

Wednesday, 17 May 2023

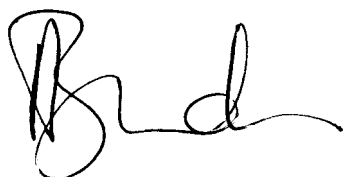
Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **The Burdett Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 25 May 2023** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,



Anne-Marie Bond
Chief Executive

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

Together Torbay will thrive

Download this agenda via the free modern.gov app on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#). For information relating to this meeting or to request a copy in another format or language please contact:

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

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

Meeting of the Council Agenda

1. Apologies for absence

2. Declarations of interests

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

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

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

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

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

3. Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Lead Members

4. Appointments to Council Committees, Working Parties and Other Bodies and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2023/2024

To consider a report that seeks to appoint the Council's committees, working parties, Chairmen/women and Vice-Chairmen/women, outside organisations and other groups.

5. Calendar of Meetings for 2023/2027

To approve the programme of ordinary meetings of the Council for the four year term up to May 2027.

6. Composition and Constitution of the Cabinet and Record of Delegations of Executive Functions

To receive details from the Leader of the Council of the composition and constitution of the Cabinet for 2023/2024, together with the record of delegations of Executive functions (in accordance with Standing Order C2).

7. Scheme of Delegation for Council Functions

To agree the scheme of delegation for Council functions as set out in Part 3 of the Constitution in so far as they relate to Council functions.

(view:

<https://www.torbay.gov.uk/DemocraticServices/ieListMeetings.aspx?CId=458&info=1>)

8. Overview and Scrutiny Annual Report 2022/2023

(Pages 4 - 19)

To receive the Overview and Scrutiny Annual Report for 2022/2023.

9. Constitution Amendment Local Protocol - Civic and Ceremonial

(Pages 20 - 37)

To consider a report that sets out proposed updates and revisions to the Local Protocol for Civic and Ceremonial in order to reflect current practice.

10. Statutory Officer Appointment

To confirm the permanent Statutory Officer appointment of the Interim Monitoring Officer - Amanda Barlow.

Meeting Attendance

Please note that whilst the Council is no longer implementing Covid-19 secure arrangements attendees are encouraged to sit with space in between other people. Windows will be kept open to ensure good ventilation and therefore attendees are recommended to wear suitable clothing.

If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

Live Streaming

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

Overview and Scrutiny Annual Report 2022/2023

April 2023



Contents

Foreword	4
1. Key information about Overview and Scrutiny	5
The operation of overview and scrutiny	5
Residents and stakeholders can get involved by:	5
Scrutiny’s Role.....	5
2. Snapshot of scrutiny development in 2022/2023	6
Focusing on the issues which matter	6
Equal importance placed on policy development.....	6
Complementing the work of the Cabinet.....	6
Pre-Briefings and Work Planning.....	6
3. Overview and Scrutiny in Numbers 2022/2023	7
Key:.....	7
4. Snapshot of some of the Key Achievements 2022/2023	8
Highways Review	8
Continued to Support Children’s Services Improvement Journey	9
Scrutiny of Adult Social Care and Health	10
6. Topic List	11
Overview and Scrutiny Board	11
Children and Young People’s Overview and Scrutiny Sub-Board.....	12
Adult Social Care and Health Overview and Scrutiny Sub-Board	12

Page

Panels.....	13
7. Current and Future Work Programme.....	13
8. Call-in of decisions	14
9. Community involvement	14
How to get involved in overview and scrutiny	15

This document can be made available in other languages and formats. For more information please contact governance.support@torbay.gov.uk or telephone (01803) 207087

Foreword

This year has been a busy year for Overview and Scrutiny, continuing to respond to the issues arising from Covid-19 and the cost of living crisis as well working with our communities and partners to make improvements in respect of health scrutiny through the creation of the Adult Social Care and Health Overview and Scrutiny Sub-Board.

We continued to take a leading role in the Leader and Cabinet's Budget development for 2022/2023 and I am pleased that most of our recommendations informed the final budget proposals. In addition to the budget, the Board has investigated several issues and I believe has made a notable difference in some of the key decisions made by the Cabinet, especially those around children and young people and domestic abuse and sexual violence.

I would like to take this opportunity to thank everyone who has played a part in contributing towards the work of the Council's Overview and Scrutiny Boards, Sub-Boards and Panels. Overview and Scrutiny, the Cabinet and our key partners in Health, the voluntary sector and Police have continued to work together to try to make a positive difference for the people of Torbay.

This report gives details of the work which has been undertaken by Overview and Scrutiny over the course of the 2022/2023 Municipal Year.

Councillor Maggi Douglas-Dunbar
Overview and Scrutiny Co-ordinator

1. Key information about Overview and Scrutiny

The operation of overview and scrutiny

Councillor Douglas-Dunbar has been the Overview and Scrutiny Co-ordinator since May 2021. She is supported by Scrutiny Lead Members:

- Councillor Bye – Children’s Services (and Vice-Chair of the Overview and Scrutiny Board);
- Councillor Johns – Health and Adult Services;
- Councillors Foster and Barrand – Community and Corporate Services; and
- Councillor Kennedy – Place.

The Overview and Scrutiny Board meets monthly with task and finish Panels created to consider topics in greater detail. The Overview and Scrutiny Board comprised of Councillors Atiya-Alla, Barnby, Barrand, Brown, Bye, Douglas-Dunbar, Foster, Johns, Kennedy and Loxton.

The Adult Social Care and Health Overview and Scrutiny Sub-Board (a Sub-Committee of the main Board) was established in May 2022 to provide greater focus on issues in relation to adult social care and health and fulfils the statutory health overview and scrutiny function and normally meets monthly. This Board was Chaired by Councillor Johns and comprised of Councillors Barnby (Vice-Chairwoman), Douglas-Dunbar, Foster, Loxton and O’Dwyer. Representatives

from Healthwatch Torbay and the Voluntary Sector Network were appointed as non-voting co-opted members on the Board to help provide independent expert advice.

Residents and stakeholders can get involved by:

- Attending public meetings;
- Giving evidence to one of the Panels, Boards/Sub-Boards; and
- Sending in comments about a review.

Scrutiny’s Role

To make recommendations to the Cabinet, Council or key partners in accordance with following principles:

- Focusing on the issues which matter.
- Policy Development is of equal importance to “holding to account”.
- The Forward Plan is the key tool for managing the decision making process.
- The relationship between overview and scrutiny and the Cabinet should seek to complement one another.
- All Councillors should have the opportunity to help shape policy decisions at an early stage.

Meetings:

- Are open to the public to attend.
- Typically last 2-3 hours.
- Meet regularly (during the daytime and evenings).
- Have a formal structure, but are run in an accessible way.
- Papers are published on the Council's website at [Committee structure \(torbay.gov.uk\)](https://www.torbay.gov.uk/committees).

2. Snapshot of scrutiny development in 2022/2023

Focusing on the issues which matter

The Adult Social Care and Health Overview and Scrutiny Sub-Board has undertaken the statutory health scrutiny duty (on behalf of the main Board) providing oversight of health services in Torbay and clinical services across the peninsula and has also taking part in masterclass sessions run by Devon County Council. It has held our health partners to account including South Devon NHS Foundation Trust, One Devon and NHS England for delivery of services to the residents of Torbay.

The Board continued to receive regular reports on the Council's revenue and capital budgets. It has closely monitored and challenged the performance and outcomes for children holding the Cabinet and our key partners to account through the Children and Young People's Overview and Scrutiny Sub-Board.

Equal importance placed on policy development

The Overview and Scrutiny Board and its Sub-Boards provided feedback during the development of the following Council's key Policy Framework Documents.

- Destination Management Plan 2022-2027;
- Draft Torbay Economic Growth Strategy 2022-2030;
- Draft Housing Strategy;
- Domestic Abuse and Sexual Violence Strategy;
- Draft Housing Strategy; and
- Revised Corporate Parenting Strategy.

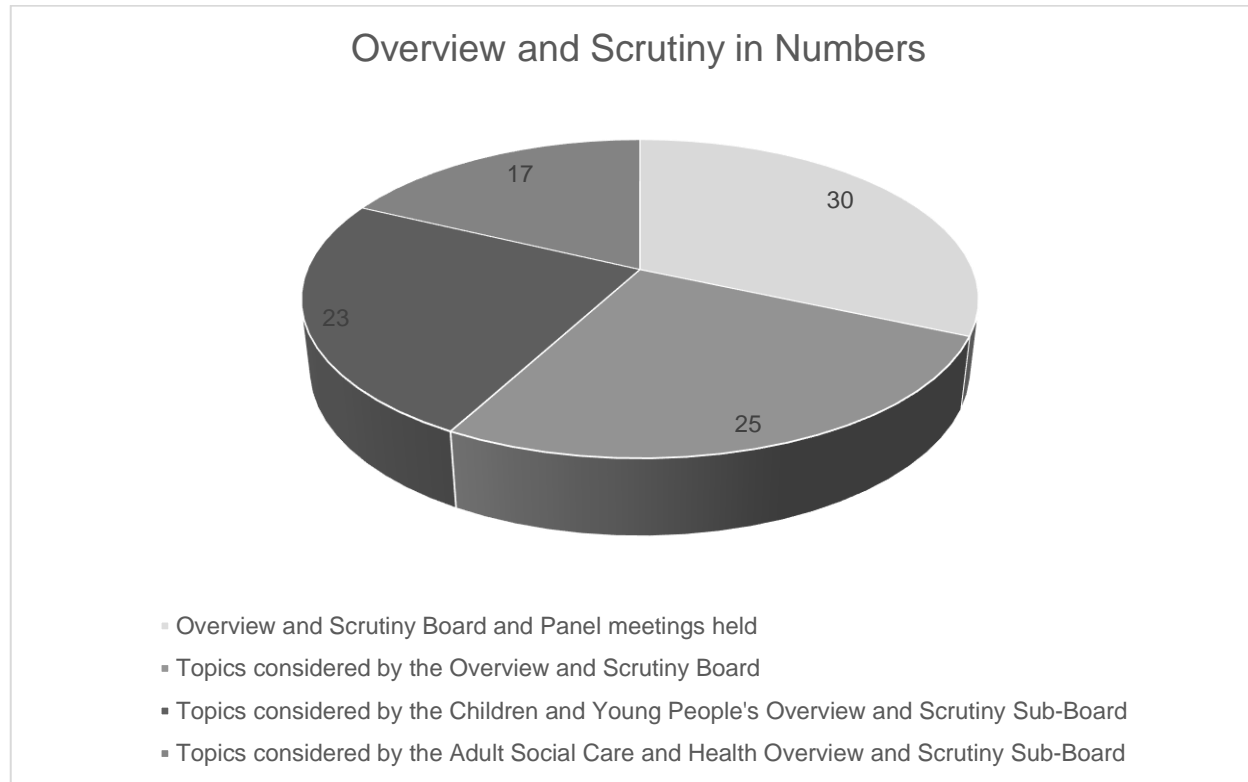
Complementing the work of the Cabinet

The Overview and Scrutiny Board continue to seek to complement the work of the Cabinet, with strategic meetings held between the Overview and Scrutiny Co-ordinator, Overview and Scrutiny Board Vice-Chairman and the Leader of the Council.

Pre-Briefings and Work Planning

Monthly briefings have enabled better member engagement and more focussed debate at Board meetings, developing key lines of questioning and exploring upcoming items to ensure relevant items are considered at the right time with key attendees invited to contribute towards discussions. The Forward Plan was also used as a tool to identify key issues for consideration by the Board.

3. Overview and Scrutiny in Numbers 2022/2023



Page 10

Key:

- 30 Overview and Scrutiny Board and Panel meetings held
- 25 Topics considered by the Overview and Scrutiny Board
- 23 Topics considered by the Children and Young People's Overview and Scrutiny Board
- 17 Topics considered by the Adult Social Care and Health Overview and Scrutiny Sub-Board

4. Snapshot of some of the Key Achievements 2022/2023

Highways Review

Following a review of the Cabinet's Revenue and Capital Plan Budgets for 2022/2023 via the Priorities and Resources Review Panel, which resulted in additional funding being allocated for highways, the Board agreed that a key priority area for overview and scrutiny was:

- To understand the current situation on how highways schemes are prioritised and funded and explore the options available for future highways improvements.
- To explore how we can work with our key partners and utilities on major highways projects (such as Network Rail and BT Openreach).

The Overview and Scrutiny Board established a Highways Task and Finish Group on 27 January 2022. The Panel worked with key officers from the Council's Senior Leadership Team, Planning and Highways Teams, as well as receiving valued contributions from members of the public. The Panel heard evidence from the Leader of the Council, Cabinet Members for Infrastructure, Environment and Culture and Corporate and Community Services as well as representatives from Network Rail, BT Openreach, Torquay Chamber of Trade and Commerce, Cockington, Chelston, Livermead Community Partnership, the Police and Vision Zero

South West regarding the replacement of the railway bridge on Torquay Road and the road works at Torwood Street.

The review has resulted in:

- Improved and regular communications and signage with Councillors, the community and members of the public and between SWISCo and contractors/Communications Team on highways scheme and roadworks.
- Identification of Ward Councillors and Community Partnerships as the first point of contact for sharing information with communities.
- The Leader of the Council writing to and meeting Network Rail regularly regarding the delays in completing the railway bridge on Torquay Road.
- Improved governance around budget allocations and expectations for delivery by SWISCo on highways works.
- Request for a review of the Controlled Parking Zone Policy alongside the Council's Parking Strategy to ensure it is fit for purpose.
- Review of structure of parking Team to increase enforcement capacity.
- Dual tracking to be consider for Queensway road safety scheme at the same time as the Fore Street Barton scheme.
- Close working with the Director of Pride in Place and Vision Zero South West.
- Road safety campaign launched in September 2022.
- Improved communication from the Police on Community Speed Watch and road safety initiatives.

The full report of the Highways Review and the Cabinet response can be found at

Continued to Support Children's Services Improvement Journey

The Children and Young People's Overview and Scrutiny Sub-Board has had a busy year working with and holding to account the Chief Executive, Director of Children's Services and Cabinet Member for Children's Services across a wide range of topics. The Sub-Board is supported by the following key co-opted members:

- Tatiana Wilson/Claire Platt, Church of England Diocese;
- Laura Colman, Primary Parent Governor;
- Jo Morrell, Torbay Youth Trust;
- Frank Tsyplek, Torbay Youth Trust Junior Participation Worker (Care Experienced);
- Mike Cook, Imagine This Partnership Board; and
- Edward Wright, Devon and Cornwall Police.

The Sub-Board has regularly monitored the work of the Children's Continuous Improvement Board which had been expanded to ensure a joined up and partnership approach to supporting children and young people, following the change of rating of Children's Services to 'Good' in May 2022 from Ofsted. They continued to challenge and seek assurance that appropriate and timely action was being taken to address areas of concern e.g. child and adolescent mental health services (CAMHS) remaining a challenge in Torbay as well as at a national level. Members undertook a detailed look at CAMHS and sought to promote wider the support

available to help children and young people with their emotional and mental health needs.

The Sub-Board continued to recognise the key role that all Members had as Corporate Parents and had regard to this when reviewing the revised Corporate Parenting Strategy which had an overall objective to ensure that all children, young people and care experienced young people and adults are safe, happy and healthy in order that they can fulfil their full potential. Key to the Strategy was ensuring the voice of the child and young person and their family was taken into account when designing and delivering services.

Exploitation, elected home education and exclusions were three key areas of concern that were regularly considered and actions challenged by the Sub-Board to ensure a multi-agency approach to tackling these issues. The Sub-Board will continue to receive regular updates on these areas to ensure action is being taken in a timely manner.

The Sub-Board also reviewed the Youth Justice Plan and Youth Justice Team (former Youth Offending Team) to ensure that a suitable and sufficient partnership approach was being taken, with support from the voluntary and community sector to reduce the number of young people from offending or reoffending.

The Sub-Board also played a fundamental part in reviewing and challenging the Torbay Local Area Special Educational Needs and Disability (SEND) Joint Inspection Written Statement of Action to ensure a timely response was being put into action to the issues identified within the Joint Area Inspection for SEND.

Scrutiny of Adult Social Care and Health

The Adult Social Care and Health Sub-Board have spent the last 12 months getting up to speed and understanding the complexities of adult social care and health. This included the new Care Quality Commission Regulation of local authority functions relating to Adult Social Care with a similar inspection regime to Children's Services which is carried out by Ofsted. As well as the new Integrated Care Organisation and Board arrangements which had come into force on a regional basis. In considering the current arrangements for adult social care the Sub-Board requested key officers to look at the southern area overall to explore vacant capacity for respite beds and how Torbay Council could work with Devon County Council and other partners to make best use of scarce resources.

The Sub Board held Torbay and South Devon NHS Foundation Trust to account for the delivery of services at Torbay Hospital through considering the Care Quality Commission (CQC) Inspection Report and sought updates on the discharge improvement programme and recommended that statistics covering the issues raised by the CQC be included within the dashboard of compliments and complaints to aid with their future monitoring. They also considered the draft Quality Account for 2021/2022 for Torbay and South Devon NHS Foundation Trust which set out the quality of services and improvements at Torbay Hospital.

The Sub-Board undertook a detailed review of dentistry provision within Torbay which explored the following areas:

- How was dentistry funded and how were the units of dental activity (UDA) calculated which meant that dentists were paid different amounts across the country.

- When and how could contracts be changed.
- What work was being done to encourage children to visit the dentist.
- There were other benefits of visiting the dentist including overall oral health and spotting other disease e.g. cancer, what was being done in the community to encourage people to have better oral health and raise awareness of potential early warning signs of other health issues.
- There were a lot of pilots being carried out, how soon could they be rolled out in Torbay and what more could be done sooner to improve access to dentists and improve oral health.
- How soon was it expected that numbers of children visiting dentists would be back to pre-pandemic levels.
- What follow up action was being taken on the pilots e.g. the teeth brushing in schools to ensure that parents also follow this up with teeth brushing before bed and that support in school would not result in less support at home.
- What was being done to improve waiting times for adults and vulnerable children.
- What could be done to encourage more people into dentistry (e.g. improved working conditions, access to housing etc.) and to use dentistry staff for other roles to enable more patients to be seen.
- Dentists were expected to meet 96% target otherwise funding was clawed back, how does this process work and what was the impact.
- Yorkshire has dental access centres in their town centres was this something that could be looked at for Torbay.
- What work was being done to focus support on areas of deprivation and how this linked to schools (it was suggested

that free school meals may be a good indicator to use to identify suitable children and families to support).

- How can we ensure that money clawed back from dentists in Torbay was invested in preventative and good oral health for people in Torbay.
- Were vaping and fizzy drinks considered bad for oral health.
- How were we monitoring the success of the dental reform programme.

Lincoln Sargeant (Director of Public Health, Mark Richards (Public Health Specialist), Wendy Okurut (Brixham Town Council) and Pat Harris (Healthwatch) also took part in the discussions and debate.

The Sub-Board agreed that NHS England/the Integrated Care Partnership be requested to provide an annual update to the Torbay Adult Social Care and Health Overview and Scrutiny Sub-Board on improvements in dental access and planned oral health improvement initiatives, including key outputs and key performance indicators via an accessible dashboard (the content of which to be agreed with the Director of Public Health).

The Sub-Board also reviewed the One Devon Partnership Integrated Care Strategy which set out the direction for the system on how NHS commissioners, local authorities, providers and other partners could delivery a more joined up, preventative and person centred care for the whole of the population across the course of their life.

Members also reviewed the provision of domiciliary care and unpaid carers and the valued work provided to vulnerable adults across Torbay and supported the direction of travel to improve these valued areas of care and support.

6. Topic List

Overview and Scrutiny Board

- Turning the Tide on Poverty
- Destination Management Plan 2022-2027 (Policy Framework)
- Climate Change Emergency Update
- Budget Monitoring Outturn 2021/2022
- Draft Torbay Economic Growth Strategy 2022-2030 (Policy Framework)
- Grant Funded Programmes
- Budget Monitoring Quarter 1 2022/2023
- Highways Review Report of the Highways Review Panel
- Delivery of Capital Projects
- 2022/2023 Budget Pressures Review Report of 2022/2023 Budget Review Panel
- Capital Projects Additional Funding
- Draft Housing Strategy – Initial Draft (Policy Framework) and Report of Torbay’s Housing Crisis Review Panel
- Domestic Abuse and Sexual Violence Strategy (Policy Framework)
- Budget Monitoring Quarter 2 2022/2023 – Initial Review
- Safer Communities Torbay – Community Safety Partnership Review
- Budget Monitoring Quarter 2 2022/2023 – Updated Report
- Climate Change Emergency Update
- Delivery of Capital Projects
- Review of Council Investments
- Draft Housing Strategy and Public Consultation (Policy Framework)

- Revenue and Capital Budget 2023/2024 Report of the Overview and Scrutiny Board (Recommendations arising from the Priorities and Resources Review Panel 2023/2024)
- Special Educational Needs and Disabilities (SEND) Local Area Strategy
- Torbay Place Leadership Board and the Torbay Story
- Budget Monitoring Quarter 3 2022/2023
- Levelling Up Round 2 Outcome

Children and Young People's Overview and Scrutiny Sub-Board

- Ofsted Feedback
- Youth Justice Plan
- Update on recruitment campaign for child minders
- Exclusions update
- Children's Continuous Improvement Board Update – July
- Update on review of Youth Justice Team (formerly Youth Offending Team)
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker – July
- Torbay Local Area Special Educational Needs and Disabilities (SEND) Joint Inspection Written Statement of Action Update
- Childcare Duty Sufficiency Report
- Update on Five Child Friendly Task and Finish Groups
- Exploitation Update
- Update on Elected Home Education
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker – November
- Review of the Learning Academy
- Virtual School Annual Report 2021/2022

- Revised Corporate Parenting Strategy (Policy Framework)
- Youth Justice Plan Update – January
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker – January
- Child and Adolescent Mental Health Service (CAMHS)
- Children's Services Self Assessment
- Torbay Local Area Special Educational Needs and Disability (SEND) Joint Inspection Written Statement of Action Update
- Young People – Housing Strand Update
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker – March

Adult Social Care and Health Overview and Scrutiny Sub-Board

- Torbay and South Devon NHS Foundation Trust – Torbay Hospital Care Quality Commission Inspection Report
- Adult Social Care Governance Changes
- Terms of Reference and Membership of the Adult Social Care and Health Overview and Scrutiny Sub-Board
- Adult Social Care and Health Overview and Scrutiny Sub-Board Work Programme 2022/2023
- Wait times for Adult Social Care Assessments and Care
- Suicide Prevention in Torbay
- GP Strategy for Devon
- Torbay and South Devon NHS Foundation Trust Quality Account 2021/2022
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker - October
- Review of Dentistry Provision in Torbay

- One Devon Partnership Integrated Care Strategy
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker - November
- Review of Domiciliary Care
- Review of unpaid carers
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker - January
- Care Quality Commission Regulation of local authority functions relating to adult social care
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker – February

Panels

- Review of Council Redesign Programme and Accessibility
- Review of Highways
- Torbay’s Housing Crisis Review Panel continued to meet to monitor the implementation of the recommendations arising from its review and to review the draft Housing Strategy
- 2022/2023 Budget Pressure Review Panel
- Priorities and Resources Review Panel

7. Current and Future Work Programme

The Overview and Scrutiny work programme needs to be flexible in order to address any issues that arise throughout the Municipal Year. A number of new topics were added to the programme during the year and the timing of some of the items was varied to enable key items to be considered in a timely manner.

The future Work Programmes will be agreed by the Overview and Scrutiny Board and Sub-Boards following the Local Government Elections in May 2023.

Overview and Scrutiny will continue with its flexible approach to work programming to ensure that it is able to react to issues as they arise and in respect of Review Groups, which will be subject to available staff resources.

The different ways of working that have now been established as a result of Covid-19 have provided greater accessibility to Overview and Scrutiny, not only in terms of potential public engagement, but by also making it easier for expert speakers to participate as geography is no longer an issue or a barrier in that respect.

8. Call-in of decisions

The call-in process is one of the mechanisms which can be used to hold the Cabinet to account.

The purpose of call-in is to examine the decisions reached by the Cabinet (or other decision makers) and the reasoning behind those decisions. The process enables further public debate to be held on the subject. The Overview and Scrutiny Board can then consider whether the decision was appropriate and make recommendations accordingly.

Page 17
There were no call-ins during 2022/2023.

9. Community involvement

The Overview and Scrutiny Boards and Panels engage with a wide selection of groups, organisations and individuals. We welcome the opportunity to hear from members of the public at our meetings and your input is important in understanding the concerns and needs from our communities. To support this approach and in addition to the statutory education co-opted members the Children and Young People's Overview and Scrutiny Sub-Board has appointed a number of non-voting co-opted members to provide expert advice, representing the following:

- Devon and Cornwall Police;
- Torbay Youth Trust;
- Care experienced young person; and
- Imagine This Partnership Board.

Representatives from Healthwatch Torbay and the Voluntary Sector Network were also appointed as non-voting co-opted members on the Adult Social Care and Health Overview and Scrutiny Sub-Board to help provide independent expert advice.

How to get involved in overview and scrutiny

- **Attend meetings** – our scrutiny meetings are open to the public and you are welcome to come along and listen to the debate and discussion. Please note that reports may be considered in private if they contain confidential information.
- **Ask a question or make a point** – if you would like to make a representation at a meeting, please email governance.support@torbay.gov.uk at least two days before the meeting so that we can let the Chairman know in advance. It is helpful to know what you would like to raise in order for it to be considered at the appropriate time during the discussions.
- **Request a review** – if there is something you think scrutiny could look at, then let us know via governance.support@torbay.gov.uk
- **Consultation and participation** – you could be asked for your views on an issue or be invited to provide specialist knowledge you might have by being a witness in a scrutiny review.

Contact Us

Overview and Scrutiny
Torbay Council
Town Hall
Torquay
TQ1 3DR

governance.support@torbay.gov.uk

www.torbay.gov.uk/scrutiny

Meeting: Adjourned Annual Council

Date: 25 May 2023

Wards affected: All Wards

Report Title: Constitution Amendment Local Protocol – Civic and Ceremonial

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

Lead Officer Contact Details: Amanda Barlow, Monitoring Officer,
amanda.barlow@torbay.gov.uk

1. Purpose of Report

- 1.1 This report sets out proposed updates and revisions to the Local Protocol for Civic and Ceremonial in order to reflect current practice. The Protocol has been reviewed in preparation for the local elections and to support the induction and election of a new Civic Mayor and Deputy Civic Mayor in May 2023.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report ensures the Local Protocol for Civic and Ceremonial is up to date and fit for purpose.

3. Recommendation(s) / Proposed Decision

1. That the Council approves the revised Local Protocol – Civic and Ceremonial as set out at Appendix 1 to this report.

Appendices

Appendix 1: Revised Local Protocol – Civic Ceremonial

Background Documents

[Future Approach to Constitution Amendments.pdf \(torbay.gov.uk\)](#)

Supporting Information

1. Introduction

- 1.1 At the meeting of Council held on 13 October 2022 (minute 45/10/22 refers) the Council approved amendments to Article 13 of the Constitution requiring changes other than those required by law or minor amendments (which are signed off by the Monitoring Officer), to be approved by the Council following circulation to all Councillors and discussion with Group Leaders.
- 1.2 Whilst the Local Protocol – Civic and Ceremonial has been amended to reflect current practice it was felt that the changes were greater than that allowed to be approved by the Monitoring Officer and therefore the changes are before the Council to approve.

2. Options under consideration

- 2.1 To leave the current Protocol in place, however, it is out of date and does not reflect current practice of the civic and ceremonial function.

3. Financial Opportunities and Implications

- 3.1 None

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 The revised Local Protocol has been circulated to all Councillors and discussed with Group Leaders and their suggestions have been incorporated into the final version, in accordance with Article 13 of the Constitution.

6. Purchasing or Hiring of Goods and/or Services

6.1 Not applicable

7. Tackling Climate Change

7.1 Not applicable.

8. Associated Risks

8.1 None

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

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact.
People with caring Responsibilities			There is no differential impact.
People with a disability			There is no differential impact.
Women or men			There is no differential impact.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact.
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.
People who are in a marriage or civil partnership			There is no differential impact.
Women who are pregnant / on maternity leave			There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None

Local Protocol on Civic and Ceremonial

Appendix 1

1. Introduction

1.1.1.1—This Protocol is provided to ensure a consistent approach in respect of civic and ceremonial events, and to, ensure that the role of civic and ceremonial promotes the reputation of Torbay the Council (“the Council”) and to apply to ensure that the correct etiquette is applied.

2. Key responsibilities of the Civic Mayor and Deputy Civic Mayor

2.1 ~~As These are~~ set out in the Job Descriptions for the Civic Mayor and Deputy Civic Mayor in ~~this~~ Council’s Constitution. The Civic Mayor acts as an ambassador for the Council and also for the Borough of Torbay. ~~By being as~~ a non-political, impartial figure, ~~he or she represents~~ representing the whole community. The Civic Mayor visits communities and businesses, representing the Council and the Borough, and ~~they~~ he or she can also welcome delegates, dignitaries and visitors to Torbay on behalf of the community.

(Note: For clarity, the Leader of the Council’s role is to act as an ambassador for the Council promoting its work and acting as its principal political spokesperson.)

2.2 The Civic Mayor, Deputy Civic Mayor and their Consorts/Escorts, when undertaking their civic and ceremonial roles shall:

i. Conduct themselves ~~behave~~ in a manner appropriate and fitting to their positions, in accordance with the requirements of the Council’s Constitution, generally and in particular, the Code of Conduct for Members;

~~i.~~ ii. not bring the Council into disrepute, through abuse of office;

~~ii.~~ iii. have regard to advice given by the Council’s Governance Support Team and Events Team;

~~iii.~~ iv. not attend any function or otherwise give support to any organisation or person, whose objectives are contrary to law; and/or Council Policy and/or could be viewed as discriminatory, inflammatory or offensive;

~~iv.~~ v. not solicit engagements or visits at home or otherwise procure favours or gifts by virtue of office;

~~v.~~ vi. not overspend the budget/allowance allocated to the Civic Mayor; and

vi. be of good health capable of undertaking ~~to undertake~~ the demands of the role (for example to be able to: maintain high levels of concentration during long Council meetings; to cope and manage controversial debate at Council meetings; attend a large number of civic events, including during unsocial hours, without becoming fatigued; hold and engage an audience at civic events for long periods of time; and attend civic events which may be held outside in inclement weather). ~~;~~ and

~~vi.~~ 2.3 The ability to meet the criteria and responsibilities outlined in paragraph 2.2 above, shall be taken into account by the Council, when considering nominees for the roles of Civic Mayor and Deputy Civic Mayor.

~~vii.~~ vii. shall behave in a manner appropriate and fitting to their positions.

3. Annual Meeting of the Council

3.1 The election of a Civic Mayor of the Council and Deputy Civic Mayor shall be the first item of business conducted by the Council, in accordance with the Local Government Act 1972.

3.2 The role of Civic Mayor/Deputy Civic Mayor and their Consort/Escort are non-political roles.

3.3 The Civic Mayor's term of office is one municipal year, and during this time, ~~they/he/she~~ continues to be a Member of the Council. The Civic Mayor shall presides over the meetings of Council, with political neutrality, ~~and is a non-political role. A new Deputy Civic Mayor is also elected at this meeting.~~

3.42 The incoming Civic Mayor and Deputy Civic Mayor ~~shall~~must will make a declaration of acceptance of office and oath of allegiance, ~~in the presence of two Justice of the Peace~~ when accepting the Term of Office at the Annual Meeting of Council. ~~It is for the Civic Mayor to identify the Justice of the Peace representatives.~~

~~3.3 When considering which members to nominate for election to Civic Mayor and Deputy Civic Mayor, those members' ability to meet all the responsibilities outlined in paragraph 2 above shall be taken into account. Particularly the member's physical health for carrying out the role in order that the Council maintains it's duty of care for elected members.~~

3.54 Where the Civic Mayor wishes to ~~have~~hold a civic lunch, this ~~may~~will be held on the same day as the Annual Council meeting, with an adjournment for the Council meeting to reconvene at 5.30 pm, to consider the remainder of the Council business on the agenda. Consideration must~~will~~ be given to the suitability of the venue and convenient timing of the lunch, before arrangements are put in place. In the year of an all Council election, the civic lunch will be held on a later date in the Municipal Year. The annual photo will be taken immediately after the ceremonial meeting.

4. Civic Events

Below is a list of typical events which are organised during the Civic Mayor's Year in Office.

4.1 Civic Service

The Civic Service is normally held at the Civic Mayor's Chaplain's place of worship, Alternatively, or other venue as the Civic Mayor may requests a different venue which can be considered, subject to its suitability to include capacitysize and accessibility requirements. ~~Determination of t~~ The date of the Service ~~shall~~is be decided by the Civic Mayor, in consultation with the minister or other person who is responsible for conducting the Service identified by the Civic Mayor. I and the Events Team will support co-ordinating the Service. The date for the Service ~~will~~must not clash or coincide with any other elected ~~Member~~ event(s); ~~of~~ Council or Committee meetings or major event(s), as identified by that the Events Team, manage.

The Civic Service can be held at any time during the Civic year, but historically it is usually held in late September/October. ~~Care should be taken to avoid clashing with similar events organised by neighbouring authorities.~~

Civic Dignitaries from the Council's designated list, together with other individuals identified by the Civic Mayor, will be invited to attend the Service and partake in any refreshments the Civic Mayor wishes to provide after the Service.

4.2 Remembrance Sunday

Remembrance Sunday is held on the Sunday nearest to the anniversary of Armistice Day, ~~held on being the~~ 11 November at 11 am. The Service of Remembrance is led by the Civic Mayor's Chaplain or other representative of the Civic Mayor, following which the Civic Mayor will lay a wreath in memory of those ~~Torbay~~ men and women who gave their lives for their country.

4.3 Miscellaneous events

Various miscellaneous events are attended by the Civic Mayor, some examples of which are listed below:

- a. Hosting Royal Visits ~~where requested by~~ upon request by the Lord Lieutenants Office;
- b. Twinning events – Torbay is twinned with the German town of Hameln and Hellevoetsluis in The Netherlands;
- c. eEvents to raise funds for the Civic Mayor's chosen charities;
- d. Education Awards and Graduation Ceremonies;
- e. Opening of Fayre's/Fetes/Garden Parties/Coffee Mornings/100th Birthday celebrations;
- f. Presenting Awards and Prizes to individuals and organisations;
- g. Art Exhibitions and presentations at local schools;
- h. Firework Displays;
- i. Armed Forces Day; and
- j. Other Local Authority's Civic events to which the Civic Mayor has received an invitation.

5. Civic Invitations

5.1 Public organisers of events may request the Civic Mayor to attend events. Duties which the Civic Mayor may carry out at such events include:

- a. Attending functions within Torbay, or on occasions outside the Bay, with prior agreement from the Head of Governance Support, as a Ceremonial Representative of the Council (Note: for events outside the Bay, the Civic Head from that area will be the lead figure head for the event, with Torbay's Civic Mayor/Deputy Civic Mayor, being an invited guest);
- b. Undertaking official openings or presentations within Torbay on behalf of the Council; and
- c. Representing the Council during Royal visits to the town when requested by the Lord Lieutenant's Office.

- 5.2 All invitations for the Civic Mayor to attend such events shall be sent to the Governance Support Team and not directly accepted by the Civic Mayor. This is to avoid clashes of appointments and to consider the suitability of the event.
- 5.3 Priority will be given to events within the Borough which ~~and~~ promote Torbay. A, although invitations to events held outside Torbay Borough can be considered, in consultation with the Governance Support Events Team. Attendance at events held outside Torbay will only be accepted if it enhances the promotion of Torbay. Invitations will not normally be accepted if the invitation cannot be reciprocated, for example, civic dinners hosted by other local authorities.
- 5.4 Event organisers are required to give as much notice as possible of their upcoming event. In the case of invitations being received less than 72 hours before an event, the Head of Governance Support reserves the right to decline attendance at the event on behalf of the Civic Mayor.
- 5.5 If the Civic Mayor is unable to attend an event to which they have been invited, the Deputy Civic Mayor will be invited to attend and to represent the Council. In the event ~~of the~~ that the Civic Mayor ~~or~~ and Deputy Civic Mayor ~~not being~~ are not able to attend and it is appropriate to invite an alternative representative, the most recent former ~~Chairman-Civic Mayor~~ will ~~can~~ be invited to attend subject to agreement of both the Civic Mayor (or Deputy Civic Mayor in the absence of the Civic Mayor) and the Head of Governance Support. ~~This will be determined by the Head of Governance Support in consultation with the Civic Mayor.~~
- 5.6 Invitations to functions should not be sent direct to or accepted by the Deputy Civic Mayor. The Deputy Civic Mayor will not normally attend functions in his/her own right, except when deputising for the Civic Mayor.
- 5.7 It is not normal practice for the Deputy Civic Mayor to attend the same events as the Civic Mayor. There are exceptions such as, for example, Remembrance Sunday, Civic Church Service/Carol Concert, Civic Ball/Garden Party, Civic Lunch/Dinner. ~~Other requests~~ Invitations received which require the attendance of both the Civic Mayor and the Deputy Civic Mayor will be considered for acceptance by the Head of Governance Support will be determined by the Head of Governance Support, in consultation in consultation with the Civic Mayor.
- The Civic Mayor may provide permission for ~~will also determine if~~ the Deputy Civic Mayor ~~is permitted to~~ wear civic regalia, when attending an event in place of the Civic Mayor.
- 5.8 Where a commitment has been given for the Civic Mayor or Deputy Civic Mayor to represent the Council/Torbay at an event, the commitment will normally should be honoured unless exceptional circumstances or illness prevent attendance. ~~The only exceptions to this will be in the event of illness or other personal~~ The Civic Mayor or their representative must notify Governance Support at the earliest opportunity of their inability to attend so that apologies may be given and alternative arrangements made for the Deputy Civic Mayor to attend, where appropriate. ~~circumstances.~~

- 6.1 ~~It is usual for the~~ The Civic Mayor ~~to may~~ identify one person ~~who will to~~ accompany them to ~~all or most of the~~ civic and social activities ~~which they attend to which they are invited~~. ~~The choice of companion is at the Civic Mayor's discretion. Alternatively, the~~ Civic Mayor may choose to attend events alone, ~~or perhaps only take a guest to some events.~~
- 6.2 The position of Consort/Escort is discretionary, and may be a person who is independent of the Council. ~~not provided for in law and therefore has no legal status. However, if a~~ The Consort/Escort ~~is appointed, they are is~~ expected to uphold the high standards of conduct as outlined in paragraph 2.2 above of this Protocol and should not bring the Council into disrepute, either by way of actions or words. ~~The Consort/Escort must appreciate that, specifically as the role, together with that of the~~ Civic Mayor is ~~a~~ politically neutral ~~role and therefore, their Consort/Escort will maintain~~ politically neutrality must be maintained by them at all times, ~~during their appointment i.e. not only when undertaking Consort/Escort duties.~~ The Consort/Escort cannot represent the Civic Mayor at civic events, their role is purely to accompany the Civic Mayor to events. The Consort/Escort is not entitled to receive any ~~benefits afforded to the Civic Mayor or Councillors-~~ payment in respect of their ~~as part of their~~ role.
- 6.3 ~~It will be for t~~ The Civic Mayor ~~to may~~ determine whether his/her guest will be referred to as ~~a~~ Consort or Escort. ~~Previously it it was~~ traditional for a female guest to be referred to as ~~a~~ Consort if married to the Civic Mayor and Escort if not, ~~and a~~ A male guest, irrespective of marital status, ~~was~~ normally known as the Escort.

7. The Role of the Deputy Civic Mayor

- 7.1 The Deputy Civic Mayor shall assist ~~the Civic Mayor as requested and shall if necessary assist the Civic Mayor~~ in representing the Council on civic or formal occasions as requested by the Civic Mayor, and will be expected to deputise where the Civic Mayor is unable to attend events to carry out civic duties.-
- ~~7.2 If an organisation makes a specific request/invite direct to the Deputy Civic Mayor, this shall be directed to the Civic Mayor. The Deputy Civic Mayor will deputise on those occasions where the Civic Mayor is unable to carry out a civic duty due to illness, holidays or other personal circumstances.~~
- 7.32 ~~On occasions when~~ If the Deputy Civic Mayor is approached direct and invited to attend a function in their capacity as Deputy Civic Mayor, in his or her own right in his/her own right, the invitation must be shown to the Civic Mayor and Head of Governance Support who will decide in consultation as to whether the invitation should be accepted. ~~this will be confirmed with the Head of Governance Support in consultation with the Civic Mayor.~~
- 7.34 ~~In particular if~~ the Civic Mayor is not able to ~~be present at~~ attend a Council meeting, the Deputy Civic Mayor will take the Chair, where neither the Civic Mayor or Deputy Civic Mayor is present Standing Order A2.2 shall be followed. When the Civic Mayor is present at a Council meeting, the Deputy Civic Mayor ~~will~~ shall sit to the Civic Mayor's side on the Dias in order to assist the Civic Mayor in chairing the meeting (for example, identifying councillors who wish to speak about an item under discussion).

7.54 Like the Civic Mayor, the Deputy Civic Mayor usually identifies a companion to accompany them to civic and social events attended in their official capacity, ~~as Deputy Civic Mayor. Alternatively, the Deputy Civic Mayor may choose not to have a Consort/Escort or to attend events on their own alone.~~

7.56 The position of Deputy Civic Mayor's Consort/Escort is the same as the Civic Mayor's Consort/Escort and ~~details of the role and obligations are is outlined set out~~ in paragraph 6 ~~above of this Protocol.~~

8. Civic Mayor's Charity

8.1 The Civic Mayor's Charity traditionally raises funds for local charities. The Civic Mayor may decide to support a maximum of two charities. The chosen charity or charities must be registered with the Charity Commission and provide benefit to Torbay's community, ~~and assists the Council in meeting its Corporate Plan priorities.~~

8.2 The Civic Mayor will announces the chosen charity/charities at the Annual Council meeting when they are elected. If the Civic Mayor has chosen to support two charities, it will be for the Civic Mayor to determine how the proceeds raised will be split between the ~~organisations~~charities.

8.3 Any cheques or proceedssings from fund raising events are to ~~be processed by handed to~~ the Events Team who will be responsible for processing. All cheques must should be made payable to 'Torbay Council'. The Council's Finance department will keep accurate records of income raised ~~for the Civic Mayor's Charity~~ and will arrange for payments to be made to the Civic Mayor's charity/charities when the Civic Mayor's Term of Office ends, and in accordance with the Council's Financial Regulations.

8.4 Funds raised for the Civic Mayor's charity/charities cannot be used for any other purpose other than that for which it was donated, ~~as a donation to the charity identified when the funds were raised.~~

8.5 Other events may be organised by local organisations, clubs or institutions, with proceeds given for to the Civic Mayor's ~~C~~charity/charities. If the Civic Mayor wishes to hold his/her own charity event, the details and arrangements will must be agreed in advance with the Director of Pride in Place.

8.6 It is the responsibility of the Civic Mayor to organise prizes and raffles to raise funds for local charities, if they wish. To support enable this e Civic Mayor to raise funds for local charities, the Council relies on local businesses, councillors, friends and family may choose to donateing prizes to be used ~~on for~~ raffles and tombolas, ~~etc for example.~~ ~~It is the responsibility of the Civic Mayor to organise such prizes or raffles.~~

8.7 The Civic Mayor's ~~C~~charity/Ccharities may be invited to give presentations at appropriate some civic events and appropriate guidance on such presentations will can be provided by the Governance Support or Events Teams, upon request as appropriate.

9. Civic Mayor's allowance and other costs

- 9.1 In accordance with the Members' Allowances Scheme, the Civic Mayor is paid a Special Responsibility Allowance. The Civic Mayor is also paid an additional Civic Mayor's Personal Allowance which is separate from the Members' Allowances Scheme to meet expenses. Examples of such expenses are: such as:
- a. Clothing;
 - b. Partner's clothing;
 - c. Donations to charities;
 - d. Donate to Collections at events attended by the Civic Mayor;
 - e. Personal hospitality (including lunches and dinners); and
 - f. One-off events held by the Civic Mayor.
- 9.2 It is the Civic Mayor's personal responsibility to seek independent financial advice as to the taxable status of the Civic Mayor's Personal Allowance. It should be noted that the purchase of the above items would not necessarily qualify towards the allowance for tax deductible purposes; it merely suggests that the items relate to maintaining the dignity of the office.
- ~~9.3 The Council will also retain a proportion of the Civic Mayor's allowance for certain civic events including Remembrance Sunday and Civic Service. This retained allowance will also be used where Council's Security Team is required to transport the Civic Mayor to events where the Civic Mayor is required to wear the full Chain of Office. The Civic Mayor is required to plan the use of the retained allowance over the year.~~
- 9.43 ~~The Council will meet the cost for printing the Annual Council booklet.~~ The Council will fund up to £100.00 towards the printing costs for ~~the any~~ Torbay Civic Awards certificates.
- 9.54 If the Civic Mayor chooses to hold a Civic Lunch, ~~or~~ Civic Ball or Garden Party and/or a Civic Carol Concert, the full cost of the event (including the cost of officer time) shall be self funding and covered by the sale of tickets. Once all the event costs have been paid met, any profit additional revenue received will be donated to the Civic Mayor's Charity bank account. All guests will be expected to purchase their tickets ~~with the exception of the past Civic Mayor and their guest and the Civic Mayor's Chaplain and guest – these tickets will be paid from the Civic Mayor's retained allowance.~~ Any loss made incurred as a result of the any such events shall be paid in met and paid in full by the Civic Mayor personally.
- ~~9.6 Once the budget level has been reached, no payments can be made or further orders placed by Council staff and there shall be no overspend of this budget.~~
- 9.67 At the end of the term of office, the retiring Civic Mayor will receive is able to purchase a Past Civic Mayor's badge, which will be funded from the Civic Budget. The Civic Mayor may purchase plus a badge for their Consort/Escort which will be ordered on a blue ribbon or another gift and. ~~The cost of this~~ will be met personally by the Civic Mayor ~~and will be ordered on a blue ribbon.~~
- ## 10. The Role of the Civic Mayor's Chaplain
- 10.1 The Civic Mayor is invited (but not required) to choose a Chaplain to provide spiritual guidance and/or reflection support to them during their term of office.

- 10.2 ~~If a Chaplain is requested by t~~The Civic Mayor, ~~they~~ shall ensure that their chosen Chaplain is made aware, ~~that of~~ the Council's ~~commitment is committed~~ to the values of equality and diversity for all. The Chaplain must be inclusive of those from all faiths/beliefs or those who choose none, when delivering prayers and reflection. ~~as well as those who choose none in the delivery of their prayers or reflection.~~
- 10.3 The role of Civic Mayor's Chaplain is ~~It is~~ an honorary title and the Chaplain is invited to attend and take part in various civic events, for example: Annual Council, Armed Forces Day, Remembrance Day, Civic Service, Civic Carol Service and the Civic Mayor's Ball or Garden Party. ~~Any costs associated with attending these events will be met from the proportion of the Civic Mayor's allowance retained by the Council.~~
- 10.4 ~~If the~~The Civic Mayor may requests ~~they may ask~~ their Chaplain to open Council meetings with a short inclusive prayer or reflection (no more than 2 minutes) and in accordance with paragraph 10.2 above. The Civic Mayor must confirm their intention for their Chaplain to attend at Council meetings for the entire municipal year with the Head of Governance Support, prior to the Annual Council meeting.

11. Civic Regalia

- 11.1 The Civic Mayor's robes of office consist of a red robe, trimmed with fur, a black cocked hat, a lace stock (Jabot) worn around the neck and white gloves. The Civic Mayor may use the Council's robe and hat and ~~it is for~~ the Civic Mayor is expected to purchase their own jabot and gloves.
- 11.2 Robes can-not be worn without the eChains of eOffice.
- 11.3 The Civic Mayor ~~will determine~~ may decide whether or not they wish to wear the robes throughout their term of office. If the Civic Mayor chooses to wear the robes of office during their term, ~~then~~ they are only permitted to do so at the following ceremonial occasions:
- a. Civic Service;
 - b. Remembrance Sunday;
 - c. Royal Visits;
 - ~~e.~~d. Special and public functions connected with the business of the Council at which royalty is present;
 - ~~d.~~e. Council meetings;
 - ~~e.~~f. Civic Lunch/Dinner;
 - g. any events arranged by the Lord Lieutenants Office requesting the robes be worn;
 - ~~f.~~h. Functions outside the Borough only with the permission of the Council for that area (see paragraph 11.5);
 - ~~g.~~i. Receiving guests from Cruise Ships (land based only).

Any additional requests for the robes to be worn will be ~~determined~~ considered by the Head of Governance Support.

- 11.4 The full Chain of Office shall only be permitted to be worn at the following ceremonial occasions:

- a. Civic Service;

- b. Remembrance Sunday;
- c. Royal Visits;
- d. Annual Council meetings;
- e. Civic Lunch/Dinner;
- e-f. any events arranged by the Lord Lieutenant's Office requesting the robes be worn.

For all other events the Civic Mayor shall wear the smaller Day Chain of Office with the Torbay fob. ~~The smaller Day Chain of Office and these chains~~ shall not be worn with the robes, with the exception of Council meetings ~~where if~~ the Civic Mayor ~~wishes decides~~ to wear robes or where robes have expressly been requested by the event organiser.

- 11.5 The Civic Mayor shall not wear the civic insignia in another local authority area without the express permission ~~from of~~ the Council for that area.
- 11.6 Civic chains should never be worn with a military uniform. However, a Civic Mayor who is a member of the clergy may wear full canonicals with the chain over the gown. Similarly, the chain may be worn over academic dress.
- 11.7 The Deputy Civic Mayor's robe consists of a blue robe, trimmed with fur. The Deputy Civic Mayor will wear the Deputy Civic Mayor's civic chains provided by Torbay Council.
- 11.8 The Civic Mayor and the Deputy Civic Mayor shall be permitted to wear their respective Chains of Office at the same event. ~~chains of office when the Civic Mayor is wearing them at an event.~~
- 11.9 The main Full Chain of Office and Torbay fob should only be used and worn within the United Kingdom and only when the Civic Mayor is accompanied by a Security Officer of the Council. In the event that there is a need to take civic regalia out of the United Kingdom, Arrangements must be confirmed with this must be approved in advance by the Head of Governance Support, and the Council's insurers ~~before any civic regalia is taken out of the country. must be notified and the appropriate insurance cover arranged.~~
- 11.10 A ribbon and Torbay Fob ~~only~~ must always be used by the Civic Mayor and/or the Deputy Civic Mayor when boarding a ship or boat or attending an event on the water instead of the. ~~Chains of Office. are not permitted to be worn on these occasions.~~
- 11.11 The Civic Mayor's Consort/Escort, ~~if female~~, may choose to wear a the appropriate Chain of Office when accompanying the Civic Mayor ~~at to~~ Civic events.
- 11.12 The Deputy Civic Mayor's Consort/Escort will not be entitled to wear a Chain of Office when accompanying the Deputy Mayor ~~at to~~ Civic Events.
- 11.13 All Chains of Office and Fobs must be transported in their appropriate storage boxes to prevent any damage. A and any loss or damage must be immediately reported to the Head of Governance Support for them to assess and arrange for repair and or an insurance claim to be submitted. ~~to them.~~

11.14 Due to the fragility of the Council's Mace, it shall only be used at Council meetings and Remembrance Sunday. There is no legal requirement for the mace to be present at any Council meeting or event.

11.15 ~~It is not permissible for~~ The Civic Mayor/Deputy Civic Mayor are not permitted to remove civic regalia from its secure storage without ~~the~~ prior notification ~~from~~ to the Governance Support Team ~~and~~ the Security Team.

12. Addressing the Civic Mayor

12.1 The Civic Mayor shall be verbally addressed as 'Mr/Madam Civic Mayor' or other address requested by the Civic Mayor. The formal and full title of the Civic Mayor is "The Worshipful the Mayor of Torbay" and this title shall be used for formal verbal announcements/introductions and written address (which includes letters and invitations).

13. Receipt of Gifts

13.1 ~~In the course of the duty of being Civic Mayor,~~ Often gifts will be offered to the Civic Mayor in the course of their civic duty. The Civic Mayor or Deputy Civic Mayor may accept gifts on behalf of the Council and ~~they will~~ must ensure that these gifts are passed to the appropriate Director or Divisional Director of the Council who will ensure ~~that any~~ gifts are logged ~~on~~ in the Council's inventories ~~in accordance to~~ comply with the Council's Financial Regulations. The Members' Code of Conduct and Local Protocol on Gifts and Hospitality applies and shall ~~must~~ be followed by the Civic Mayor and Deputy Civic Mayor when any offer of a gift, favour or hospitality is made to them personally.

14. Civic Car

14.1 The Council does not have an official Civic Car and the Council's Security car may be used by the Civic Mayor on the following occasions, when available:-

- a. Attendance at major civic events organised by Torbay Council where the Civic Mayor will be wearing the main Full ~~e~~Chain of ~~e~~Office (e.g. Remembrance Sunday, Civic Lunch/Dinner and Civic Service); and
- b. Attendance at major civic events where an official invitation requests the Civic Mayor to wear the main Full Chain of Office (e.g. Devon Legal Sunday Parade).

15. Use of the Torbay Coat of Arms

15.1 Applications for the use of the Coat of Arms and Badge should be made in writing to the Chief Executive indicating the purpose for which it is required. All applications for use of the Coat of Arms will be determined by the Chief Executive in consultation with the Civic Mayor.

15.2 The Coat of Arms will be used solely by the Civic Mayor for the Civic Mayor's correspondence and for use in conjunction with the Order of Proceedings for Civic

Events (i.e. Civic Mayor Making, Honorary Freeman, Freedom of the Borough Ceremony, Civic Service, Civic Lunch/Dinner).

16. Honorary Freeman of the Borough

16.1 The title of Honorary Freeman is the highest honour that a Council of a City or Borough can bestow. ~~and, in the view of many, should not be given freely.~~ All nominations for Honorary Freemen shall be kept confidential and must be submitted to the Head of Governance Support. The Council's procedure for applications for Honorary Freeman ~~shall~~ must be followed. Honorary Freeman will be presented with a badge on a green ribbon.

16.2 Honorary Freemen ~~are~~ can be invited to the following Civic Functions: -

- a. Annual Council;
- b. Civic Service;
- c. Remembrance Sunday;
- d. Civic Lunch/Dinner;
- e. Honorary Freedom of the Borough Ceremonies; and
- f. Various "one-off" events e.g. Jubilee celebrations.

16.3 Honorary Freemen have no legal, social, or royal precedence.

17. Freedom of the Borough

17.1 Freedom of the Borough ~~will~~ can be bestowed upon an organisation and this can happen at a Council meeting. Any processions or parade will be held on a date and time mutually convenient for both the Council and the nominated organisation. ~~Such a~~ The parade ~~would~~ must be organised and funded by the organisation; but hosted by ~~the~~ Torbay Council, and the Council will assist with the ~~which will join in the~~ planning of the event. ~~All~~ Organisations that are the subject of the Freedom of the Borough, will be presented with a scroll.

17.2 A representative from organisations who have been honoured with Freedom of the Borough are invited to the following Civic Functions:-

- a. Annual Council;
- b. Civic Service;
- c. Remembrance Sunday;
- d. Civic Lunch/Dinner;
- e. Honorary Freedom of the Borough Ceremonies; and
- f. Various "one-off" events e.g. Jubilee celebrations.

17.3 The award of the Honorary Freedom of the Borough does not convey with it any legal rights or responsibilities, ~~other than~~ merely other than a ceremonial role at civic functions.

18. Flag Flying

18.1 The Union Flag shall be flown continuously from the flagpole sited on the Town Hall, Torquay. Exceptions to this are:

- a. St. George’s Day, 23 April, each year, the St. George’s Flag will be flown in place of the Union Flag; ~~and~~
 - b. For the week prior to Armed Forces Day, each year, the Armed Forces Day Flag will be flown in place of the Union Flag; and
 - ~~b.c. Any guidance or instruction issued by the Government or Buckingham Palace.~~
- 18.2 There may be occasions when requests are received for other flags to be flown, for special events or festivals. Such requests will be considered by the Chief Executive, in consultation with the Civic Mayor.
- 18.3 ~~Should an~~ An -event requiring the flying of the Union Flag will take precedence over any other event. ~~occur during the same period, that event shall take precedence.~~
- 18.4 Half-mast means that the flag is flown two thirds of the way up the flagpole, with at least the height of the flag between the top of the flag and the top of the flagpole, allowing space for the traditionally invisible flag of death.

The Union Flag shall be flown at half mast on the following occasions:

- a. From the announcement of the death until after the funeral of the Sovereign, except on Proclamation Day when they ~~are hoisted right up.~~ Will be flown in accordance with National Guidance and the Torbay Council Protocol on Marking the Death of a Senior National Figure.
 - b. The funerals of members of the Royal Family, subject to special commands from ~~His~~ Majesty in each case.
 - c. The funerals of Prime Ministers and Ex-Prime Ministers of Great Britain, subject to special commands from His Majesty in each case.
 - d. Other occasions by special command of ~~His~~ Majesty.
 - e. On the death of the Civic Mayor from the announcement of the death until sunset after the funeral.
 - f. From the announcement of the death until sunset after the funeral of:-
 - 19.i. An Honorary Freeman of the Borough;
 - ii. A Serving Councillor;
 - iii. An Ex-Civic Mayor/Civic Mayor (where the Council is formally notified); or
 - iv. A Chief Official.
- 18.5 If a Flag Day occurs on a day when flags are flying at half mast the flag should still be flown at half mast.

19. Invitations to Royal Garden Parties

- 19.1 The Council is allocated a number of places each year for persons to attend one of ~~His Her~~ Majesty’s Garden Parties. ~~This should be~~ specifically to celebrate past service. The Chief Executive shall determine who will attend to represent the Borough of Torbay based upon the principles set out below, unless directed otherwise by the Lord Chamberlain’s office via the Local Government Association:

- a. _____ Places shall be offered equally between elected ~~M~~members and Torbay Council staff. Where only one place is allocated, the Chief Executive shall determine whether this is offered to an elected ~~m~~Member or Torbay Council staff based on length of service.;
- b. _____ for elected ~~M~~members, places shall be offered to the longest serving elected ~~m~~Member on Torbay Council (to exclude breaks in service) in recognition of past service.;
- c. _____ for staff, places shall be offered to those with the longest years of continuous service working for Torbay Council; -and
- d. _____ places shall only be offered to those who haven not previously attended a Royal Garden Party as a representative of Torbay Council or any other organisation.-

(Note: The Local Government Association ~~reserve~~can exercise the right to change the number of invitees/invitations made available.); ~~some years with a greater number and some with less~~).

20. Marking the Death of a significant public figure.

- 20.1 In the event of the death of a significant public figure, the Chief Executive will instigate the relevant action plan and consult with the Civic Mayor and Deputy Civic Mayor on Torbay's response to such news.