authority on reasonable request and that the premises has a written Age Verification Policy, which is also made available to a Responsible Authority on reasonable request. All members of staff must read and sign to confirm their understanding of the Policy, in order to support compliance with the Mandatory Condition (see Appendix 2 of this Policy for further information). <https://www.proofofage.org.uk/>
- f) The Authority supports the installation of ID Scanners in premises open after midnight that may attract underage drinkers.

- g) Clearly stated measures in the case of an emergency for controlling access and egress and ensuring the well-being of children where a regulated entertainment is specially presented for them. The Authority will normally require as a minimum the following arrangements:-
- (i) An adult member of staff to be stationed in the vicinity of each of the exits from any level of the premises, subject to there being a minimum of one member of staff per 50 children or part thereof (subject to (iv) below).
 - (ii) No child to be permitted in the front row of any balcony unless accompanied by an adult.
 - (iii) No standing to be permitted in any part of the auditorium during the performance.
 - (iv) At least one adult member of staff of each gender, when groups of mixed gender are present.
- h) Clearly stated measures where regulated entertainment is specially presented for under 18s in an existing Licensed Premises, Torbay Council will normally require as a minimum, the conditions found in appendix three (see Appendix 3 of this Policy for further information).
- i) Where regulated entertainment includes child performers, the arrangements the Applicant proposes to ensure that the person responsible for the production has complied with Torbay Council's Children's Services requirements, as set out in their guidance 'Children in Entertainment'.
- j) Where a regulated entertainment is held specifically targeting children, the steps the Applicant proposes to demonstrate that the organisers of the event have ensured that their employees or other persons who will be responsible for supervising children have been submitted to the advanced disclosure mechanism operated by the Disclosure and Barring Service.

SECTION 4 – The Licensing Authority’s rationale for issuing Premises Licences is to:

- 4.1 Ensure that conditions are consistent with any Operating Schedule accompanying the application. Terms or conditions attached to premises licences will focus on matters that are within the control of individual licensees and others granted relevant permissions and will not duplicate requirements normally enforced by other regulatory regimes.
- 4.2 May add stricter conditions, limit hours and in some circumstances refuse types of regulated entertainment at premises in close proximity to residential premises.
- 4.3 Consider refusing or limiting types of regulated entertainment or impose early closing times where Applicants have not sufficiently demonstrated how they will protect residential premises in close proximity to their premises, from public nuisance. (See Appendix 2 of this Policy for further advice and information)
- 4.4 Will include, when appropriate, conditions limiting the access of children to licensed premises solely for the prevention of harm to children.
- 4.5 Will add the mandatory conditions, if the premises licence is to authorise the supply of alcohol. The relevant mandatory conditions can be found in Appendix 3 of this Policy.
- 4.7 Will add the mandatory condition where a premises licence is to authorise the exhibition of films and:
 - a) That the admission of children to the exhibition of any film to be restricted in accordance with the age restrictions set by the British Board of Film Classification
 - b) Except in a case where the Authority has determined a classification of its own in relation to a particular film, in which case that classification will be adopted as a mandatory condition.
- 4.8 Will seek to fulfil the Licensing Objectives by ensuring that only conditions relevant to those Objectives are attached to licences and certificates and are tailored to the individual style and characteristics of the premises and events concerned.
- 4.9 Where a representation is received, will seek to promptly set before Licensing Committee or Licensing Sub-Committee those applications that are fully made in accordance with this Policy, the Act and any other relevant regulations or

guidance. This will enable the Authority to deal with licensing issues speedily, efficiently and in a cost effective manner.

SECTION 5 - The role and influence of Representations:

The Licensing Authority:

- 5.1 Recognises the right of a person or a business to make Representations on an application and will consider such Representations unless it deems them to be frivolous or vexatious, or, as the Act permits in the case of an application for Review of a licence or certificate, if such representation is deemed frivolous, vexatious or repetitious in nature.
- 5.2 Will not accept a Review application arising from complaint by an interested party that is based on grounds similar to those raised within a period of twelve months, save in compelling and exceptional circumstances.
- 5.3 Expects those objecting to applications to help to provide information/evidence to support the assertion that the addition of the premises' licensable activities would be likely to produce the claimed impact on the neighbourhood when considered against the four Licensing Objectives.
- 5.4 Recognises that Elected Councillors are defined as Interested Parties and can make Representations in their own right, and not just on behalf of others, providing they are Members of the relevant Licensing Authority to which the application has been made.
- 5.5 Recognises that Health is not a licensing objective, but the Authority is aware that there is a significant negative impact on the health of our residents caused by alcohol, reflected in hospital admissions and deaths from alcohol related illnesses, and alcohol induced violence.

Since 2012, the Director of Public Health in Torbay has been a Responsible Authority and is able to make representations on applications and initiate Reviews. The Director of Public Health has access to data and evidence that is useful and informative for the development of Policy, the consideration of applications and the conducting of Reviews.

This includes:

- evidence on the impact of alcohol on the physical and mental health of residents, particularly children;
- data on hospital admissions for alcohol related illness and injury;
- data and evidence from local alcohol services, such as outreach and treatment services.

When such evidence and data is presented, it will be considered and where links are made to any of the four Licensing Objectives, it will be taken into account by the Licensing Committee/Sub-Committee in reaching its decision.

SECTION 6 - The way the Licensing Authority will communicate and enforce requirements

- 6.1 The Authority has a Licensing Committee comprising of 15 Members of the Authority in order to discharge the functions of the Licensing Authority and a Licensing Sub-Committee comprising of any three Members of the Licensing Committee to discharge any function it directs that is exercisable by the Licensing Committee.
- 6.2 A Chairperson of the Licensing Committee will be elected at the first annual meeting of the Authority.
- 6.3 The Authority will ensure that Members and Officers are appropriately trained to carry out their duties under the Act and in accordance with the Authority's constitution. No Member of the Authority shall sit upon the Licensing Committee or Sub-Committee unless they have received appropriate training.
- 6.4 The Licensing Committee recognises the Local Safeguarding Children Board or specified successor organisation as the competent body for the purposes of this Policy with regard to the protection of children from harm.
- 6.5 To adhere to the principles of The Regulators' Code (April 2014), which include:
 - i. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
 - ii. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
 - iii. Regulators should base their regulatory activities on risk
 - iv. Regulators should share information about compliance and risk
 - v. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
 - vi. Regulators should ensure that their approach to their regulatory activities is transparent
- 6.6 To publicise the Terms of Reference set down for its Licensing Committee.
- 6.7 To recognise enforcement as both formal and informal actions including advice, information, monitoring, liaison, training and promotion of good practice and includes:
 - a) Actions instituted by the Licensing Committee
 - b) Actions taken by an Officer of the Authority with the appropriate delegated authority to take such actions

- c) Actions by an authorised Officer of a partner organisation with a statutory responsibility for a licensable Premises or activity.
- 6.8 To work with the Police and other enforcement agencies to support its Protocols:
 'Licensing Act 2003 – Information Exchange' and
 'Preventing the illegal supply of alcohol to persons under the age of 18 years'
- 6.9 To work in partnership with relevant agencies to develop effective and documented Protocols and working arrangements which allow for a 'lighter touch' where risks are perceived low, whilst higher risks situations may be specifically targeted in proportion to the risks identified.
- 6.10 To comply with the Code of Practice: Age Restricted Products, published by the Department for Business Innovation and Skills (BIS)/Better Regulation Delivery Office (BRDO) 2014, insofar as it relates to the test purchasing of alcohol by Trading Standards Officers and other agencies.
- 6.11 In so far as it is possible, avoid duplication of requirements with other regulatory agencies.
- 6.12 To recognise the Act as only one of the mechanisms available to regulate the leisure, hospitality and retail economy and to assist in the maintenance of public order in Torbay. Other influences and controls include: -
- a) Planning controls and the recognition that crime and disorder prevention should be designed into new developments.
 - b) The designation of public places where alcohol may not be consumed and the confiscation of alcohol may be enforced.
 - c) Police powers to close down premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise and the powers of Environmental Health Officers to close noisy premises.
 - d) Take enforcement action against personal licence holders who sell alcohol to people who are drunk.
 - e) Powers of the Police, Responsible Authorities or a local resident or business to seek a Review of a Premises Licence or Club Premises Certificate.

- f) Flexible resourcing of the Council's CCTV Monitoring Room to maintain optimum use of the CCTV system with its partners in accordance with its Code of Practice for the Operation of Closed Circuit Television (2007).
 - g) Promotion of the NiteNet, Pub Watch or StoreNet communication systems and where appropriate impose the participation in the NiteNet scheme upon Applicants' through licence conditions.
 - h) Measures taken in partnership with local businesses and others to maintain a clean and safe environment.
- 6.13 Investigate complaints against licensed premises both with respect to the conditions on their Premises Licence or Club Premises Certificate, but also the broader requirements of the Licensing Act 2003. This includes complaints regarding noise, public safety or child protection that is within its remit.
- 6.14 Licensing fees are set and are due for payment on the anniversary of the licence and are dependent upon the non-domestic rateable value of the premises. This value, which is also used to calculate business rates, can be found through the Valuation Office Agency (VOA) search engine at <https://www.gov.uk/correct-your-business-rates>. The licence holder is expected to pay the required licence fee when it is due or the law requires the licence to be suspended until such fees are paid.

Carrying on licensable activity while a licence has been suspended is a criminal offence and may result in enforcement action, including prosecution.

The Authority would strongly encourage the Premises Licence Holder to contact the Licensing Team to discuss any problems prior to their annual licence fee being due, to enable the Authority to offer help where they can.

If the fee is disputed prior to the date it is due for payment, the licence will not be suspended pending clarification and resolution. Where an administrative error in relation to the recorded receipt of the annual fee has been made by the the Council and the licence holder has provided proof of payment, the licence will not be suspended.

- 6.15 Although the Authority accepts that the positioning of gaming machines in licensed premises is a matter for the Gambling Act 2005, attention is drawn to the fact that Gaming Machines must be supervised at all times and therefore in sight of an area where staff are present.

Contact Details

These details are provided to enable easy contact with the responsible authorities and to supply applications to them as required by the Licensing Act 2003.

Licensing Authority

Licensing and Public Protection Team
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 208025
E-mail: licensing@torbay.gov.uk

Responsible Authorities

Devon and Cornwall Police
Licensing Department
Launceston Police Station
Moorland Road
Launceston
PL15 7HY
Tel: 01566 770500
E-mail: licensing.team@devonandcornwall.pnn.police.uk

Devon & Somerset Fire and Rescue Service
Divisional Headquarters
Newton Road
Torquay
TQ2 7AD
Tel: 01803 653700
E-mail: southfiresafety@dsfire.gov.uk

Head of Service
Safeguarding & Reviewing Service
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 208559
Email: cpunit@torbay.gov.uk

Director of Public Health
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 207350
Email: Publichealth@torbay.gov.uk

Plymouth Marine Office
Maritime & Coastguard Agency
Suite 5, Endeavour House
Oceansgate, Vivid Approach
Plymouth
PL1 4RW
Tel: 020 390 85245
E-mail: Plymouth@mcga.gov.uk

Licensing and Public Protection Team (Public Nuisance)
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 208025
E-mail: Licensing@torbay.gov.uk

Food & Safety Team
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 208025
E-mail: Foodsafety@torbay.gov.uk

Operational Support
Health and Safety Executive
1st Floor Cobourg House
32 Mayflower Street
Plymouth
PL1 1QX
Tel: 0300 0031747
E-mail: formsadmin.plymouth@hse.gsi.gov.uk

Planning
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel: 01803 207801
E-mail: planning@torbay.gov.uk

Devon, Somerset & Torbay Trading Standards
County Hall
Topsham Road
Exeter
EX2 4QD
Tel: 01392 381381
Email: tradingstandards-mailbox@devon.gov.uk

Home Office (Immigration Enforcement)
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
Email: alcohol@homeoffice.gsi.gov.uk

Appendix 1 – Scheme of Delegation

The full **scheme of delegation** is set out below: -

Matter to be dealt with	* Full Committee	Sub Committee	Officers
Application for personal licence		If an objection is made	If no objection made
Application for review of personal licence with unspent convictions		All cases	
Application for premises licence/ club premises certificate.		If a representation made	If no representation made
Application for provisional statement.		If a representation made	If no representation made
Application to vary premises licence/ club premises certificate.		If a representation made	If no representation made
Application for minor variation of premises licence/ club premises certificate.			All cases
Application to vary designated premises supervisor.		If a Police objection	All other cases
Request to be removed as designated premises supervisor.			All cases
Determination of application to disapply requirement for DPS at community premises		If a Police objection	All other cases
Application for transfer of premise licence.		If a Police objection	All other cases
Applications for interim authorities.		If a Police objection	All other cases
Application to review premises licence/club premises certificate.		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases

Decision whether to object when Local Authority is a consultee and not the relevant authority considering the application.		All cases	
Determination of a Police or Environmental Health objection to a temporary event notice.		All cases	
Determination of a Police or Environmental Health objection to a late temporary event notice.			All cases

* **Full committee may deal with all Sub-Committee matters.**

Appendix 2 – Supplementary Information

Prevention of Crime and Disorder

Risk assessment for the provision of Security Industry Authority (SIA) door supervisors

1. The number and times of required staff would be dependent on the location and style of premises/event. Some areas may warrant the provision of SIA registered door supervisors for longer periods of the evening than other areas. This may be particularly true of night time economy areas, which includes the Cumulative impact Area (CIA) The number of SIA door supervisors to be employed would need to be determined as a result of a risk assessment carried out by the Premises Licence Holder and/or the DPS or required by the Authority. However it is recommended that two SIA door supervisors are employed for up to the first 100 customers, and thereafter one additional steward is employed for each additional 100 customers. Consideration also needs to be given to the ratio of male and female SIA door supervisors which are appropriate for particular premises/events.
2. This can, however be altered subject to the Applicant demonstrating through a suitable and sufficient risk assessment, to the satisfaction of the Responsible Authorities and where necessary, Members of a subsequent Licensing Committee hearing, that a different ratio is appropriate. This risk assessment should take into consideration the duties required by the supervisors, the layout of the premises and any key locations/flash points/pinch points within the premises that will require additional supervisors.

Register of SIA door supervisors

1. It is strongly recommended that all premises keep a daily premises register of self employed/employed SIA registered door supervisors and this register to be kept for a minimum of 12 months; and be available for inspection by any authorised officer of the Authority or Police. The register shall include full names of the SIA door supervisor working, with their SIA badge numbers, and the date and the times that they commenced and finished their work. This register shall be signed at the end of each shift by the duty manager.

Provision of Incident Log

1. It is strongly recommended that all premises keep an incident log. The premises incident log shall record all calls, whether in person or via alternative communication (e.g. email, in writing) made to the premises where there is a complaint made by a resident or neighbouring premises of noise nuisance or anti-social behaviour by persons attending or leaving the premises. The

incident log shall record the details of the caller, time and date of the call/ visit and the incident referred to along with any action or proposed action/s taken to resolve the issue complained of. The incident log will also record all incidents involving the use of force by staff or SIA registered door supervisors in the refusal of entry to or the ejection of patrons from the premises. The details of any registered SIA registered door supervisors involved in the incident shall be recorded including their badge number. This log should be completed as soon as reasonably possible following an incident.

Reducing the Strength Campaign

1. Due to crime, disorder and anti-social behaviour issues with known street drinkers within Torbay, the Police have introduced a 'Reducing the Strength Campaign' to limit the availability of high strength lagers, beers and ciders in areas where a problem with street drinkers has been identified, but particularly within the CIA. A number of licensed premises within Torquay Town Centre, and other areas where there are specific concerns regarding street drinkers, who are authorised for the sale of alcohol for consumption off the premises, now have conditions prohibiting them from selling any beer, cider or lager with an abv of 6% or more and prohibiting the sale of alcohol in single units. All Applicants applying for the grant of a premises licence authorising the sale of alcohol for consumption off the premises, should consider including the above requirements within their application, particularly where premises are situated within the CIA, and should consult with the Police Licensing Officer for further advice.

Public Safety

Occupancy of Licensed Premises

1. Require the submission of an Operating Schedule that is specific to the individual application; and where appropriate specifies the maximum intended occupancy including staff, performers and members of the public and is sufficiently comprehensive to enable the Authority and other Responsible Authorities to consider the application fully within the terms of this Policy, where appropriate. This should be in the form of a fire risk assessment, including safe capacity limits in compliance with the **Regulatory Reform (Fire Safety) Order 2005**, and in addition to the information above, should include how these numbers are controlled. The Authority will, when relevant Representations are received from the Fire Authority, consider the implications relating to fire safety for each individual application for, or variation to, the premises licence.

Prevention of Public Nuisance

General consideration

1. Public nuisance is the most common reason for complaints against existing premises and for Representations to be made about new and variation applications. It can include low-level nuisance affecting a few people locally, as well as major disturbance.
2. The potential for nuisance varies according to the nature of the premises. The Authority will interpret nuisance in its widest sense and takes it to include such issues as noise (from patrons and music, both inside and outside the premises), light, litter, human waste (such as vomit and urine), fly-posting and anti-social behaviour.
3. Noise nuisance is the most common problem. It is particularly intrusive at night when ambient noise levels are lower and residents are trying to sleep, and so it is essential that Applicants can demonstrate how they will effectively manage public nuisance.
4. Where Applicants are completing Operating Schedules, they are expected to have regard to the location of the proposed or actual premises. In particular, consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, older people's accommodation, hospitals, hospices, schools, childcare facilities or places of worship.
5. Applicants with access to outdoor spaces, such as beer gardens and designated smoking areas, may be asked to provide a written noise management plan if the location of outdoor spaces is adjacent to or in close proximity of residential accommodation or hospitality services, such as hotels and B&Bs.
6. Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Authority will treat each case on its individual merits, however, stricter conditions will generally be considered on premises licences in areas that have denser levels of residential accommodation or residential accommodation in close proximity to them. This may include, where appropriate, the Authority considering an earlier terminal hour than that proposed by the Applicant.
7. The Authority will presume against the grant of new or variations to Premises Licences and Club Premises Certificates where there are extensions in operational hours, or the addition or extension of activities (regulated

entertainment) that may cause public nuisance, and the Applicant cannot demonstrate that they have properly considered the issue of nuisance.

8. To demonstrate proper consideration, Applicants are strongly encouraged to engage the services of and obtain appropriate advice from those with the expertise in this field, to explore what if any mitigation measures could be put in place to alleviate the impact of potential nuisance arising from their premises operations.
9. There will be an assumption however, that licensed premises in residential areas, or where there is close proximity to residential properties or hospitality services, will only be allowed to undertake licensable activities until 11pm, unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant Representations have been received.
10. Applicants will be expected to demonstrate in their Operating Schedule, that nuisance arising from noise, light, smoke odour, litter, anti-social behaviour, human waste, fly posting, highway/footway disruption, can be minimised or fully mitigated against.
11. The content of an Operating Schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a Representation from the Authority, a Responsible Authority or other person(s).
12. The following suggestions should be considered but will vary according to the intended operations of each premises. The list is not exhaustive and is intended to act as prompt for Applicants:
 - Is an acoustic report needed if the application involves live or recorded music and later hours?
 - Can details of the location and types of any schemes designed to attenuate noise from the premises be provided?
 - Can details of any measures to minimise the noise caused by patrons outside the premises be provided?
 - How the noise from the activity can be controlled to prevent noise breakout. Some premises simply do not have the structure to contain noise, and it is unlikely that these types of premises can have these noisier activities.

- Can the noise breakout be controlled by double glazing, noise limiters, large lobby areas, or any other structural change that attenuates the noise?
 - The location and availability of any taxi ranks, bus stops, street pastors, railways stations in relation to the premises which are operational at or just after the terminal hour of the licence.
 - Provide details of the location and management of any outdoor areas within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas.
 - Include details of dispersal policies, and consider the role of door supervision and winding down periods.
 - Will music sound levels and tempo be reduced towards the end of the evening?
 - Will lighting be increased towards the end of the evening?
 - Will there be an area for patrons to use whilst waiting for taxis, such as wind-down/chill out areas?
 - Any use of outside areas such tables and chairs on the highway or smoking areas.
 - If the operation of the venue will attract additional litter such as food cartons or publicity flyers what measures will be put in place to deal with this?
 - Will there be litter patrols for premises operating as takeaways or providing off-sales?
13. If an application is expected to be contentious or noise problems already exist, expert advice should be sought. Applicants are advised to employ a noise consultant before an application is submitted but ideally before signing a lease agreement, if applicable.
14. Sound attenuation works can be very costly and Applicants should factor in the costs into their budget. It can be more expensive and inconvenient if noise breakout is not mitigated at the build stage. The consultant's report should be submitted as part of the application, or a proposed condition that advises that this will be done to the Responsible Authorities' satisfaction before the activity starts.

15. If a Premises Licence is granted for an area that hosts one off events, the Authority and Applicant will have regard to the cumulative impact or effect of multiple one off events and how noise may affect nearby residents and business.
16. Many premises already have later operating hours and later activities. This can and does cause significant public nuisance to neighbours and create a significant workload for Responsible Authorities.
17. In cases where a premises has benefitted from the deregulation of live and recorded music and the operator creates a nuisance to its neighbours, the Council will seek a review of the premises licence to remove the exemption under the Live Music Act 2012.

Outdoor spaces

18. Beer gardens, roof terraces, pavements and other outdoor areas serving licensed premises are expected to comply with appropriate conditions to the individual premises to ensure minimal disruption to residents in proximity to the premises.
19. Outside spaces are an increasingly popular part of licensed premises, particularly in summer where there is more demand for outside drinking and eating options. There is a need for all outside spaces that are used for smoking, eating and drinking by patrons of licensed premises to be well managed to reduce the potential for nuisance to be caused to nearby residents.
20. Where smoking, eating and drinking takes place outside, the Authority expects Applicants to provide comprehensive details in their Operating Schedule on:
 - a. the location of outside areas to be available for use.
 - b. how the outside areas will be monitored and managed to prevent: a) noise; b) smell; and c) pavement obstructions and littering.
 - c. the arrangements for clearing tables and chairs.
 - d. preventing nuisance from smoke fumes to residents living in close proximity to smoking areas.
21. Where outside spaces are used for eating and where children may also be present in the outside space, the Authority expects Applicants to provide details as to how smoking areas will be separated from the general use areas of the outside space.

22. Premises Licence Holders must take into account the needs of patrons with disabilities and comply with the requirements of the Equalities Act 2010.

23. Where the use of outside spaces by the patrons of a licensed premises is unplanned and makes use of the adjoining pavement, there is need for specific consideration. Members of the public can sometimes feel intimidated and crowds of drinkers or smokers spilling out onto the street may cause obstruction. Safety problems can also be caused with drinkers and smokers moving into the road. Wherever possible, all patrons should be contained within areas that are part of licensed premises, such as beer gardens, terraces or, where a pavement café consent has been granted by the Council for tables and chairs, on the public highway, and consideration should be made for local residents with mobility difficulties.

Temporary Event Notices (TENs)

24. The Authority expects that Applicants for TENs, where there is anticipated to be more noise emitted than is usual for the location, to contact the Responsible Authorities well in advance of the event, to enable sufficient time to consider the implications and to be able to work with the Applicant, to address any concerns.

25. In the case of events where the event maybe of a significant duration, albeit still under the TEN limit of 499 persons at any one time, the Authority asks Applicants to submit an Event Management Plan 3 months before the intended event date, to minimise the likelihood of objections from Responsible Authorities. The content of the Plan should reflect the event size, and in some cases may only need to be based around a Noise Management Plan.

26. If sufficient information is not provided in support of a TEN, it is quite possible that an objection will be submitted by the Responsible Authorities, or in the case of a Late TEN, simply refused, as the Licensing Act 2003 dictates.

Protection of Children from Harm

Staff Training

1. The Licensing Authority requires as per the mandatory conditions, that an age verification Policy is adopted. Premises that sell or supply alcohol will ensure that staff are suitably trained in all aspects of age-related sales and that training is reviewed on a regular basis. Good practice would be considered as the following:

- Evidence of staff training in relation to age-related sales
- Evidence of training reviews carried out as and when appropriate

- A refusals register when service of alcohol is declined to those persons unable to provide proof of age.

Under 18 discos in licensed premises

1. Good practice would include the following:

- These events should finish no later than 23.00hrs (11.00pm) after which there will be a 30 minute period before the premises re-opens to over 18s
- The Police shall be notified in writing or email at least (minimum) 14 days prior to the proposed event.
- At least 4 SIA door supervisors must be employed throughout the event, which shall include at least 1 female supervisor. All supervisors will have undergone a Disclosure and Barring Service check.
- All alcohol will be locked away and/or obscured from view.
- All gaming machines with prizes will be unplugged and locked.
- All promotional material relating to alcohol shall be removed.
- Any person refusing to be searched will be refused entry.
- Metal detectors will be used at random on entry.
- The event will be promoted to ages of 14 years and above.
- International student events shall be restricted to international students only.
- Throughout under 18 events, the designated premises supervisor or personal licence holder must be present.

Delivery services

1. There has been an increased number of applications for licences relating to delivery services. Although these types of services are not provided for in the Licensing Act 2003, in any way differently from other licensed premises, they do provide their own unique circumstances that need to be addressed. In particular the Authority has concerns with the potential for the following:

- Age verification at both purchase point and delivery point.
- The safety of delivery drivers at point of delivery.

- Safety of the premises from which orders are taken and sent out for delivery.
 - Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises.
2. The Authority expects licence applications for delivery services that include the delivery of alcohol to take into account issues relating to reducing public nuisance from delivery vehicles, ensuring the security of premises and delivery drivers, and protecting children by applying rigorous age appropriate checks at purchase point and at point of delivery.

Appendix 3 – Mandatory Conditions

The following conditions apply where the Premises Licence or Club Premises Certificate authorises the sale of alcohol. They are not an exact copy of the legislation but provide a paraphrasing of such (please refer to the Act for exact wording).

All supplies of alcohol

1. No supply of alcohol may be made under the Premises Licence:-

- (a) at a time when there is no DPS in respect of the Premises Licence, or
- (b) at a time when the DPS does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a personal licence.

Exhibition of films

1. Where a Premises Licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

- (a) The film classification body is not specified in the licence, or
- (b) The relevant Licensing Authority has notified the holder of the licence that this subsection applies to the film in question,
- (c) Admission of children must be restricted in accordance with any recommendation made by that Licensing Authority.

4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification)

Door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) Be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection 1. Requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with Premises Licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising films or under a gaming licence, or

(ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

(a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act,

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Age verification policy

1. The Premises Licence Holder or Club Premises Certificate Holder must ensure that an age verification Policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The DPS in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification Policy.

3. The Policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the Policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

Permitted price

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
(b) “permitted price” is the price found by applying the formula

$$P = D + (D \times V)$$

where:

- (i) P is the permitted price,
(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence

- (i) the holder of the premises licence.
(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The following conditions apply where the licence or certificate authorises “on” or “on and off” sales

Irresponsible drinks promotions

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Alcoholic drink measures

1. The responsible person must ensure that;

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Appendix 4

Premises type and potential impacts

Type of Premise	Typical Style of Operation	Potential Impact
Nightclubs	Nightclubs expected to be the latest opening premises. Sale of alcohol and multiple entertainment activities take place in these premises.	Disturbance late at night from customers leaving and dispersing Potential for music noise. Issues associated with outside smoking and drinking areas. Drunkenness problems associated with longer opening hours. Alcohol related violence. Sexual violence. Drug misuse.
Alcohol Venues Led	Vertical drinking establishments. No significant entertainment. Limited inside seating. Limited consumption of food by customers.	Disturbance late at night from customers leaving and dispersing. Issues associated with outside smoking and drinking areas. Drunkenness problems associated with longer opening hours. Alcohol related violence. Sexual violence. Drug misuse.
Public Houses and Bars	Mix of food and alcohol consumption. Alcohol available without food purchase. Significant seating within premises. Entertainment may be provided.	Disturbance from customers leaving and dispersing. Issues associated without outside smoking and drinking areas. May experience some drunkenness issues. May experience some levels of violence. Sexual violence.
Restaurants and Cafes	Alcohol only sold to accompany food. Customers seated at tables Table service provided for food and alcohol. Significant food offer. May provided limited entertainment. Premises plan includes dedicated kitchen and food preparation areas.	Minimal disturbance from customers leaving. Limited drunkenness. No alcohol related violence.
Off licences	Alcohol only sold for consumption off the premise.	May attract street drinkers and associated anti-social behaviour in some areas.

		Applicants are required to demonstrate how their premises will not contribute to street drinking in the area. Premises may attract underage purchasers.
Takeaways	Provision of takeaway food and soft drinks. No alcohol but will require a licence for late night refreshment between 2300 and 0500 hrs.	Litter dropped by customers. Cooking smells. May be a place for people to congregate after late night drinking causing noise disturbance. Alcohol related violence and anti-social behaviour.
Hotels	Provision of overnight accommodation. Alcohol can be available 24/7 to guests staying on premises. May have a function room available for public hire/functions.	Minimal issues in relation to hotel residents. Potential for drunkenness at public hire/functions. Child protection and safety issues may occur.
Other entertainment venues	Alcohol ancillary to other activities such as entertainment – e.g. bowling.	Minimal disturbance from customers leaving. Limited drunkenness. No violence. Potential for music noise.
Theatres	Alcohol ancillary to live theatrical performances.	Minimal disturbance from customers leaving. Drunkenness and violence are unlikely.
Registered Clubs	Only supply alcohol to members or bona fide guests. No DPS needed. May provide entertainment. Function Room available for commercial hire will require TEN.	Minimal disturbance from members leaving. Limited drunkenness. No violence. Possible noise from entertainment.
Festivals and outdoor events	Not alcohol led but food and alcohol will be available on site. Could attract large numbers of attendees. May have to submit Event Management Plan and Risk Assessments to Safety Advisory Group.	Likely disturbance from large numbers attending. Alcohol consumption will exacerbate noise and nuisance issues. Dispersal may be an issue. Drug dealing and drug consumption likely. Drunkenness and violence are possible. Child protection and safety issues may occur.

Appendix 5

Glossary of terms

ARID	Assault Related Injuries Database
ASB	Anti-Social Behaviour
BBN	Best Bar none
BID	Business Improvement District
BIIAB	British Institute of Innkeeping Awarding Body
BIS	Department for Business, Innovation and Skills
BRDO	Better Regulation Delivery Office
CCTV	Closed Circuit television
CIA	Cumulative Impact Area
CIP	Cumulative Impact Policy
DBS	Disclosure and Barring Service
DPS	Designated Premises Supervisor
DPSP	Designated Public Space Protection Order
EHO	Environmental Health Officer
ENTE	Evening and night time economy
HSE	Health and Safety executive
PASS	Proof of Age Standards Scheme
SGSA	Sports ground safety authority
SIA	Security Industry Authority
TENs	Temporary Event Notices
VOA	Valuation Office Agency
WAVE	Welfare and vulnerability engagement

Special Saturation Policy

Torbay Council is designated as a 'Licensing Authority' (hereinafter referred to as 'the Authority'), for the purposes of the Licensing Act 2003 (hereinafter referred to as 'the Act'). Under the powers of Section 5A of the Act, which delegates to the Authority the power to implement a Cumulative Impact Policy, (hereinafter referred to as 'the CIP), the Authority is of the opinion that there is a cumulative impact regarding certain types of premises, and this is resulting in significant crime and disorder, anti-social behaviour and public nuisance issue.

The shaded area on the attached plan is the area that has been identified as the Cumulative Impact Area (CIA) for the purposes of this revised CIP, which now focuses on to smaller areas than the previous CIP, which was originally published as part of the Authority's previous Statement of Principles 2016. This decision is based upon an evidential review undertaken by the Authority in 2020 of data provided by the Police and the Authority, which continues to identify these areas as being subject to high levels of alcohol related crime and public nuisance. Findings also demonstrated that the CIP should only apply to 'vertical drinking establishments', 'Off Licences' and late night refreshment (takeaway) premises. This CIP also applies to predominantly food based businesses that become 'vertical drinking establishments' later in the evening. These two areas include the whole of Torquay's harbourside and Fleet Street and an area around Castle Circus.

The effect of a CIP is to indicate that, where relevant Representations have been received and accepted by the Authority, an application for a new premises licence, or the variation of an existing premises licence, would normally be refused, for the defined areas in that CIP. This is where it is anticipated that the application will add to the problems of crime and disorder, anti-social behaviour or/and public nuisance in these areas, unless the Applicant can demonstrate within their Operating Schedule, that there will be no negative cumulative impacts on one or more of the Licensing Objectives. It is important to remember if no representations are received for an application within the CIA, the application must be granted as applied for, without the need for a hearing.

It would normally not be justifiable to adopt a CIP just on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises. The CIP will however help address the impact of a concentration of many licensed premises selling alcohol for consumption on and off the premises, which may give rise to large numbers of people who have been drinking alcohol on the streets in a particular area.

Where cumulative impact is identified, the problems are not the responsibility of any one premises, but are the result of a number of premises trading in the same, defined area. It is the aim of the CIP to not only reduce crime, disorder, anti-social behaviour

and public nuisance within the CIA, but to support and encourage businesses with a focus on providing food, leisure, sports, community and family orientated activities where alcohol is ancillary to the provision of those facilities, which have little or no negative impact on the Licensing Objectives.

This CIP will be subject to regular review and formal reconsideration every three years, or more frequently, if required. If it is evidenced that the continued need for a CIP is no longer necessary, possibly remedied by other initiatives or Policies, it may be dispensed with, or if the opposite is true, areas may re-instated or increased.

Factors considered in reviewing and continuing with the CIP

The Police, in conjunction with the Council have expressed serious concern in relation to crime and disorder and public nuisance incidents in Torquay town centre both historically, but also more recently, and the evidence demonstrates for part of the existing area, these concerns remain.

The Council has considered the analysis of crime data provided by Devon and Cornwall Police, as well as nuisance data provided from its own database. The crime data compared combined crime figures for 2016 and 2017, against combined data for 2018 and 2019, for the area previously defined under the existing CIP. This showed a 22% decline in alcohol related crimes and a 7.7% decline in more serious offences. In contrast, violence and anti-social behaviour incidents were up for the same period by 55.2% and 13.7%, respectively. The main change between the two sets of figures, is the declines in streets with fewer or no licensed premises and therefore formed the decision to remove these from the CIA. Nuisance figures have also seen a decline and again reflects the changing nature of the area.

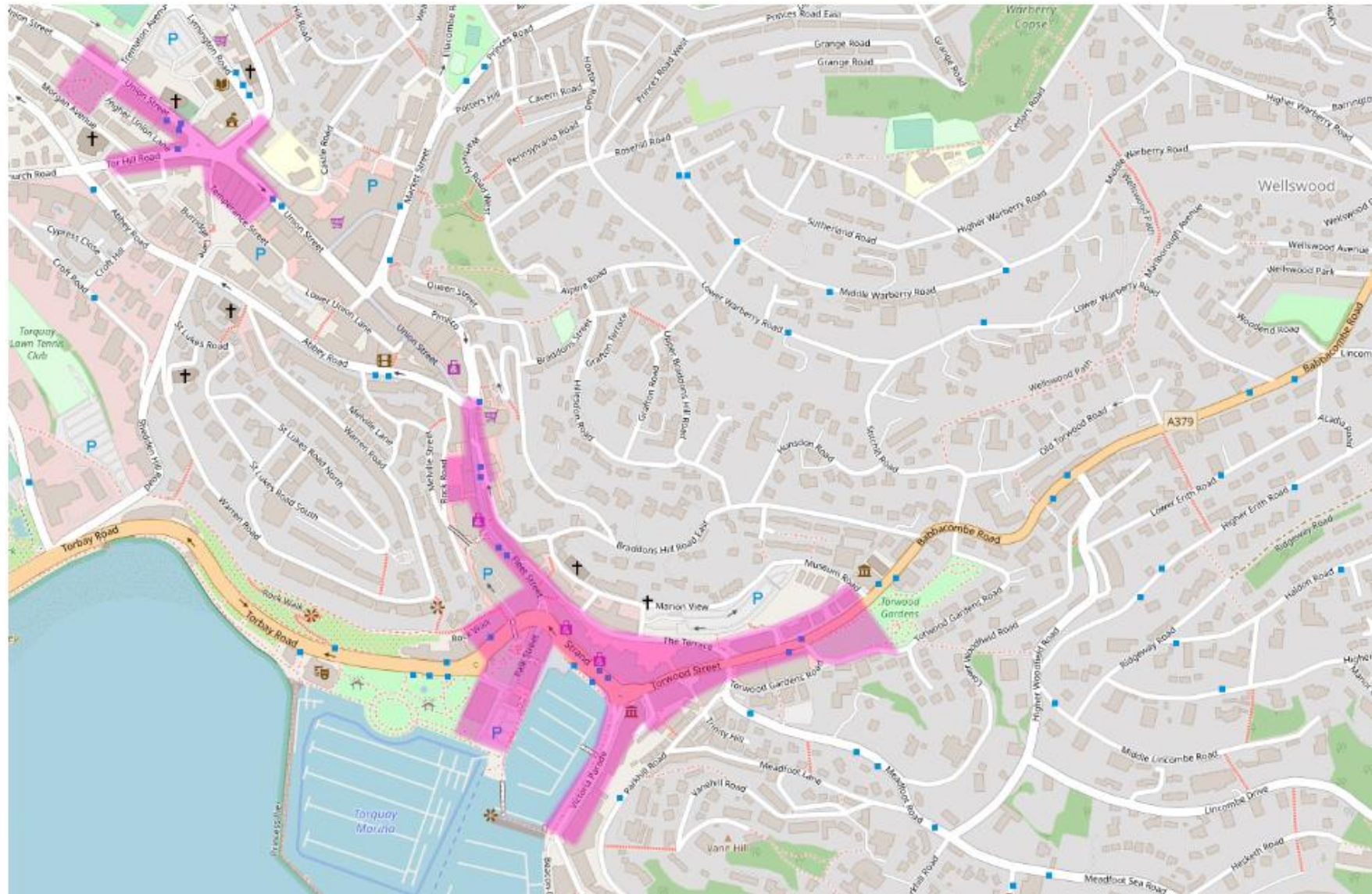
There is a well-established link between alcohol and violence and data from the Assault Related Injuries Database (ARID - collected from assault victims attending the local hospitals, accident and emergency department in recent years) has found that the peak time for assaults in Torbay, being late night/early morning and alcohol was a factor in most of these assaults. The centre of Torquay was the main hotspot, though as reflected above, there has been a decline in this case, of 23%.

The continuation of a CIA, as designated in the CIP, albeit now smaller in total area, does not precluded applications being made for new premises licences or variation to existing premises licences in the town centre for any type of business.

Torquay Town Centre is subject to considerable re-development, both currently and over the coming years. Ongoing development will increase both the urban population of Torquay Town Centre and potentially the number of late night commercial premises. It is accepted that the re-development will change the character of Torquay Town Centre, in time. However, it is imperative that the Council protect both residents and

businesses against the potential growth of anti-social behaviour and crime and disorder in this re-defined area within the CIP, but equally does not impede growth where there is no current evidence of a cumulative impact.

DRAFT



The Cumulative Impact Area for this Policy

Statement of Licensing Principles 2021 – 2026

Consultation Responses and Action taken/reply

Comment One

Re Section 1.20 concerning 'Off Licences'. Could more consideration be given to the area in which alcohol may be sold for drinking off the premises in respect of a) whether it is near a public/scenic area where crowds could gather and b) the toilet facilities that would be available to purchasers? This is to combat the situation that occurred on Babbacombe Downs recently where people gathered in large numbers to drink alcohol bought from a near-by Off Licence and as no public conveniences were open (due to Covid19) the nearby Shelter was used instead. The stench was off putting for everyone walking in the area and trying to enjoy Babbacombe Downs.

Response

Gatherings of large numbers of people occurred predominantly as a response to the closure of premises for consumption of alcohol during the Covid -19 lockdown earlier in the year. This therefore arose out of a unique set of circumstances that could not have been reasonably foreseen.

Where licensed premises had the right to make 'off sales' on their licence, they were permitted to make such sales provided that consumption did not take place on the premises. As these permissions were already in place, it was a perfectly lawful action.

The licensing authority has a duty to consider any application received under the Licensing Act 2003 individually and on its own merits, it is therefore, not possible to lay down a blanket requirement with regard to off sales.

Notwithstanding this, it is important to ensure that the four licensing objectives are promoted at all times and the Policy has therefore been reworded at in Section 3.1(b) (xxi) to take account of any situation where it is believed that off sales may be consumed in public areas, where, following appropriate representation(s) condition could be imposed on any licence issued.

Comment Two

More enforcement needs to be done on small hotels, guest houses & B&Bs who do not have a licence but serve alcohol. Many of us have to pay £180 a year which barely breaks even any profit on the sale of alcohol, just because we offer a complimentary drink on arrival. Many others sell bottles of wine or champagne in bedrooms or give drinks away, some even have full bars yet have no licence which isn't fair.

Response Two

This is an operational (enforcement) matter and not a matter of policy, therefore no changes have been made to the Statement as a consequence of this reply.

It is a requirement that an authorisation is required in order to sell alcohol, for which appropriate action would always be taken in response to any unlawful sale. It is not possible to visit every Hotel, guest House and B&B in order to check whether alcohol is on sale and therefore, we would rely very much on complaint and/or intelligence. Where such information is supplied to the licensing team, it would be investigated and actioned as appropriate.

Cumulative Impact Policy 2021 – 2024

Consultation Responses and action taken/reply

Five specific questions were posed, which resulted in two replies. These are outlined below:

- 1) Should Torquay Harbourside, Fleet Street and the area around Castle Circus remain within the CIP area as proposed?
- 2) Should the area of Union Street between Temperance Street and Abbey Road be removed from the CIP area?
- 3) Should Abbey Road and Market Street be removed from the CIP area?
- 4) Should the remaining residential areas (in grey, outside of the marked area on the draft map) be removed from the CIP area?
- 5) Do you have any other comments about the Draft Cumulative Impact Policy?

Apart from Question one, where both responders answered 'yes', the responses were split with one stating yes to all other questions and the other, no. No supporting comments have been made by either responder in relation to any of the questions and no comments were made with regard to question five.

This means that the consultation has effectively produced no further information in order to shape the Cumulative Impact Policy. The CIP has however, been reviewed taking account of evidence from both Council, Police and other external sources. In view of this the draft CIP has remained unaltered from that which was proposed prior to consultation, and the Policy has been updated to reflect that.

Licensing Committee Proposals

The Licensing Committee considered both the Statement and the CIP on 11th August 2020. All of the proposals are outlined below and have been incorporated into the draft Statement.

No changes have been made to the CIP, with which Licensing committee were in full agreement.

Licensing Policy

1. Cllr Loxton pointed out there was no page 6 in the table of contents which should refer to the statement of principles.
2. Cllr Mills noted she had a number of comments on typing errors and grammar in the report. She is going to forward these comments separately rather than going through each one during the meeting.
3. Section 3.1 Cllr Loxton asked for something to be added in to cover -modern slavery/trafficking/money laundering/financial abuse
4. Section 3.1 xviii Cllr Dart asked for some wording to be added alongside Ask Angel for an initiative called Ask Clive (this is an initiative to welcome the LGBTQ community in to pubs). It was agreed that Gary would look at this with BBN and some additional words would be added to the policy to say Ask Angela and similar schemes such as Ask Clive.
5. Section 3.1 xxii Cllr pointed out a spelling mistake as it should read by not buy.

6. 6.10 BIS/BRDO it was highlighted that people didn't know what this stood for. Cllr Loxton requested that a glossary is provided at the end of the policy so people can see what the abbreviations mean.
7. 6.15 site should be spelt sight.
8. Appendix 2 point 1 re risk assessment. To change the word employment in the second sentence to provision. *Some areas may warrant the provision of SIA...*
9. Appendix 2 Register of SIA door supervisors – Cllr Loxton would like the word self-employed added as an option before the word employed in the 1st sentence. *...keep a daily register of self employed/employed SIA*
...
10. Appendix 4. Nightclub section refers to Sexual violence in the potential impact section. Cllr Loxton would like the words sexual violence also added to the boxes for alcohol venues and public houses and bars.

Cumulative Impact Policy

All agreed as proposed. Happy to remove all the areas proposed including the section of Union Street that was highlight for consultation.

Meeting: Cabinet

Date: 17 November 2020

Wards Affected: All

Report Title: Early Years Sufficiency Annual Update

Cabinet Member Contact Details: Councillor Cordelia Law, Executive Lead for Children Cordelia.law@torbay.gov.uk

Supporting Officer Contact Details: Rachael Williams, Assistant Director Education, Learning and Skills Rachael.williams@torbay.gov.uk

1. Proposal and Introduction

The Childcare Act 2006 places a duty on local authorities to secure, so far as is reasonably practicable, sufficient childcare for working parents, or parents who are studying or training for employment, for children aged 0 – 14 years (or up to 18 years for disabled children).

As part of these duties, Torbay Council is required to report annually to Elected Members on the local arrangements to ensure those duties are met and a report is available and accessible for parents. The purpose of this is to provide an update on progress since 2019.

A copy of the Childcare Sufficiency Report (September 2019) is attached to this report at Appendix 1.

2. Reason for Proposal and associated financial commitments

At the time of submission, the full report demonstrated that there are sufficient childcare places to meet the requirements for funded children in Torbay with enough spare capacity to accommodate children aged under 2 who may be accessing a place which their parents pay for. The report identifies that Torbay does therefore have sufficient capacity to accommodate all children who need a place, although parents may not always be able to access their first choice of provider.

Although there have been some closures of private early years providers. The Childcare Sufficiency Report 2019 provides an overview of the local childcare market, changes in the supply and demand for places and the actions necessary to ensure there are sufficient, accessible child care places in Torbay.

Update since November 2019:

- The 2019 Sufficiency Report has been published on the Torbay Council website.
- Three private providers have ceased trading since the published report.

- Any children who were displaced as a result of the closures have been accommodated elsewhere.
 - No children have been left unable to access a suitable childcare place as a result of the closures.
 - The hourly rate for funding has increased to promote provider sustainability and contribute towards improving the quality of childcare. The rates paid to all early years providers is £5.00 per hour for eligible 2 year olds and £3.96 per hour for 3 and 4 year olds.
 - One of the two providers who was graded Requires Improvement by Ofsted has now raised its grade to Good, leaving only one private group-based provider with a requires improvement grade.
 - The service has received no complaints from parents about being unable to find a suitable childcare place.
 - The service has been working with Holiday Care providers to ensure that they are correctly registered and operating within the required regulations.
 - The service has received no formal complaints from parents that they are unable to access suitable holiday childcare.
 - The sector has responded to the Covid-19 pandemic as required following government guidance.
 - During the Covid-19 pandemic, the service has not received reports of any parent not being able to access a childcare place if they needed one (as a key worker or vulnerable family).
 - The sector have adopted a different way of working during the pandemic, in line with government guidance and Covid-safe procedures.
 - It is anticipated that there may be a temporary reduction in the availability of places and the reciprocal take up of places during the autumn term 2020.
 - There is a recommendation to shift the cycle of the sufficiency reporting process to account for this change and allow the assessment to take place when the sector has moved back to a more normal capacity and way of working
-

3. Recommendation(s) / Proposed Decision

3.1. That Cabinet note the submitted report.

Appendices

Appendix 1: Childcare Sufficiency Report

Background Documents

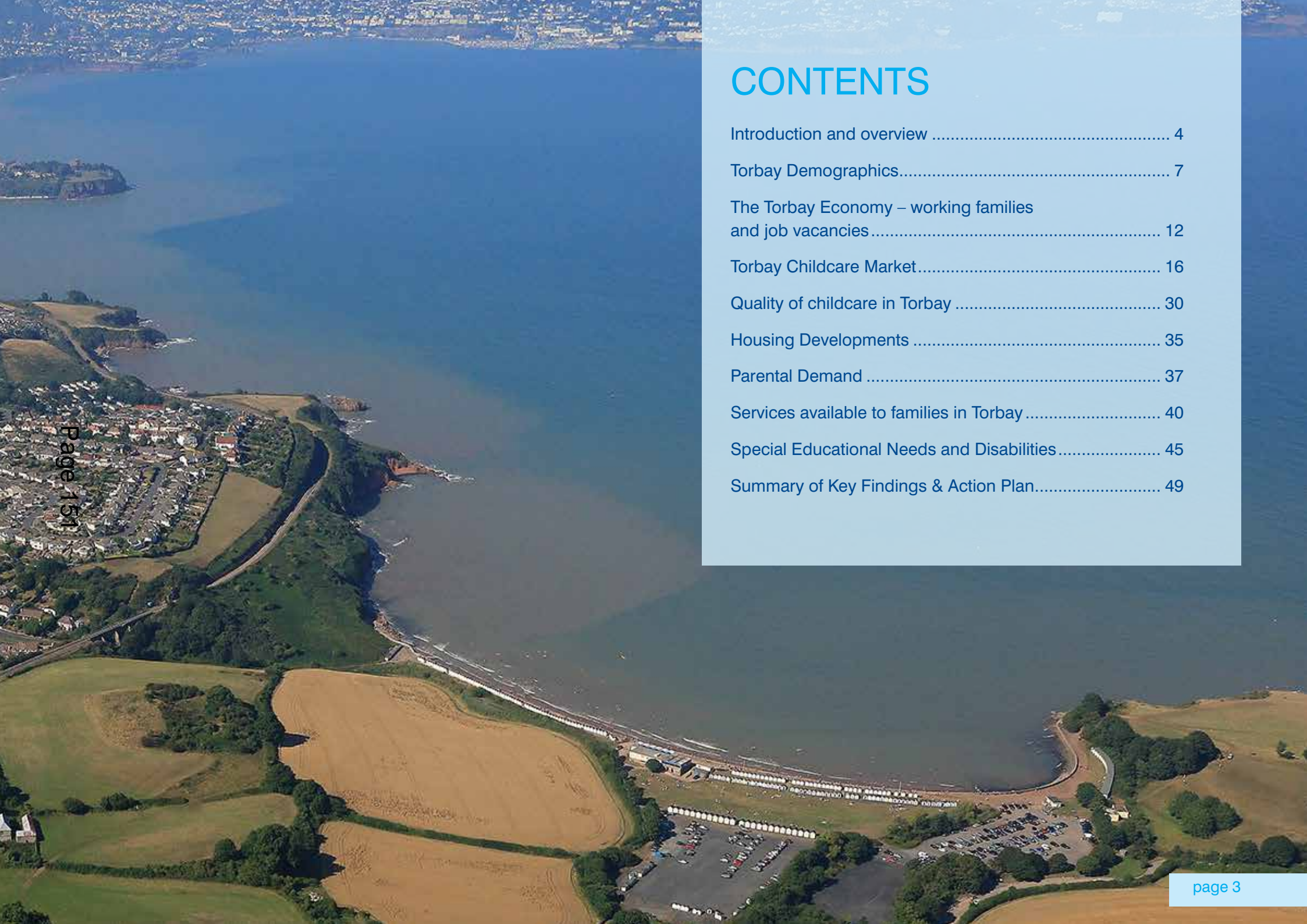
None

Torbay Childcare Sufficiency Assessment

September 2019







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INTRODUCTION AND OVERVIEW

The Childcare Act 2006 places duties on all local authorities to secure sufficient childcare, so far as is reasonably practicable for working parents, or parents who are studying or training for employment, for children aged 0 - 14 (or up to 18 for disabled children). As part of these duties Torbay Council is required to report annually to elected Council Members on how this duty is being met and to publish this report to make it accessible for parents.

This document summarises key priorities for Torbay, an overview of the local childcare market and local changes to the supply and demand of childcare in the Torbay area.

The Childcare Sufficiency Report 2019 is particularly important given the significant changes that have taken place in recent years to Government policy including the ongoing expansion of Free Early Education Entitlement (FEEE) for disadvantaged 2 year olds and the extended entitlement (30 hours) for working parents of 3 and 4 year olds and the increased pressure this places on providers to deliver more free and funded childcare. Both supply and demand have increased where some families have doubled the amount of free childcare hours they are entitled to.

The Torbay area has undergone some administrative changes in 2019 resulting in the ward boundaries being moved and new wards being introduced. For the purposes of this report, the new wards have been used and are outlined in the map opposite.

Results show the population of children in Torbay is now plateauing, several years of high birth rates have now levelled off. Despite this an important consideration is the housing development planned in Torbay which is having a significant impact on population forecasts which indicate a continued growth in demand for childcare, particularly in the Shiphay (Torquay) and White Rock (Paignton) areas. In addition, the impact of welfare reform, social mobility action plans and direction for parents to return to work is likely to continue, all leading to a continued increase in demand for childcare.

Geography

This assessment is required to analyse the childcare market at a local authority and sub-locality level. Torbay is a small Local Authority therefore the sub-locality areas used in this assessment are the administrative wards. Torbay has a relatively small number of childcare providers, so analysing patterns of supply and demand

at ward level allows more meaningful conclusions than had the geography identified been any smaller. An outline of ward boundaries is shown in the map to the side. Where data is not analysed at ward level, a town level analysis is conducted (Torquay, Paignton and Brixham). In May 2019, the existing Torbay wards were changed; with amendments to existing wards and the addition of new wards. This document reflects the new ward data.

Figure 1: Torbay Ward Boundaries

Torquay

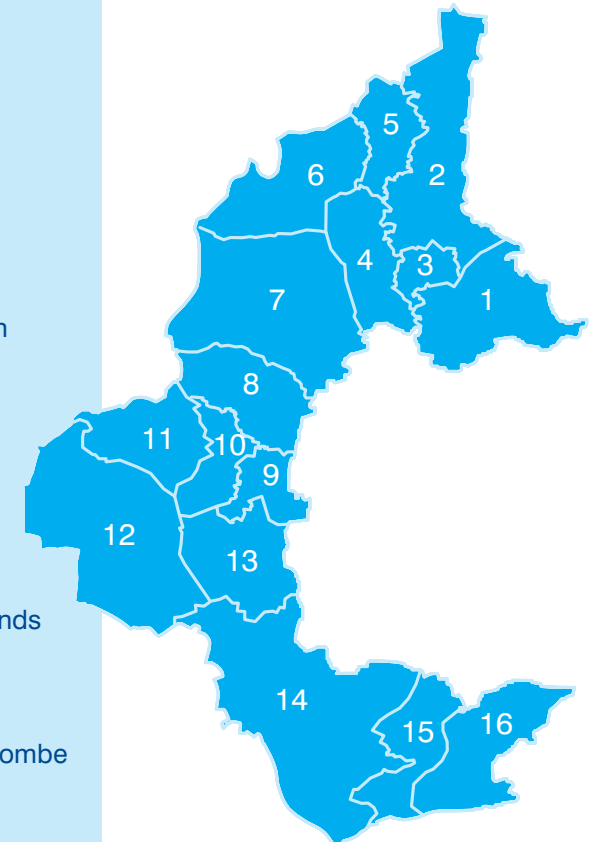
- 1 Wellswood
- 2 St Marychurch
- 3 Ellacombe
- 4 Tormohun
- 5 Barton with Watcombe
- 6 Shiphay
- 7 Cockington with Chelston

Paignton

- 8 Preston
- 9 Roundham with Hyde
- 10 Clifton with Maidenway
- 11 Kings Ash
- 12 Collaton St Mary
- 13 Goodrington with Roselands
- 14 Churston with Galmpton

Brixham

- 15 Furzeham with Summercombe
- 16 St Peter's with St Mary's



Torbay Local Intelligence

Torbay has a strong, stable and diverse childcare market which is dominated by the private, voluntary and independent (PVI) sector.

As a small Local Authority, the residents of Torbay who need it tend to have a thorough knowledge of the childcare market in the area and make judgements based on first, second or even third hand experiences of providers.

In addition to this, there is a significant trend for parents who would rather wait for a place at their preferred provider or location (e.g. a nursery on site or close to their preferred school) than find an alternative provider or location. This results in many children not starting their early education until sometimes 2 or 3 terms after they become entitled which can have a distinct impact on the take up rates for the 2 year old entitlement. Torbay has a significant number of economically inactive parents of which more than 50% have actively taken the decision to stay at home for the purposes of caring for their children and home.

This has resulted in a difficulty in managing demand. Some providers have low occupancy and advertised vacancies are difficult to fill, whereas some providers have extensive waiting lists and report being full for the coming terms.



TORBAY DEMOGRAPHICS



This is calculated using the 2011 census data and 2017 mid-year population estimates (these are the most recent figures available).

Torbay Population by town

	2011 census		2016 estimates		2017 estimates		Total pop	0-4 pop
	Total pop	0-4 pop	Total pop	0-4 pop	total pop	0-4 pop	%inc/dec 2016-2017	%inc/dec 2016-2017
Brixham	16,693	712	16,730	744	16,977	711	1%	-4%
Paignton	49,021	2267	50,504	2,665	51,004	2660	1%	-0.2%
Torquay	65245	3711	66,649	3,941	67,264	3808	1%	-3%
TOTAL	130,959	6,690	133,883	7,350	135,245	7179	1%	-2%

Torbay population by ward

Ward	2017 population estimates		
	Total pop	0-4 pop	% under 4
Barton with Watcombe	11925	867	7.3%
Churston with Galmpton	7018	251	3.6%
Clifton with Maidenway	8415	518	6.2%
Cockington with Chelston	7988	422	5.3%
Collaton St Mary	2306	159	6.9%
Ellacombe	8030	550	6.8%
Furzeham with Summercombe	10327	394	3.8%
Goodrington with Roselands	7385	284	3.8%
King's Ash	7471	555	7.4%
Preston	10335	480	4.6%
Roundham with Hyde	8074	413	5.1%
Shiphay	8215	472	5.7%
St Marychurch	12240	580	4.7%
St Peter's with St Mary's	6650	317	4.8%
Tormohun	12269	729	5.9%
Wellswood	6597	188	2.8%
TOTAL	135245	7179	5.3%

These figures above demonstrate an increase in the total population of Torbay, but a decline in the number of 0-4 year olds.

Due to the introduction of new wards in Torbay, the comparisons between the 2011 census and current estimates is not available at ward level.

The population of 0-4 year olds includes 4 year old children who will be in a reception class in school; therefore the numbers of early years children in Torbay is not the exact number stated.

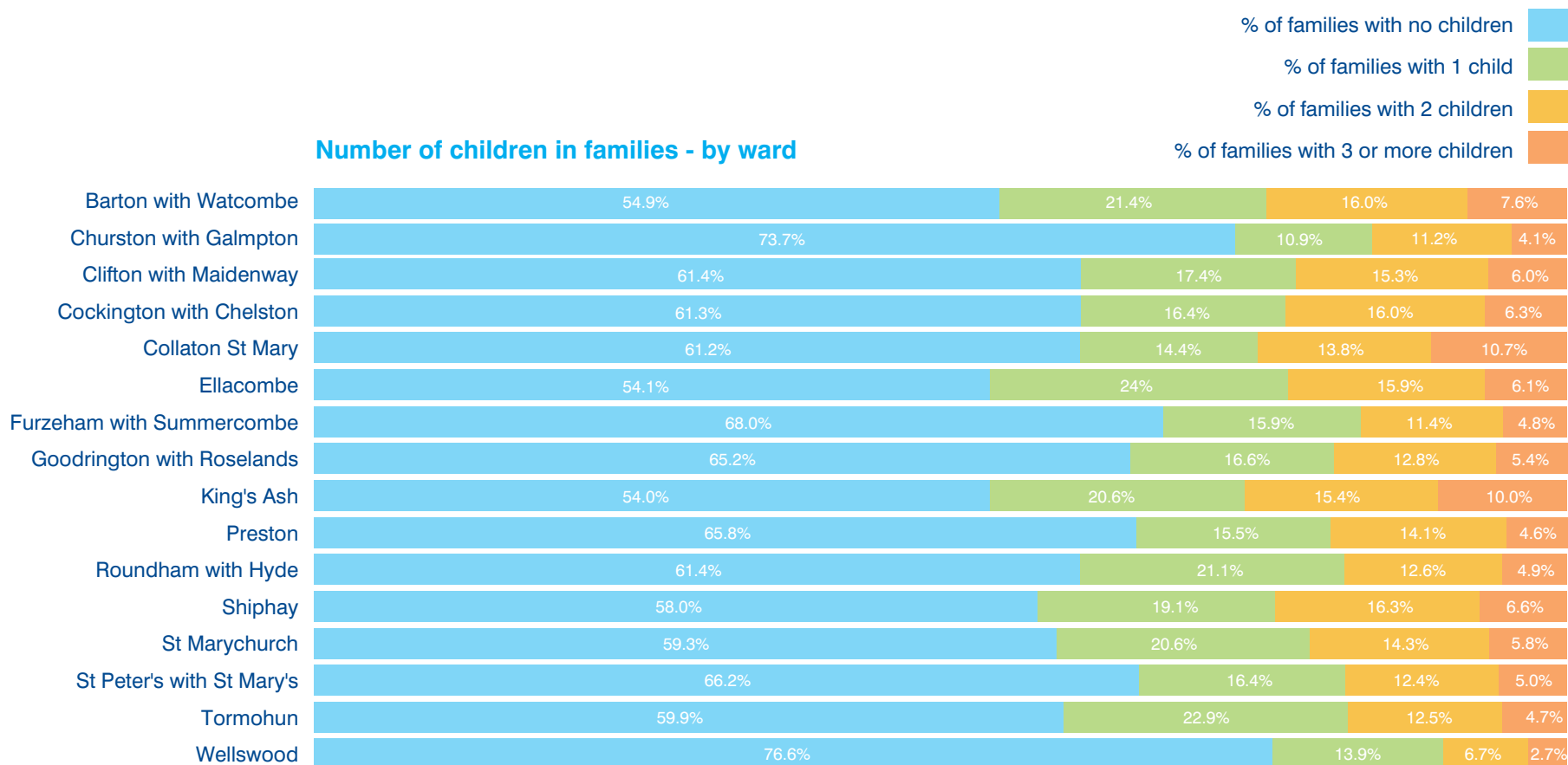
The Joint Strategic Needs Assessment 2018-20 has identified the following key issues affecting children in the Torbay area:

Key Issue	Context	Why it's an issue
Child poverty	Around 1 in 4 of children (23.6%) in Torbay live in relative poverty compared to around 1 in 5 (20.1%) across England	Children living in poverty tend to experience poorer outcomes.
Childhood obesity	24.4% of children aged 4-5 are considered to have excess weight, this is compared to 22.2% in England. Children in Torbay have higher levels of long term health problems or disability.	Obese children are more likely to be absent from school due to illness and experience health related limitations and self-esteem issues. This has a direct impact on outcomes for children.
Children looked after	Torbay has amongst the highest rates of children looked after in England. The rate and number have been increasing in recent years with a particularly significant increase from 2017 to 2018.	Generally children in care continue to have poorer outcomes than the wider population.
Maternal behaviours	Just under a third of pregnant women in Torbay are measured as overweight or obese at their 12 week booking. 1 in 5 women in Torbay smoke during their pregnancy.	Positive maternal health is crucial for healthy development in the womb. The choices pregnant women make are crucial to the healthy development of the foetus.
School readiness and outcomes	There is a significant gap in early year's foundation stage between those eligible for free school meals and non-free school meal pupils. This gap continues to exist across the education pathway.	Generally, children who start school without developing vital readiness, tend to experience poorer outcomes.

The table above, taken from the Local Authority's Joint Strategic Needs Assessment 2018-20 shows that children in Torbay do not all receive a good start in life. Torbay has high levels of deprivation and a quarter of all children live in poverty. These issues continue as the child develops and grows which can lead to poorer outcomes in education. This has been proven to affect the child right through into adulthood, leading to poor achievement, worklessness or health problems.

Research has evidenced that high quality early education can have a positive effect on the educational, cognitive, behavioural and social outcomes of children in the short and long term. Therefore, it is important that those children who are living in poverty have access to good early years education and that there are sufficient, high quality childcare places available to meet the demand.

The table below shows the number of families in Torbay and the number of dependent children in each:

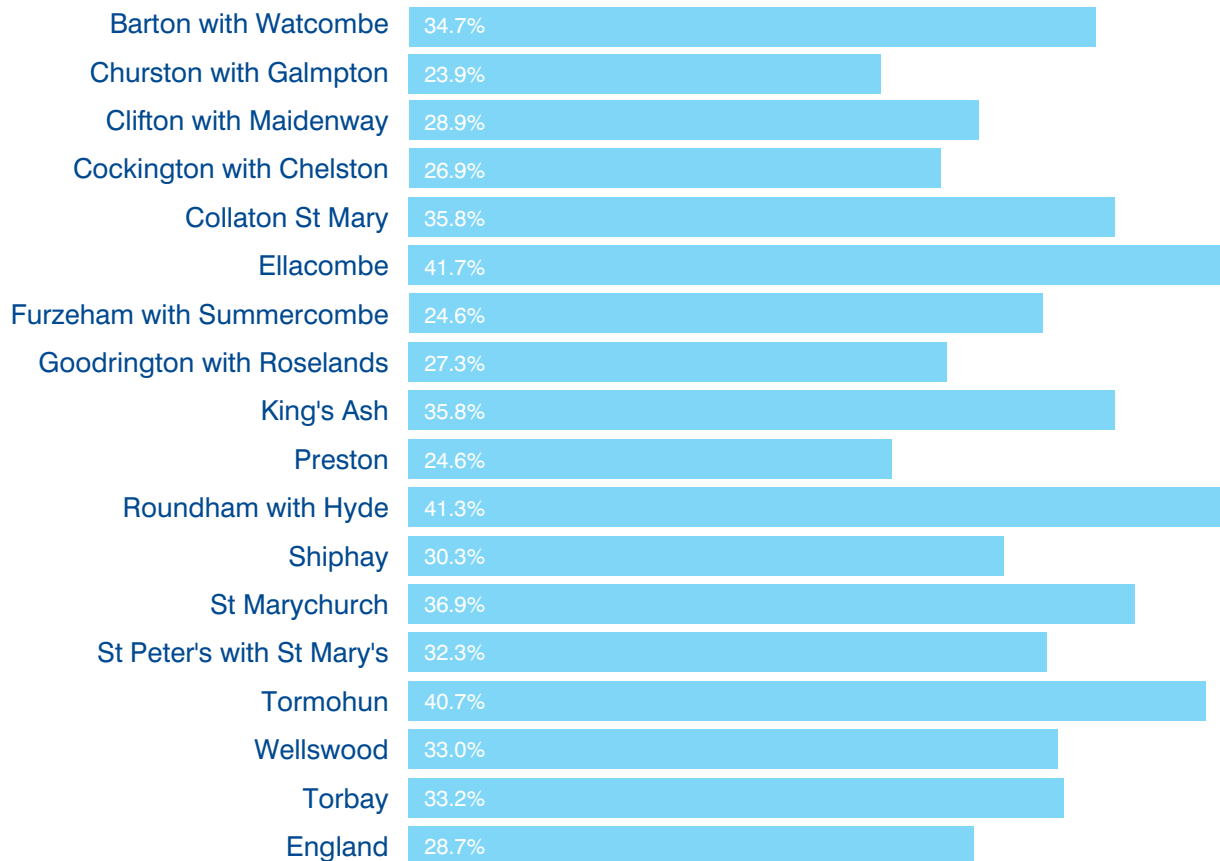


(source: Nomis)

This chart provides an overview of the family dynamics in Torbay. It demonstrates that in all areas of Torbay over half of the families have no children. This is likely to be due to the large numbers of older residents in Torbay (according to the JSNA there are over 44,000 residents over the age of 65 – 33% of the total population).

Collaton St Mary and King's Ash (formerly Blatchcombe ward) show high numbers of families with 3 or more children, closely followed by Barton with Watcombe (formerly Watcombe). This could be linked to the type of housing available in these wards where, according to local authority records, a high percentage of properties are larger houses which accommodate larger families.

The chart below outlines the number of lone parent families in Torbay, broken down to ward level:



(source: Nomis)

The chart shows that there are a particularly large number of lone parent families in Ellacombe, Roundham-with-Hyde and Tormohun. These wards are areas with high levels of deprivation, with many ward areas being in the top 10% most deprived. These are also wards which have a higher percentage of jobseekers allowance claimants (see table on page 14) with those 3 wards having the highest percentage of adults claiming compared with the Torbay average. The statistics above also demonstrate that Torbay overall has a higher average number of lone parent families (33.2%) than the national average (28.7%).

THE TORBAY ECONOMY – WORKING FAMILIES AND JOB VACANCIES



The Joint Strategic Needs Assessment (JSNA) 2018-20 has identified the following key issues affecting the economy of Torbay:

Key Issue	Context	Why it's an issue?
Ageing Population	The number of people aged over 85 is expected to increase by around 56% over the next decade.	As we age our chance of developing different long term conditions increases. The impact of this could include increased demand on the health and care support.
Care and support	There are significantly higher levels of unpaid carers in the South Devon and Torbay population, many providing more than 50 hours care a week, and many in poor health themselves.	As the population ages, and people with disability and serious illness live longer, they are more likely to live at home. Going forward, we might expect community based care to rely increasingly on family and community members as carers.
Housing	Housing availability, quality, condition, suitability and affordability are an issue across South Devon and Torbay. 45% of Torbay residents are living in the most deprived quintile for indoor deprivation.	There are a range of health related conditions associated with housing in poor conditions.
Local economy	Whilst acknowledging that progress has been made, in 2011, Torbay's economic productivity, as measured through Gross Value Added, was amongst the poorest performing in the UK, at around 60% of the UK average.	Being in good employment is protective of health, whilst being unemployed contributes to poorer health and wellbeing. A poor performing economy has an impact on poverty and on health outcomes for the population.
Health	68% of adults in Torbay are overweight or obese. 14% of the Torbay population smoke. High levels of alcohol related hospital admissions in Torbay.	People with a long term condition are the most frequent users of health care services. With an ageing population, we might expect the number of people with a long term condition to increase.
Poverty	South Devon and Torbay has amongst the highest proportion of households in England identified as being on the edge of poverty, around 29% (45,000 households).	Households across South Devon and Torbay are less likely to be financially resilient to increasing prices. Being on the edge of poverty makes households more susceptible to debt and financial difficulties.

The information demonstrates that there are some factors affecting the Torbay economy which cannot be controlled; for example the large population of residents aged over 65. This impacts on the workforce availability as well as the demands of the workforce in Torbay. For example, there will be fewer adults of working age and also there will be a greater demand for people with caring abilities (nursing homes, home helps etc). Therefore, although the population is ageing in Torbay, it may also provide an opportunity for more jobs for those who are unemployed.

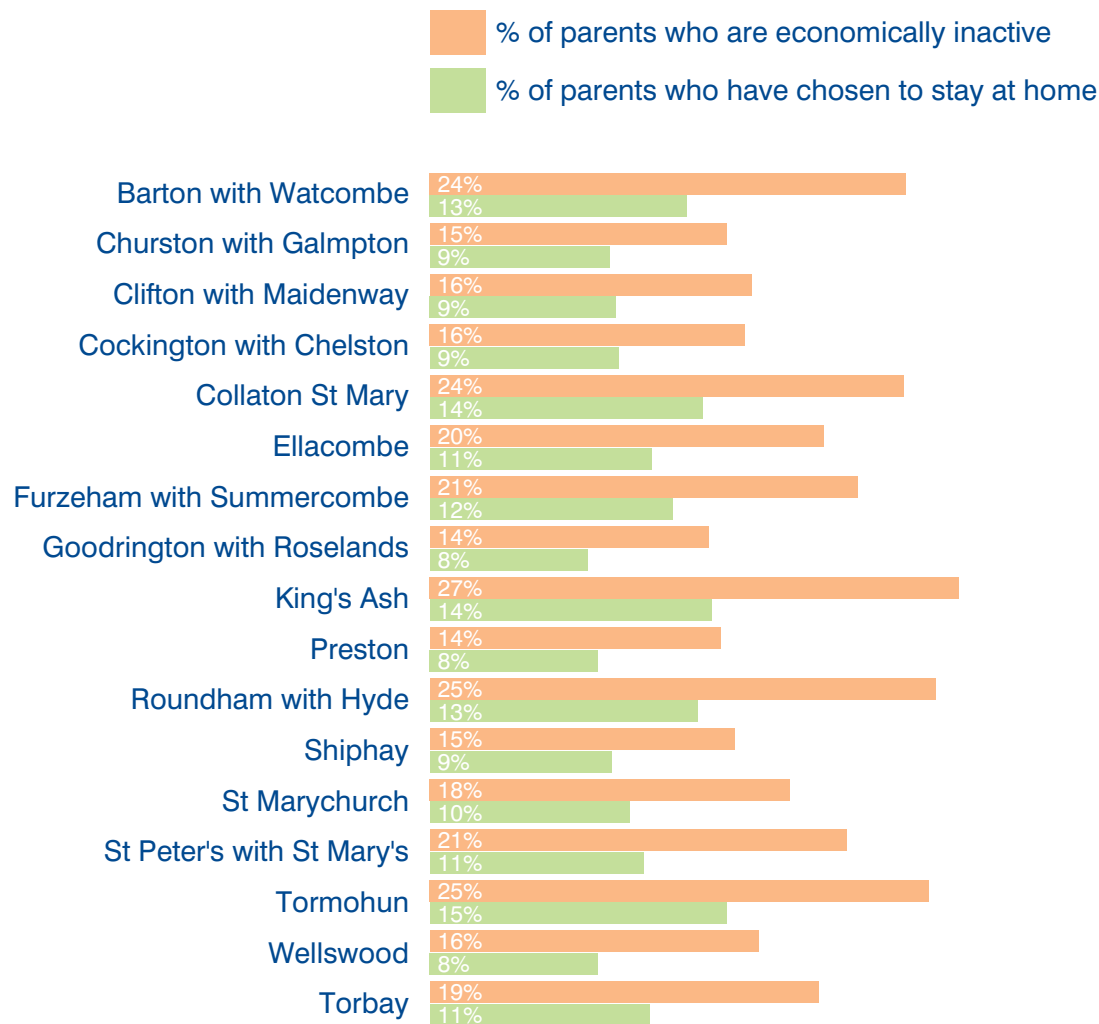
The table below shows the number of jobseekers allowance and universal credit claimants, broken down to ward level:

Ward / Area	Jan-15	Jan-16	Jan-17	Jan-18	Jan-19	2017-2019 average claimants	16-64 age population (2017)	% of JSA/UC claimants of the 16-64 population (2017-2019)
Barton With Watcombe	145	160	100	120	145	122	7,061	1.7%
Churston With Galmpton	32	35	33	29	39	34	3,466	1.0%
Clifton With Maidenway	83	84	66	68	73	69	4,828	1.4%
Cockington With Chelston	91	69	75	62	77	71	4,575	1.6%
Collaton St Mary	16	16	19	25	29	24	1,308	1.8%
Ellacombe	231	196	175	193	233	200	5,101	3.9%
Furzeham With Summercombe	89	76	78	92	97	89	5,359	1.7%
Goodrington With Roselands	41	46	41	46	61	49	4,111	1.2%
King's Ash	109	79	91	98	99	96	4,394	2.2%
Preston	85	80	75	90	100	88	5,567	1.6%
Roundham With Hyde	225	200	190	200	230	207	4,836	4.3%
Shiphay	57	54	61	52	62	58	4,825	1.2%
St Marychurch	143	113	120	135	158	138	6,814	2.0%
St Peter's With St Mary's	76	59	57	73	83	71	3,590	2.0%
Tormohun	393	329	338	369	440	382	7,954	4.8%
Wellswood	91	95	92	80	80	84	3,428	2.5%
Torbay	1,900	1,695	1,610	1,730	1,995	1,778	77,216	2.3%
England	687,110	612,080	617,440	670,475	826,180	704,698	34,950,948	2.0%

(source: Nomis)

There are 3 wards with high numbers of jobseekers allowance claimants (over 3.5%); Ellacombe, Roundham-with-Hyde and Tormohun. These 3 wards also have high numbers of lone parents and have seen an increase in JSA/UC claimants between 2018 and 2019. This is in comparison to a reduction in JSA/UC claimants between 2017 and 2018, with Ellacombe reducing by 1.2%, Roundham-with-Hyde reducing by 1% and Tormohun reducing by 1.1%. The overall number of JSA/UC claimants in Torbay has increased significantly in 2019, returning numbers to a similar level to 2015. This could be linked to the rollout of Universal Credit in Torbay in September 2018.

Economically inactive parents - by ward



This chart demonstrates the percentage of families who are economically inactive (non-working) in each ward (the orange bar) and by comparison the percentage of parents who have made an active decision to stay at home for varying reasons (the green bar), usually for childcare or to take care of the household. Around half of all economically inactive parents in Torbay have made a conscious decision to stay at home. These numbers will not necessarily affect the number of 30 hour childcare places required in Torbay at the present time as these have taken an active decision to remain at home and this is unlikely to change significantly. The statistics which are likely to have the most notable impact on the need for childcare places in Torbay are the numbers of economically inactive (the orange bar) which is approximately 50% of economically inactive families. These are the parents who the government are targeting to return to work. Barton with Watcombe, Collaton St Mary, King's Ash, Roundham with Hyde and Tormohun have a particularly high number of workless parents. This is acquainted with the high levels of deprivation which can also be attributed to these wards. These areas need particular attention during ongoing planning for childcare sufficiency as there may be higher levels of parents returning to work who require childcare.

(source: Nomis)

TORBAY CHILDCARE MARKET



In May 2019 Torbay Council undertook a survey of childcare providers to gain a snapshot overview of the childcare market in Torbay. There was a 100% response rate from the PVI and maintained childcare sector and a 75% response rate from the Childminder sector. These are the following registered early years and childcare providers in Torbay:

Type of Provider	Number of Providers 2018	Potential Places* 2018	Number of Providers 2019	Potential Places* 2019
Full Day Care	20	934	20	957
Sessional Pre-schools	12	384	10	324
Maintained Schools and Academies with Nursery Classes	18	598	18	696
Nursery Units of Independent Schools	1	66	1	47
Childminders	82	246	80	252
TOTAL	133	2,228	129	2,276

*Potential places indicates the number of children a provider can take at any one time and is based on a provider 'moment in time' survey.

Torbay has seen a drop in the number of providers following the closure of a full daycare nursery and some changes in the way that providers classify their provider type (moving from sessional to full day care for example). Also, Torbay has seen a decrease in Childminder numbers, although an increase in the number of Childminders working with assistants, hence the number of available places hasn't been greatly affected. Torbay has seen an increase in the number of places in school nursery classes due to extending age ranges and creation of new places.

Current supply of childcare (0-4) in Torbay

Private, Voluntary and Independent Childcare Providers spaces – by town (day nurseries, pre-schools and independent schools)

Town	No. of children aged 0-4	Childcare places (0-4) available at a Private Nursery	Childcare places per 100 children	Average Occupancy Level (%)
Brixham	711	45	6	72.7%
Paignton	2,660	444	17	77.8%
Torquay	3,808	839	22	73.4%
TOTAL	7,179	1328	18	74.7%

School Nursery Class spaces – by town

Town	No. of children aged 0-4	Childcare places (0-4) available at a School Nursery	Childcare places per 100 children	Average Occupancy Level (%)
Brixham	711	96	13	88.0%
Paignton	2660	245	9	89.2%
Torquay	3808	355	9	85.6%
TOTAL	7179	696	10	87.2%

Childminder (CM) spaces - by town

(It is important to note that this is an estimate only as childminder spaces vary widely according to their own preferences surrounding ratios, children's individual requirements for care, working hours and working days. The childminding market is also very changeable with many new start-ups and close downs throughout the year)

Town	No. of children aged 0-4	Childcare places (0-4) available at a Childminder	Childcare places per 100 children	Average Occupancy Level (%)
Brixham	711	48	7	64.4%
Paignton	2660	115	4	59.5%
Torquay	3808	89	2	61.9%
TOTAL	7179	252	3	61.5%

Total 0-4 spaces (PVI, School and CM) – by town

Town	No. of children aged 0-4	Childcare places (0-4) available at PVI/School/Childminder	Childcare places per 100 children	Average Occupancy Level (%)
Brixham	711	189	26	69.2%
Paignton	2660	804	30	68.5%
Torquay	3808	1283	34	72.5%
TOTAL	7179	2,276	32	69.1%

Supply and demand for childcare for children aged 0-4 in Torbay by ward

Ward	No. of children aged 0-4	Childcare places (0-4) available at PVI	Childcare places (0-4) available in School	Childcare places (0-4) available at Childminder	Total Childcare (0-4) places available	Childcare places per 100 children	Occupancy Level (%)
Barton With Watcombe	867	141	60	16	217	25	63.3%
Churston With Galmpton	251	52	50	18	120	48	61.6%
Clifton With Maidenway	518	0	52	21	73	14	72.5%
Cockington With Chelston	422	36	0	18	54	13	80.2%
Collaton St Mary	159	92	0	9	101	64	76.7%
Ellacombe	550	54	58	12	124	23	65.7%
Furzeham With Summercombe	394	16	26	26	68	17	76.2%
Goodrington With Roselands	284	95	0	29	124	44	67.0%
King's Ash	555	0	45	18	63	11	61.1%
Preston	480	79	0	14	93	19	73.1%
Roundham With Hyde	413	126	98	6	230	56	70.6%
Shiphay	472	216	92	16	324	69	71.6%
St Marychurch	580	238	59	6	303	52	66.4%
St Peter's With St Mary's	317	29	70	22	121	38	70.1%
Tormohun	729	126	26	21	173	24	66.8%
Wellswood	188	28	60	0	88	47	74.1%
Torbay	7179	1328	696	252	2276	32	69.4%

All year round childcare analysis

Childcare supply and demand for children aged 0-4 for all year round places (AYR) in Torbay by town *This data is based on AYR places offered by day nurseries and AYR childminders. *some providers offer AYR and term time, so places are counted twice)*

Town	No. of children aged 0-4	AYR places available (0-4)	AYR places per 100 children	AYR Occupancy Level (%)
Brixham	711	63	9	67.7%
Paignton	2660	390	15	72.6%
Torquay	3808	774	20	63.3%
TOTAL	7179	1227	17	67.1%

Childcare supply and demand for children aged 0-4 for all year round places (AYR) in Torbay by ward

Ward	No. of children aged 0-4	AYR places available (0-4)	AYR places per 100 children	AYR Occupancy Level (%)
Barton With Watcombe	867	151	17	48.1%
Churston With Galmpton	251	66	26	51.8%
Clifton With Maidenway	518	3	1	50.0%
Cockington With Chelston	422	48	11	80.2%
Collaton St Mary	159	68	43	72.9%
Ellacombe	550	60	11	71.1%
Furzeham With Summercombe	394	20	5	80.0%
Goodrington With Roselands	284	104	37	72.7%
King's Ash	555	6	1	85.0%
Preston	480	9	2	92.3%
Roundham With Hyde	413	130	31	63.3%
Shiphay	472	205	43	65.2%
St Marychurch	580	183	32	65.4%
St Peter's With St Mary's	317	47	15	69.2%
Tormohun	729	67	9	52.5%
Wellswood	188	60	32	64.3%
Torbay	7179	1227	17	66.4%

Term time only childcare analysis

Childcare supply and demand for children aged 0-4 for Term Time Only places (TTO) in Torbay by town.

This includes school nursery classes, pre-schools and childminders.

Town	No. of children aged 0-4	TTO places available (0-4)	TTO places per 100 children	TTO Occupancy Level (%)
Brixham	711	184	26	71.1%
Paignton	2660	775	29	68.6%
Torquay	3808	1254	33	70.3%
TOTAL	7179	2213	31	69.8%

Childcare supply and demand for children aged 0-4 for Term Time Only places (TTO) in Torbay by ward

Ward	No. of children aged 0-4	TTO places available (0-4)	TTO places per 100 children	TTO Occupancy Level (%)
Barton With Watcombe	867	211	24	72.3%
Churston With Galmpton	251	118	47	61.6%
Clifton With Maidenway	518	70	14	72.5%
Cockington With Chelston	422	45	11	83.6%
Collaton St Mary	159	98	62	76.7%
Ellacombe	550	122	22	65.7%
Furzeham With Summercombe	394	59	15	75.6%
Goodrington With Roselands	284	119	42	67.0%
King's Ash	555	60	11	61.1%
Preston	480	88	18	67.7%
Roundham With Hyde	413	224	54	77.0%
Shiphay	472	323	68	71.6%
St Marychurch	580	303	52	66.4%
St Peter's With St Mary's	317	123	39	70.1%

Tormohun	729	162	22	66.8%
Wellswood	188	88	47	74.1%
Torbay	7179	2213	31	69.8%

2 year old funding entitlement

From the term after their second birthday some children are eligible for 15 hours free childcare per week for 38 weeks of the year (or an equivalent amount). Torbay Council has a duty to ensure that all children who want to take up this entitlement are able to do so.

Since the implementation of the 2 year funding scheme in September 2014, the Department of Education (DfE) have provided each LA with estimated numbers of children that will be eligible for the funding in the local area, using records provided by the Department for Work and Pensions. Upon implementation, the local area had around 700 children that were eligible for the funding. Since then, the number of families has reduced significantly and is now around 450 - 500 families who are eligible based on their financial circumstances.

Childcare supply and demand for free entitlement places (2 year olds) in Torbay by town

Places available include private providers, schools offering 2YO places and childminders)

Town	2YO Population (estimate 2017)	No. of children potentially eligible for 2YO funding	% of 2YO population potentially eligible for funding
Brixham	145	41	28.2%
Paignton	536	158	29.5%
Torquay	774	260	33.6%
TOTAL	1455	459	31.5%

(Source - ONS Mid-Year Population Estimates 2017 compared with the list issued by the DWP in August 2019)

Ward	2YO Population (estimate 2017)	No. of families potentially eligible for 2YO funding	% of 2YO population potentially eligible for funding
Berry Head-with-Furzeham	174	63	36.2%
Blatchcombe	55	11	20.0%
Churston-with-Galmpton	98	23	23.5%
Clifton-with-Maidenway	88	16	18.2%

Cockington-with-Chelston	30	8	26.7%
Ellacombe	111	52	46.8%
Goodrington-with-Roselands	74	27	36.5%
Preston	60	16	26.7%
Roundham-with-Hyde	104	41	39.4%
Shiphay-with-the-Willows	101	19	18.8%
St Marychurch	88	40	45.5%
St Mary's-with-Summercombe	97	23	23.7%
Tormohun	125	26	20.8%
Watcombe	71	14	19.7%
	130	75	57.7%
Wellswood	49	5	10.2%
Torbay	1455	459	31.5%

(Source - ONS Mid-Year Population Estimates 2017 compared with the list issued by the DWP in August 2019)

3 & 4 year old Universal Entitlement (15 hours)

From the term after their third birthday all children are eligible for 15 hours free childcare per week for 38 weeks of the year. The Local Authority has a duty to ensure that all children who want to take up this entitlement are able to do this.

Town	Approx no. of eligible 3+4YO
Brixham	296
Paignton	1139
Torquay	1547
TOTAL	2982

It is important to recognise that a proportion of the 4 year olds included in this population count will be in a school reception place (approximately 1000-1200 children). Children remain entitled to an early years place until they reach statutory school age the term after their fifth birthday, however on a usual basis there are not more than 5 or 6 children per year who delay entry into school. Therefore the number of 4 year olds has been reduced to account for children in a school reception.

(Source - ONS Mid-Year Population Estimates 2017)

3 & 4 year old Universal Entitlement (30 hours)

The entitlement to 30 hours funded childcare for working families is now in the second year of implementation. Upon entering the second year it remains a priority to ensure that there are enough, high quality places available for parents who need them. In the first year of implementation, Torbay did not receive any formal complaints from parents who were unable to access a childcare place.

Town	Approx no. of eligible 3+4YO
Brixham	112
Paignton	402
Torquay	572
TOTAL	1086

(Source – Torbay 2019 summer headcount data)

Some consideration needs to be given to the number of children entitled to 2 year old funding who become entitled to 3 year old funding when they turn 3 years old. The table below gives an idea of the number of 30 hours children who were previously in receipt of 2 year funding.

Total number of funded 2YOs in autumn 2018 who became 3YO funded in spring 2019	Number of funded 2YOs in autumn 2018 who became entitled to 30 hours in spring 2019	% of funded 2YOs who became 30 hours funded in spring 2019
194	27	14

Total number of funded 2YOs in spring 2019 who became 3YO funded in summer 2019	Number of funded 2YOs in spring 2019 who became entitled to 30 hours in summer 2019	% of funded 2YOs who became 30 hours funded in summer 2019
117	41	35

Since the implementation of the 30 hours extended entitlement, the majority of providers do not allocate places for specific age ranges. Therefore it is necessary to look at the places available overall compared to the number of children (2, 3 and 4 year olds) who will be entitled to a funded place.

Town	No. of children potentially eligible for 2YO funding	Approx no. of eligible 3+4YO UNIVERSAL*	Approx no. of eligible 3+4YO EXTENDED	TOTAL number of 15 hour places required	Number of places available	Number of places per 100 children	Average Occupancy Level %
Brixham	41	198	112	351	378	107	69.2%
Paignton	158	753	402	1313	1608	122	68.5%
Torquay	260	1031	572	1863	2566	137	72.5%
TOTAL	459	1982	1086	3527	4552	129	69.1%

**This number has been adjusted to account for 4 year olds in a school reception class*

The table above allows analysis of the number of individual 15 hour places required. One funded 2 year old will take one 15 hour place, a universal 3 year old will take one 15 hour place and an extended child will take another 15 hour place. For this purpose, the number of available places per day has been multiplied by 2, on the assumption that one place in a childcare provider would be able to accommodate at least two funded 15 hour places across a week. The number of children entitled to 30 hours is based on estimates using summer term data which is the busiest term of the academic year.

It is therefore evident that Torbay has more than sufficient childcare places to accommodate the need in the area and given the occupancy levels, there is also some room to accommodate increased demand. The local area could be subject to an issue surrounding oversupply of places if birth rates drop. More detailed recommendations can be found within the summary and action plan.

Access to Wraparound and holiday childcare for working parents

Many parents need wraparound and holiday childcare for school age children to enable them to be able to work. Wraparound childcare is defined as childcare before school (usually from 8am) and after school (usually from school finish time to 5 or 6 o'clock).

The wraparound care places available in Torbay are outlined below:

Before School

Type of Provider	Number of Providers	Potential Places in BEFORE school care (each day)	Current Occupancy (%)
School	25	832	57.8%
Private Providers	10	158	39.8%
Childminders	24	82	37.1%
TOTAL	59	1072	46.3%

After School

Type of Provider	Number of Providers	Potential Places in AFTER school care (each day)	Current Occupancy (%)
School	20	542	53.5%
Private Providers	11	198	43.6%
Childminders	27	81	50.1%
TOTAL	58	821	49.3%

Across Torbay 28 out of 30 primary schools offer before school care and 23 offer after school care (2 schools have private providers on site who offer this care). This enables working parents to access wraparound care with relative ease. The information above shows that there is sufficient space in before and after school care offered to meet the needs of working parents. Torbay does not currently have any known issues surrounding the sufficiency of wraparound care for school aged children.

Holiday Childcare

Type of Provider	Number of Providers offering a holiday childcare scheme
School	2
Private Providers	9
Childminders	39
TOTAL	50

50 providers in Torbay offer some form of holiday childcare for children of all ages. There are also privately operated holiday care providers who are not Ofsted registered and therefore have not been included within this report.

The type of childcare available varies significantly from provider to provider. For example a school may commission an external company to deliver holiday clubs for children aged 5-11 years old, whereas a

childminder might offer one or two places depending on their ratios for each day.

The 2019 parent consultation asked several questions in relation to holiday childcare. There were 383 responses to the consultation. 35% of respondents indicated that they required childcare for their children during the holidays. Of the respondents that said they use or need holiday childcare, 65% indicated that they found it difficult to find suitable holiday childcare.

“It’s hard to find care at all in summer holidays and half terms. Also it’s very expensive “

“Too expensive, have to ask friends/grandparents for childcare cover.”

“Often sessions available are not whole day which is required to go to work.”

“I now work term time to forget the stress and hassle of trying”

“Too expensive. Hours too long (having to pay for full days when only half day is needed). Not enough options other than sports clubs and expensive day care”

“Having to use a great deal of annual leave to cover school holiday periods”

“Tried holiday club adjacent to school, but not that happy with it. Other options seem limited. Makes school holidays difficult to cover.”

“My son has autism, as we live in brixham there is no childcare provision for my son and his additional needs, we have to search out of town to locate childcare in school holidays for my daughter who is 6”

“Most clubs are out of my town, expensive and not available for the age of my children. Everything seems to be aimed at slightly older children”

“The local holiday club only runs 4 days a week and only until 3pm - no good for full time working. More suitable clubs are too far away and inaccessible on public transport”

“High prices for my low income”

There are 2 common themes running through the responses from parents; availability and affordability. It is evident that there is not sufficient holiday childcare for children in Torbay which meets the needs of parents and this is addressed in the action plan at the end of this document.

Migration in Torbay for Childcare

The table below shows migration across Torbay for childcare; i.e. the percentage of children who attend a setting in their home ward, who travel within their home town to a setting and who travel outside their home town to a setting. This information is valuable when considering Torbay childcare sufficiency as a whole and at town level.

WARD	% of children attending a setting in their residential ward	% of children attending a setting within their residential town	% children travelling to setting in a different town
Barton With Watcombe	36%	85%	15%
Churston With Galmpton	46%	80%	20%
Clifton With Maidenway	36%	79%	21%
Cockington With Chelston	33%	89%	11%
Collaton St Mary	20%	65%	35%
Ellacombe	45%	94%	6%
Furzeham With Summercombe	70%	90%	10%
Goodrington With Roselands	25%	87%	13%
King's Ash	22%	72%	28%
Preston	49%	85%	15%
Roundham With Hyde	34%	88%	12%
Shiphay	23%	80%	20%
St Marychurch	37%	93%	7%
St Peter's With St Mary's	46%	83%	17%
Tormohun	51%	97%	3%
Wellswood	43%	97%	3%

The above information is also set out in towns below:

TOWN	% of children attending a setting within their residential town	% children travelling to setting in a different town
Brixham	86%	14%
Paignton	81%	19%
Torquay	90%	10%

This information suggests that there is generally sufficient childcare within families home wards and towns to accommodate their needs. There is no set way to calculate how and why parents choose their childcare provider and many will choose a provider close to work rather than close to home. This would mean that there will always be some cross town and cross border migration for childcare.

Cost of childcare across England

Price of 25 hours a week childcare for children under three at nurseries and childminders

	Nursery		Childminder	
	under two	Two and over	Under two	Two and over
Great Britain	£127.12	£124.04	£113.31	£112.02
England	£128.98	£125.77	£114.37	£112.92
Scotland	£111.08	£107.86	£104.54	£103.46
Wales	£117.36	£116.19	£105.70	£105.70
East Midlands	£113.48	£113.22	£95.48	£95.94
East of England	£127.78	£126.37	£114.22	£113.88
London, inner	£174.54	£163.01	£159.46	£156.91
London, outer	£151.08	£143.44	£143.69	£138.83
North East	£124.81	£118.00	£102.14	£102.11
North West	£108.03	£103.57	£92.70	£93.37
South East	£137.04	£135.50	£120.40	£117.62
South West	£126.51	£125.00	£115.01	£114.33
West Midlands	£125.87	£123.37	£106.46	£106.11
Yorkshire and Humberside	£107.61	£109.96	£98.66	£97.75
Torbay	£114.00	£114.00	105.50	£105.50

Source: Coram Family and Childcare – Childcare Survey 2019

This information demonstrates that the cost of childcare across Torbay is reasonable compared with regional (South West) and national (England) averages, however it is important to consider the demographic of the area. According to the Nomis 2018 Labour Market Profile, average annual earnings in Torbay are approximately £3400 less than the south west average. Therefore, although Torbay childcare costs are cheaper than the south west average, when you account for the difference in earnings, Torbay costs are high. This correlates with feedback from the parent consultation.

QUALITY OF CHILDCARE IN TORBAY

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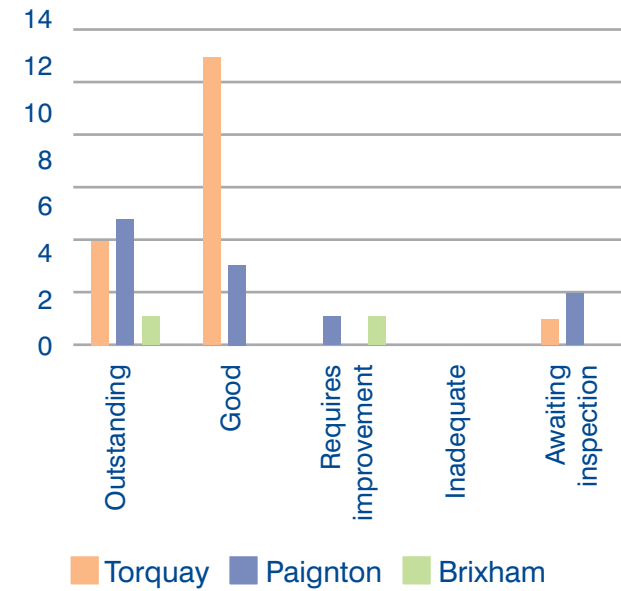
The pie chart opposite shows that 74% of Torbay Early Years providers are good or outstanding, a further 18% are awaiting their inspection following academy conversion or new registration.

In Torbay the majority of all providers are Ofsted graded 'Outstanding' or 'Good'. This means that the majority of children in Torbay receive their early education in a high quality setting. There are a small number of settings who are graded 'Requires Improvement' or are awaiting their inspection.

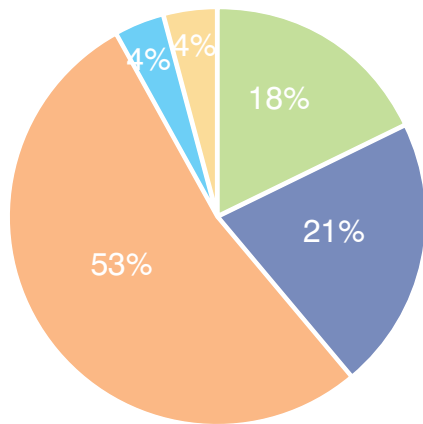
The table below demonstrates PVI Nursery Ofsted grades by town:

OFSTED Grade	Torquay Nurseries		Paignton Nurseries		Brixham Nurseries	
	Number	%	Number	%	Number	%
Outstanding	4	21.0%	5	50.0%	1	50%
Good	13	68.4%	3	30.0%	0	0.0%
Requires Improvement	1	5.3%	0	0.0%	1	50%
Inadequate	0	0.0%	0	0.0%	0	0.0%
Awaiting Inspection	1	5.3%	2	20.0%	0	0.0%

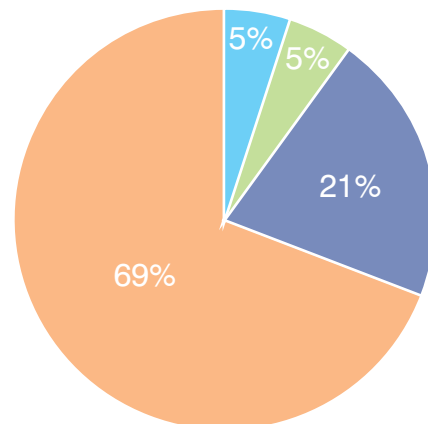
Childminder Ofsted Grades by town



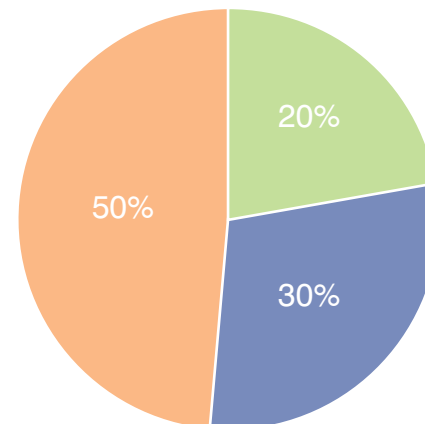
Torbay Ofsted Grades - All Early Years Providers



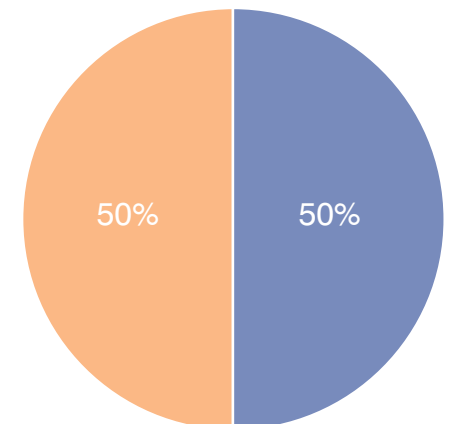
Torbay PVI Nursery Ofsted Grades



Paignton PVI Nursery Ofsted Grades



Brixham PVI Nursery Ofsted Grades



■ Outstanding ■ Requires improvement ■ Met
■ Good ■ Awaiting inspection

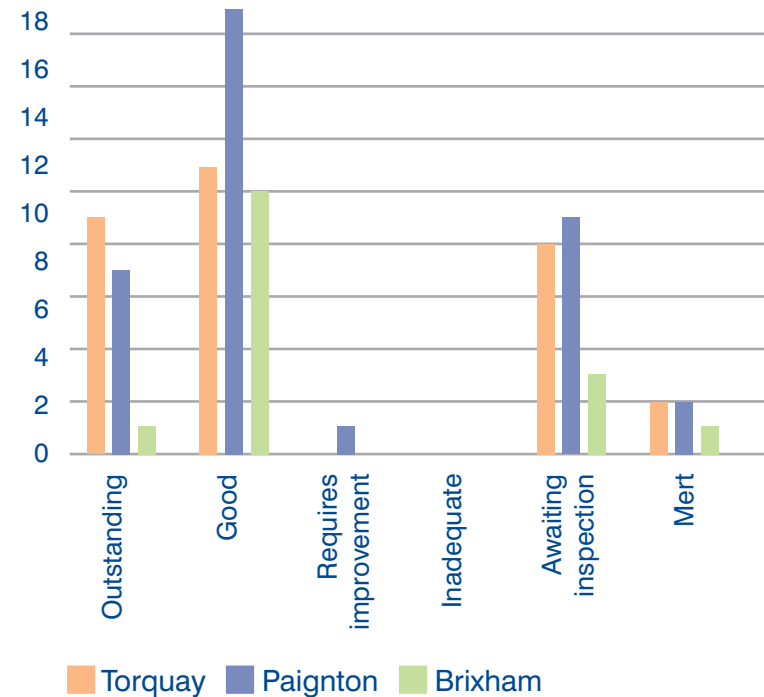
The table below demonstrates Childminder Ofsted grades by town:

OFSTED Grade	Torquay CMs		Paignton CMs		Brixham CMs	
	Number	%	Number	%	Number	%
Outstanding	9	30.0%	7	19.4%	1	6.7%
Good	11	36.7%	17	47.2%	10	66.7%
Requires Improvement	0	0.0%	1	2.8%	0	0.0%
Inadequate	0	0.0%	0	0.0%	0	0.0%
Awaiting Inspection	8	26.7%	9	25.0%	3	20.0%
Met	2	6.7%	2	5.6%	1	6.7%
Not met	0	0.0%	0	0.0%	0	0.0%

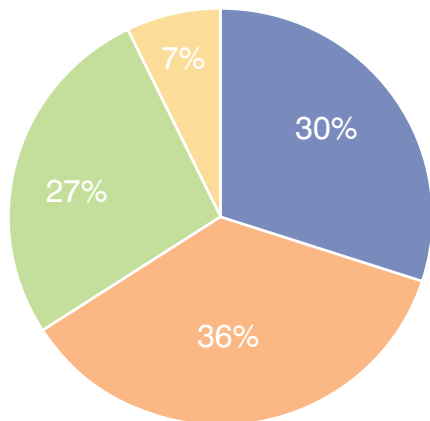
The largest proportion of Childminders in Torbay are Ofsted graded 'Outstanding' or 'Good'. There is 1 childminder within Torbay who is Ofsted graded as 'Requires improvement'. There are a large number of newly registered childminders following recruitment drive to encourage new childminders to start up, therefore these childminders are awaiting their Ofsted inspection.

(NB – a 'met' grade is where a childminder is inspected but does not have any early years children on roll.)

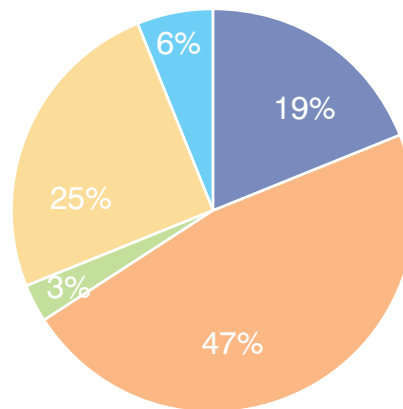
Childminder Ofsted Grades by town



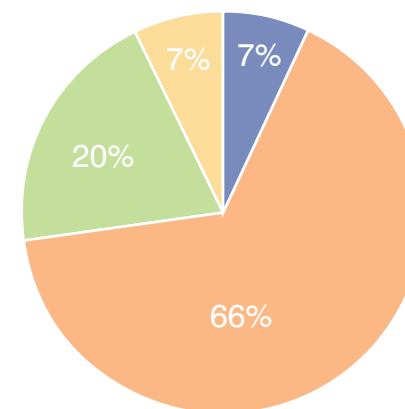
Torquay Childminder Ofsted Grades



Paignton Childminder Ofsted Grades



Brixham Childminder Ofsted Grades



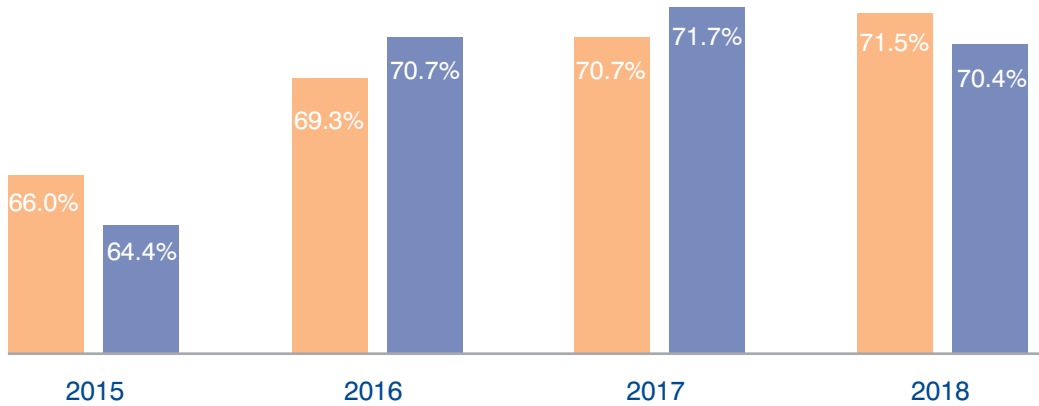
- Outstanding
- Good
- Requires improvement
- Awaiting inspection
- Met

Data on Children achieving a Good Level of Development (GLD)

Children are defined as having reached a good level of development at the end of the Early Years Foundation Stage (EYFS) in the Reception year, if they have achieved at least the expected level for the Early Learning Goals (ELGs) in the prime areas of learning (personal, social and emotional development; physical development; and communication and language) and the specific areas of mathematics and literacy.

The chart below indicates the percentage of children in Torbay and nationally achieving a good level of development (GLD) at the end of their Reception year:

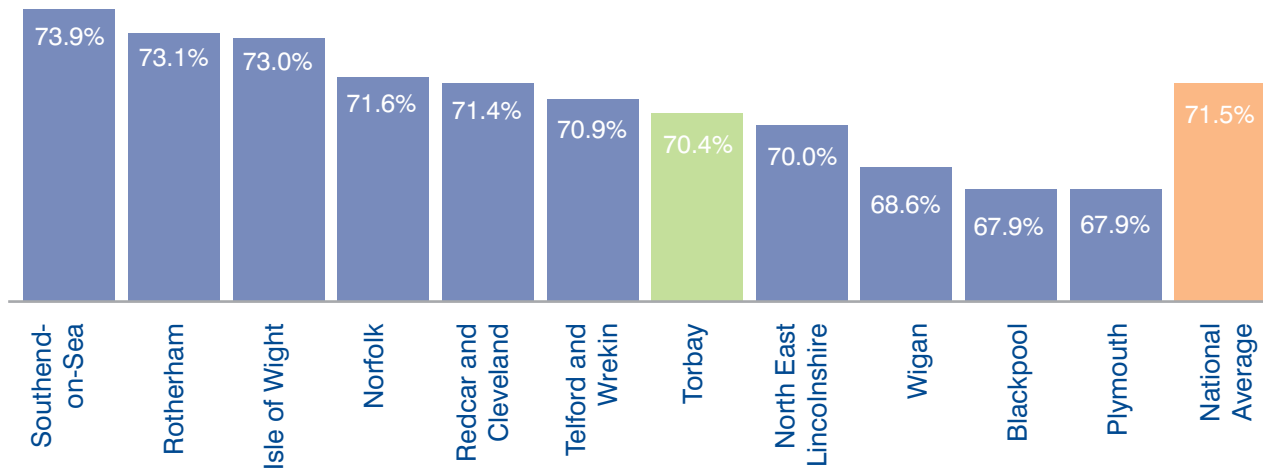
GLD Data at the end of Reception



At a local level, 70.4 % of children achieved a good level of development at the end of Reception in 2018. There has been a slight drop compared to the data in 2017.

The chart below shows Torbay's performance of GLD achievement in comparison with statistical neighbours:

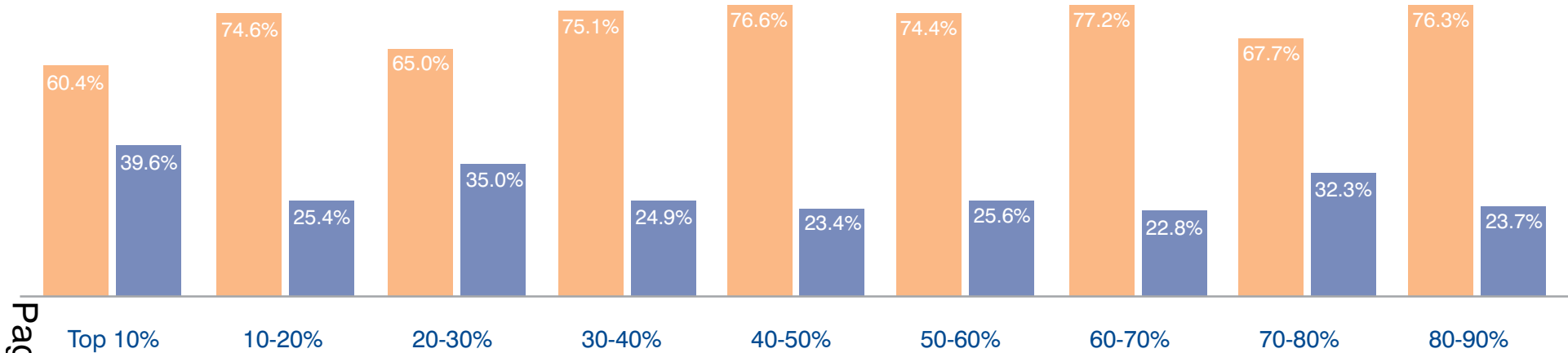
Percentage of all children achieving a GLD in Torbay and statistical neighbours



In comparison to our statistical neighbours Torbay is the 7th performing local authority and is performing below national average.

Children's level of deprivation and GLD achievement

■ % of children not achieving GLD
■ % of children achieving GLD



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The chart above shows the achievement of a good level of development split down to deprivation level using the child's home postcode and the IDACI 2015 deprivation levels. The table shows that as a general rule, the higher the level of deprivation, the lower the achievement.

HOUSING DEVELOPMENTS



Below is a table demonstrating numbers of housing completions broken down by town, per year since 2012/13:

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Torquay	176	252	77	161	125	168	200
Paignton	53	204	207	231	150	178	228
Brixham	27	45	18	16	51	68	103
Total	256	501	302	408	326	414	531

Below is a table estimating the number of additional childcare places required as a result of the new housing developments:

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Torquay	2.51	3.60	1.10	4.5	3.4	4.3	5.5
Paignton	0.76	2.91	2.96	6.4	4.0	4.6	6.3
Brixham	0.39	0.64	0.26	0.5	1.4	1.7	2.9
Total	3.66	7.16	4.31	11.4	8.8	10.6	14.7

This shows that the current impact of housing developments in Torbay has a minor influence on the number of childcare places required. There are some new housing developments planned between 2016 and 2020 in Torbay. All new housing developments in Torbay are planned for and analysed to ensure that in the schools planning process, the additional school/childcare places are planned for. There are plans for a new school to open in Torbay to accommodate the growing number of children in the area. All new schools will have due consideration given to nursery provision for 2 to 5 year olds.

There is a growing trend that the new housing developments, especially in the Paignton area, are attracting families with multiple children. This has been accounted for with the planned new schools offering nursery provision.

PARENTAL DEMAND

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The Local Authority consulted with parents in May 2019 to establish demand and needs for childcare within Torbay.

An overview of the results from the survey can be found below:

- 391 responses to the questionnaire (not all 391 answered all questions)
- 303/391 have children aged under 5 years old – 77%
- 33/391 have a child with a special educational need or disability (SEND) –8%
- 331/391 consider themselves to be a ‘working household’ – 85%
- 310/389 use childcare to enable them to work – 80%
- 279/383 found it easy to find a place with an early years provider – 73%
- 104/383 found it difficult to find a place with an early years provider – 27% (see some example reasons below)
 - *Most childminders were full*
 - *Needed flexible days as I work alternate days on a two week timetable*
 - *Waiting list took a year to get a place*
 - *Often places are booked up, don't offer care past 5pm or don't cover school holidays*
 - *All of the closest providers would only take children over the age of two. I needed childcare from aged 6 months and have to use a provider that requires a car journey to reach.*
 - *Getting hours that fit with shift work*
 - *A lot of places was full or didn't take on until the September*
- 120/328 find childcare expensive and unaffordable – 37%
 - *More than half of the respondents who found childcare expensive indicated that they are not entitled to any funding or support with childcare costs.*
- 265/384 were able to access childcare on the days and at the times they required – 69%
- 51/384 stated that they were not able to access childcare at suitable times – 13%. See below for examples of reasons provided:
 - *Need cover from 7am till 7pm*
 - *We wanted mornings but there wasn't any places left for any morning sessions*
 - *Limited places for days required, had to change working days to fit around nursery.*
 - *I had to wait 8 months for more hours/days*
 - *I could only get him in at spaces that were available. However for the new year coming I have been offered more available times to suit.*
- 116/359 indicated that they have to pay their provider for additional extras – 32%. The majority of these charges relate to food; see below for examples of some of the charges:
 - *Lunch £3 a day*

- £15 per term towards healthy snacks
- Nappies and soya milk as child has cows milk protein allergy
- Nappies, lunch and dinner
- I provide nappies and wet wipes and pay extra for lunch
- Our childminder charges £6 to cover her costs as we use the 30 hour funding with her. We pay an extra fee for 8am start (breakfast club) and lunch.

These are some of the general parent comments:

- *I'm a single parent who works 16 hours a week, without early years childcare I wouldn't have been able to go back to work. My daughter started nursery at 2 years old and is thriving from it.*
- *working parents hardly get any support for their children age 0 to 3.*
- *I think childcare in Torbay is easy enough to come across but it is not realistically affordable. Because myself and my husband work full time we are expected to be able to afford childcare. Nursery fees run at £40 for not even a full day.*
- *I think it's a massive help and my daughter loves going to nursery and learns so much from it*
- *I would find it helpful for work to have a breakfast club that started from 7.30am or school holiday childcare which is more affordable for 2 children.*
- *I only work 12 hours a week. I would love to work more but have to wait for the government funding as I can't afford to pay more childcare.*
- *My children have benefited and enjoyed exploring a childcare setting. I just feel that parents who work are not given much support in childcare cost compared to others who wish to not work.*
- *The nursery was very good, and my child enjoyed going and he gained a lot of different skills.*
- *15 hours free funding for 2 year olds should be available for working parents and not for people on benefits and not working. I have had to pay alot of money until my child received 30 hours free funding at 3 years old.*
- *I currently use family members for childcare in holidays as would find it too costly to use a provider for childcare.*
- *The 30 hours scheme has made it much easier to get back to full time employment*

Torbay has not received any formal complaints from parents that they are unable to access a suitable place for their child, although the consultation did identify that parents of children with SEND find it more difficult to access a suitable place. More can be found on this in the SEND section of this report. Many of the comments from parents related to the affordability of childcare and the availability of funding. Both of these things are beyond the control of the Local Authority. Providers and childminders set their own charges for childcare. Whilst the Local Authority can provide some level of advice, the costs are down to the provider to set. Similarly, the policies for early years funding is set centrally by government, so the Local Authority has no control over who is entitled to the funding. Therefore, whilst it is evident that parents are not always happy with the cost of childcare, it is clear that the needs of the majority of parents in the local area are met on a general basis.



SERVICES AVAILABLE
TO FAMILIES IN TORBAY

Family Information Service

The Family Information Service (FIS) provides up to date information to families about childcare, activities and advice and support services in Torbay. It can be accessed by anyone online through fis.torbay.gov.uk, via the free phone line, 0800 328 5974, by email, fisenquiries@torbay.gov.uk, and face to face in the reception area on Union Street in Torquay. Details of Ofsted registered childcare in Torbay are received by the FIS directly from Ofsted and additional information is added by childcare providers.

The FIS offers support to any family looking for childcare including those claiming funded hours for 2, 3 and 4 year olds. Advisors within the FIS are able to find out about particular vacancies and arrange visits for families who find it more difficult to arrange a place.

The FIS holds details of many other activities and events such as sports clubs, uniformed groups, children's centre services and youth groups that may support children, young people and their families while they are growing up. As part of the SEND reforms, Torbay Directory also hosts the Local Offer for education, health and social care providers to enable families to access more detailed information about services available for children and young people with a special educational need or disability.

Within the parent consultation, parents were asked how easily they were able to access information about childcare providers. The majority of parents responded that they were able to locate suitable information about childcare providers through the internet and a quarter of respondents who use the internet have used the FIS website to look at childcare provision. There were some suggestions for ways to improve this service and some general comments which have been shared with the FIS team for review and development where appropriate:

"Have a central website where people can go on and rate people they have used. Builds up recommended babysitters too as nowadays so difficult to trust anyone"

"I think Torbay Council have a wealth of information on their website available which is easy to access and user friendly."

"Provide clear information to all employers that they can include for employees on their return to work."

"Provide information to health visitors to pass on. Maybe have a dedicated web page on website listing all available childcare providers with prices and reviews etc."

"Ask childminders to keep up to date vacancies on the childcare website"

"Have a website that shows all childcare options. Where they are with a map and ratings from ofsted as well as parents/ carers comments. It would make it easier to compare them and find the most suitable place for our children. Similar to the way we can compare schools in the area on your website."

Children's Centres

Torbay Children's Centres have centres in Torquay, Paignton and Brixham offering drop-in, workshops, Stay & Plays, Play Cafes, antenatal sessions and fun activities for families with children under 5 years old. The aim of all Children's Centres within the locality is to improve outcomes for young children and their families by:

- Reducing inequalities in child development and school readiness
- Improving parent's aspirations, self-esteem and parenting skills
- Improving child and family health and life chances

Children's Centres contribute to ensuring that every child gets the best start in life. They also work towards better opportunities for parents, and a stronger and safer community.

Early Help

The Early Help Service guides and assists children and families and professionals through the process of getting the right help to meet need.

Early Help is delivered in the following ways:

1. Early Help professionals Consultation Line

Since 1st August 2017 the Early Help Consultation Line has been in operation. The line is designed to provide advice to professionals who think that they have a family in need of Early Help. The consultation line is manned by a duty Social Worker who is able to provide advice and signposting for services that might be of support to the families that you are working with. The number to call is 01803 208525 and the line is open weekday mornings from 9am - 12pm.

2. Targeted Help Pathway

There are two pathways into targeted help. The first is when a family are stepped down from statutory intervention at level 4 to targeted help at level 3 and the second is through the MASH.

When the level of need is more complex and involves two or three needs that require several services to work together, then a Targeted Help Request for Service should be completed and submitted to the Multi-Agency Safeguarding Hub (MASH).

The Early Help process guides and assists children and families and professionals so that they can get the right help to meet need. The MASH screens all referrals and ensures that Targeted Help is the right level of support to offer, and that there is enough information in the Request for Service. Information on thresholds and levels of need can be found in TSCB Threshold Document. For further information please see MASH Operational Procedures.

When completing a Targeted Help Request for Targeted Support assessment it's critical that this is discussed with the family and consent is gained from the family prior to making the request. If you are unsure of the level of need please contact the Consultation Line for advice.

3. Targeted Help Panel

Once a request for Targeted Support has been screened and reviewed by MASH. This will be passed to Targeted Help. The Targeted Help panel is a weekly multi-agency meeting which explores and discusses support requests. The aim of the panel is to make decisions about support and intervention for children and families and identify the most appropriate service to allocate a Targeted Help Co-ordinator to work with the family.

The panel is attended by a wide range of professionals from the public sector, community and voluntary services. The panel will provide relevant information about children and young people already known to them and discuss the best support plan for the family.

Once it has been determined during panel who the Targeted Help Co-ordinator is the targeted Help Team record this information on both multi-agency panel minutes and on the child's record. The Targeted help team will review the progress made against the plan initially at 6 weeks and up to a maximum of 12 weeks.

The review will ascertain whether support is still being provided, who is working with the family and whether the support is proving effective in meeting the family's needs. The case will remain open on the children's data base until any support or intervention has been completed and the outcome recorded.

4. Targeted Help Co-ordinator and Team Around the Family

Team Around the Family

A Team Around the Family is a term used when a family is receiving support from a range of people who are working together to improve outcomes for a family. The support being provided to a family could include Universal Services, targeted intervention or support via the Community or Voluntary Sector.

A family's needs could be anything from an educational issue, a health difficulty, financial worries or perhaps housing, which require more than two or three professional's expertise. A Team around the Family should be supporting any family need or difficulty that impact on children and without being addressed could affect a child's developmental milestones and outcomes in the future. Through working with a Team Around the Family, children's support needs and difficulties can be addressed together to avoid things escalating. If a parent or carer is worried about lots of aspects of their life and the situation they feel may become unmanageable this is when through the support of a Team Around the Family they can feel supported and enabled to manage things progressively, until all needs have been addressed.

Targeted Help Co-ordinator

Within a Team Around the Family the Targeted Help Co-ordinator will provide advice, support and guidance to the family within the context of their role, while working closely with other agencies to create a Single TAF Plan. With a family's involvement a Targeted Help Co-ordinator coordinates

services so needs are addressed progressively without feeling overwhelming. The Targeted Help Co-ordinator speaks to relevant professionals and organises an initial meeting so parents or carers and young people (if they wish to be involved) and agencies can meet to develop a Single TAF Plan. The family is supported to take part in this process and is consulted with throughout.

Once a Team Around the Family meeting has taken place and a plan is created the family and the professionals involved will have joint responsibility for achieving outcomes to reduce the level of need and any potential difficulties within the family situation.

The Team Around the Family then continue to talk to each other regularly, with the family continuously being involved to ensure things are 'on track' and the right support is in place at the right time.

SPECIAL EDUCATIONAL NEEDS AND DISABILITIES

"All children and young people with special educational needs or disabilities (SEND) should be able to reach their full potential in school. They should also be supported to make a successful transition into adulthood, whether into employment, further or higher education or training"

Department for Education



8% of the respondents to the parent consultation reported that they have a child with SEND. The consultation included SEND specific questions of which a summary of responses can be found below:

- 21/33 indicated they consider themselves to live in a working household – 64%
- 17/33 found it easy to locate a suitable early years place for their child with SEND – 52%

When asked how easy it is to locate suitable childcare for children with SEND, 48% of the respondents who have children with SEND reported difficulties finding a suitable place. Those who responded were asked for additional information around this and below is an example of some of the responses:

“I cannot find after school care or holiday care that meets my SEN child’s needs which stops me from being able to work”

“my child has autism, and needs one to one help”

“Can’t find anywhere to take a SEND child during holiday time”

“Care is expensive, can only find sports orientated holiday care and although our son loves sports he has a disability with his leg and nervous to send him.”

My son was quite frequently excluded from the early years provision as they had no experience what so ever with autism”

It took 6+ years to get a correct diagnosis for my child”

was not allowed certain times due to lack of staff to be able to cater for his needs”

“Child was not given an EHCP until after he started school.”

Access to childcare for children with Special Educational Needs and Disabilities (SEND)

To respond to the growing demand for support of children with SEND in Torbay, the Council provides settings with the opportunity to receive additional funding called Activity Led Funding for Early Years (ALFEY funding). This funding provides financial support to settings to allow them to be inclusive of all children and provide extra support and resources for children with SEND; even if they do not have a statement or EHCP. The settings Special Educational Needs Coordinator (SENCo) makes an application to the Early Years Team. The application is assessed by a panel and funding is allocated as appropriate to the setting based on an hourly rate percentage which is judged by the child’s level of need.

This funding can provide financial support for 1:1 care for children or allow equipment and resources to be purchased to support the setting in delivering inclusive early education for the child. The result of this funding is encouraging all settings in Torbay to be fully inclusive, improving parental confidence and reducing demand for places in Torbay’s only specialist SEND school, Mayfield. In 2018/19 the Local Authority provided over £265,000 of additional funding to Torbay settings to support inclusion of children with SEND, supporting between 75 and 100 children each term.

The Torbay Local Offer describes the services and support for children and young people with SEND and helps their families to make informed choices about the support they receive. The Torbay SEND team includes 4 case workers who provide regular support to children and young people with complex special educational needs within an early years, school or further education setting. Case workers are responsible for coordinating new requests for statutory education, health and care plan assessments. The SEND team also has Education Health & Care Plan Officers who are responsible for drafting new ECHPs in response to requests for statutory assessment.

The SEND team are responsible for ensuring that special educational provision is made available to children who need it following a statutory assessment.

A statutory Assessment is a process where information is collected from the parents, child/young person and professionals. This then allows the Local Authority to gain a clear picture of the education, health and care needs of the child /young person. A request for statutory assessment can be made by a parent or requested by a child's school/setting. This can be done by downloading and completing the 'Request for Statutory Assessment Form'. The Authority will then consider whether to carry out an assessment. Requests are considered by the 'SEND Panel' which includes SENCOs, an Educational Psychologist and Health and Social Care representatives. The decision as to whether to carry out a statutory assessment remains with the Authority.

If the team decide to conduct an Education, Health and Care assessment then an SEN Officer will be appointed. This will be the person who keeps parents updated on their child's assessment. The SEN Officer will meet with them, listen and collate any additional information they may have. As well as this, education, health and care professionals involved with the child or young person will be asked to submit information as their contribution to the plan. When all of the information has been gathered, those involved in the assessment stage, along with parents, will propose the support needed for the child or young person to achieve their required outcomes. This will be recorded in the child's Education, Health and Care Plan. The SEN team do not teach the child or young person, but will support the educational institution that they attend by a monitoring and review process, which helps to ensure that their needs are being met and that educational progress is being made.

This approach allows all schools and settings to be as inclusive as possible and respond to the needs of all children.

For children with severe and profound learning difficulties or disabilities there is the possibility of attending Mayfield Special School which accommodates children from age 2 to 19 years old. Admission to the school is decided by the Local Authority and is based upon the above process for SEND statutory assessments. Those with more severe difficulties who cannot be accommodated in a mainstream school will instead receive their education in this fully inclusive format.

Torbay provides the following services for children as part of the Local Offer:

- Educational Psychology – Torbay's Educational Psychologists (EPs) have had experience working with children or young people and have also had additional training and experience in how children and young people learn and develop. They work closely with teachers and parents to help children who are having difficulties with learning and general development, including reading, writing, spelling and numbers; emotions and behaviour; making relationships with other children and adults. The EPs offer teachers and, in some cases, parents

suggestions about how they can help their child's development and learning. The advice that they offer to teachers is usually to suggest ways to improve a child's learning or behaviour and ways to help children with learning difficulties to cope with their work in class.

- Children's Disability Service – This service comprises a specialist team of occupational therapists, social workers and community care workers, key workers and physiotherapists to support children under 18 with disabilities and their families. The team's work also includes the management and support of holiday play schemes, Saturday clubs and sitting services. The Inclusion Worker is also based within this team.
- Portage and Early Support Service - Portage is a home teaching service for families who have a pre-school child who has additional needs or a disability. The success and popularity of portage is based on the fact that it promotes parents as the key figure in the development of their child. All Portage schemes are built around four main activities weekly home visiting by a trained home visitor, weekly written teaching activities designed for each individual child and parent, teaching and recording carried out by the parent and regular supervision of the home visitor. Home visitors liaise with any other people involved with the child to make sure everyone is working to common goals. Portage have regular meetings with parents and other professionals involved to monitor progress and celebrate achievements.
- Hearing Support – This service provides advice and guidance to families of hearing impaired children. Home visits are available for pre-school aged children and the service provides training for nurseries and schools.

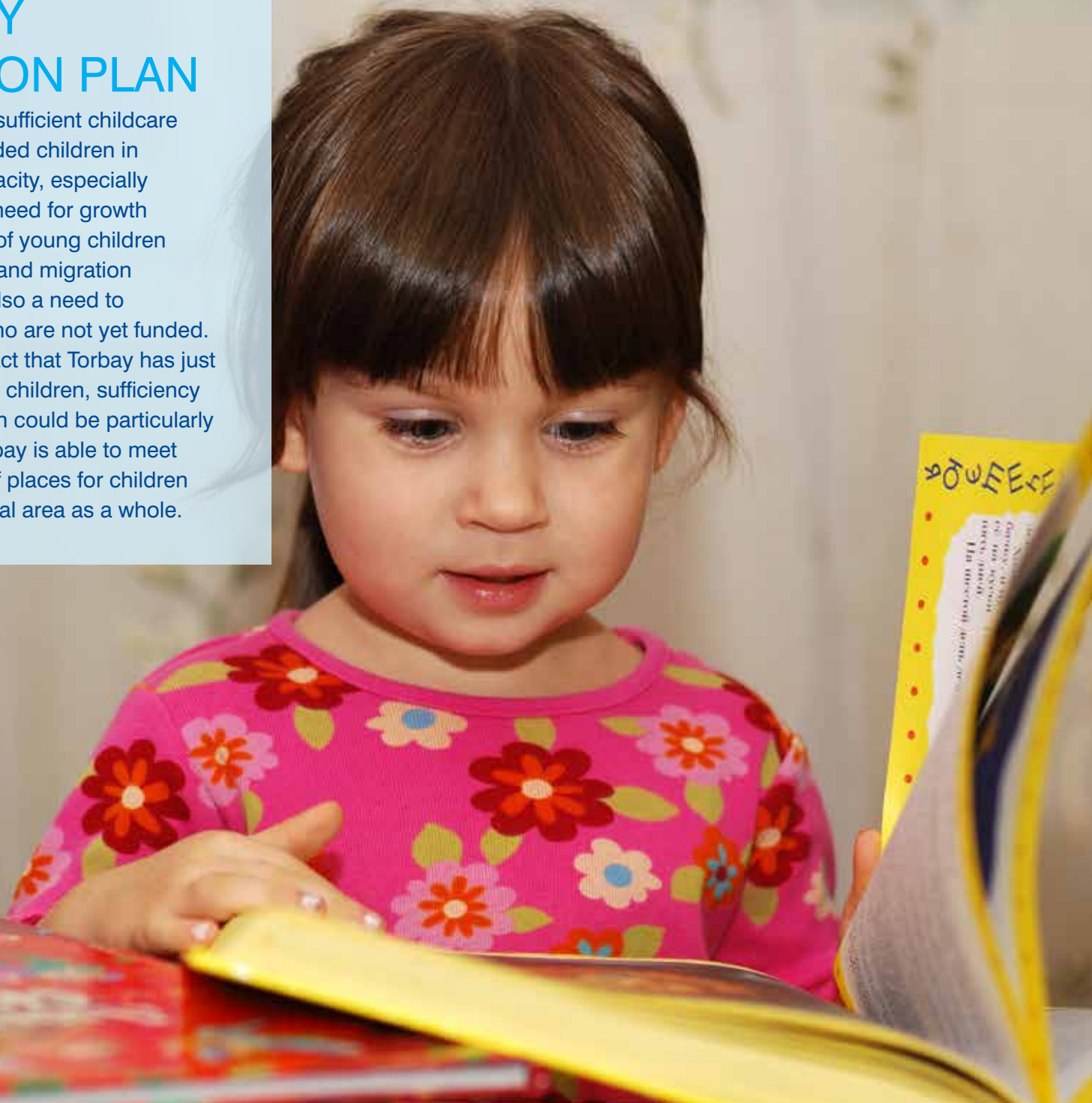
Special Needs Play Scheme and Saturday Club – This is a free service available through a referral process and is aimed at children with severe to profound physical and/or learning difficulties. The service is available Monday to Saturday.

Speech and Language Service – This service aims to enable the members of the population of South Devon with communication disorders and their related conditions to achieve and maintain their communication potential by offering assessment, diagnosis, therapy and support. The service is provided, following a referral, to children with speech or language disorders/delay, severe learning difficulties, disorders following an injury, maxilla facial disorders (e.g. cleft palate), mild to moderate hearing loss, disorders of fluency (stammering), voice disorders or feeding difficulties.

A SEND specific action plan can be found at the end of this document.

SUMMARY OF KEY FINDINGS & ACTION PLAN

This report demonstrates that there are sufficient childcare places to meet the requirements for funded children in Torbay. There is not a great deal of capacity, especially in school nursery classes, so there is a need for growth to accommodate the growing numbers of young children in Torbay, through increased birth rates and migration into Torbay from other areas. There is also a need to accommodate children aged under 2 who are not yet funded. Taking this into account alongside the fact that Torbay has just enough places to accommodate funded children, sufficiency of places will likely still be an issue which could be particularly prevalent in some wards. However, Torbay is able to meet its statutory duty to ensure sufficiency of places for children entitled to a funded place across the local area as a whole.



A summary of each ward is outlined in the table below:

Ward	Ward summary and notes	
	Population information and deprivation data	Childcare Places and Occupancy
Barton With Watcombe	<ul style="list-style-type: none"> Approximately 37% of the residents in this ward are considered to be within the 20% most deprived in England. This ward is an area of significant deprivation 7.3% of the ward population are aged under 4 years old A high number of families have 2 or more children 35% of families in Barton with Watcombe are lone parent; slightly above the Torbay average This ward has a lower than average number of benefits claimants Higher than average number of workless parents A high proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 25 childcare places per 100 children Average occupancy of providers in the ward is 63.3% Occupancy is higher in term time only providers in this ward 36% of ward residents attend a setting within their home ward; 49% travel to a different ward in the same town
Churston With Galmpton	<ul style="list-style-type: none"> This ward is considered to be affluent. 0% of the residents are considered to be deprived 3.6% of the ward population are aged under 4 years old Low number of families have 2 or more children 24% of families in Churston with Galmpton are lone parent; below the Torbay and national averages This ward has a much lower than average number of benefits claimants Low number of workless parents A low proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 48 childcare places per 100 children Average occupancy of providers in the ward is 61.6% Occupancy is slightly higher in term time only providers in this ward 46% of ward residents attend a setting within their home ward; 34% travel to a different ward in the same town

Ward	Ward summary and notes	
	Population information and deprivation data	Childcare Places and Occupancy
Clifton With Maidenway	<ul style="list-style-type: none"> Approximately 9% of the residents in this ward are considered to be within the 20% most deprived in England 6.2% of the ward population are aged under 4 years old A high number of families have 2 or more children 29% of families in Clifton with Maidenway are lone parent; below the Torbay average but in line with the national average This ward has a lower than average number of benefits claimants Low number of workless parents A low proportion of the population of 2 year olds are entitled to the 2 year funding. 	<ul style="list-style-type: none"> 14 places per 100 children Average occupancy of providers in the ward is 72.5% Occupancy is higher in term time only providers in this ward 36% of ward residents attend a setting within their home ward; 43% travel to a different ward in the same town
Cockington With Chelston	<ul style="list-style-type: none"> Approximately 12% of the residents in this ward are considered to be within the 20% most deprived in England 5.3% of the ward population are aged under 4 years old A high number of families have 2 or more children 27% of families in Cockington With Chelston are lone parent; below the Torbay and national averages This ward has a lower than average number of benefits claimants Low number of workless parents A low proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 13 childcare places per 100 children Average occupancy of providers in the ward is 80.2% Occupancy is slightly higher in term time only providers in this ward 33% of ward residents attend a setting within their home ward; 56% travel to a different ward in the same town
Collaton St Mary	<ul style="list-style-type: none"> Approximately 57% of the residents in this ward are considered to be within the 20% most deprived in England. This ward is an area of significant deprivation. 6.9% of the ward population are aged under 4 years old A high number of families have 2 or more children 36% of families in Cockington With Chelston are lone parent; above the Torbay and national averages This ward has a lower than average number of benefits claimants Higher than average number of workless parents A low proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 64 childcare places per 100 children Average occupancy of providers in the ward is 76.7% There is little difference in the occupancy between term time only and all year round providers in this ward 20% of ward residents attend a setting within their home ward; 45% travel to a different ward in the same town. 35% of residents in this ward travel to a different town to access their childcare place.

Ward	Ward summary and notes	
	Population information and deprivation data	Childcare Places and Occupancy
Ellacombe	<ul style="list-style-type: none"> Approximately 81% of the residents in this ward are considered to be within the 20% most deprived in England. This ward is an area of significant deprivation 6.8% of the ward population are aged under 4 years old A high number of families have 2 or more children 41.7% of families in Ellacombe are lone parent; significantly above the Torbay and national averages This ward has a high number of benefits claimants Low number of workless parents A very high proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 23 childcare places per 100 children Average occupancy of providers in the ward is 65.7% All year round providers have slightly higher occupancy than term time only providers 45% of ward residents attend a setting within their home ward; 49% travel to a different ward in the same town. Only 6% of residents in this ward travel to a different town to access their childcare place
Furzeham With Summercombe	<ul style="list-style-type: none"> Approximately 3% of the residents in this ward are considered to be within the 20% most deprived in England. 3.8% of the ward population are aged under 4 years old A low number of families have 2 or more children 32% of families in Furzeham with Summercombe are lone parent; just below the Torbay average but above national average This ward has a lower than average number of benefits claimants Low number of workless parents A high proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 17 childcare places per 100 children Average occupancy of providers in the ward is 76.2% All year round providers have slightly higher occupancy than term time only providers 70% of ward residents attend a setting within their home ward; 20% travel to a different ward in the same town. Only 10% of residents in this ward travel to a different town to access their childcare place
Goodrington With Roselands	<ul style="list-style-type: none"> This ward is considered to be affluent. 0% of the residents are considered to be deprived 3.8% of the ward population are aged under 4 years old A low number of families have 2 or more children 27% of families in Goodrington with Roselands are lone parent; below the Torbay and national averages This ward has a lower than average number of benefits claimants Low number of workless parents A high proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 44 childcare places per 100 children Average occupancy of providers in the ward is 67% All year round providers have slightly higher occupancy than term time only providers 25% of ward residents attend a setting within their home ward; 62% travel to a different ward in the same town. Only 13% of residents in this ward travel to a different town to access their childcare place

Ward	Ward summary and notes	
	Population information and deprivation data	Childcare Places and Occupancy
King's Ash	<ul style="list-style-type: none"> Approximately 61% of the residents in this ward are considered to be within the 20% most deprived in England. This ward is an area of significant deprivation 7.4% of the ward population are aged under 4 years old A high number of families have 2 or more children 35.8% of families in King's Ash are lone parent; significantly above the Torbay and national averages This ward has a high number of benefits claimants Higher than average number of workless parents A very high proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 11 childcare places per 100 children Average occupancy of providers in the ward is 61.1% All year round providers have higher occupancy than term time only providers 22% of ward residents attend a setting within their home ward; 50% travel to a different ward in the same town. 28% of residents in this ward travel to a different town to access their childcare place
Preston	<ul style="list-style-type: none"> Approximately 14% of the residents in this ward are considered to be within the 20% most deprived in England 4.6% of the ward population are aged under 4 years old A low number of families have 2 or more children 24.6% of families in Preston are lone parent; below the Torbay and national averages This ward has a lower than average number of benefits claimants Low number of workless parents A low proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 19 childcare places per 100 children Average occupancy of providers in the ward is 73.1% All year round providers have much higher occupancy than term time only providers 49% of ward residents attend a setting within their home ward; 36% travel to a different ward in the same town. 15% of residents in this ward travel to a different town to access their childcare place
Roundham with Hyde	<ul style="list-style-type: none"> Approximately 78% of the residents in this ward are considered to be within the 20% most deprived in England. This ward is an area of significant deprivation 5.1% of the ward population are aged under 4 years old A low number of families have 2 or more children 41.3% of families in Preston are lone parent; significantly above the Torbay and national averages This ward has a much higher than average number of benefits claimants High number of workless parents A high proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 56 childcare places per 100 children Average occupancy of providers in the ward is 70.6% Occupancy is higher in term time only providers in this ward 34% of ward residents attend a setting within their home ward; 54% travel to a different ward in the same town. 12% of residents in this ward travel to a different town to access their childcare place

Ward	Ward summary and notes	
	Population information and deprivation data	Childcare Places and Occupancy
Shiphay	<ul style="list-style-type: none"> Approximately 8% of the residents in this ward are considered to be within the 20% most deprived in England 5.7% of the ward population are aged under 4 years old A high number of families have 2 or more children 30.3% of families in Shiphay are lone parent; above the Torbay and national averages This ward has a lower than average number of benefits claimants Low number of workless parents A low proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 69 childcare places per 100 children Average occupancy of providers in the ward is 71.6% All year round providers have slightly higher occupancy than term time only providers 23% of ward residents attend a setting within their home ward; 57% travel to a different ward in the same town. 20% of residents in this ward travel to a different town to access their childcare place
St Marychurch	<ul style="list-style-type: none"> Approximately 29% of the residents in this ward are considered to be within the 20% most deprived in England 4.7% of the ward population are aged under 4 years old A high number of families have 2 or more children 36.9% of families in St Marychurch are lone parent; above the Torbay and national averages This ward has a lower than average number of benefits claimants Low number of workless parents A low proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 52 childcare places per 100 children Average occupancy of providers in the ward is 66.4% There is little difference between the occupancy of term time only and all year round providers 37% of ward residents attend a setting within their home ward; 56% travel to a different ward in the same town. Only 7% of residents in this ward travel to a different town to access their childcare place
St Peter's With St Mary's	<ul style="list-style-type: none"> Approximately 15% of the residents in this ward are considered to be within the 20% most deprived in England 4.8% of the ward population are aged under 4 years old A low number of families have 2 or more children 32.3% of families in St Peter's With St Mary's are lone parent; just below the Torbay average but above the national average. This ward has a lower than average number of benefits claimants Low number of workless parents A low proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 38 childcare places per 100 children Average occupancy of providers in the ward is 70.1% There is little difference between the occupancy of term time only and all year round providers 46% of ward residents attend a setting within their home ward; 37% travel to a different ward in the same town. 17% of residents in this ward travel to a different town to access their childcare place

Ward	Ward summary and notes	
	Population information and deprivation data	Childcare Places and Occupancy
Tormohun	<ul style="list-style-type: none"> Approximately 79% of the residents in this ward are considered to be within the 20% most deprived in England. This ward is an area of significant deprivation 5.9% of the ward population are aged under 4 years old A low number of families have 2 or more children 40.7% of families in Tormohun are lone parent; significantly above the Torbay and national averages This ward has a high number of benefits claimants High number of workless parents A very high proportion of the population of 2 year olds are entitled to the 2 year funding (almost 60%) 	<ul style="list-style-type: none"> 24 childcare places per 100 children Average occupancy of providers in the ward is 66.8% Occupancy is higher in term time only providers in this ward 51% of ward residents attend a setting within their home ward; 46% travel to a different ward in the same town. Only 3% of residents in this ward travel to a different town to access their childcare place
Wellswood	<ul style="list-style-type: none"> Approximately 31% of the residents in this ward are considered to be within the 20% most deprived in England 2.8% of the ward population are aged under 4 years old A very low number of families have 2 or more children 33% of families in Wellswood are lone parent; just below the Torbay average but above the national average This ward has a relatively high number of benefits claimants Low number of workless parents A low proportion of the population of 2 year olds are entitled to the 2 year funding 	<ul style="list-style-type: none"> 47 childcare places per 100 children Average occupancy of providers in the ward is 74.1% Occupancy is higher in term time only providers in this ward 43% of ward residents attend a setting within their home ward; 54% travel to a different ward in the same town. Only 3% of residents in this ward travel to a different town to access their childcare place

Safeguarding 2YO funded Places	Planning for children with SEND
<p>Over the last 3 years the number of childcare places for 2 year olds have been extended in Torquay and Paignton providers through the use of local and central capital funding. With the introduction of the 30 hours, the number of 2 year old funded children has dropped, as has the overall number of eligible children across Torbay. The report demonstrates that 35% of children who were eligible for the 2 year funding became eligible for 30 hours childcare in summer. This all affects the take-up of 2 year old places.</p> <p>The most effective way to increase take up is to target those families who wait for their provider of choice, meaning that they often miss out on two terms of early education. Details on how this can be achieved is outlined in the action plan at the end of the document.</p> <p>Torbay Council continues to work with all providers to encourage the development of more 2 year old places, with a view to ensuring that children from the poorest families are able to access the place that they are entitled to. The Local Authority is also keen to ensure that we do not end up with an oversupply of places which could have a detrimental effect on the PVI sector; therefore it is important that a balance is struck to ensure sufficient places without creating an oversupply.</p>	<p>All early years settings in Torbay are as inclusive as possible. Some settings allocate places specifically for children with SEND and others work on a case by case basis offering places to children with SEND in the same way that they would for any child, regardless of level of need.</p> <p>A SEND inclusion fund (called Alfey Funding) is available for settings who feel they require additional funding to support children with individual needs. The budget available has been increased to ensure that children with SEND who are entitled to 30 hours funding can be accommodated for the extra hours where applicable.</p> <p>Childcare settings are also able to apply for a Disability Access Fund for funded 3 and 4 year old children who are in receipt of Disability Living Allowance.</p> <p>Torbay Council will continue to work with providers (including schools) to support them with children with SEND.</p>

Update on 2018 Action Plan

Action	Who is responsible	What resources are required	Update and progress
Support schools with nursery classes for 3 and 4 year olds to extend their offer and accept 2 year olds.	The Early Years Team School Heads Early Years Leads	The Early Years Team capacity (5% DSG allocation)	One school has extended their age range and now takes 2 year funded children, creating up to 12 new 2 year old places in Torquay. New school nursery opening in 2020 will create new 2 year old places.
Meet with schools to discuss extending daily opening hours and operating all year round to support working parents and accommodate children eligible for the extended entitlement.	The Early Years Team School Heads Early Years Leads	The Early Years Team capacity (5% DSG allocation)	Many schools now offer wraparound care for nursery children. This is demand led by parents and whilst the Local Authority actively encourages providers to be flexible, it is acknowledged that schools will only extend their hours if there is sufficient need identified.
Support schools to develop their holiday childcare offer to support working parents	The Early Years Team School Heads Early Years Leads	The Early Years Team capacity (5% DSG allocation)	This is an ongoing action. The Early Years Development Worker continues to support holiday childcare providers as well as schools who wish to expand their remit. Capital funding has been secured from the DfE to support one school to develop its childcare offer with a strong focus on holiday childcare. This will be operational in September 2020. The 2019 report identifies that the requirement for more affordable, suitable holiday childcare is ongoing and is carried over onto the 2019 action plan.
Meet with private providers to discuss extensions of property or satellite sites to create new spaces.	The Early Years Team Schools Planning Team (identification of potential new sites) Early Years Providers	The Early Years Team capacity Schools Planning Team capacity Capital funding to support providers in extending and creating new places	At the present time there is no opportunity for expansion within the private sector, nor is there demand.

Identify council-owned properties which could be renovated and commissioned to a provider.	Schools Planning Team	Schools Planning Team capacity	At the present time there are no suitable properties. This is an ongoing action and is also dependent on demand.
Support and encourage currently registered childminders to accept children who are entitled to early years funding.	The Early Years Team Childminding Community	The Early Years Team capacity (5% DSG allocation) Jobcentre Plus Capacity & swift identification of suitable candidates	All new childminders receive a visit from the Childminding Development Worker where full support and advice is given around all elements of the delivery of childcare, including the funding. Childminder specific funding training sessions are available from September 2019. In 2018-19 four existing childminders claimed funding (either for the first time or returning after some time not claiming).
Encourage new childminders to register to specifically provide 30 hours childcare or wraparound and holiday childcare.	The Early Years Team Jobcentre plus Team	The Early Years Team capacity Jobcentre Plus Capacity & swift identification of suitable candidates	All Childminder training includes information on funding and childminders are actively encouraged to take funded children. In 2018-2019 eight new childminders claimed early years funding.
Support providers with children with SEND and encourage all providers to continue to be fully inclusive.	The Early Years Team The SEND Team	The Early Years Team capacity (5% DSG allocation) The SEND Team capacity	The SEND Inclusion funding has been increased by around £70k to accommodate increased demand and more hours. The Inclusion Advisory Teacher has expanded their remit to include nursery classes in schools.

2019 Action Plan

Action	Who is responsible	What resources are required	What are the potential barriers
<p>Increasing 2 year old places Support schools with nursery classes for 3 and 4 year olds to extend their offer and accept 2 year olds.</p>	<p>The Early Years Team School Heads Early Years Leads</p>	<p>The Early Years Team capacity (5% DSG allocation)</p>	<p>Schools not wanting to lower age range Creation of oversupply of places</p>
<p>Maintaining places for 3&4 year olds Support providers to ensure that the number of childcare places does not reduce to ensure that children entitled to the universal and extended hours can access them.</p>	<p>The Early Years Team School Heads Early Years Leads</p>	<p>The Early Years Team capacity (5% DSG allocation)</p>	<p>Funding hourly rate</p>
<p>Affordability of childcare Work with providers to ensure they are fully aware of all of the funding streams and assistance with paying for childcare that parents can access. LA to also promote these through social media and other partners.</p>	<p>The Early Years Team Schools, PVI providers and Childminders LA Comms Team Children's Centre, Health Visitors etc</p>	<p>The Early Years Team capacity (5% DSG allocation) Engagement from partners</p>	<p>Lack of understanding of all of the offers (providers and parents) HMRC processes too difficult</p>
<p>Flexibility for working families Meet with term time only, 9am – 3pm providers to encourage more flexible opening hours and operating all year round to support working parents and accommodate children eligible for the extended entitlement.</p>	<p>The Early Years Team School Heads Early Years Leads</p>	<p>The Early Years Team capacity (5% DSG allocation)</p>	<p>Reluctance from providers to extend hours Insufficient demand from parents Staff recruitment</p>
<p>Holiday childcare Support providers, especially schools, to develop a holiday childcare offer that better meets the needs of working parents for early years and school age children.</p>	<p>The Early Years Team School Heads Early Years Leads</p>	<p>The Early Years Team capacity (5% DSG allocation)</p>	<p>Reluctance from providers to offer holiday care Insufficient demand from parents Staff recruitment</p>

<p>Childminder recruitment</p> <p>Continue to recruit new childminders and encourage them to provide funded places as well as wraparound and holiday childcare.</p>	<p>The Early Years Team Jobcentre plus Team</p>	<p>The Early Years Team capacity Jobcentre Plus capacity & swift identification of suitable candidates</p>	<p>Childminders leaving Ofsted registration process causing delays in new registrations</p>
<p>SEND</p> <p>Continue to support providers including school nursery classes with children with SEND and encourage all providers to continue to be fully inclusive.</p>	<p>The Early Years Team The SEND Team</p>	<p>The Early Years Team capacity (5% DSG allocation) The SEND Team capacity</p>	<p>Funding hourly rates SEND Inclusion Funding amounts Staff recruitment and appropriate training</p>
<p>Quality</p> <p>Support providers who have an Ofsted grade of Requires Improvement to ensure that all children in Torbay can access their funded place in a 'good' or 'outstanding' provider.</p>	<p>The Early Years Team</p>	<p>The Early Years Team capacity (5% DSG allocation)</p>	<p>Ofsted are the sole arbiters of quality Providers do not have to engage in a support package</p>

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For information telephone 01803 208735

Meeting: Cabinet
Council

Date: 17 November 2020
3 December 2020

Wards Affected: All Wards

Report Title: Proposed Council Tax Support Scheme 2021/22

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

Director/Assistant Director Contact Details: Tara Harris, Assistant Director of Community & Customer Service. Email: Tara.harris@torbay.gov.uk

1. Purpose of Report

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

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

2. Reason for Proposal and its benefits

- 2.1 The Council has a statutory duty to provide a local Council Tax Support Scheme for working-age households within its area. Pension age households are subject to statutory provisions determined on a national basis that must be incorporated within each authority's local scheme

The Council must approve the final scheme by 11 March 2021 for operation by 1 April 2021. The scheme cannot be changed mid-financial year.

- 2.2 It is proposed that Personal Allowances and Premiums are uprated from 1 April 2021 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government. Failure to make these changes would result in a cut in entitlement should there be an increase in household income.
- 2.3 It is proposed that seven technical amendment proposals are accepted to align the working age scheme with changes that have already been implemented by Central Government within the prescribed requirements for pension age claimants of

Council Tax Support. A 6 week public consultation concluded 18 October 2020, supporting approval of all seven proposals with 115 declarations of agreement as opposed to 33 declarations of disagreement.

3. Recommendation(s) / Proposed Decision

That Cabinet recommends to Council:

- 3.1 that the Council Tax Support Scheme for 2021/2022 be approved;
- 3.2 that Council notes the scheme includes the standard annual uprating of the personal allowances and premiums. That these values take into account the statutory inflationary increase in personal allowances used to calculate entitlement to Council Tax Support. That Council further notes that the Council Tax Support Scheme for 2021/2022 has been aligned with the Governments amended prescribed requirements for pensioners that came into force on 11 February 2020.
- 3.3 That Personal Allowances and Premiums, used to calculate Council Tax Support, are uprated from 1 April 2021 in line with the prescribed Pensioner scheme and national working-age benefits, which are both set by the Government;
- 3.4 That the Chief Finance Officer be given delegated authority, in consultation with the Cabinet Member for Corporate and Community Services, to make any further adjustments required to the Exceptional Hardship Policy and fund.

Appendices

Appendix 1: Current scheme - <https://www.torbay.gov.uk/media/13908/council-tax-reduction-scheme-2020-21.pdf>

Appendix 2: Online public consultation which concluded 18 October 2020. This consisted of seven technical amendment proposals to align the working age scheme with changes that have already been implemented by Central Government within the prescribed requirements for pension age claimants of Council Tax Support.

The assessed results concluded approval of all seven proposals with 115 declarations of agreement as opposed to 33 declarations of disagreement.

Background Documents

None

Supporting Information

1. Introduction

- 1.1 The current Council Tax Support scheme was approved by members at Full Council in December 2016.
- 1.2 For each financial year, the Council must consider whether to revise its scheme or to replace it with a replacement scheme. It must make any revision to its scheme, or any replacement scheme, no later than 11 March for the subsequent financial year.
- 1.3 Entitlement to Council Tax Support is based on a means test, by taking into consideration a person's income and comparing this with any personal allowances, premiums and disregards to which they may be entitled.
- 1.4 The current scheme needs to be updated to take into account the inflationary increase in the personal allowances used to calculate entitlement to Council Tax Support - these allowances represent a households basic living needs.
- 1.5 This will ensure the scheme is compliant with the Prescribed Requirements for all local schemes, determined by the Department for Communities and Local Government and also aligned to national working-age benefits, determined by the Department for Work and Pensions.
- 1.6 For people of working age, the current scheme has the following key elements:
 - All awards are based on 70% of the Council Tax charge for the property. This means that the maximum a working age household can receive is 70% of the Council Tax due. These households have to pay a minimum of 30% of the Council Tax due;
 - No entitlement if working age households have savings over £6,000;
 - Restrict working age households to the equivalent of a Band D property charge and apply the 70% restriction detailed above;
 - A hardship fund is provided for within the scheme and is available to households should they be experiencing hardship as a result of their Council Tax Support award.
- 1.7 Under the current scheme pensioners are protected and the level of entitlement for them must remain. Protection will be achieved by keeping in place the existing national rules, with eligibility and rates defined in the Prescribed Pensioners Scheme.

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

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

2. Options under consideration

2.1 It was the intention to introduce an income banded Council Tax Support scheme from April 2021. This was after the proposed implementation from April 2020 was unfortunately paused due to delays in receiving software and the absence of the required reassurances that all system integration work and testing would be completed prior to our deadline for annual Council Tax billing.

2.2 Unfortunately, with the onset of COVID 19 in early March 2020 and the fundamental impacts this had on the local economy, it was decided to not progress with plans to introduce a banded Council Tax support scheme for 2021/2022.

The justification to support this decision was:

- Customer profiling during a period of such fundamental change, was not considered to be a suitable stable environment for evaluating the basis to model a new scheme format.
- The spend for Council Tax Support would be highly complex and increasing difficult to forecast, considering the evolving impacts of the pandemic. This could include a potential rapid increase in the number of claims over an undeterminable period until the economy was able to be stabilised and revitalised.
- There was a potential that the government would provide additional funding to local authorities and therefore we would not know what figure we would be trying to balance to.
- It would be necessary to undertake a complex 12 week consultation during the summer, when at that point in March, it was not possible to estimate how long the

restrictions of COVID19 would be prevalent. Further periods of lockdown and other freedom of movement restrictions would negatively impact on obtaining comprehensive responses.

- None of the other Devon local authorities who were also planning to introduce a banded scheme from April 2021 (in line with Torbay) have further progressed this work stream due to the economic uncertainties encountered from the impacts of COVID19. This local approach also supports the national trend to pause.

3. Financial Opportunities and Implications

- 3.1 The Council's requirement to review its Council Tax Support scheme annually must consider both the application of the scheme itself and to take into account the financial implications of its administration.

Financial Implications

This report is integral to the revenue budget and Council Tax setting process for 2020-21. The financial and resource implications and underlying assumptions are dealt with in that report.

4. Legal Implications

- 4.1 Schedule 1A of the Local Government Finance Act 2012 requires local authorities to consider whether to revise or to replace its scheme each year. Any revisions or a replacement scheme must have been considered and agreed no later than 11 March 2020 for operation from 1 April 2020.

5. Engagement and Consultation

- 5.1 There are no requirements to undertake a public consultation should the scheme remain unchanged
- 5.2 An online 6 week public consultation concluded on 18 October 2020, canvassing on seven technical proposed amendments to align the working age scheme from April 2021 with changes that have already been implemented by Central Government within the prescribed requirements for pension age claimants of Council Tax Support. See appendix 2

The assessed results from this public consultation overwhelmingly concluded approval of all seven proposals with 115 declarations of agreement as opposed to 33 declarations of disagreement. (Results detailed within appendix 2.)

6. Purchasing or Hiring of Goods and/or Services

- 6.1 The purchasing or hiring of good and/or services is not relevant for this report.

7. Tackling Climate Change

- 7.1 Tackling climate change is not relevant for this report.

8. **Associated Risks**

8.1 The scheme that will be adopted for 2021/22 is the same as the scheme that was adopted for 2020/21. The reasons for this are it:

- is based on the previous scheme and involves no additional new risk;
- does not disproportionately affect any particular group – disabled persons, single parents, etc;
- presents a very low risk of legal challenge.
- Torbay's most vulnerable groups will continue to be protected as the scheme will retain the current scheme characteristics
- the continuation of the hardship scheme will also help cushion the effect of the changes and should mitigate any adverse impacts where possible.

Equality Impacts

9.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	If Personal Allowances and Premiums were not uprated in line with the prescribed pensioner scheme and national working-age benefits residents would effectively have a cut in their entitlement should their income increase.		
	People with caring Responsibilities			Protection for those receiving a carers allowance is in line with the old Council Tax Benefit scheme.
	People with a disability			Protection for disabled people is in line with the old Council Tax Benefit scheme. Disability benefits, such as Disability Living Allowance, will continue to be fully disregarded as well as the associated personal allowances and premiums that are currently awarded to people with disabilities.
	Women or men			Although this information is recorded, there is no adverse impact on the grounds of gender. Torbay's scheme is open to

			applications from persons of any gender and there are no aspects of the scheme which impact in any way on the availability of support to claimants based solely on gender.
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
Religion or belief (including lack of belief)			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are lesbian, gay or bisexual			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme. This information is not collected as part of the administration of the Council Tax Support Scheme however there is

			no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are transgendered			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
People who are in a marriage or civil partnership			This information is not collected as part of the administration of the Council Tax Support Scheme however there is no record of having received any comments or complaints or challenges regarding this particular group in respect of the design and operation and administration of the Torbay Council Tax Support Scheme.
Women who are pregnant / on maternity leave			There is no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact

	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)	Not applicable for this proposal.		
11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	Not applicable for this proposal.		

Background information

Each year the Council has to decide whether to change the Council Tax Support Scheme for working age residents. This consultation is in respect of Torbay's proposed Council Tax Support Scheme from 1st April 2021.

What is Council Tax Support?

Council Tax Support is a means tested discount administered by local authorities. It provides a discount for people who are unemployed, on a low income or unable to work, meaning they have help towards paying their Council Tax charge.

Residents who are of **working age** (by this we mean people who have not yet reached state pension age) can receive a maximum reduction of 70% of their total Council Tax charge. Therefore everybody of working age who receives Council Tax Support must contribute at least 30% towards their Council Tax bill.

What is this consultation about?

The Council Tax Support Scheme is approved by the Council every December to take effect from 1st April the following year

In reaction to the impacts of Corona virus, Central Government introduced a number of financial enhancements and initiatives to help support people during periods of reduced opportunities to work. We want to ensure that the Council Tax Support Scheme offers an increased level of flexibility to positively support residents.

TORBAY COUNCIL

Will less money be available within the new proposed Council Tax Support Scheme?

No. The Council is not looking to spend less money on Council Tax Support. The amount of money available for the Council Tax Support Scheme would not be reduced.

Who could be affected by the outcome of this consultation?

Residents who are of working age that currently receive Council Tax Support and working age residents who may apply in the future may be affected by the outcome of this consultation.

However, residents of pension age will not be affected as they are protected by Central Government legislation. These proposed changes will only affect claims from those of working age.

The closing date for this consultation is midnight on 18 October 2020 We will consider carefully what residents tell us when making a final decision on the 2021/22 Scheme. Full results from the consultation will be available on the Council's website.

If approved, the new Scheme will start on 1st April 2021.

Proposal 1

The Council will have discretion to increase the levels of income that claimants of Council Tax Support are allowed to receive where there are exceptional circumstances, such as the Corona virus pandemic.

This discretion would be applied where failure to do so could result in working age applicants generally receiving less Council Tax Support due to increases they have received in Government benefits or tax credits.

01 Do you agree that this discretion should be included in the new Scheme?

Strongly Agree

Agree

Don't Know

Disagree

Strongly Disagree

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Proposal 2

In April 2017 the Bereavement Allowance and Bereavement Payments Scheme was replaced with Bereavement Support payments. Since these payments have been introduced they have been ignored as income but the Scheme had not been updated to include this.

This change will update the proposed Scheme so that Bereavement Support payments will continue to not be counted as an income within the calculation of Council Tax Support.

02 Do you agree with this proposal?

Strongly Agree

Agree

Don't Know

Disagree

Strongly Disagree

COUNCIL

Proposal 3

Payments made to financially compensate people under the Windrush Compensation Scheme (including urgent and exceptional payments made in advance of the Scheme being operational) or from the "We Love Manchester" or "London Emergency" funds will be disregarded when calculating an applicant's income and capital for Council Tax Support

This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make the same change for working age customers as well.

03 Do you agree with this proposal?

0

Strongly Agree

0

Agree

0

Don't Know

0

Disagree

0

Strongly Disagree

Proposal 4

Payment of early years assistance to be disregarded when calculating an applicant's income and capital for Council Tax Support

This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make the same change for working age customers.

04 Do you agree with this proposal?

0

Strongly Agree

0

Agree

0

Don't Know

0

Disagree

0

Strongly Disagree

TORBAY COUNCIL

Proposal 5

Payments of funeral expense assistance will be disregarded when calculating an applicant's income and capital for Council Tax Support

This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make the same change for working age customers.

05 Do you agree with this proposal?

Strongly Agree

Agree

Don't Know

Disagree

Strongly Disagree

Proposal 6

Payments of arrears of maternity allowance or payments made as compensation for non-payment of maternity allowance to be disregarded when calculating an applicant's capital for Council Tax Support

This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make the same change for working age customers.

06 Do you agree with this proposal?

Strongly Agree

Agree

Don't Know

Disagree

Strongly Disagree

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TORBAY COUNCIL

Proposal 7

For those residents receiving payments relating to the Grenfell Tower fire, the council will disregard these payments when calculating an applicant's income and capital for Council Tax Support.

These include payments made out of certain charitable funds, support payment made by the council of the Royal Borough of Kensington and Chelsea, and payment made under the Grenfell Tower Residents' Discretionary Fund. This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make this change for working age customers as well.

07 Do you agree with this proposal?

Strongly Agree

Agree

Don't Know

Disagree

Strongly Disagree



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Outcomes of consultation ended 18 October 2020

	Strongly agree	Agreee	Neither	Disagree	Strongly disagree	Total Responses
Prop 1	8	8	2	3	6	27
Prop 2	11	8	4	1	3	27
Prop 3	12	7	1	3	4	27
Prop 4	12	7	2	3	3	27
Prop 5	16	8	1	1	0	26
Prop 6	13	6	3	1	3	26
Prop 7	11	7	3	2	4	27
Totals	77	38	11	11	22	
	115			33		

Council Tax Support Scheme Consultation 2021/2022

Background information

Each year the Council has to decide whether to change the Council Tax Support Scheme for working age residents. This consultation is in respect of Torbay's proposed Council Tax Support Scheme from 1st April 2021.

What is Council Tax Support?

Council Tax Support is a means tested discount administered by local authorities. It provides a discount for people who are unemployed, on a low income or unable to work, meaning they have help towards paying their Council Tax charge.

Residents who are of **working age** (by this we mean people who have not yet reached state pension age) can receive a maximum reduction of 70% of their total Council Tax charge. Therefore everybody of working age who receives Council Tax Support must contribute at least 30% towards their Council Tax bill.

What is this consultation about?

The Council Tax Support Scheme is approved by the Council every December to take effect from 1st April the following year.

In reaction to the impacts of Corona virus, Central Government introduced a number of financial enhancements and initiatives to help support people during periods of reduced opportunities to work. We want to ensure that the Council Tax Support Scheme offers an increased level of flexibility to positively support residents.

TORBAY

COUNCIL

Will less money be available within the new proposed Council Tax Support Scheme?

No. The Council is not looking to spend less money on Council Tax Support. The amount of money available for the Council Tax Support Scheme would not be reduced.

Who could be affected by the outcome of this consultation?

Residents who are of working age that currently receive Council Tax Support and working age residents who may apply in the future may be affected by the outcome of this consultation.

However, residents of pension age will not be affected as they are protected by Central Government legislation. These proposed changes will only affect claims from those of working age.

The closing date for this consultation is midnight on 18 October 2020 We will consider carefully what residents tell us when making a final decision on the 2021/22 Scheme. Full results from the consultation will be available on the Council's website.

If approved, the new Scheme will start on 1st April 2021.

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TORBAY COUNCIL

Proposals for the 2021/2022 Local Council Tax Support Scheme

Are you currently receiving Council Tax Support?

- Yes No

Proposal 1

The Council will have discretion to increase the levels of income that claimants of Council Tax Support are allowed to receive where there are exceptional circumstances, such as the Corona virus pandemic.

This discretion would be applied where failure to do so could result in working age applicants generally receiving less Council Tax Support due to increases they have received in Government benefits or tax credits.

Q1 Do you agree that this discretion should be included in the new Scheme?

- Strongly Agree Agree Don't Know Disagree Strongly Disagree

Proposal 2

In April 2017 the Bereavement Allowance and Bereavement Payments Scheme was replaced with Bereavement Support payments. Since these payments have been introduced they have been ignored as income but the Scheme had not been updated to include this.

This change will update the proposed Scheme so that Bereavement Support payments will continue to not be counted as an income within the calculation of Council Tax Support.

Q2 Do you agree with this proposal?

- Strongly Agree Agree Don't Know Disagree Strongly Disagree

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Proposal 3

Payments made to financially compensate people under the Windrush Compensation Scheme (including urgent and exceptional payments made in advance of the Scheme being operational) or from the "We Love Manchester" or "London Emergency" funds will be disregarded when calculating an applicant's income and capital for Council Tax Support.

This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make the same change for working age customers as well.

Q3 Do you agree with this proposal?

- Strongly Agree Agree Don't Know Disagree Strongly Disagree

Proposal 4

Payment of early years assistance to be disregarded when calculating an applicant's income and capital for Council Tax Support.

This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make the same change for working age customers.

Q4 Do you agree with this proposal?

- Strongly Agree Agree Don't Know Disagree Strongly Disagree

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Proposal 5

Payments of funeral expense assistance will be disregarded when calculating an applicant's income and capital for Council Tax Support.

This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make the same change for working age customers.

Q5 Do you agree with this proposal?

Strongly Agree

Agree

Don't Know

Disagree

Strongly Disagree

Proposal 6

Payments of arrears of maternity allowance or payments made as compensation for non-payment of maternity allowance to be disregarded when calculating an applicant's capital for Council Tax Support.

This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make the same change for working age customers.

Q6 Do you agree with this proposal?

Strongly Agree

Agree

Don't Know

Disagree

Strongly Disagree

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Proposal 7

For those residents receiving payments relating to the Grenfell Tower fire, the council will disregard these payments when calculating an applicant's income and capital for Council Tax Support.

These include payments made out of certain charitable funds, support payment made by the council of the Royal Borough of Kensington and Chelsea, and payment made under the Grenfell Tower Residents' Discretionary Fund. This change has already been made by Central Government for pension age claimants of Council Tax Support and we wish to make this change for working age customers as well.

Q7 Do you agree with this proposal?

Strongly Agree

Agree

Don't Know

Disagree

Strongly Disagree

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Outcomes of consultation ended 18 October 2020

	Strongly agree	Agreee	Neither	Disagree	Strongly disagree	Total Responses
Prop 1	8	8	2	3	6	27
Prop 2	11	8	4	1	3	27
Prop 3	12	7	1	3	4	27
Prop 4	12	7	2	3	3	27
Prop 5	16	8	1	1	0	26
Prop 6	13	6	3	1	3	26
Prop 7	11	7	3	2	4	27
Totals	77	38	11	11	22	
	115			33		

Meeting: Cabinet

Date: 17th November 2020

Wards Affected: All

Report Title: Customer Relationship Management System

Cabinet Member Contact Details: Councillor Steve Darling, Leader of Council
steve.darling@torbay.gov.uk

Director/Assistant Director Contact Details: Anne-Marie Bond, Interim Chief Executive
anne-marie.bond@torbay.gov.uk & Matt Fairclough-Kay, Interim Assistant Director of
Corporate Services matt.fairclough-kay@torbay.gov.uk

1. Purpose of Report

- 1.1 This report is presented to consider a proposal to undertake a procurement exercise to identify a provider to supply, implement and maintain a new Customer Relationship Management (CRM) system.
- 1.2 As such a detailed business case has been created setting out how this will be achieved and the options considered.

2. Reason for Proposal and its benefits

We want Torbay and its residents to thrive by having a Council fit for the future
- The proposal set out within this report, and the associated business case help us to deliver this ambition.

- 2.1.1 Torbay Council, like other councils, continues to face the ongoing challenge of austerity and is rapidly realising that the opportunities for making savings are diminishing. In parallel to this, the Council is continuing its 'recovery programme' in response to the Covid-19 pandemic with the aim of ensuring our community, in its widest sense, is strengthened following this emergency.
- 2.1.2 Within this context, the Council needs to consider bigger and bolder transformation opportunities that build a sustainable operating model for the 21st century, post COVID-19 whilst also delivering a range of financial and non-financial benefits.
- 2.1.3 As such the Council's transformation plan (approved at Cabinet in September 2020) sets out how we will bring a coherent, joined-up approach to change, that meets the council's priorities as set out in our Community and Corporate Plan, and will support the delivery of financial targets in the Medium Term Resource Plan – this programme is called the 'Council Redesign Programme'. The main objective of the Council Redesign Programme is as follows:

To modernise, simplify and standardise how we work so we can support the communities of Torbay and build a resilient council fit for the future.

2.1.4 The focus of the 'Our Organisation Project', which is part of the Council Redesign Programme, is to "put our customers at the centre of our organisation." It aims to:

- Provide an effective, efficient and responsive gateway to Council services and external services;
- Streamline and standardise the processes by which the Council delivers cost effective services, becoming digital by default;
- Define the services that the Council provides, and those which it does not; empowering and enabling residents, businesses and communities to act;
- Ensure an appropriate focus on performance and risk management across the organisation.

2.2.1 To enable us to achieve the aims listed above, it has been identified the Council needs to procure an improved Customer Relationship Management (CRM) system.

2.2.2 A CRM system is an effective and efficient tool which provides an interface with its customers across several delivery channels (face to face, telephone, internet websites, texting and emails).

2.2.3 The Council has an existing partial CRM system although it has been identified that this is not fit for purpose.

2.2.6 As such it is recommended that the Council undertakes a procurement exercise to identify a provider to supply, implement and maintain a new Customer Relationship Management (CRM) system.

3. Recommendation(s) / Proposed Decision

3.1 That Cabinet approves a procurement exercise to be undertaken to identify a provider to supply, implement and maintain a new Customer Relationship Management (CRM) system, with the outcome of the procurement exercise and the associated funding request to be presented to Cabinet and Council in due course.

Appendices

Appendix 1: Customer Relationship Management Business Case

Background Documents

N/A

Supporting Information

1. Introduction

- 1.1 'Customer relationship management' involves dealing with queries, complaints and specific requests and demands, with accurate information. To support this a CRM system can be used as an effective and efficient interface with its customers across several delivery channels (face to face, telephone, internet websites, texting and emails).
- 1.2 The council has an existing partial CRM system although it has been identified that this is not fit for purpose
- 1.3 It is proposed that the Council procures a new CRM system so that we can build a better picture of why customers contact us and improve service delivery.
- 1.4 As such a detailed business case has been attached at appendix one setting out what is currently provided, the strategic case for change, and the options considered.

2. Options under consideration

- 2.1 Two options have been considered within the business case summarised as follows;
 1. Option One – Do Nothing
 2. Option Two – Procure and Implement a new CRM system

Please see appendix one for the details of each option.

3. Financial Opportunities and Implications

- 3.1 Please see the business case at appendix one for further details.

4. Legal Implications

- 4.1 N/A

5. Engagement and Consultation

- 5.1 If required consultation with service users will be undertaken at the appropriate time

6. Purchasing or Hiring of Goods and/or Services

- 6.1 If the proposal to procure a new CRM system is approved then the Council will undertake a Procurement following the appropriate procedure as outlined within the Directive (2014/24/EU) and implemented in the United Kingdom by The Public Contracts Regulations 2015 (SI 2015/102) for a long-term agreement to supply, implement and maintain a CRM system.

7. Tackling Climate Change

- 7.1 If the proposal to procure a new CRM system is approved it is expected that there will be less reliance on paper and printing following the system implementation.

There is also likely to be a potential reduction in travel requirements for our customers resulting in an anticipated positive impact on climate change

8. **Associated Risks**

- 8.1 Please see the business case at appendix one for the risks, and suggested mitigations for each option.

Equality Impacts

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

	Socio-economic impacts (Including impact on child poverty issues and deprivation)	Less reliance on paper and printing, and also a potential reduction in travel requirements for our customers resulting in an anticipated positive impact on climate change.	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		No differential impact
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)	If the proposal to procure a new CRM system is approved then the cumulative impact to the council will be positive – the critical success factors will be as follows; <ul style="list-style-type: none"> • Improved customer service and quality • Service efficiencies and productivity improvements • Cost reductions and savings 	
11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	No differential impact.	

Document is Restricted

Meeting: Cabinet

Date: 17th November 2020

Wards Affected: Tormohun Ward

Report Title: Leasehold disposal Pier Point Restaurant and Retail Unit, Torbay Rd, Torquay TQ2 5HA

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

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

Supporting Officer Contact Details: Paul Palmer, TDA Head of Assets & Facilities Management, paul.palmer@tda.uk.net

Supporting Director Contact Details: Liam Montgomery, TDA Director of Asset Management, Investment & Housing, Liam.montgomery@tda.uk.net

1. Purpose of Report

- 1.1 Torbay Council to enter into an Agreement for Lease to allow the existing tenants to invest in and extend their premises and then, following the completion of the work, to have a new long lease.

2. Reason for Proposal and its benefits

We want Torbay and its residents to thrive.

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.

We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.

- 2.1 The proposals in this report help us to deliver this ambition by allowing the current tenant to invest in the asset that will see the building extended and improved in return for a long lease. The asset on completion of the redevelopment will help secure new jobs and enhance Torquay seafront.

3. Recommendation(s) / Proposed Decision

That TDA Director of Asset Management, Investment & Housing, in consultation with the Interim Chief Executive, be authorised to enter into an Agreement for Lease to allow the existing tenants of the Pier Point Restaurant and retail unit to carry out works to extend the ground floor and to create a first floor to the existing premises and, upon completion of these works, to grant a 125 year lease to the existing tenants on terms previously agreed.

Appendices

Appendix 1: Site Plan – EM3588

Background Documents

Heads of Terms - Exempt

Supporting Information

1. Introduction

- 1.1 Pier Point Restaurant and Princess Gift Shop are occupied under two separate leases. The lease of Pier Point Restaurant was granted in 2009 for a term of 40 years and the lease of Princess Gift Shop, the small retail unit facing Torbay Road for a term of 15 years from 2011. Both leases are granted with the benefit of the protection of the Landlord and Tenant Act 1954.
- 1.2 In July 2015, a Mayoral Decision was granted to allow the redevelopment of Pier Point Restaurant in isolation, which included a first floor extension. On practical completion of the development the Council would have granted a new 125 year lease. The decision was documented by way of an Agreement for Lease with Pier Point Ltd in January 2017.
- 1.3 At the beginning of 2020, Pier Point Torquay Ltd was sold and the new owner soon after also acquired the lease of Princess Gift Shop. The new owner, on obtaining control of the whole building approached Torbay Council seeking to re-negotiate the 2017 Agreement for Lease. The new owner is seeking to merge the Pier Point Restaurant lease with Princess Gift Shop lease that would therefore enable the redevelopment of the whole building.
- 1.4 It is intended that upon practical completion of the proposed redevelopment of the whole building the Council would grant a new single 125 year lease. The commercial terms of the new 125 year lease are, subject to Council approval now agreed.
- 1.5 The proposal therefore is to enter into a new Agreement for Lease that upon practical completion of the redevelopment of the site will see the surrender of both existing leases in exchange for the granting of a new 125 year lease.
- 1.6 The benefit will be twofold. The Council will have in place only one lease to manage with a single tenant. The site will also be redeveloped in its entirety providing a better 'place' shaping development for Torquay seafront.

2. Options under consideration

- 2.1 The Council's Corporate Asset Management Plan 2015 to 2019 (2018/19 Revision) makes specific that the Council will 'always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest'. The disposal of this asset by way of the long leasehold will meet that requirement.
- 2.2 The owners of Pier Point Torquay Ltd have expressed their desire to only want to redevelop the whole site. They have taken active steps to secure control of both leases. Whilst the 2017 Agreement for Lease is still a live document it would only permit the granting of a lease for the restaurant. Without the new Agreement of Lease this would leave the Princess Gift Shop outside of the redevelopment. This would in all likelihood have a depressing effect on rental income that could be secured in the future for the premises.

- 2.2 Whilst the Council is under no obligation to approval a new Agreement for Lease it is possible the owner of Pier Point Torquay Ltd may then look to dispose of his interest in the business. The redevelopment of the asset would then be lost.

3. Financial Opportunities and Implications

- 3.1 TDA has negotiated commercially acceptable terms for the new 125 year lease which are commensurate to the proposed levels of investment in the building.

4. Legal Implications

- 4.1 The proposed redevelopment will be formalised and documented by Torbay Council Legal Services through the Agreement for Lease and the granting of the new 125 year lease following practical completion. The existing leases will extinguished also on practical completion of the redevelopment by way of Deeds of Surrender.

5. Engagement and Consultation

- 5.1 No engagement or consultation is planned. The owner of Pier Point Torquay Ltd has secured planning consent for the redevelopment of the site - P/2020/0383.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 There are no procurement issues as Pier Point Torquay Ltd are the existing tenant of both leases currently in place.

7. Tackling Climate Change

- 7.1 The owner of Pier Point Torquay Ltd has secured planning consent for the redevelopment of the site - P/2020/0383. In addition the redevelopment will also need to obtain Building Control approval.

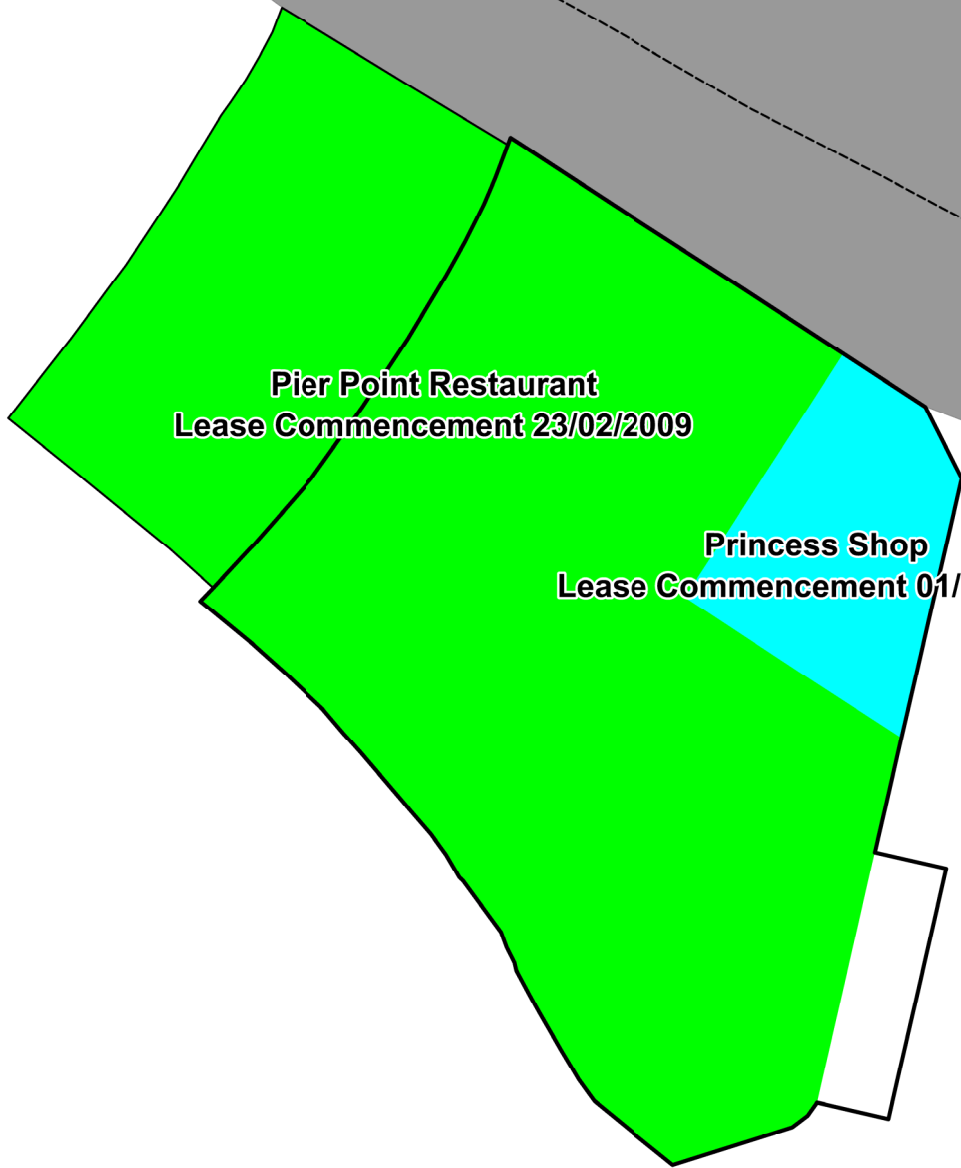
8. Associated Risks

- 8.1 Whilst there are no significant risks if the proposal is not implemented there would however likely be a lost opportunity in seeing the site redeveloped and modernised.

Equality Impacts

9.	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

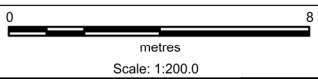
	Women who are pregnant / on maternity leave			There is no differential impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	The granting of a long leasehold and subsequent re-development of the site is likely to have a positive impact on locality.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact
10..	Cumulative Council Impact (proposed changes elsewhere which might worsen the impacts identified above)	N/A		
11.	Cumulative Community Impacts (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	N/A		



Pier Point Restaurant
Lease Commencement 23/02/2009

Princess Shop
Lease Commencement 01/04/2011

DW



Meeting: Overview & Scrutiny Board

Date: 11th November

Cabinet

17th November

Wards Affected: All Wards

Report Title: Budget Monitoring 2020/21 – Quarter Two

Is the decision a key decision? No

When does the decision need to be implemented? n/a

Cabinet Lead Contact Details: Darren Cowell, Cabinet Member for Finance
Darren.cowell@torbay.gov.uk

Supporting Officer Contact Details: Sean Cremer, Deputy Head of Finance
Sean.Cremer@Torbay.gov.uk, 01803 20 7553

1. Purpose and Introduction

- 1.1. This report provides a high level budget summary of the Council's forecasted revenue position for the financial year 2020/21. This report is based on figures as at the end of Quarter Two, 30th September 2020.
- 1.2. Please note the figures within this report were finalised prior to the announcement of a National Lockdown. This news will have a significant impact on this report which, at this time, is currently unquantifiable.
- 1.3. The Council's **Revenue** budget remains under significant pressure. After the application of Government funding and use of specific reserves is £2.2m overspend after factoring in the impact of Covid-19.
- 1.4. The main pressure areas remain relatively unchanged as they are service areas most heavily influenced by changes in behaviour of the general public and resultant financial impact; namely Car Parking income and the collection of Council Tax and Business Rates.
- 1.5. As part of the mitigating actions some expenditure restrictions have been introduced in the year, however at this stage in response to the financial impact of Covid-19 there are no reductions or closure of services proposed.
- 1.6. The Capital Plan budget totals £298m for the 4 year programme, with £59m currently scheduled to be spent in 2020/21, including £27m on a number of Regeneration projects, and £7m on major Transport schemes. At this point (30 Sept 2020) the Capital Plan now requires £7.4m from new capital receipts and capital contributions over the life of the Plan in order to be able to deliver all that is planned.

2. Recommendation (s) / Proposed Decision

2.1. That the Overview & Scrutiny Board notes the latest position for the Council's revenue outturn position and mitigating action identified and make any comments and/or recommendations to the Cabinet.

2.2. That the Overview & Scrutiny Board notes the latest position for the Council's Capital outturn position and make any comments and/or recommendations to the Cabinet.

3. 2020/ 21 Budget Summary Position

3.1. The below table shows a breakdown of the overall Council position and overall Covid-19 impact and resultant £2.2m overspend.

3.2. Headlines from the table:

3.2.1. Total Covid-19 impact is £18.8m due to increased spend and income losses.

3.2.2. The Council is expected to receive a total of £12.6m funding for cost pressures and income losses

3.2.3. This leaves a shortfall of £6.1m before application of in year underspends and use of specific reserves

3.2.4. After applying in year underspends and use of specific reserves there is an overspend of £2.2m

Covid-19 Impact	£'000
1. Funding Applied to Revenue budget	12,644
2. Collection Fund shortfall	5,200
3. Pressures met from specific Reserves	934
Total Covid-19 Impact	18,778

Covid-19 Funding	£'000
4. MHCLG Grant	(10,447)
5. Estimated MHCLG Income reimbursement grant.	(2,197)
Total Government Covid-19 Funding	(12,644)

6. Shortfall in funding	6,134
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Council's mitigation	£'000
7. General Revenue underspend	(2,987)
8. Use of specific reserves	(934)
Net Covid-19 Impact	2,213

3.3. A narrative of the service variances is contained in section 6.

Collection Fund – shortfall £5.2m

- 3.4. Due to the local economic impact of Covid-19 the collection fund is expected to have a £5.2m shortfall. This pressure is due to shortfalls in the collection of Business Rates & Council Tax income and increased demand for reduced Council Tax bills through the Council Tax Support Scheme (CTSS) which represent the scale of impact on local households and businesses.
- 3.5. Under the collection fund accounting rules any shortfall on the collection fund is carried forward to the following financial year to be funded. On the 2nd July the Government announced that Council's will be able to repay Council and business rates tax deficits over three years instead of one.
- 3.6. This change results in a £1.73m shortfall in funding for each of the following three years. If no specific funding is provided, this will need to be funded as part of setting the 2021/22 budget.
- 3.7. **The Council's clear view is that the totality of the financial impact of Covid19 should be funded by MHCLG and should not be a cost to the local taxpayer or result in a detrimental impact on service provision for residents.**
- 3.8. Given the continued improvements to General Revenue underspend (item 7 in the above table) a specific earmarked reserve will be established and utilised to contribute towards the 3-year spread on the 2020/21 Collection Fund losses. This will reduce the future year pressure which would otherwise need to be identified through savings in 2021/22. The establishment of this earmarked reserve is subject to continued stability within Children's Services.

4. Grant Support

- 4.1. There are two key schemes which provide direct funding to offset increased expenditure and income losses. This support has been received through un-ringfenced grants as well as the income reimbursement scheme.
- 4.2. At the time of writing this report the Council has received 3 tranches of un-ringfenced funding for Council's to use to offset increased expenditure and income losses.
- 4.3. To offset increased expenditure Torbay Council has received a total of £12.07m so far. This has been allocated in 4 tranches of funding.

Date	Total Funding £'m	Torbay Share	
		£'m	%
19-Mar	1,600	5.372	0.34%
18-Apr	1,594	3.765	0.24%
02-Jul	494	1.310	0.27%
22-Oct*	919	1.623	0.18%
Total	4,607	12.07	0.26%

*Please note this 4th tranche was announced on 22nd October, therefore not reflected in the main sections within this report. As a reminder, this report is as at the end of Quarter 2, i.e. up to 30th September. The full impact of this 4th Tranche, and any other announcements will be factored into the Quarter 3 report.

- 4.4. The first 3 tranches of grant funding have been allocated across the Council based on the forecast financial impact as per the figures reported at Period 2.
- 4.5. On the 22nd October the Government confirmed a 4th Tranche of funding which results in additional funding of £1.6m. At the current time, this funding is intended to be earmarked for use to mitigate future Covid-19 pressures.
- 4.6. The second key scheme is the Income Reimbursement Scheme. Where losses are more than 5% of a council's planned income from sales, fees and charges, the government will cover them for 75p in every pound lost.
- 4.7. Torbay Council is expected to receive £2.2m of funding through the income reimbursement scheme based on current shortfalls forecast on sales, fees & charges.
- 4.8. For the claim period April – July 2020, based on actual losses the Council has submitted a claim for £1.5m. This first claim may seem disproportionately high when compared to the total expected annual claim. This is as a result of the typical income profile for the Council with the majority of car parking income being collected over the summer months.
- 4.9. In addition to the un-ring fenced grants and the Income reimbursement Grant, Central Government have issued a number of other grants related to Covid-19.
- 4.10. Under Financial Regulations (5.5) "The Chief Finance Officer, in consultation with the Leader of the Council, to determine the allocation and expenditure of any new revenue grant monies that are received during the year". Therefore these grants will be applied to the purpose specified and will be included in the 2020/21 budget monitoring. These are listed below:

Grant	£000	Note
Sales, Fees and Charges support	2,000	Support 75% of council sales and fee income losses over a 5% threshold. Excludes rental income losses – estimate shown as final value will be based on actual losses in year.
Infection Control – tranche 1	2,748	To support ASC providers with infection control measures. Funding will be passported to suppliers (via ICO)
Infection Control – tranche 2	2,312	To support ASC providers with infection control measures. Funding will be passported to suppliers (via ICO)
Opening High Streets	121	To support opening of high streets. Spend managed by TDA.
Emergency Assistance	185	To help local authorities to continue to support those struggling to afford food and other essentials over the coming months due to COVID-19.
Test, Track & Trace	886	To support the mitigation and management of local outbreaks of COVID.
Hardship Fund	1,611	To support Council Tax Support scheme claimants. All working age claimants council tax bills have been reduced by £150 and the balance is to be used for the discretionary hardship fund.
Business Grants	47,490	Funding to support the Business Grant and Discretionary Business Grant scheme under guidance by BEIS. Council has fully used the discretionary scheme and paid all eligible applications under the national scheme.
Transport Access	55	Grant to support development of alternative travel to public transport
Bus Services Support	146	For period to November
Business Improvement District (BID) support	25	Support to BID companies to cover the equivalent of core operational costs for three months.
Coronavirus Rough Sleeping Contingency Fund	12	Support for Covid19 impact on homelessness
Substance Dependence treatment	TBA	Torbay share of £16m yet to be announced
School Transport	100	Funding for additional, dedicated public transport provision for school pupils. Funding is for the first half of the autumn term only.
Contain Outbreak Management Fund	133	Councils in medium “tier” get £1 per population. (£5 and £8 if in higher tiers.
Isolation Support Grant	138	For payments of £500 to individuals who have to isolate after “track and trace”. Mandatory scheme where final value will be linked to claims plus a fixed value discretionary scheme.
Lockdown Support Grant	TBA	If, due to national restrictions, a business has to (mandatorily) close, payments of £1,500 or £3,000 will be paid depending on rateable value.

Surge Enforcement Fund	81	To support costs of enforcement of national covid restrictions
Next Steps Accommodation Programme	227	Funding will support the purchase of a number of properties to help ensure the rough sleepers brought into emergency accommodation in response to COVID-19, do not return to sleeping rough

Capital Grants bid for

4.12 In addition to the bids that have now been submitted to central government for both the Future High Streets Fund (Paignton) and The Town Deal (Torquay) two other funds have been bid for:

4.13 Note: The decision on The Town Deal for Torquay was received in late October i.e. after the period for which this report covers. More detail on these schemes will follow in the next report.

Scheme	£	Purpose
Accelerated Growth Fund	0.9m	Improvements at Upton Park, Princess Gardens and for the Wavelength project.
Getting Building Fund	4.1m	Torquay Gateway (Edginswell), Lymington Road and EPIC.

5. Strategic Updates

Wholly owned companies

5.1. Covid-19 also presents challenges to the Councils wholly and joint owned companies. SWISCo. started trading in July 2020 and has experienced delays to the new fleet of vehicles as well as challenges around reduced commercial income. More detailed management reporting will be available in the coming months. TDA is forecast to be close to break even.

Higher Needs Block – Special Education Needs

5.2. The schools' higher needs block in the Dedicated Schools Grant (DSG) has been under financial pressure as a result of an increasing level of referrals from schools for higher needs support for children.

5.3. As a result the DSG reserve is a £3.7m deficit at the end of 2019/20.

5.4. For 2020/21 there is a forecast overspend of £2.1m. The Council does not receive any funding for schools therefore the over spend will remain in the DSG to be funded from DSG in future years and is therefore not a cost that the Council has to fund. This position is now confirmed by the School and Early Year Finance (England) Regulations 2020.

5.5. Representatives from the Council and the School Forum continue to work with the Education & Skills Funding Agency (ESFA) to discuss the proposed financial recovery plan that was submitted to the ESFA in the 2019/20 financial year.

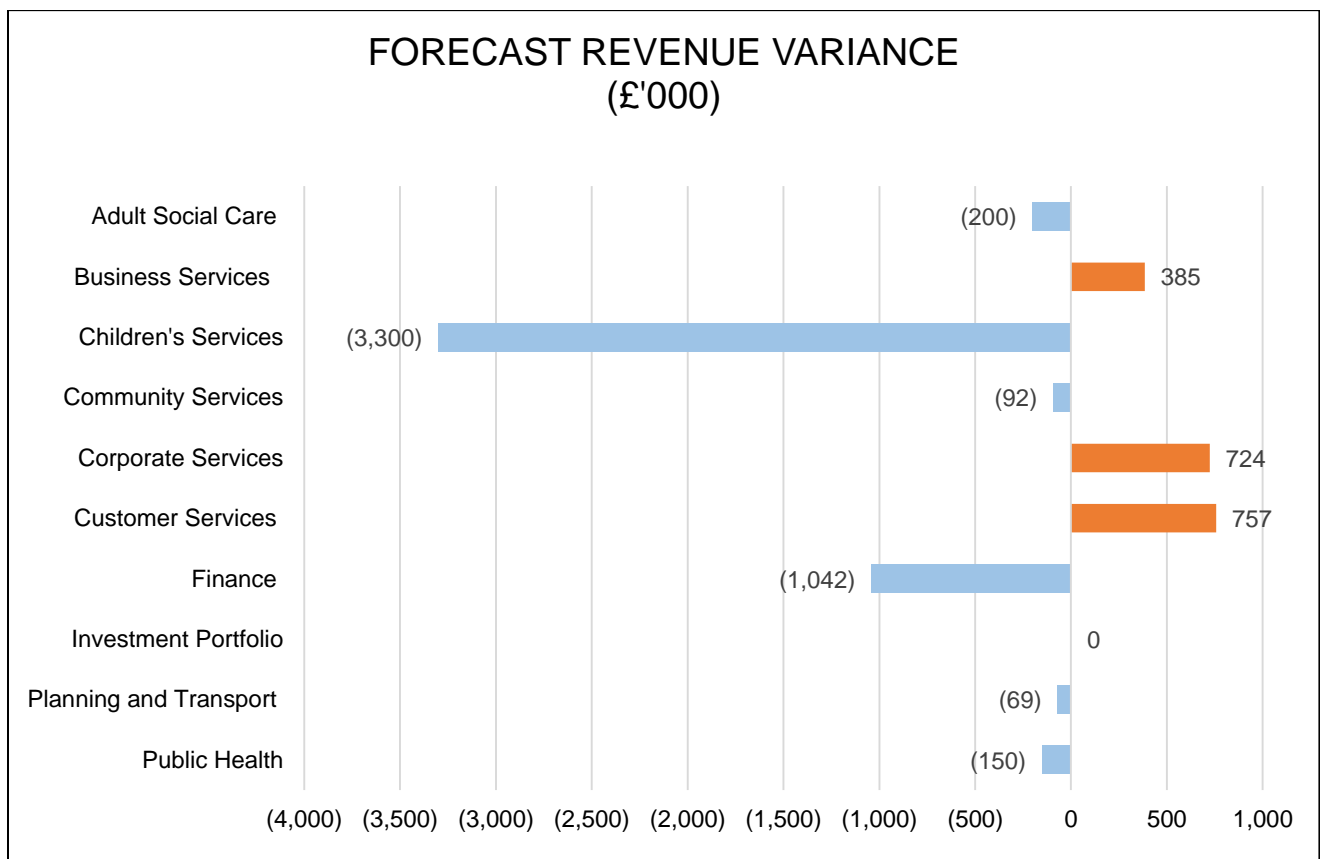
£300m Investment fund

5.6. A total of £231m has been spent through the Investment Fund, leaving £69m left to spend.

5.7. In March 2020 HM Treasury started a consultation on future PWLB borrowing terms which would, in effect, prohibit the use of PWLB Borrowing to fund any future purchases of this type, known as “debt for yield”. At the same time CIPFA issued a statement that the intent of the consultation should be adhered to with immediate effect and applied to all forms of borrowing not just PWLB. As a result the Council is no longer seeking such assets to purchase. The results of the consultation and the confirmation of the new rules are expected during the autumn.

6. Service Budgets

6.1. The below graph shows a visual breakdown, highlighting budget variance for each service after the application of Covid-19 Funding.



6.2. The budget position below reflects the revised budget presented to Overview & Scrutiny Board and **includes the application of £12.6m of Covid-19 Funding** to offset the Covid related pressures described.

Torbay Council Revenue Quarter 2 2020/21	Budget £000s	Outturn £000s	Revised Variance £000s	Variance Reported at Period 4 £000s	Movement £000s
1. Adult Social Care	39,378	39,178	(200)	0	(200)
2. Business Services	16,603	16,988	385	406	(21)
3. Children's Services	46,849	43,549	(3,300)	(2,100)	(1,200)
4. Community Services	2,471	2,379	(92)	(90)	(2)
5. Corporate Services	4,348	5,072	724	702	22
6. Customer Services	2,880	3,637	757	400	357
7. Finance	(9,679)	(10,721)	(1,042)	(300)	(742)
8. Investment Portfolio	(4,641)	(4,641)	0	0	0
9. Planning and Transport	7,267	7,198	(69)	(55)	(14)
10. Public Health	10,392	10,242	(150)	0	(150)
Revenue total	115,868	112,881	(2,987)	(1,037)	(1,950)

6.3. A narrative of the position and main variances in each service area is as follows;

1. Adult Social Care – Underspend of £200k

6.4. Whilst the majority of this budget is spent against a fixed contract with the ICO the council is expecting to provide additional support to Adult Social Care providers to ensure the provision of care is maintained throughout this pandemic.

6.5. Due to slightly higher than budgeted contributions towards the BCF from the CCG there is a forecast underspend of £200k. This is likely to be utilised to support future Covid-19 costs.

6.6. Community & Voluntary Sector organisations who have been supporting the community response to Covid-19 have also been allocated additional financial support to strengthen their fantastic work as part of the community response. So far this totals £0.25m.

6.7. Based on the initial Government grant funding allocations, in consultation with the Section 151 Officer, £2.0m was allocated for Adult Social Care providers.

2. Business Services – Overspend £385k

- 6.8. Due to the Government lockdown and resultant changes in public behaviour Car Parking income is expected to have a £2.1m short fall in income due to the ongoing significant reduction in the use of car parks. This is an improvement from the position reported at Period 4 and largely due to the improved performance of the beach car parks over the Summer season.
- 6.9. From 1st April to 30th September on and off street parking income was down £1.4m compared to 2019/20 levels. Restricted foreign travel and pleasant summer weather has meant parking income has performed better than expected over the school holidays.
- 6.10. There are remaining concerns over Autumn/Winter car parking income as neighbouring local Authorities that do not have the same beach resort offering, and therefore rely on the high street retail and leisure offer, are experiencing prolonged and substantial shortfalls in revenue.
- 6.11. Work is underway with the Local Business Forums and Town Centre groups to establish a package of “Winter Promotions” for car parking to support Town Centre businesses.
- 6.12. There are additional income pressures across:
- Harbours shortfall on income £250k due to reduced visiting vessels and fish tolls
 - Culture & Events is expecting an £80k shortfall due to the cancellation of local events & Torre Abbey £220k due to opening restrictions.
 - Beach Services is forecasting a shortfall of £80k due to lost sales as a result of lockdown.
- 6.13. As a result of the prolonged closure at the RICC the total costs of financial support required is expected to be £750k of spend associated with providing financial support to leisure centres, comprising of £650k for the RICC and £100k for Clennon Valley. These figures are based on assumed recovery and a gradual and increased return to “normal operations” subject to Covid-19 restrictions.

3. Children's Services – Underspend £3.3m

- 6.14. Within Children’s social care there is a total forecast underspend of £3.3m which is a significant improvement from the Period 4 position. This is due to continued hard work within the team to manage placement numbers and achieve planned step-downs for placements. This results in significant financial savings, but more importantly ensures improved outcomes for Children and families and ensures where it is safe and appropriate to do so children and young people live in family based settings.
- 6.15. This underspend is mainly due to the significant and maintained reduction in residential placements. Since September 2019 Children placed in residential settings has reduced from 44 to 24. This trend is expected to continue, with a further 3 placements expected to end during this financial year.
- 6.16. Over the same period LAC numbers have decreased from 350 to 326.
- 6.17. The other historic pressure in Children’s social care has been agency staff which remains 10 FTE lower than since the start of the financial year. Overall there is a £186k forecast underspend on Local Authority funded staffing within Children’s Services.

6.18. Changes in ways of working have also resulted in a forecast £100k saving on travel costs, printing and postage etc. the new ways of working implemented due to Covid-19 restrictions.

3a. Children's Social Care (CSC) – Covid19 – Pressure £1m

6.19. There are concerns that cases of neglect and child abuse will have gone unreported during the lockdown as social distancing means children and families have significantly reduced contact with people outside of their home. As a result there could be an additional £1m of costs associated with safeguarding children as referrals from Schools, NHS and members of the public increase.

6.20. As a result there may be an increase in the LAC population towards the end of October.

3b. Education – Covid19 – Pressure £0.5m

6.21. Due to social distancing restrictions there are significant implications on the current home to school travel arrangements for children with Special Educational Needs (SEN). Before lockdown this service cost £54k per week on transporting 454 children “door to door”.

6.22. With the requirement to comply with social distancing restrictions the weekly costs could increase, costing the Council an additional £0.5m for the remainder of this financial year.

6.23. Government financial support has been received to offset the costs of providing additional public transport during school travel times for the first half of the autumn term. The council has worked with both bus and rail operators to ensure additional public transport was available from the start of this term.

4. Community Services – Underspend £90k

6.24. The main pressure within Community Services is the cost of providing temporary accommodation which is forecast to be a total of £938k. This additional cost is as a result of providing accommodation and support as part of the “Everyone In” initiative. The service is concerned that demand for this service will remain high for the remainder of the year as economic pressures continue.

6.25. Following a successful bid for the Next Steps Accommodation Programme, the Council has received £270k of funding towards the revenue costs for 2020/21. The Council was also successful in receiving funding for a capital bid. More details on this are in paragraph 13.4.

6.26. This is very slightly offset by the £12k Coronavirus (COVID-19) Rough Sleeping Contingency Fund received from Central Government.

6.27. There are some expected shortfalls in income associated with the Food safety and licensing of £150k due to restrictions on the work the team were able to undertake due to lockdown restrictions.

5. Corporate Services – Overspend £0.7m

- 6.28. Within legal services there is a forecast overspend of £0.5m. This is in part due to the ongoing costs associated with Agency Staff of £300k, predominantly as a result of the support for Adult Safeguarding. There are renewed efforts to recruit to permanent staff including a review of market supplements and a grow our own approach. Recharges and income associated with Legal work is forecasting a shortfall of £200k based on historic levels of income achievement.
- 6.29. There is an income shortfall of £158k associated with the Print service, as per previous years. There is a tender evaluation ongoing for this service which may mitigate this position depending on the success of this exercise.
- 6.30. Although income levels have started to improve the Registrars service is forecasting a shortfall of £145k in income due to social distancing restrictions on the registration of Births and Marriages. With a significant number of Weddings re-booked for 2021/22 calendar it is hoped that next years income will recover.

6. Customer Services – Overspend £756k

- 6.31. Housing benefit pressures are forecast of £400k due to the subsidy received by the Council. This is due to the reducing numbers of claimants for Housing Benefit as claimants transition to Universal Credit which reduced the Administration grant received by the Council and this reduction also affects the “mix” of claimants and resultant subsidy for the claimants.
- 6.32. Due to continued lack of availability for Court dates, the Council is unable to establish Liability Orders in respect of unpaid Council Tax or Business Rates. This presents a further £150k of income pressure.
- 6.33. There are £200k of additional staff costs associated with the increased demand within customer services associated with the delivery of support for individuals and businesses in accessing financial support.

7. Finance – Underspend £1m

- 6.34. Within this budget heading there are a number of centrally held Covid-19 expenditure items which are funded by the Government grants received.
- 6.35. As a result of reduced interest rates and no requirement for borrowing due to a pause on Investment Fund activity there are Treasury Management savings of £750k.
- 6.36. There are costs of £842k associated with the Temporary mortuary facility that has been set up by the Council. The facility has been in place since April, and based on the projections for use was partially downsized. The revised facility still has the flexibility to scale up in the event that increased capacity was required.
- 6.37. The costs of the emergency response for the financial year including the Shielding Hub which has been set up to provide support for individuals on the Governments shielding list, additional communication with the community, purchase of PPE, and additional bandwidth for homeworking is forecast to cost up to £400k. The Shielding Hub has provided a range of support for the community and includes a contact centre as well as the provision of food parcels and PPE.

6.38. There are additional pressures associated Business Rates Collection from a reduced allocation from the NNDR rate retention pool of £653k. This is due to a predicted downturn in rates collection across the Devon-wide pool which results in less funding being re-distributed across the pool.

6.39. £300k of contingencies for shortfall in income have been released to mitigate budget shortfalls. There is an impact on interest receipts from the reduction in bank base rate from 0.75% to 0.1% however this is forecast to be offset by compensating savings elsewhere in the treasury management budgets.

6.40. Due to the significantly increased activity in the Revenues & Benefits function additional resources (£100k) have been approved to support the team in administering the Collection Fund. The Council has received additional “new burdens” funding which reflects the huge volume of additional work undertaken by the Business Rates & Council Tax teams in the response to Covid-19, particularly around the payment of business grants, administration of reliefs and re-billing.

8. Investment Properties – Breakeven £0k

6.41. There are pressures associated with investment property income which will be offset by use of the investment fund reserve which is set up as part of every investment property purchase.

6.42. The purpose of this reserve is to meet temporary income shortfalls on investment properties across the portfolio. The in year shortfall from these properties is still an evolving position, however the year end shortfall, to be funded from the reserve, could be up to £1m.

9. Planning & Transport – Underspend £69k

6.43. A reduced contribution for concessionary fares of £200k is forecast which offsets a Covid-19 related pressure associated with service income.

10. Public Health – Underspend £150k

6.44. The majority of Public Health activity is funded by the ring-fenced grant. There is an underspend on the Joint Commissioning team salaries of £150k.

6.45. The Public Health team have been central to the local management of the Covid-19 response and coordinating a range of initiatives to ensure safe and effective management of Covid-19 within the local area.

6.46. The Council has received £886k to support the Test, Track and Trace work carried out locally. Based on current resource allocations this activity is expected to continue into the 2021/22 financial year.

7. Mitigating actions

- 7.1. After taking into account the Government grant support of £10.4m, Income reimbursement scheme and utilising service specific reserves of £0.9m, and the £3.0m revenue underspend from normal (non-covid19) operations, the Council is forecasting an overall budget overspend as at Quarter 2 of £2.2m.
- 7.2. As mentioned earlier in the report the Collection Fund shortfall of £5.2m will impact on the 2021/22 budget. However the Council's clear view is that this shortfall, as COVID related, should be funded by MHCLG. Any additional announcements by MHCLG will be incorporated into the budget position.
- 7.3. Work is underway to develop a revised debt recovery plan for the Collection Fund which will seek to identify households that have been adversely impacted by Covid-19. This will ensure those who "can't pay" are offered targeted additional support and access to financial advice. Whereas those that "won't pay" continue through the escalating collection process as normal.
- 7.4. The financial impact on 2020/21 is constantly evolving and forecasts will be updated as more "actuals" are known. The underlying assumptions are updated linked to service pressures and revised Government guidance and funding announcements.
- 7.5. The financial impact for the Council will depend on the level of recovery in Torbay. This recovery is in terms of both the local economic recovery and collection of Council Tax and NNDR which is vital to deliver local public services.
- 7.6. A moratorium on non-essential spend remains in place. The Chief Finance Officer has arranged additional scrutiny in order to monitor and challenge all orders and contracts placed by officers across the Council.
- 7.7. The Chief Finance officer with the support of the senior management team has reviewed a number of sources of funding that could be applied to mitigate any in year shortfall, however any use of these resources would result in an "opportunity cost" in relation to the original intention for the funding.
- 7.8. In addition to supporting any national or regional lobbying for more Covid19 related funding the Council is also making its case for funding wherever it can. The Council's Chief Executive and Chief Finance Officer have already had meetings with MHCLG to encourage additional funding to be allocated.
- 7.9. The Chief Financial Officer and his team are closely monitoring the Council's cash flow. At this stage there are no concerns about cash flow for the remainder of the financial year.
- 7.10. The Council's Chief Finance Officer has a requirement in certain situations to issue a "section 114 notice" to the Council under the Local Government Finance Act 1988. This states "that the chief finance officer of a relevant authority shall make a report under this section if it appears to them that the expenditure of the authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure".

7.11. Clearly this is a relevant consideration with the current financial pressures. However CIPFA have now issued a statement to encourage councils to consider the exceptional circumstances and to consult with MHCLG prior to such action. At this stage Torbay is not considering issuing such a notice but will continue to both lobby for additional funding and continue to consider options for mitigating the financial impact in 2020/21 and in particular future years.

8. Medium Term Resource Plan

- 8.1. A robust medium term resource plan is crucial to ensuring that future funding gaps for 2021/22 and 2022/23 are addressed. The need for this plan is compounded by the risks associated with the Fair Funding Formula which is not anticipated to provide any respite in addressing Torbay's financial pressure.
- 8.2. In April MHCLG announced the deferral to 2021/22 of the proposed changes to the NNDR retention system and the funding formula, although the NNDR growth since 2013 could be "reset" for April 2021.
- 8.3. In addition to possible rises in demand pressures for social care, the future financial risks facing the Council are compounded by the uncertainty around future funding due to the Autumn 2020 budget being cancelled and the four year spending review being reduced to a one year settlement. Following consultation over the Summer the results of the four year spending review and Torbay's actual funding allocation expected to be confirmed in December 2020.
- 8.4. The financial impact of Covid19 in future years has been initially estimated at £8m, (including 1/3rd of the 20/21 collection fund deficit carried forward), but this is clearly a position that will evolve over the next few months. A number of the spending pressures seen in 2020/21 could reoccur in 2021/22 such as home to school transport and housing. In addition if the economy is impacted as predicted a number of income sources will continue to be affected such as rental income, car park receipts, council tax and NNDR collection.

9. Risks & Sensitivity

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

Risk	Impact	Mitigation
Continued loss of income	High	Recovery meetings have been convened by the Chief Finance Officer for all the Council's main areas of income. Each group is tasked with developing an action plan to influence income where possible
Collection Fund shortfall	High	Additional resources allocated to support the Revenues & Benefits team.
Fair Funding Formula	High	Development of a robust MTRP to address the expected impact on Torbay's funding.

Identification, and achievement, of savings for 2021/22 to 2022/23 per Medium Term Resource Plan	High	Finance colleagues are working with the transformation team coordinate the implementation of potential transformation savings. Senior Leadership Team and Cabinet will need to consider options for future years.
Delivery of Children's Services cost reduction plan	High	Weekly meetings have been convened to monitor the current rate of delivery against the identified actions from the recovery plan.
Unable to recruit staff and need to use agency staff.	High	Recruitment & retention of Social Work staff, particularly in safeguarding is one of the core priorities for the Senior management team within Children's Services.
Additional demand and cost pressures for services particularly in children's social care	High	2020/21 Budget monitoring, use of service performance data and recovery plan.
Delivery of approved savings for 2020/21	Medium	Further to regular budget monitoring for all budget holders, the Council's Senior Leadership Team receive monthly updates on the 2019/20 position including a savings tracker for each of the approved savings.
Investment Property Income changes	Medium	This has been increased from Low to Medium due to the economic impact of Covid19. There are ongoing discussions with tenants about recovery plans

10. Capital Plan Summary

- 10.1 The overall funding position of the 4-year Capital Plan Budget of £298 million, covering the period 2020/21–2023/24, is primarily fully funded, but includes a requirement to generate £7.4m of Capital income from capital receipts and capital contributions over the life of the Capital Plan.
- 10.2 The movements in the estimate of expenditure in 2020/21 on the Capital Plan between the last monitoring report at July 2020 of £60.8m and the current approved budget for 2020/21 of £59.2m are shown below.

11. Updates to Capital Plan

Scheme	Variation in 2020/21	Change £m	Reason
Estimate as at Q1 2020/21		60.8	Capital Plan Update – 2020/21 Quarter 1 (Report Cabinet 29 Sep 2020)
Budget changes since last report (Q1 2020/21)			
Thriving People and Communities			
Capital Repairs and Maintenance 20/21	Additional budget	0.2	Increased Govt. grant allocation
Mayfield Expansion	Part budget to 20/21	0.3	Budget initially provided in 2021/22 moved to current year
Sixth Day Provision	Part budget to 20/21	0.3	Budget initially provided in 2021/22 moved to current year
St Cuthbert Mayne expansion	Part budget to 20/21	0.5	Budget initially provided in 2021/22 moved to current year
Disabled Facilities Grants	Rescheduled budget	(0.4)	Part budget moved to next financial year
Next Steps Torbay	New project	2.2	New MHCLG grant allocation £1.05m and required match funding
		3.1	
Thriving Economy			
Claylands Redevelopment	Additional budget	0.1	Additional funds from Integ. Transport for junction works
Integrated Transport	Transferred funding	(0.1)	Transfer to Claylands
Brixham Harbour-Oxen Cove Jetty and Breakwater	Savings on schemes	(0.1)	Schemes completed
RICC Improvements	Rephased budget	(1.0)	Part budget moved to 2021/22
Torbay Leisure Centre	Rephased budget	(0.1)	Part of budget unlikely to be spent until next year

Town Centre Regen & Econ Growth Fund.	Reduced budget	(2.2)	Funds allocated to Nightingale Park Solar Farm
TC Regeneration – Harbour View hotel	Rephased budget	1.0	Part budget to 20/21 from 21/22
Econ Growth Fund – Old Toll House	Rephased budget	(0.4)	Budget to 2021/22
Econ Growth Fund – TCCT Occombe	Rephased budget	(0.5)	Budget to 2021/22
Towns Fund (Torquay)	New Project	0.8	Govt. grant for accelerated Towns Fund projects
		(2.5)	
Climate fit for the Future			
Solar Farm - Brokenbury	Rephased budget	(1.0)	Most spend likely next year
Solar Farm - Nightingale Park	New scheme	2.2	Approved allocation from Econ Growth Fund
	Rephased budget	(2.0)	Most of budget moved to next year
		(0.8)	
Council fit for the Future			
General Contingency	Rephased budget	(0.1)	Not required in 20/21
		(0.1)	
Investment Fund			
No planned expenditure		0.0	
Revised forecast capital spend for 2020/21		60.5	

Thriving People and Communities

- 11.1 Schools projects at Brookfield site (Brunel Academy Ph. 1), Ellacombe Nursery, Secondary School Expansion have finished with some small savings which have been transferred to the Brunel Academy Ph. 2 and Education Review Projects budget lines.
- 11.2 Work has begun on St. Cuthbert Mayne Expansion (£0.5m), Mayfield Expansion (£0.3m) and Sixth Day Provision (£0.25m) and some of the budgets (bracketed amounts shown) held in 2021/22 have been moved to the current year to cover estimated expenditure levels.
- 11.3 Capital Repairs and Maintenance 20/21 – The Government have recently announced an additional grant allocation to improve school conditions and this extra £0.2m has been added to the existing budget.
- 11.4 IT Replacement (Children’s Case Management) - £0.3m of the budget for the replacement case management system is likely to be spent in the next financial year so the budget has been adjusted accordingly.
- 11.5 Disabled Facilities Grants – some reduced demand during Covid lockdown but demand now picking up again. Some of the budget will probably not be required until 2021/22, so £0.369m of budget has been moved.
- 11.6 Next Steps Accommodation Project, Torbay – new Government (MHCLG) grant allocation following successful bid to enable acquisition of properties as temporary accommodation for homeless / rough sleepers. Funding is to be used by 31 March 2021. The scheme will be delivered through Tor Vista and requires borrowing totalling £0.933m and a contribution from the Affordable Housing budget of £0.15m.
- 11.7 Adult Social Care – funding identified under this heading will be transferred out and used to facilitate the proposed mixed use redevelopment at Crossways, Paignton and Torre Marine, Torquay.
- 11.8 Affordable Housing - £1.7m resources have been transferred to support the mixed use scheme at Crossways which will include affordable housing units.

Thriving Economy

- 11.9 Brixham Harbour – The schemes at Brixham Breakwater and Oxen Cove Jetty were completed last year and no further costs are expected. Consequently the remaining budgets of £0.109m and £0.017m respectively are not required and have been removed.
Claylands redevelopment – £0.04m additional funds from Integrated Transport to support necessary works to junction at site.
- 11.10 RICC Improvements – Some of the improvement works will now likely occur in the next financial year so £0.95m of the budget is transferred to 2021/22.
- 11.11 Torbay Leisure Centre (Parkwood) – Loan facilities to enable enhancements at the Leisure Centre. Some planned works are now unlikely to be achieved in the current year so part now transferred to 2021/22.
- 11.12 South Devon Highway – Devon CC have provided details of their latest estimates of remaining payments which indicate £1.3m of budget should be transferred to next year. The estimates also indicate that Torbay’s total contribution to the scheme could now be £1.3m over the current budget, which is £0.3m higher than potential overspend reported last quarter. If this is accurate, additional funding, possibly Prudential Borrowing, will be required. No changes have yet been made to the budget or funding resources in the Capital Plan until the situation is clearer.

- 11.13 Regeneration and Economic Growth Fund – some of these unallocated resources have now been allocated to specific schemes including Nightingale Park Solar Farm £2.2m.
- 11.14 Regeneration – Harbour View hotel – Some delays to works to enable additional site surveys however now back on site and progressing. Latest expected cashflow requires £0.1m of the budget to be transferred from next financial year to current year.
- 11.15 Economic Growth Fund-Old Toll House – Progress is not as fast as hoped and £0.4m of the scheme budget is now transferred to next year.
- 11.16 Economic Growth Fund-TCCT Ocombe Farm – Expenditure to partially fund redevelopment and enhanced facilities at Ocombe Farm are unlikely to be completed in this financial year. Consequently £0.5m of the funding is moved to next year, 2021/22.
- 11.17 Towns Fund (Torquay) – Council has received £0.75m in accelerated funding for projects listed in the Town Investment Plan. This is to deliver long term economic and productivity growth as part of the Towns Fund. The funds will enable work to revitalise areas including Upton Park, Princess Gardens and Rock Walk.
- 11.18 Flood Defence schemes – Projects at Cockington and Monksbridge have been delayed by various objections. Consequently expenditure plans now indicate that £0.3m of their budgets are transferred to next financial year.
- 11.19 Libraries Unlimited – the work to upgrade IT for Libraries Unlimited is now being funded from revenue using S106 resources so the budget and funding have been removed from the Capital Plan.

Climate Fit for the Future

- 11.20 Solar Farm, Brokenbury – In view of planning timescales there is unlikely to be significant expenditure in this year so £0.95m of the budget has been transferred to next year to reflect the estimated spend pattern.
- 11.21 Solar Farm, Nightingale Park – Cabinet in August 2020 approved the allocation of £2.2m resources from the Economic Growth Fund to investigate and develop the potential of a solar farm at Nightingale Park, Torquay. £2m part of the budget has now been transferred to next year in line with likely expenditure.

Council Fit for the Future

- 11.22 Corporate IT Developments – increased budget of £0.3m to enable upgrade work, funded from available Reserves.
- 11.23 IT Equipment –TOR2 - As part of the Transition project for conclusion of the TOR2 contract, Council agreed to provide £0.6m funds from Reserves to facilitate operational changes. Currently £0.15m has been identified for potential capital items including upgrades of IT equipment to support new working arrangements.
- 11.24 General Contingency – There is currently no expectation that this Contingency will be required in this financial year so the small residual budget held in 2020/21 has been moved to 2021/22.

12. Receipts & Funding

12.1 The funding identified for the latest Capital Plan budget is shown in Appendix 1. This is based on the latest prediction of capital resources available to fund the budgeted expenditure over the next 4 years. A summary of the funding of the Capital Plan is shown in the Table below:

Funding	2020/21 £m	2021/22 £m	2022/23 £m	2023/24 £m	Total @ Q2 20/21 £m
Unsupported Borrowing	35	154	63	0	252
Grants	19	10	6	0	35
Contributions	1	0	0	0	1
Revenue	0	0	0	0	0
Reserves	1	1	0	0	2
Capital Receipts	3	1	4	0	8
Total	59	166	73	0	298

13. Grants

13.1 Since the last Capital Plan update (Quarter 1 2020/21) reported to Cabinet in September 2020, the Council has been notified of the following capital grant allocations:

13.2 Dept. for Education – School Condition Allocation £0.194m an additional allocation to improve the physical condition of school buildings. This has been added to the Schools Capital Repairs 20/21 budget.

13.3 MHCLG – Towns Fund £0.75m grant allocation to enable accelerated activity to revitalise areas of Torquay outlined in the Town Investment Plan. A decision on the full £25m bid is expected later in the year. (Update: this has now been announced with a £22.1m allocation for Torbay subject to business case submission)

13.4 MHCLG – The Council's bid for Next Steps Accommodation Project of £1.05m.

14. Capital Receipts

14.1 The approved Plan relies on the use of £7.8m capital receipts. The Council has received £0.4m from asset disposals as at the end of September 2020.

14.2 Consequently the remaining Capital Receipts target to fund the Capital Plan stands at £7.4m still to be achieved. This target is expected to be achieved provided that:

- expected disposals of land and/or assets are completed
- the Council continues with its disposal policy for surplus and underused assets and,
- no more new (or amended) schemes are brought forward that rely on the use of capital receipts for funding.

15. Capital Contributions – S106 & Community Infrastructure Levy

- 15.1 The Council's Capital Strategy states that capital contributions are applied to support schemes already approved as part of Capital Plan and are not allocated to new schemes unless the agreement with the developer is specific to a particular scheme outside the Capital plan.
- 15.2 Income from Section106 capital contributions so far in 2020/21 amount to £0.1m, but these are largely already earmarked for use on existing schemes
- 15.3 The Council's Community Infrastructure Levy (CIL) scheme came into effect from 1 June 2017. The main capital project identified for funding from CIL receipts is the South Devon Highway. Some CIL funds are now being received and a percentage of these receipts have to be given to local neighbourhood planning areas as the "neighbourhood proportion". A small amount of CIL has been received so far in 2020/21.

16. Appendices:

- 16.1 Appendix 1 - Capital Plan summary – Quarter 2 2020/21