

Tuesday, 12 September 2023

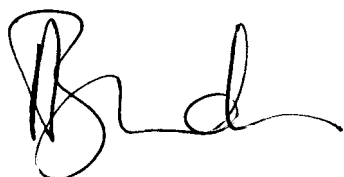
## **Meeting of the Council**

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **The Burdette Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Wednesday, 20 September 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.)

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**Together Torbay will thrive**

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# Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

To confirm as a correct record the minutes of the meeting of the Council held on 20 July 2023.

(Pages 5 - 9)

4. **Declarations of interests**

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

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

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

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

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

5. **Communications**

To receive any communications or announcements from the Civic Mayor, the Leader of the Council, the Council's representative on the Heart of the South West Joint Committee or the Chief Executive.

6. **Petitions**

To receive petitions and any oral representations from the public in accordance with Standing Order A23 as set out below:

- (a) ADELA BM79

(Page 10)

- (b) Harbour Lights Brixham

(Page 11)

7. **Members' questions** (Pages 12 - 20)  
To respond to the submitted questions asked under Standing Order A12.
8. **Future options for the structure and operation of Torbay Economic Development Company Limited** (Pages 21 - 31)  
To consider the recommendations of the Cabinet and a report regarding the future of the Torbay Economic Development Company Limited (trading as TDA).
9. **Future options for the structure and operation of TorVista Homes** (Pages 32 - 44)  
To consider the recommendations of the Cabinet and a report regarding the direction for TorVista Homes, a wholly owned company of Council.
10. **Corporate Parenting Strategy 2022-25** (Pages 45 - 71)  
To consider the recommendation of the Cabinet to approve the Corporate Parenting Strategy 2022-25.
11. **Adult Social Care Strategy** (Pages 72 - 138)  
To consider the recommendation of the Cabinet and a report that seeks approval of the Adult Social Care Strategy.
12. **Budget Monitoring 2023/24 - April to June 2023 Revenue and Capital Outturn Forecast** (Pages 139 - 148)  
To consider the recommendation of the Cabinet and a report that provides a high-level budget summary of the Council's revenue and capital position for the financial year 2023/24, comparing budgets with year-end forecasts.
13. **Treasury Management Outturn 2022/23 Report** (Pages 149 - 163)  
To consider the recommendation of the Audit Committee in respect of Treasury Management and the Treasury Management Strategy 2023/24.
14. **Constitution Amendment Local Protocol - Civic and Ceremonial** (Pages 164 - 180)  
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.
15. **Constitution Amendment Local Protocol - Indemnity and Insurance for Members and Officers** (Pages 181 - 190)  
To consider a report that sets out a proposed new Local Protocol on Indemnity and Insurance for Members and Officers.
16. **Appointment of Overview and Scrutiny Co-ordinator and Appointment of Scrutiny Lead Member for Finance, Corporate and Place Based Services**  
Following the Leader of the Council's notification of changes to his Cabinet, the Council is requested to consider the Leader of the Council's recommendation in respect of the following appointments:

- Overview and Scrutiny Co-ordinator – Councillor Twelves
- Scrutiny Lead Member for Finance, Corporate and Place Based Services – Councillor Hutchings.

(Note: Cabinet members shall not be appointed as the Overview and Scrutiny Co-ordinator or Overview and Scrutiny Leads.)

**17. Composition and Constitution of the Cabinet and Record of Delegations of Executive Functions** (Pages 191 - 193)

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

**18. Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency** (Page 194)

To note the schedule of Executive decisions to which the call-in procedure does not apply as set out in the submitted report.

**Live Streaming**

To encourage more people to engage in our public meetings the Council is 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>.



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

20 July 2023

-: Present :-

**The Worshipful the Mayor of Torbay (Councillor Spacagna) (In the Chair)**  
**Deputy Civic Mayor of Torbay (Councillor Stevens)**

Councillors Strang, Amil, Atiya-Alla, Billings, Brook, Bryant, Bye, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fellows, Fox, Harvey, Hutchings, Johns, Joyce, Barbara Lewis, Chris Lewis, Long, Maddison, Penny, David Thomas, Jacqueline Thomas, Tranter, Twelves, Tyerman and Virdee

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**19 Opening of meeting**

The meeting was opened with a prayer.

Following the opening, Members observed a minute's silence as a mark of respect in memory of former Councillor and Mayor, Heather Buckpitt who sadly passed away on 26 February 2023 and former Councillor Richard Haddock who sadly passed away on 25 June 2023.

**20 Apologies for absence**

Apologies for absence were received from Councillors Law, Nicolaou, Pentney and Tolchard.

**21 Minutes**

The Worshipful the Mayor of Torbay proposed and Councillor Stevens seconded a motion, which was agreed (unanimously) by the Council as set out below:

**that the Minutes of the Annual meeting of the Council held on 16 May 2023 and the Adjourned Annual meeting of the Council held on 25 May 2023 be confirmed as a correct record and signed by the Worshipful the Mayor of Torbay.**

**22 Declarations of interests**

Councillor Harvey declared a pecuniary interest in respect of Minute 26.

## 23 Communications

The Worshipful the Mayor of Torbay welcomed to the meeting former Councillors, who were not re-elected or did not stand in the May 2023 Local Elections and presented them with a framed picture to thank them for their time and dedication to serve the community of Torbay during their term of office.

The Worshipful the Mayor of Torbay invited Mr Gavin Ellis and Mr Mike Porter of Devon and Somerset Fire and Rescue to present the Public Service Award to Councillor David Thomas for his service on the Devon and Somerset Fire and Rescue Authority.

In the absence of the Chief Executive, the Director of Corporate Services presented the Local Government Chronicle Most Improved Council award which the Council won in June 2023. At the invitation of the Worshipful the Mayor of Torbay, the Group Leaders each gave a speech on achieving the award.

## 24 Order of Business

In accordance with Standing Order A2.2 in relation to Council meetings, the Worshipful the Mayor of Torbay varied the order of business to enable agenda Item 7 (Members' questions) to be considered at end of the meeting.

## 25 Petitions

In accordance with Standing Order A23, the Council received the following petitions:

- (i) petition requesting grass tennis courts at Oldway be retained as an enclosed dog exercise area (approximately 213 signatures); and
- (ii) petition seeking to make Brixham Road safer at the junction with Roselands Drive (approximately 31 signatures).

It was noted that the both petitioners had requested their petitions to be submitted direct to the decision-maker and they would be referred to the Director of Pride in Place for consideration in consultation with the Cabinet Member for Place Services and Economic Growth.

## 26 Budget Monitoring - Outturn 2022/23

The Council received the submitted report setting out a high-level budget summary of the Council's revenue and capital position for the financial year 2022/23 and final outturn position for the year ending 31 March 2023. The Council considered the recommendations of the Cabinet.

Councillor Tyerman proposed and Councillor Chris Lewis seconded a motion as set out below:

that the Council notes the revenue outturn position and approves:

- 1) the transfer of the £0.4m carry forward into earmarked capital reserves; and
- 2) the addition of the Torre Valley North project to the current Capital Programme.

During the debate Councillor Steve Darling proposed and Councillor Carter seconded an amendment to the motion as follows:

that the Council notes the revenue outturn position and approves:

- 1) ~~the transfer of the £0.4m carry forward into the~~ to be allocated as follows:  
  
£150,000 to Discretionary Housing Payments Fund (noting that this year's budget, comprising of £300,000 from the Government and the Council's allocation of £200,000, has already committed 40% at the end of Quarter 1 to help those people in need within Torbay);  
  
£50,000 to the Food Alliance for them to allocate to organisations who are supporting those in need in Torbay; and  
  
the remaining £200,000 be allocated to earmarked capital reserves; and
- 2) the addition of the Torre Valley North project to the current Capital Programme.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Amil, Atiya-Alla, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Johns, Long, Penny and Virdee (13); Against: Councillors Billings, Brook, Bryant, Bye, Fellows, Hutchings, Joyce, Barbara Lewis, Chris Lewis, Maddison, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tranter, Twelves and Tyerman (18); Absent: Councillor Harvey, Law, Nicolaou, Pentney and Tolchard (5). The amendment was declared lost.

Councillor Tyerman's and Councillor Chris Lewis' original motion was then considered by the Council which was agreed, as set out below:

**that the Council notes the revenue outturn position and approves:**

- 1) **the transfer of the £0.4m carry forward into earmarked capital reserves; and**

2) **the addition of the Torre Valley North project to the current Capital Programme.**

(Note: Prior to consideration of Minute 26, Councillor Harvey declared her pecuniary interest and withdrew from the meeting.)

**27 Constitution Amendments - Various**

The Council considered the submitted report which out set out proposed amendments to the Council's Constitution.

Councillor Tyerman proposed and Councillor David Thomas seconded a motion as set out below:

that Council approves the following revised Constitution documents, as set out in Appendices 1 to 4 to the submitted report:

- Appendix 1 - Article 11 – Decision Making
- Appendix 2 - Article 13 – Review and Revision of the Constitution
- Appendix 3 - Standing Orders in relation to Council Meetings
- Appendix 4 - Local Protocol on Leader of the Council and Political Group Relations

During the debate Councillor Long proposed and Councillor Penny seconded an amendment to the motion as follows:

1. that Council approves the following revised Constitution documents, ~~as set out in Appendices 1 to 4 to this report:~~
  - Appendix 1 - Article 11 – Decision Making
  - ~~Appendix 2 – Article 13 – Review and Revision of the Constitution~~
  - Appendix 3 - Standing Orders in relation to Council Meetings, subject to the deleted wording 'which affect the Borough of Torbay' being reinstated;
  - Appendix 4 - Local Protocol on Leader of the Council and Political Group Relations; and
2. that the amendments presented in Appendix 2 (Article 13 – Review and Revision of the Constitution) be rejected.

The amendment was put the vote and declared lost.

Councillor Tyerman's and Councillor David Thomas' original motion was then considered by the Council which was agreed, as set out below:

**that Council approves the following revised Constitution documents, as set out in Appendices 1 to 4 to the submitted report:**

- **Appendix 1 - Article 11 – Decision Making**
- **Appendix 2 - Article 13 – Review and Revision of the Constitution**

- **Appendix 3 - Standing Orders in relation to Council Meetings**
- **Appendix 4 - Local Protocol on Leader of the Council and Political Group Relations**

## **28 Members' questions**

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A12. The paper also contained the answers to the questions which had been prepared by Councillors Bye, Chris Lewis, David Thomas, Tranter and Tyerman and was circulated prior to the meeting.

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

Within the 30-minute timeframe allowed, supplementary questions were put and answered by Councillors Chris Lewis, David Thomas and Tranter, arising from their responses in respect of the urgent question and questions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 14 and 15. Question 9 was presented by Councillor Steve Darling in the absence of Councillor Law.

After 30 minutes, the Director of Corporate Services advised that, in accordance with Standing Order A12.7, the remaining questions (questions 16 to 27) were deemed as withdrawn.

(Note: Councillor Brook left the meeting after his supplementary question in respect of question 4.)

The Worshipful the Mayor of Torbay

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## Petition – ADELA BM79

### Signatures 763

We the undersigned petition the council to review the existing byelaws with a view to amending them in order to allow Adela BM79 and other small-scale fishermen in Torbay harbours to sell their catch directly from their boats. We the undersigned believe that such an amendment would not only benefit the Adela BM79 but also the local community and economy.

As a passionate fisherman and resident of Torbay, I have been operating my fishing boat in these waters for years. During this time, I have witnessed firsthand the abundance of high-quality fish that our coastal region has to offer. I strongly believe that the ability to sell this fresh catch directly from my boat would provide a unique and valuable opportunity for both locals and tourists alike.

I kindly request that the council review the current byelaws governing the sale of freshly caught fish. By amending the byelaws to accommodate the proposal, the Council would not only be supporting a local business but also encouraging and enhancing the local fishing industry.

Furthermore, it would support small-scale fishermen like Adela who are struggling against larger commercial operations. By buying directly from local fishermen like Adela, we can help sustain traditional fishing practices and preserve our coastal heritage. Furthermore, it would support small-scale fishermen like Adela who are struggling against larger commercial operations. By buying directly from local fishermen like Adela, we can help sustain traditional fishing practices and preserve our coastal heritage. Making a positive impact on the livelihoods of local fishermen and contributing to the economic growth of Torbay.

## **Petition – Harbour Lights Brixham**

### **Signatures 146**

We the undersigned petition the council to remove/replace the new LED lighting situated on the Harbour wall below King Street Brixham.

This modern LED disco-style lighting is totally out of keeping with Brixhams unique and ancient harbour. They make the harbour look "tacky" and not suitable for a quaint fishing port.

## Meeting of the Council, Wednesday, 20 September 2023

### Members' Questions Under Standing Order A12

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

#### First Round

##### Question 1

#### **Councillor Steve Darling to the Overview and Scrutiny Co-ordinator (Councillor Twelves (subject to confirmation of appointment by Council))**

Over the weekend of 15-16 July 2023, a Devon Live report identified 37 beaches across Devon listed by Surfers Against Sewage as either storm sewage having been discharged from a sewer overflow in this location within the past 48 hours, or there was a potential for sewage in this area. Beaches that fell into these two categories in Torbay were: Meadfoot, Beacon Cove, Torre Abbey, Hollicombe, Preston Sands, Paignton Sands, Goodrington and St Mary's Bay.

This was reported at the beginning of the school holidays, it is a shame that the government allows such reporting to be possible. This was poor publicity that Torbay could do without at the start of the school holidays. Residents and visitors should be confident that our waters are clean to enjoy.

In light of the above, do you agree that it was a poor judgement not to agree on the 5th of July at the Overview and Scrutiny Board meeting to undertake a bespoke spotlight review this summer to hold Southwest Water to account on the perception of pollution in our seas?

##### Question 2

#### **Councillor Johns to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)**

My residents in Clifton with Maidenway are starting to get a bit concerned about the Torbay Road and Station Square project and the lack of progress since the change of direction in plans. Please can you confirm when the deadline is to use the £13.36 million Future High Streets Funding?

##### Question 3

#### **Councillor Law to Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**



The road junction of Avenue Road, Falkland Road, Chestnut Avenue, Walnut Road and The Kings Drive does not have a single safe pedestrian crossing. Some people using Torre Valley Car Park to access the Abbey, events on the Meadows and the seafront have reported to me that they feel unsafe to get to Torre Abbey gates.

Indeed from my perspective the current wide layout of the junction seems to encourage drivers to take chances they wouldn't normally take at other junctions, making it even more perilous for pedestrians to cross. Nearby residents and people who use this crossing daily (both drivers and pedestrians) have reported to me that they worry that it is only a matter of time before one of the near misses results in a tragedy.

The Partnership Administration had committed to look at this crossing as part of its wider highways and road safety campaign. Can this Administration give me assurance that they will look at pedestrian road safety at this junction as a matter of priority?

#### **Question 4**

##### **Councillor Fox to the Cabinet Member for Pride in Place Culture & Events and Parking (Councillor Billings)**

Since before the pandemic the Council have been consulting on the implementation of a 20 mph zone on and around Higher Fore Street, Barton. When is this project set to be implemented?

#### **Question 5**

##### **Councillor George Darling to the Cabinet Member for Housing, Finance and Corporate Services (Councillor Tyerman)**

Torbay Council are undertaking a 'Have your say' survey with two Roadshow sessions set to be held in Torquay, Paignton and Brixham each and an online survey. Please can you advise what the costs of undertaking this survey and the associated roadshow, including the cost in officer hours of manning the stalls?

#### **Question 6**

##### **Councillor Long to the Cabinet Member for Housing, Finance and Corporate Services (Councillor Tyerman)**

What is the population of the three main towns in Torbay (Paignton, Brixham and Torquay), how many sessions of the 'Your Say!' Residents Survey took place in each town and where did each session take place?

#### **Question 7**

##### **Councillor Harvey to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)**

It was hugely disappointing to find Torbay (in particular Paignton) overlooked in the recent announcement from the Office of the Police and Crime Commissioner of six new police enquiry desks being opened across the Devon & Cornwall force area - these were Ilfracombe, Honiton, Kingsbridge, Okehampton, Devonport & Looe. It therefore concerns me as to whether the current administration are strongly representing the need for investment of Devon & Cornwall police force resources across Torbay. Can the Cabinet Member provide any assurance of how they are raising such issues?

#### **Question 8**

#### **Councillor Joyce to the Cabinet Member for Children's Services (Councillor Bye)**

Can the Cabinet Member for Children's Services share with us details about future campaigns to try to increase and promote the number of Foster Carers/Families in the Bay.

#### **Question 9**

#### **Councillor Cowell to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

Can the Cabinet Member for Pride in Place, Culture & Events and Parking confirm when the Bin Infrastructure Plan is due to be published?

#### **Question 10**

#### **Councillor Douglas-Dunbar to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)**

In light of the growing evidence of climate change, rising ocean temperatures and wildfires across the globe, how does the Council propose to strengthen the Local Plan to enable it to provide a balanced and sustainable framework for sound decision making whilst ensuring developers are adequately demonstrating their green credentials?

#### **Question 11**

#### **Councillor Virdee to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)**

In a recent Guardian article dated 25 August 2023, I was not surprised, as a Torquay town trader myself, to see concerns being raised by businesses in Torquay town centre. One business owner described this summer as the "worst in 14 years", with the town looking "deserted". Another estimated that "without support from the government, within the next 12 months, at least another third of the remaining businesses will close". In light of this, over six months ago, Torbay Council agreed in the 2023-24 budget for £100,000 to be allocated to introduce of a new role within the

Council to act as a force for positive change in our town centres. Can you please explain why no appointment has been made?

#### **Question 12**

##### **Councillor Pentney to the Leader of the Council (Councillor David Thomas)**

On the 25 August 2023, Members received a Devon Plymouth and Torbay devolution deal update from officers of Torbay Council. In it, it advised them that a draft deal should be published in early September, for Cabinets in Devon Plymouth and Torbay to consider. Can you please explain why on my submission of this question on the 5 September no such proposals have been shared with members? Where do these further delays lie, is it with Torbay Council or Central Government?

#### **Question 13**

##### **Councillor Carter to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)**

Why did the Conservative administration not have a clear alternative way forward before announcing to residents that the current scheme for Crossways was unviable. What assurances can you give me that the local authority continues to have discussions with those who provide affordable housing, such as registered providers for social housing to ensure that whatever appears on that site will help with the housing crisis in Torbay.

#### **Question 14**

##### **Councillor Penny to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)**

I understand that over the summer the Local Authority have undertaken a fundamental review of the workings of the TDA, including their subsidiary TorVista Homes. Such reviews can be very supportive of new organisations as they grow into their roles, balancing social, commercial and financial issues.

Accordingly, can you please explain why a representative of TDA/TorVista Management, charged with achieving the Organisation's Goals and fully aware of the challenges involved, was not included on the Review Team?

#### **Question 15**

##### **Councillor Mandy Darling to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

The provision of double yellow lines on Old Woods Hill and Briwere Road was advertised some months ago can you please advise when these works are due to be undertaken?

## **Question 16**

### **Councillor Nicolaou to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)**

Ellacombe Park on Market Street has experienced significant amounts of anti-social behaviour including drug paraphernalia, conflict amongst individuals and unauthorised camping. Do you agree with me that part of the solution to this challenge is to enhance surveillance both in person and by CCTV at this location. How is Torbay Council able to work in partnership with Devon and Cornwall Police to tackle these matters?

## **Question 17**

### **Councillor Atiya-Alla to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)**

Many local residents tell me breathing new life into our town centres is something the Council should be undertaking. Can you please explain why, at the time of writing this question on 4 September, there has been no meeting of the town deal and future high street steering group?

## **Second Round**

## **Question 18**

### **Councillor Steve Darling to the Cabinet Member Children's Services (Councillor Bye)**

I understand that a foster carer at a recent fostering forum put forward this question: young people in 6th form whose birthdays fall early in the school year, when they are 18 years old, may have to move into independent living as the carer/s may live in rented accommodation or have large mortgages and the staying put allowance won't cover it. Will the Council consider enhancing the staying put payments in such situations to help reach the financial cap in the interests of stability for our cared-for young people? Can the Cabinet Member please advise how he is progressing this proposal?

## **Question 19**

### **Councillor Law to Cabinet Member for Place in Place, Culture & Events and Parking (Councillor Billings)**

The Partnership Administration had identified 6 further locations for the creation of 20 mph School Zones and in February this year we were assured that we would get an update on the developed locations and estimated costs of the work.

Clearly the summer holidays would have been the ideal time to undertake such work, however as yet none of the necessary public consultations have taken place.

Can you please confirm that the 6 identified 20mph School Zones will still go ahead, and if they are to confirm when the public consultations will commence and when the work is programmed to actually take place?

**Question 20**

**Councillor Fox to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)**

Torbay's residents continue to suffer from lower levels of bus services since the pandemic, when does the Torbay Bus Forum next meet?

**Question 21**

**Councillor Long to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

How regularly are drains/gulleys on Torbay's road network checked by the Council?

**Question 22**

**Councillor Joyce to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

Can the Cabinet Member for Pride in Place, Culture & Events and Parking please confirm the budget for each town for Christmas 2023 decorations and lights?

**Question 23**

**Councillor Johns to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

In my ward Clifton with Maidenway, I have had many complaints relating to dangerous driving and speeding especially on Marldon Road by Maidenway Road.

The speeding has been reported to Highways. The outcome of this reporting did not address mine and the resident's concerns. Please can you share with me what powers the Council has to address dangerous driving and speeding?

**Question 24**

**Councillor Mandy Darling to the Council's Appointed Outside Body Representative on the Devon and Cornwall Police and Crime Panel (Councillor Tyerman)**

To ensure that there is an appropriate level of support to guide dog partnerships, has Devon and Cornwall Police signed up to a Service Level Agreement with Guide Dogs for the Blind?

### **Question 25**

#### **Councillor Harvey to the Chairwoman of the Planning Committee (Councillor Jackie Thomas)**

Some months ago, officers of Torbay Council advised that a viability assessment would be undertaken by an independent expert in respect of the fragrance group stating that the planned for destination hotel on the former Palace Hotel site, Babbacombe Road, Torquay, is now economically unviable. Many months have now passed, and it is reasonable to believe this report has been undertaken. Can this report now be shared with all members of the Council and the public?

### **Question 26**

#### **Councillor Nicolaou to the Cabinet Member for Housing, Finance and Corporate Services (Councillor Tyerman)**

In an Institute of Public Policy Report, it stated that a private sector-funded investment of £13bn in the NHS will actually cost a total £80bn by the time that all interest is paid with interest rates rocketing since the Liz Truss premiership. I understand that Spires College and Homelands Primary School have benefitted under the Private Finance Initiative. Can you please confirm what the Council are predicting the projected total costs of these schemes to be, what the payments have been over the past 5 years, and what the initial investment was?

### **Question 27**

#### **Councillor Virdee to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

Liberal Democrat Councillors have been raising issues around the inappropriate use of the highway for vehicles. On Westhill, we have had some vehicles for sale on the highway. In Plainmoor, there have been hobby vehicles stored inappropriately on the highway, yet officers have advised that Torbay Council does not currently have the resources to investigate and use the Council's powers to tackle this antisocial behaviour. I would welcome your thoughts on how we can address this issue?

### **Question 28**

#### **Councillor Penny to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)**

I understand that nine Torbay schools were built when the – now acknowledged – defective material Reinforced Autoclaved Aerated Concrete (RAAC) was being used to construct public buildings.

Given the serious risks involved, can you please advise me:

- A) How many and what type (e.g. Community Centres) of other public buildings were constructed during this period within Torbay; and

B) What investigations the Local Authority have undertaken into their current state of structural safety and repair?

### **Question 29**

#### **Councillor Pentney to the Council Appointed Director on the Torbay Economic Company Ltd, known as TDA (Councillor Brook, Fox and Maddison)**

The TDA recently asked for contributions from the Torquay Neighbourhood Planning Forum totalling £200,000.00 from its Community Infrastructure Levy fund to help with the redevelopment of The Strand project. I understand that this fund should be used to support community grassroots projects, can you as a Council appointed Director of the TDA please explain who authorised the above application.

### **Question 30**

#### **Councillor George Darling to the Cabinet Member for Place Development and Economic Growth (Councillor Chris Lewis)**

At the previous full council meeting I enquired about the Premier Resort Fund, whether it could be used in part for the Babbacombe Core Tourism Investment Area in resurfacing the Oddicombe Beach causeway and improving signage in the area. It was kindly agreed for officers to explore the affordability of this, could you please advise on the outcome?

## **Third Round**

### **Question 31**

#### **Councillor Steve Darling to the Cabinet Member for Pride in Place, Culture & Events and Parking (Councillor Billings)**

A few weeks ago, I exchanged emails with SWISCo about a broken lock on a gate at the Windmill playing fields in Torquay off of Higher Audley Avenue. When I reported this to the out of hours team on 4 June, I was advised that this would be emailed to officers so it would be dealt with on Monday morning even though I was calling the out of hours team as residents were concerned that the lock had been deliberately broken by travellers who intended to gain access to the site over the weekend. Can you please explain why Torbay Council have adopted this approach to what many would see as an urgent issue?

### **Question 32**

#### **Councillor Long to the Council's appointed Outside Body Representative on the Devon and Somerset Fire and Rescue Authority (Councillors Fellows and Tolchard)**

You were appointed to the Devon and Somerset Fire and Rescue Authority four months Ago. Can you please explain why you have failed to keep all Torbay members up to date in respect of this body in the last few months?

### **Question 33**

#### **Councillor Law to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)**

As the Cabinet Member for Adult and Community Services, Public Health and Inequalities can you assure me that you would lobby against the privatisation of the collection of outstanding adult social care debt?

### **Question 34**

#### **Councillor Mandy Darling to the Chairman of the Planning Committee (Councillor Jackie Thomas)**

At August's Planning meeting a scale model had been constructed by an objector to assist myself as a visually impaired member of the committee, this had previously been agreed with officers. Can you explain why you failed to make reasonable adjustments to allow me to access the scale model as part of my consideration of this application?

### **Question 35**

#### **Councillor Fox to the Cabinet Member for Children's Services (Councillor Bye)**

On 27<sup>th</sup> March 2023, Kevin Foster issued the following statement in respect of the £629,000 being awarded to the Acorn Centre, Torquay to support and encourage young people to socialise, develop new skills and better their physical and mental wellbeing: 'This investment from the Government into our youth services is very welcome. I now look forward to Torbay Council rapidly moving forward to deliver this project as it is vital when we receive such national funding support, residents and the Government promptly see it making a difference for the next generation.' In light of the above, can you please advise the progress of these funds to help facilitate enhanced youth services in Torquay?



**Meeting:** Cabinet/Council **Date:** 19/20 September 2023

**Wards affected:** All

**Report Title:** Future options for the structure and operation of Torbay Economic Development Company Limited

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

**Cabinet Member Contact Details:** Councillor Chris Lewis, Cabinet Member for Place Development & Economic Growth, [chris.lewis@torbay.gov.uk](mailto:chris.lewis@torbay.gov.uk)

**Director/Divisional Director Contact Details:** Alan Denby, Director of Pride in Place, [alan.denby@torbay.gov.uk](mailto:alan.denby@torbay.gov.uk)

## 1. Purpose of Report

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- 1.1 To make recommendations relating to future of the Torbay Economic Development Company Limited (trading as TDA).
- 1.2 TDA is a wholly owned and controlled company of Torbay Council. It was established in 2011 to lead economic development and regeneration in Torbay. Among other activities related to this core purpose TDA's establishment also allowed for the Council to take advantage of the freedoms of a local authority trading company.
- 1.3 This report provides an overview of TDA's current structure and performance, including the assets owned and managed and their external contracts.

## 2. Reason for Proposal and its benefits

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- 2.1 The emerging Corporate and Community Plan makes clear the desire to focus on the economy of Torbay. The current Corporate and Community Plan, along with the Council's Economic Growth Strategy 2022-30, also makes clear that the economic performance of Torbay is not improving. This is despite the projects that have been successfully delivered in recent years. The need for a Thriving Economy to underpin the ambitions that the Council shares with its partners is stark.
- 2.2 Typically a local authority will establish a company to address financial pressures, take advantage of legislative change, for delivery of services or because of the benefits of working through such a model. Those same drivers should apply in considering whether a wholly owned and controlled company structure continues to be the best way for the Council to fulfil its objectives.

- 2.3 The establishment of TDA was shaped by the move towards partnership delivery models. The recruitment of local private sector leaders to the board of TDA was intended to result in a more coherent programme of economic development, faster delivery, increased investment, more job opportunities and assist with better community development and engagement. Against many of these metrics TDA has been successful.
- 2.4 TDA has delivered several key successes for Torbay since its inception. Its staff have been integral to securing tens of millions of government investment. This includes Coastal Communities Fund, EU grants, funding through the local enterprise partnership and from the Towns Funds. TDA has successfully delivered projects for schools, across the breadth of Council services, and secured external local government, health and education clients. Providing services to these clients provided external income which contributed to the overheads of the company and provided a surplus used for reinvestment.
- 2.5 However, Torbay's overall economic performance continues to decline. As measured by Gross Value Added (GVA) per head of population, Torbay is the lowest performing local authority area in England. Skill levels in the workforce, and other indicators emphasising the challenge facing the place, are underlined by Government's selection of Torbay as a Levelling Up Partnership place.
- 2.6 Away from Torbay, the national and regional environment for economic development is now markedly different to that which was in place when TDA was established. Over the past decade the number of Council owned economic development companies has fallen with no similar organisation existing in the region and very few nationally.
- 2.7 The Levelling Up White Paper firmly puts upper tier local authorities directly at the front of economic development leadership. The development of the Devon, Plymouth and Torbay Devolution Partnership also demonstrates the crucially important role of the local authorities in this space. Locally, the establishment of the Place Board has brought together place leaders that bring influence on a range of issues facing Torbay.
- 2.8 The benefits of the proposal are expected to include streamlining the operational delivery of activities currently delivered through TDA and especially ensuring that the resources and expertise of the staff are focused on the work needed to deliver for the communities of Torbay. Bringing these services in house will remove levels of governance that the Council already provides directly through its established processes. In removing these processes, the resource commitment of servicing these Company committees and board will reduce resulting in some minor financial savings and release this capacity to support other work.
- 2.9 Should the recommendation be accepted a review of the sites and assets acquired by TDA will be carried out and disposal may result in a capital receipt.
- 2.10 In summary, this report recognises the role played by the staff and directors of TDA since its establishment but recommends a dissolution of the company to organise Torbay's resources in a more efficient and effective way. The recommendations do not reduce the focus on economic growth rather they are principally driven by the need for delivery for the

residents and communities of Torbay, renewing our focus on the opportunities for regeneration.

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

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That the Cabinet recommends to Council that;

1. Torbay Economic Development Company be dissolved, with the Chief Executive overseeing the practical arrangements for the same;
2. In further of 1. above, the Chief Executive be given delegated authority to determine, in consultation with the Leader of the Council;
  - a. the transfer of subsidiary companies or component parts of the business that undertake substantial external trading activity into the Torbay Council Strategic Holding Company,
  - b. the most effective arrangements for the holding of assets currently held by Torbay Economic Development Company,
  - c. agreement of appropriate indemnities that may be required for non executive directors and Board appointments should this be necessary during the transitional period.

### Appendices

None

### Background Documents

- Torbay Council report 198/2009 “Torbay Economic Development Company”
- Torbay Economic Development Company memorandum and articles of association
- Torbay Economic Development Company business plan 2020-25
- CIPFA Local authority owned companies: a good practice guide 2022

### 1. Introduction

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- 1.1 TDA was established as a company in 2011. It was set up as a wholly owned and controlled subsidiary of the local authority so that work could be commissioned to it in line with procurement regulations. The intention was to control the company through its sole membership, through a commissioning process, the appointment of Council directors to its board and through agreed reserved matters which reserve the decision for the Council rather than the company board. The essential activities of TDA were, and continue to be, for the Council. It was agreed the essential activities were complemented by trading activities which have delivered income in support of the Council's objectives since TDA has been operating.
- 1.2 As indicated in the "Reason for Proposal" section above, the challenges which Torbay faces in making a step change in its economic performance mean it is an appropriate time to review TDA's objectives and consider what a future role might be.
- 1.3 There have been previous reviews of TDA's governance and purpose, most recently in 2021. This resulted in some improvements to governance of wholly owned companies which included, among other changes, the introduction of shareholder meetings. However, the need to deliver more for Torbay at a time of significant change in the regional and national economic development environment means that a review of the fundamental purpose of TDA is needed. This is to confirm if TDA continues to be the best way to deliver the objectives that Torbay as a place needs.
- 1.4 The TDA board is intended to provide a public private sector interface, which complements the professional skills from the executive team, and supports the development of appropriate economic development approaches. TDA's board members must also though have regard for the responsibilities they hold as company directors. As TDA has grown and developed as a business, providing services to external customers, the role of the board has evolved. While that private sector contribution to the economic development approaches exists, there is also the constant requirement for review of the business of the company, including the necessary finance, audit and other governance processes.
- 1.5 The requirement for the public private interface has also changed. Following the LGA peer review of Torbay Council in 2017, the strategic partnership for Torbay was renewed. Since that time, the partnership has continued to evolve and is now Torbay's Place Board. There is a close engagement between the business community and the Place Board, with each of the Torbay Business Forum, English Riviera Business Improvement District and the Torbay & South Devon High Tech cluster having representation at the board. Underneath the Place Board, work is underway with the business community to improve connections between the

Chambers of Commerce and Business Forum and other businesses to inform the recommendations and decisions through to the Place Board and Council.

- 1.6 Financially there is a cost to the different processes required due to TDA's legal form. The Council needs to constantly ensure that resources are focussed on its key objectives, and although TDA has achieved some commercial success, it does operate in a challenging market. It also has been constrained by the availability of staff resources and the ongoing requirement to work within TECKAL limits.
- 1.7 TDA has secured contracts from several local authority and education customers. These contracts contribute approximately 23% to the surplus reported by the company in 2021-22. A further 9% of the reported surplus was derived from the subsidiary businesses including CASE Consultants and Seven Dials. In addition to the third-party works, TDA derives an income from assets that were transferred at set up and others which it has either developed or acquired. Whilst the existence of a profit is of benefit, consideration needs to be given as to whether it is at a level which can be seen as a strong justification for supporting maintenance of the status quo.
- 1.8 The status quo maintains a range of costs either committed to by TDA or absorbed by the Council. This includes TDA's IT contract, time commitments to shareholder, board and subcommittee meetings and commissioning agreement as examples.
- 1.9 On a practical basis, the help desk operated by TDA in support of property services and facilities management requirements, has received 1,174 calls in the first quarter of the calendar year. This is broken down below:
  - Property Services = 608 (this includes external clients) – 51.78%
  - Torbay Council = 467 – 39.77%
  - TDA = 43 – 3.66%
  - TorVista Homes (TVH) = 30 – 2.56%
  - Housing Options = 16 - 1.37%
  - Somerset = 10 – 0.85%
- 1.10 While Torbay's real need includes each of TDA, TVH and Housing options, the bulk of the calls are from third party clients.
- 1.11 The review of TDA is though primarily concerned with ensuring the most effective approach to support Torbay and the Council in delivery of its corporate/community plan objectives. While any income potentially reduces these resources it is the Council's view that the recommendations will result in some one-off costs the ongoing revenue costs of the transition back into the authority will see the foregone income will be offset by other savings and benefits.
- 1.12 Furthermore, the Council's capital programme is fundamentally challenged by the very significant cost pressures experienced in the construction sector in the past two years, which are caused by high profile external issues. The cost escalation is causing the programme to be delivered slower than the Council and the community wish. Increasing the

dedicated resource available will provide the capacity to allow for momentum to be recovered. This will in turn support the current Community and Corporate Plan themes of Thriving economy and Council fit for the future, consistent with using resources to best effect.

## 2. Options under consideration

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### **Option A – Do nothing**

2.1 A do nothing option of maintaining the status quo would retain the current company and governance structure that exists. TDA would continue to be controlled through commissioning agreement, reserved matters and shareholder meetings and deliver the range of services that it currently does unless they are varied through these mechanisms. This option would avoid any costs associated with the recommendation. This option does not meet the original objective set for TDA of responding to the economic development needs of Torbay, nor does it provide an optimal fit for the likely priorities of the new Community and Corporate Plan. Notwithstanding the 2021 review of the Council's wholly owned companies and the rich contribution made by current and previous members of the board, the changes that are taking place in and outside of Torbay mean that this option would carry increased risk to delivery.

### **Option B – Revise TDA governance and service provision**

2.2 In support of the previous review recommendation, the Council could redesign the governance structure of TDA to make it more streamlined and simultaneously review the services delivered by TDA. The core services supporting the Council's immediate and medium-term objectives are considered to include asset management, development surveying, economic development and facilities management which would be brought in house. The remaining services would be delivered through a company structure, but under a board model mirroring SWISCo's board, whereby a smaller board would support the executive team and allow the focus on its core business. This would allow for the Council to continue to benefit from external income in support of its objectives.

2.3 This is not a preferable option in terms of TUPE owing to its complexity. However, this option would retain, to some degree, all the issues associated with Option A, and could prove to be a further distraction from focussing on the Council's priorities.

### **Option C – Bring services in house.**

2.4 This option takes the activities of TDA and brings them back into the Council in their entirety with potential exceptions for TDA subsidiaries. This would regain total control of both the cost and activity performed by TDA with the company governance structures ceasing to exist. Progress against the activities being delivered would be reported and monitored through the Council's existing democratic structures.

- 2.5 TDA operates a charging model which sees that work it carries out for Torbay outside of the commissioning agreement between it and the Council is chargeable. This option will save the profit that TDA generates against non-contract fee Council work. For 2022 this was at a cost of £262k<sup>1</sup> which also contributed to the surplus delivered by TDA.
- 2.6 From the HR perspective this is a preferred option and the easiest in relation to TUPE. However, questions remain with respect to TDA's subsidiary companies: would they be moving back into the Council and if not, who would the individual's employer be. This option assumes that all personnel will move to the Local Government Pension Scheme and that there will be no redundancies as part of the process.
- 2.7 TDA generates income and profit from external activities. This income from external activities covers overhead costs as well as contributing to the surplus. They would be reviewed and may cease with the integration of TDA back into the Council. Alternatively it may be that services for local authorities continue as services can be traded between Councils or the commercially viable services could be held in the proposed holding company recommended in the future options on TorVista Homes report.
- 2.8 Each of options B and C require the movement of staff under TUPE considerations. This process will need formal consultations, likely to be over a period of several months, as well as transfers within the payroll system. This means that any change is likely to be post-Christmas.
- 2.9 Making any changes through options B and C are likely to require a range of supporting activities which will include legal, HR and tax advice. Should the recommendation be supported, the Council will need to ensure that there continues to be an effective board of directors to oversee the activities of TDA until it is closed.

### 3. Financial Opportunities and Implications

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- 3.1 As the report sets out above, there are several other financial implications to note. TDA has also commissioned advice which highlights potential costs, principally related to possible tax liabilities and provided commentary on what it considers the cost of these recommendations will be for the Council. The advice and commentary have been reviewed and in the opinion of the Director of Finance do not materially change the financial assumptions which have been made in determining the recommendations above.
- 3.2 It is accepted that the Council will forego third party income earned by TDA and its subsidiaries. Based on the 21/22 financial year this will be approximately a third of TDA's surplus. The property income sat in TDA will be retained as the assets will continue to exist.

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<sup>1</sup> Mar 22 analysis of TDA turnover.



The surplus TDA's derives from additional non-Torbay Council contract fee costs will be a loss.

- 3.3 If all TDA staff are brought into the Local Government Pension Scheme, this will increase the Council's employer contribution rate. The immediate impact of this is subject to confirmed contribution rate and actuarial assessment however an internal assessment suggests that absorption of TDA's staff will cost £468,000 on a 20% rate with a higher or lower rate varying this figure.
- 3.4 The Council has stated that there will be no redundancies arising from the recommendations within this report. All staff, including support staff, will be integrated into the Council and it is anticipated that natural turnover over time will result in savings in these areas. There may be a requirement in the medium term for service redesign, once services have been integrated, however the Council will seek to avoid and manage changes in other ways through redeployment, for instance the Council has been holding several vacant posts pending the decisions from this report.
- 3.5 In respect of the subsidiaries of TDA which include Kings Ash Holdings, CASE Consultants and TorVista Homes, TorVista is subject to a separate review by the Council and CASE Consultants will be appraised post consideration of this report with options having been presented to the Council by TDA. TDA's cleaning company is expected to close on the selection of a new Council supplier.
- 3.6 There will be some transitional requirements for instance on IT. TDA currently have a contract with a third party to provide IT support and bringing this back in house will increase the draw on internal resources and may incur a charge from the provider to support transition. However, it will save on the external costs currently expended on this area.
- 3.7 There will be a requirement to review in detail TDA's contract register to novate, where appropriate, contracts to the Council or to end them. There may also be a need for tax advice in respect of the assets that TDA has in its name. Borrowing taken out for activities delivered by TDA are asset backed and therefore the liabilities will continue to be met without additional pressure.

## 4. Legal Implications

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- 4.1 Both the Council and the TDA will have regard to the law governing the implementation of change, to ensure legal and due process is correctly followed.

## 5. Engagement and Consultation

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- 5.1 The board of TDA along with the Managing Director and management team have been engaged with directly by the Leader & Chief Executive since the review was instigated. The



Chief Executive has also attended a TDA management team meeting to answer questions from that group. The Council has regularly responded to questions raised by TDA staff.

- 5.2 Cabinet members and Directors have been fully engaged throughout the development of the options and recommendations within the report.

## 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 The Council will need to consider how any contracts TDA has entered into can be effectively moved across to the Council or properly ended.

## 7. Tackling Climate Change

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- 7.1 No direct implications from the recommendations.

## 8. Associated Risks

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- 8.1 There is a risk if the recommendations are not implemented that the Council will continue to experience slower delivery than it seeks. Inevitably the establishment of a company structure and then the engagement of the company on third party work results in a dilution of the overall resource. If the recommendation is not taken forward there will continue to be greater pressure on resources.
- 8.2 There is a risk to staff morale and commitment in TDA and a loss of skills if the recommendations are approved. As noted above it is inevitable that reviews such as this create uncertainty for staff, the chair and the board and partners. It is reiterated that this review has been motivated not by underperformance by TDA but from a need for a better mechanism to deliver more for Torbay.
- 8.3 Ensuring that the appropriate process is followed under TUPE will be important as failure to do so may result in employment claims.
- 8.4 The loss of third-party income has been addressed above. While this income is welcome it is not material to the decision.
- 8.5 In the short term there is a risk that resource requirements for implementation of the decision may require other work to be paused to allow this work to be completed.
- 8.6 There may be financial and reputational risks relating to the termination of contracts with TDA's public sector clients.

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

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

## 10. Cumulative Council Impact

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10.1 None

## 11. Cumulative Community Impacts

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11.1 None

**Meeting:** Cabinet/Council

**Date:** 19/20 September 2023

**Wards affected:** All

**Report Title:** Future options for the structure and operation of TorVista Homes

**When does the decision need to be implemented?** Initial decisions by the end of September 2023 with subsequent decisions to be implemented in December 2023

**Cabinet Member Contact Details:** Alan Tyerman, Cabinet Member for Finance and Corporate Services

**Director/Divisional Director Contact Details:** Malcolm Coe, Director of Finance

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## 1. Purpose of Report

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- 1.1 TorVista Homes is a subsidiary of Torbay Economic Development Company which in turn is a wholly owned company of Torbay Council which was established in 2019.
- 1.2 The original objective of the company, as stated to Council in September 2016, was '**to develop and own homes with the overarching aim of maximising income back to the Council**'. A secondary objective was to help the Council deliver against its Housing Strategy. This was updated in a Full Council report in December 2018 which included the recommendation '**that in principle there appear to be clear benefits in merging the Housing Rental Company (RentCo) into the TDA, or a subsidiary of the TDA to enable relevant affordable housing schemes to be delivered at pace**'. However, for a number of reasons including changing market conditions, escalating construction costs and the Covid pandemic these objectives have not been realised.
- 1.3 As part of the original set up, TorVista was able to access drawdown of a 'working capital' loan from the Council in order to cover its operating costs until it achieved a critical mass of properties to fund a sustainable operating model. The intention behind this loan was that the company would ultimately payback the loan to the Council, in its entirety, through generating surplus from the holding of housing stock. However, this has not materialised and, as at September 2023, TorVista has fully drawn down the loan facility available and is continuing to incur significant annual operational costs with no identified funding source.

Ultimately, as a wholly owned company, this financial liability will fall back on Torbay Council to address.

- 1.4 This report details the current status of TorVista, including assets owned and loans owed, and recommends the direction for the wholly owned company moving forwards.

## 2. Reason for Proposal and its benefits

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- 2.1 The establishment of TorVista directly links to the Council ambition for the Bay 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.

With further links to the corporate themes of:

- thriving people, thriving economy;
- a Council fit for the future and;
- tackling poverty, deprivation and vulnerability

- 2.2 This report is aligned to the “Future Options on the structure and operations of Torbay Economic Development Company” which is intended to accelerate delivery. In the case of TorVista however, with the assets and liabilities of TorVista being underwritten by the Council, with an accrued loan debt of £1.5m and on-going operational costs of £370k per annum, the Council need to determine whether:

(a) it can afford to maintain the existing structure and operational arrangements of TorVista within the context of the wider Council budget and

(b) whether the annual costs incurred by TorVista represent Value for Money from public sector funding when considering the outcomes delivered to date and those forecasted over future years.

## 3. Recommendation(s) / Proposed Decision

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Recommendations to Cabinet:

That, subject to the Council’s approval of recommendations 6 and 7, the following be implemented:

1. TorVista be instructed to progress the current projects of St Kilda and Torre Marine, subject to viable business cases, as directed by the Director of Adult and Community Services;

2. TorVista be instructed to refrain from taking on any new development work, or projects, until further notice unless requested to do so, in writing, by the Council's Chief Executive or formal decision from Council;
3. TorVista be instructed to reduce operating costs from £370,000 per annum to a maximum of £223,700 per annum through removing all functions, and associated costs, other than those required to provide a landlord service for the current 32 Units within their ownership;
4. Torbay Council set up a 'Torbay Council Strategic Holding Company' and, subject to ensuring compliance with the Regulator of Social Housing, move the wholly owned company of TorVista from Torbay Economic Development Company to become a wholly owned sub company of the Council 'Strategic Holding Company' and the Chief Executive, in consultation with the Leader of the Council and Cabinet Member for Finance and Corporate Services, be given delegated authority to establish all governance arrangements for the Strategic Holding Company;
5. That further work is undertaken by the Director of Finance with regards to the future management and operation of the 32 units currently owned by TorVista, (plus any subsequent units that might arise through either St Kilda and/or Torre Marine), to drive down operational costs which, subject to the compliance with the Regulator of Social Housing, might include:
  - (a) Transferring the residential assets to alternative Residential Providers and the land assets back to Torbay Council; and / or
  - (b) Integrating the TorVista landlord function with the management and maintenance of other Council owned assets such as temporary accommodation properties; and

The outcome of this work be reported to the Cabinet to enable it to make recommendations to the Council meeting on 7 December 2023, (as part of, and to inform, the budget setting process), on whether it wishes to continue to fund TorVista to develop, and deliver, specialist housing schemes which link directly to the Council's Community and Corporate Plan and Housing Strategy priorities which could include:

- Extra Care Housing;
- Supported Living;
- Care leaver accommodation;
- Temporary Accommodation

Recommendations to Council:

That Cabinet recommends to Council:

6. The Director of Finance be instructed to write off the 'working capital' loan of £1.5m, accrued by TorVista as at September 2023, to be funded through a strategic review of Council Reserves;
7. that Council Minute 67(v) of 20 July 2017 be rescinded, thereby removing any approval of prudential borrowing to facilitate further schemes by TorVista; and
8. The Council approve revenue funding of £115,000 for maintaining TorVista operations for the six-month period from October 2023 to March 2024.

## Appendices

None

## Background Documents

Details of previous decisions:

- (a) Council September 2016: approved in principle, the creation of a Housing Company with the objective of income generation;
- (b) Council December 2018: accepted in principle the benefits of TDA creating a Housing Company to enable relevant affordable housing schemes to be delivered at pace;
- (c) Cabinet July 2019: approved £25 million of Prudential Borrowing, in principle, to facilitate the work of the Housing Company, in the form of a loan for a capital purpose.
- (d) Council July 2019: approved a loan of up to £1 million to TDA, if required, to allow access to the necessary working capital required to set up the Housing Company with the terms of the loan delegated to the Chief Finance Officer to agree, in consultation with the Cabinet Member for Finance;
- (e) Council October 2022: approved an extension to the 'working capital' loan facility from £1m to £1.5m.

### 1. Introduction

- 1.1 TorVista Homes was set up as a wholly owned company of Torbay Council, reporting into Torbay Economic Development Company in 2019. The initial objectives of the company, as reported in September 2016, was to **develop and own homes with the overarching aim of maximising income back to the Council**.
- 1.2 A secondary objective was to help the Council deliver against its Housing Strategy. This was reaffirmed in a Full Council report in December 2018 which included the recommendation **'that in principle there appear to be clear benefits in merging the Housing Rental Company (RentCo) into the TDA, or a subsidiary of the TDA to enable relevant affordable housing schemes to be delivered at pace'**.
- 1.3 In July 2017, Council approved a loan facility of up to £25m to develop, and deliver, specific housing schemes subject to individual business cases to be submitted and approved by the Council's Section 151 Officer (in consultation with Cabinet member). However, whilst planning permissions have been achieved at Preston Down Road, Crossways, Torre Marine, St Kildas, and Totnes Road for circa 300 homes, as at 31 August 2023, only business cases, and subsequent loans, amounting to £3.2m have been approved as detailed in *Figure 1*:

**Figure 1: Loans drawn by TorVista and Units held by the company**

Development	Loan £000s	No. of Units
Next Steps (inc 4 Bishops Place Units)	882	14
Bishops Place (excluding Next Steps)	885	9
Totnes Road	1,456	9
	<b>3,223</b>	<b>32</b>

- 1.4 The total cost of the 32 units, as at 31 August 2023, is stated as being £5.285m of which £2.526m is Freehold and £2.762 is Leasehold. In addition to Council loans, £1.92m has been obtained, across the stock, as grant funding from Homes England.
- 1.5 The individual site business case process considers the rental income achievable from the completed development and accounts for repayment of loan drawdown, with accompanying interest, as part of the cost appraisal underpinning the case. Thereby each business case should achieve at least a cost neutral position, including the on-going maintenance and



management of the completed asset, with the added objective of providing a contribution to TorVista to partially cover the operational cost of the company.

- 1.6 The Business model of TorVista was based on the premise of accumulating a critical mass of developments, and subsequent ownership of assets, that would cover the entire operational cost of running the company with the intention that, ultimately, TorVista would generate an on-going revenue surplus in line with the September 2016 report. However, as detailed in *Figure 1*, the company currently owns, and manages, just 32 units.
- 1.7 When setting up TorVista, it was recognised that there would be a need to ‘pump prime’ the operational costs of the company whilst assets were being developed and accumulated. In July 2019 the Council approved ***that a loan of up to £1 million be approved to TDA, if required, to allow access to the necessary working capital required to set up the Housing Company with the terms of the loan delegated to the Chief Finance Officer to agree, in consultation with the Cabinet Member for Finance.*** This was subsequently increased to £1.5m as approved in October 2022. It was intended that this working capital loan would be repaid to the Council, by TorVista, when the level of rental income received was sufficient enough to generate a surplus position. However, the full £1.5m has now been drawdown, and spent, by the company with on-going net costs, (accounting for existing rental income), of circa £370k per annum.
- 1.8 Whilst there is value in the assets held by TDA, without an achievable route through to a substantial critical mass, these costs will ultimately fall back on Torbay Council and will need to be accounted for within the Council’s budget and financial framework. Bearing in mind the extent of loan exhausted and significant on-going deficit:
- It is recommended that:*
- (a) *The Council write-off the £1.5m TorVista working capital loan (to be funded through Council Reserves);*
- (b) *The Council make revenue budget provision of £115,000 for the remainder of the 2023/24 financial year whilst further cost reduction measures are progressed.*
- 1.9 The ability for TorVista to increase the supply of affordable housing and help the Council meet the needs to those most vulnerable client groups has been significantly negatively impacted by the increases in construction prices over the last 18 months and rising interest rates which, even factoring in the use of Homes England grant funding, makes viability of site development of what were already complex projects, extremely challenging.
- 1.10 Recognising the significant one off, and on-going, costs to the Council, and current status of the company, immediate action needs to be taken to reduce spend where possible. The essential costs of maintaining the existing estate can be reduced from £370k per annum to £223.7k per annum as detailed in *Figure 2*:

**Figure 2: Revised TorVista operational budget (pending further Council decision)**

<b>Budget / Spend Area</b>	<b>(Income) / Cost £000</b>	<b>Comment</b>
Income from Rent	(195.9)	Income received from 32x units
Housing Company Directors	18.1	Legislative requirement
Housing staff employed	93.0	2x FTE employees
Torbay Economic Development Company recharges	79.7	Will be influenced by TDA decision
Property Related Payments	81.0	Mainly service charge and maintenance
Administrative costs	31.0	Including audit, bank and ICT costs
Loans repayment and interest	116.8	Based on £3.2m loan drawdown
<b>Revised on-going costs</b>	<b>223.7</b>	Further work needed to drive down costs

- 1.11 In order to exert greater Council control and influence over these costs moving forwards, it is recommended that the wholly owned company of TorVista is moved from its existing reporting line of Torbay Economic Development Company , to report directly into a Torbay Council Strategic Holding Company. Upon setting up such a company, and reporting arrangements, the Council can directly make further decisions as to the strategic direction, priorities and operation of TorVista over the coming months to ensure financial sustainability. It should be noted however, if the Council is to keep and utilise the stock and not increase the quantum of stock to create efficiencies then there will an on-going cost to the Council.
- 1.12 Outside of operational costs, TorVista are currently developing 23 units of age restricted properties at St Kildas (Brixham) and a further 74 units of Extra Care at Torre Marine (Torquay). It is proposed that these schemes continue to be developed, (subject to viable business cases), but with clear direction and authority to incur further material spend, directed through the Council’s Director for Adults and Community Services with project oversight provided by the Council’s Capital and Growth Board.
- 1.13 No further new developments should be pursued by TorVista unless explicitly requested to do so, in writing, by the Council’s Chief Executive or as directed through a formal Council decision and corresponding minute.

## 2. Options under consideration

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- 2.1 The £223.7k operational costs, as detailed in Figure 2, reflects the costs of TorVista in managing and maintaining the existing stock as currently held and in line with the requirements of the Regulator for social housing and the conditions as set out in the grant agreements. To make further significant cost reductions would require the company to either:
- (a) Discharge ownership of all assets to alternative Residential Providers and cease trading;
  - (b) Continue to acquire (targeted) additional stock and assets thus reducing operational costs through economies of scale; and/or
  - (c) Take on additional, conducive, Council functions such as the management of Temporary Accommodation stock

### **Option A: Cease Trading**

- 2.2 Cease trading and winding up of TorVista could, ultimately, save the Council the full £370k per annum that is currently being incurred on the operational running of the company. However, a number of factors would need to be considered and all would require the involvement of the Regulator of Social Housing:
- i. The existing stock would need to be sold / transferred to an alternative provider(s);
  - ii. Any outstanding loans to Torbay Council will need to be factored into any sale / transfer of assets;
  - iii. Any conditions surrounding the £1.9m of Homes England Grant, as secured against the 32 units, would need to be complied with to mitigate any risk of repayment;
  - iv. There is no guarantee that there is a reliable market that would take on the existing TorVista stock on terms acceptable to the Council and this would need to be tested;
  - v. The Council will lose the direct access it currently has to place clients through not maintaining any physical stock.

It is understood that as the Council is a 'Registered Provider' in its own right, then Homes England Grant funding can continue to be attracted for Council led initiatives without the need for a TorVista model. However, this will need to be formally tested and confirmed.

## **Option B: Maintain trading and continue to acquire new stock**

- 2.3 For this option, the Council will need to continue to fund £223k per annum whilst work is undertaken to identify any potential further efficiencies. Consideration will need to be given to:
- i. The significant affordable housing shortages that are being faced in the Bay and the ability, if any, for TorVista to have a material impact on addressing affordable housing and social rented needs;
  - ii. Viability challenges that have been, and will be, faced due to increased construction costs and high interest rates;
  - iii. A more focussed housing development company focussing solely on specific council priority needs such as extra care housing, supported living, care leavers and key worker accommodation which is not currently addressed through the local market. Should this option of only targeting the direct delivery of specialist housing be pursued, the Council will need to recognise an on-going revenue cost of maintaining the company as the 'critical mass' required to break even will take decades to achieve.

## **Option C: Expand the remit / responsibilities of TorVista**

- 2.4 There is limited opportunity under this option. An obvious correlation is the landlord and maintenance function of the recently acquired, and pending, temporary accommodation stock which has been commissioned through the Phi contract. There are currently 32x such properties which are either owned by the Council or currently in the pipeline. A short term contract of six months has been engaged for initial management. Whether utilising TorVista or not, the Council should avoid duplication through commissioning and operating two separate landlords for a combined stock of 64 properties.

## **Decisions regarding future options**

- 2.5 Recommendations are made within this report for immediate action to be taken with regards to the current arrangements of TorVista Homes. Options detailed in this section of the report will require further work leading up to a separate Council decision(s) to be made in December 2023 and will need to involve the Regulator of Social Housing.
- 2.6 When considering these options, it is worth referring back to the anticipated benefits of creating TorVista such as providing the Council with direct access to affordable housing stock that should be flexible to be able to meet the most pressing need at the time the property becomes available. The Council will have very little opportunity to place vulnerable clients within other RP stock to meet specific needs.

- 2.7 Having a direct delivery vehicle gives the Council a partner/landlord to be involved in any brownfield regeneration project that may be accommodation led. This allows real time appraisals and viability assessments without the need to undertake formal procurement to select another partner.

### 3. Financial Opportunities and Implications

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- 3.1 Doing nothing would result in additional costs being incurred by TorVista which, ultimately, would need to be met by Torbay Council. At the time of writing this report, there is an unfunded 'working capital' loan of £1.5m which has been exhausted, and needs to be funded, and continuing on-going costs of £370k per year being incurred which are currently unbudgeted. This report seeks a formal Council decision to address these costs and recommends future actions moving forwards.
- 3.2 The immediate recommendations within this report reduce the on-going financial liability to the council to £223k per annum and proposes options to further mitigate future costs.
- 3.3 TorVista has successfully accrued 32 housing units, with a value of £5.2m, and continue to develop the sites of Torre Marine and St Kilda. However, with the recommendation to cease any further development opportunities, there will be no additional funding source for the £1.5m Working Capital loan. As such, it is recommended that this loan is written off, to be funded through Council Reserves. The Council's Section 151 Officer has confirmed that there are sufficient (one off) reserves to meet these costs.
- 3.4 Moving forwards, the revised running costs of TorVista should be treated as a revenue cost to the council as opposed to extending the unfunded TorVista loan facility.

### 4. Legal Implications

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- 4.1 Legal advice has been sought in developing the recommendations and options within this report. The Council would need to set up a 'Strategic Holding Company' for TorVista to move under (from the current arrangement of reporting into Torbay Economic Development Company)
- 4.2 A Board of Directors of TorVista would still need to be maintained as required by legislation.

## 5. Engagement and Consultation

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- 5.1 Consultation has taken place with the Managing Director and Head of Finance for the Torbay Economic Development Company / TorVista when developing the recommendations within this report. Costing information has been shared and verified through this consultation.
- 5.2 Cabinet members and Directors have been fully engaged throughout the development of the options and recommendations within the report.

## 6. Tackling Climate Change

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- 6.1 Energy efficiency is considered within the business cases for all Council led housing developments with strategic direction outlined within the Local Planning Framework.

## 7. Associated Risks

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- 7.1 There is a potential reputational risk with Homes England with regards to managing any transition from existing arrangements to any alternative models decided by the Council.
- 7.2 There is a risk that, should the Council no longer wish to manage its own Housing Stock, there might not be a sufficient Registered Provider market to sell / transfer stock to.
- 7.3 There is a financial liability risk to the Council through doing nothing. There is an accrued, unfunded, working capital loan of £1.5m which needs resourcing with further on-going revenue costs being incurred.

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

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	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people		Should TorVista not continue to trade, the Council will lose influence on specific developments such as extra care.	

		Alternative delivery will be explored.	
People with caring Responsibilities			X
People with a disability		Should TorVista not continue to trade, the Council will lose influence on specific developments. Alternative delivery will be explored.	
Women or men			X
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			X
Religion or belief (including lack of belief)			X
People who are lesbian, gay or bisexual			X
People who are transgendered			X
People who are in a marriage or civil partnership			X
Women who are pregnant / on maternity leave			X
Socio-economic impacts (Including impact on child poverty issues and deprivation)	Consideration will need to be given as to how the Council can influence the local housing market to increase the delivery of affordable housing (including increasing the volume of social rent housing)		
Public Health impacts (How will your proposal impact on the general	Consideration will need to be given as to how the Council		

health of the population of Torbay)	can influence the local housing market to increase the delivery of affordable housing (including increasing the volume of social rent housing)		
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## Record of Decisions

### Corporate Parenting Strategy 2022-25

#### Decision Taker

Cabinet on 15 August 2023.

#### Decision

That Cabinet recommends to Council:

That the Corporate Parenting Strategy 2022-25 be approved.

#### Reason for the Decision

The Children and Social Work Act 2017, set out the responsibility for local authorities in respect of their corporate parenting duties. In February 2019, the Department for Education published Statutory Guidance for local authorities and outlined the key principles of Corporate Parenting. In addition, under the Children Act 2004, it was highlighted that local authorities have a duty to promote co-operation between their relevant partners and the Act also highlights that corporate parenting was a task which should be shared Council-wide and across the partnership.

#### Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 20 September 2023.

#### Information

As outlined within the Corporate Parenting Strategy, the Council want their cared for and care experienced young people to be safe, happy and healthy, in order that they can reach their full potential, and as corporate parents, the Council wished to give it's cared for and care experienced children and young people the access to all of the opportunities that good parents afford their children. The Corporate Parenting Strategy outlines how the local authority and the partnership can achieve this vision.

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

#### Alternative Options considered and rejected at the time of the decision

There were no alternative options considered.

#### Is this a Key Decision?

Yes

#### Does the call-in procedure apply?

No

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

None.

**Published**

18 August 2023

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

**Meeting:** Cabinet **Date:** 15<sup>th</sup> August 2023

**Wards affected:** All

**Report Title:** Corporate Parenting Strategy 2022-25

**When does the decision need to be implemented?** For information.

**Cabinet Member Contact Details:** Councillor Nick Bye, nick.bye@torbay.gov.uk

**Director/Divisional Director Contact Details:** Nancy Meehan, Director of Children's Services, Nancy.meehan@torbay.gov.uk

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## 1. Purpose of Report

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- 1.1. This Corporate Parenting Strategy outlines our aspirations as to the kind of corporate parent Torbay wants to be and how the local authority will work alongside our partners, including education, police and health services, to achieve this ambition. This requires everyone, from officers to elected Members to GPs to teachers, not only recognising their role as corporate parents but also understanding how they can support us to be the best possible corporate parents we can be.
  
- 1.2 This Strategy outlines the commitment of our Partnership to these objectives, and achieving our ambitions through strong strategic, corporate and political leadership and meaningful performance management, a commitment to the ongoing engagement and involvement of children and young people in the development and implementation of our strategy and associated action plans and effective working together with our partners across Torbay. The priorities set out within this strategy reflect not only the local and national priorities for cared for children and care experienced young people, but also the priorities which have emerged as part of our engagement and consultation with children and young people; those priorities are underpinned by elected Member support through the Corporate Parenting Strand Leads with the Corporate Parenting Board governance structure. The Strategy also demonstrates how we are held accountable for the delivery of our corporate parenting principles and priorities, which are driven by underlying action plans.

## 2. Reason for Proposal and its benefits

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- 2.1 Torbay's vision is one whereby its people are able to thrive. As outlined within this Corporate Parenting Strategy, we want our cared for and care experienced young people to be safe, happy and healthy, in order that they can reach their full potential, and as corporate parents, we wish to give our cared for and care experienced children and young people the access to all of the opportunities that good parents afford their children. This Strategy outlines how the local authority and the partnership can achieve this vision.

## 3. Recommendation(s) / Proposed Decision

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1. That Cabinet recommends to Council:

That the Corporate Parenting Strategy 2022-25 be approved.

# Supporting Information

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## 1. Introduction

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- 1.1 The Corporate Parenting Strategy 2022-25 outlines Torbay's corporate parenting vision, an introduction to the importance of corporate parenting, the legal context of Torbay's corporate parenting responsibilities, Torbay's key principles and priorities and our subsequent pledges to cared for and care experienced children and young people, the governance associated with corporate parenting and also a reminder to children and young people about the mechanism through which they can continue to talk to and feedback to us.
- 1.2 As per the Children and Young People's Plan, Torbay aims to ensure that all our cared for children and care experienced young people and adults are safe, happy and healthy in order that they can reach their full potential. This Strategy outlines Torbay's commitment to being an effective, caring and ambitious corporate parent and how we will demonstrate this in conjunction with our partners.

## 2. Options under consideration

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- 2.1 No options have been considered as this proposal is for information only.

## 3. Financial Opportunities and Implications

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- 3.1 The Corporate Parenting Strategy 2022-25 does not make recommendations in terms of any changes to the current service or staffing structure and therefore the decision to endorse does not carry with it any financial implications.

## 4. Legal Implications

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- 4.1 Under the Children and Social Work Act 2017, the legislative responsibility for local authorities in respect of their corporate parenting duties is outlined. In February 2019, the Department for Education published Statutory Guidance for local authorities and outlined the key principles of Corporate Parenting. In addition, under the Children Act 2004, it was highlighted that local authorities have a duty to promote co-operation between their relevant partners and the Act also highlights that corporate parenting is a task which should be shared Council-wide and across the partnership. Following the interim Corporate Parenting Strategy published in June 2021, we have consulted with cared for children, care experienced young people and fostering families in respect of this updated Strategy.

## 5. Engagement and Consultation

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- 5.1 A priority of Children's Services has been to enhance and develop the opportunities for participation, engagement and consultation for our cared for and care experienced children and young people. It has been particularly important in the updating of this Strategy that we have spoken to children and young people, as well as their parents and carers, about the type of corporate parent that they need us to be.
- 5.2 In updating this Strategy, we have drawn upon a wide range of feedback sources. This has included but is not limited to: feedback from cared for children as part of the Your Life in Care survey undertaken in July 2021; feedback from care experienced young people as part of the Your Life Beyond Care survey undertaken in April 2021; specific consultation sessions undertaken by the Participation Officer, the Divisional Director of Safeguarding, the Divisional Director of Education and Skills and the Director of Children's Services; the views of care experienced representatives as individual contributors to both Children's Overview and Scrutiny Board and the Corporate Parenting Board; feedback through the Circle and My Voice groups; and feedback through other surveys undertaken as part of a rolling schedule of ongoing consultation with our fostering families.
- 5.3 The Strategy has been subject to a further period of public consultation. In addition, recommendations from Children's Overview and Scrutiny have been reflected within the updated Strategy.

## 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 The decision to endorse this Strategy does not involve the procurement of services, the provision of services together with the purchase or hire of goods or the carrying out of works.

## 7. Tackling Climate Change

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- 7.1 None.

## 8. Associated Risks

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- 8.1 Should this Strategy not be endorsed, the existing interim Corporate Parenting Strategy will remain in place; there will no change in terms of the fundamental function of the service however the Strategy would not be published, and could not be transparently shared with our cared for children and care experience young people, and the wider community.

## 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	This Corporate Parenting Strategy outlines Torbay's aspirations in respect of its corporate parenting functions, affecting all cared for and care experienced children and young people by outlining Torbay's pledge to them.	N/A	N/A
People with caring Responsibilities	This Corporate Parenting Strategy outlines Torbay's aspirations in respect of its corporate parenting functions. The principles within it are reflected in our Fostering Family Charter, and how Torbay as corporate parents interact with our fostering families and work with them to meet our cared for children and care experienced young people's needs.	N/A	N/A
People with a disability	N/A	N/A	There is no differential impact.
Women or men	N/A	N/A	There is no differential impact.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)	N/A	N/A	There is no differential impact.

Religion or belief (including lack of belief)	N/A	N/A	There is no differential impact.
People who are lesbian, gay or bisexual	N/A	N/A	There is no differential impact.
People who are transgendered	N/A	N/A	There is no differential impact.
People who are in a marriage or civil partnership	N/A	N/A	There is no differential impact.
Women who are pregnant / on maternity leave	N/A	N/A	There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The ambition of the Corporate Parenting Strategy is to ensure that all Torbay cared for children and care experienced young people, no matter their level of need or their socio-economic status, are supported to achieve their full potential.	N/A	N/A
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	By committing to this Strategy, Torbay will be committing to the supporting all of our cared for children and care experienced young people in order to meet their needs, and to achieve their best outcomes; by doing this, we will have a significant, positive impact on the longer term health outcomes for cared for children and care experienced young people.	N/A	N/A

## 10. Cumulative Council Impact

10.1 None.



# 11. Cumulative Community Impacts

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11.1 None.

# Corporate Parenting Strategy 2022-25

November 2022

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## Version control

Date	Details	Updated by
01/11/2022		Becky Thompson
09/02/2023	Updated following consultation	Becky Thompson

<b>14/7/23</b>	Reviewed ahead of approval. Accessibility, including reading age, checked.	Kate Spencer
<b>18/07/23</b>	Final version created	Lisa Chittenden & Becky Thompson

# 1. Foreword

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We are passionate in wanting Torbay and its residents to thrive. Central to this vision is making sure that everyone can play their part in supporting Torbay's children and making Torbay 'child friendly'. We are so proud of our children and we are committed to do all we can to support them to benefit from the many opportunities that the Bay has to offer. In all we do, we want our children to feel loved, supported and safe. We would like to take this opportunity to thank our incredibly dedicated foster carers and staff for the commitment they demonstrate to our children every single day.

We are committed to being great corporate parents, to ensure that our children have every opportunity to live happy and fulfilling lives.

## Members of the Corporate Parenting Board



Councillor Nick Bye, Cabinet Member for Children's Services



Cllr Hannah Stevens, Deputy Civic Mayor



Cllr Anna Tolchard



Cllr Cordelia Law, Overview and Scrutiny Lead for Children's Services



Cllr Steve Darling, Leader of the Liberal Democrat Group

## 2. Corporate Parenting Vision

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The Children and Young People's Plan sets out Torbay Council's objectives and priorities for all services which directly affect children and young people across all the communities which make up Torbay. Its overriding objective is ***to ensure that all our children, young people and care experienced young people and adults are safe, happy and healthy in order that they can reach their full potential.***

In the context of Corporate Parenting this objective becomes an ambition ***to ensure that our cared for children and care experienced young people succeed by:***

- Making sure they are safe, happy and healthy in order that they can reach their full potential; and
- Supporting them to have all the opportunities that good parents afford their children.

We are committed to being an effective, caring and ambitious corporate parent and we will show this through:

- our love;
- our focus;
- our language; and
- our actions.

We are loving parents and we care deeply for our children. We will ensure they receive the same standard of care as any good parent would provide. We will protect and support them to cope with the dangers and risks of everyday life. We will celebrate and share in their experiences and achievements, no matter how big or small. We are ambitious for them and will work hard to support them to reach their full potential. We will do everything we can to make sure that our care experienced young people are set up for life.

We want Torbay to be a 'Child Friendly' place. Torbay will be a place that champions our cared for and care experienced children and young people.

### 3. Introduction

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*"I would like to be asked for my opinion in decisions"*

#### **Cared for young person, Bright Spots Survey**

*"I think the one thing about being a care leaver is that outside of local services, we tend to be quite a forgotten group. I think people underestimate how hard not having a family is during this time in someone's life."*

#### **Care experienced young person, Bright Spots Survey**

*"It's not enough to ask us what we think and feel, like you are giving us a voice; you need to hear what we say and do something about it."*

#### **Cared for young person, specific consultation session**



One of our cared for children drew this picture. It sums up how to be the best possible corporate parent to our children and young people. We need to help children and young people to feel safe. We need to create a sense of connection and community. We should support our children and young people to feel loved and nurtured. We need to help them to realise their best possible vision of their future.

#### So what is corporate parenting?

This is the term used to refer to the responsibilities of the council to provide our cared for and care experienced children and young people with the best possible care and protection. It is about more than just keeping children safe. It is about enhancing every aspect of their lives as far as is possible. We will equip them with the right support to achieve their dreams.

This Corporate Parenting Strategy describes the corporate parent we want to be. It sets out how we will work alongside our partners, including education, police and health services, to achieve our ambition. This requires everyone, from officers to elected Members to GPs to teachers, not only to recognise their role as a corporate parent and to understand how we can work together to be the best possible corporate parents we can be.

This Strategy outlines the commitment of our wider Partnership to the Corporate Parenting objectives and achieving our ambition. We will do this through strong strategic, corporate, and political leadership and meaningful performance management. We commit to:

- ongoing engagement and involvement of children and young people in:
  - implementing our strategy; and
  - Developing and implementing the associated action plans; and
- effective working together with our partners across Torbay.

Our priorities reflect, not only the local and national priorities for cared for children and care experienced young people but also, the priorities which have emerged from our engagement and consultation with children and young people.

Those priorities are underpinned by elected Member support through the Corporate Parenting Strand Leads with the Corporate Parenting Board governance structure. The Strategy demonstrates how we will hold ourselves to account for the delivery of our corporate parenting principles and priorities and the associated action plans.

## 4. Context

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### *Legal Duties*

Under the Children Act 1989, a child is cared for by the Council if they are:

- Provided with accommodation for a continuous period for more than 24 hours,
- Subject to a care order,
- Subject to a placement order.

When a child or young person becomes cared for we become their corporate parent.

In February 2018, the Department for Education published Statutory Guidance for Local Authorities. This outlined the key principles of corporate parenting and the statutory responsibility that all councillors and council officers have in terms of the wellbeing of cared for and care experienced children and young people.

We are also the corporate parent for those young people who are care experienced. The Children (Leaving Care) Act 2000 outlines who qualifies as a care experienced young person. This is a young person aged sixteen or above who has been cared for by the local authority for a relevant period of time since their fourteenth birthday, and for who have been cared for on or after their sixteenth birthday for a period of time.

The expectations in terms of the services and support that local authorities must offer is contained within the Children (Leaving Care) Act 2000, the Care Leavers (England) Regulations 2010 and the Children and Social Work Act 2017. The Council continues to provide support to care experienced young people until they are 25 under the extended duties contained within the Children and Social Work Act 2017.

We want to ensure that, across the Council (including councillors, senior officers and all staff) there is a shared vision, collective responsibility and commitment to our cared for children and care experienced young people. This includes the provision of quality services for them.



## 5. Principles and Priorities

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### Corporate Parenting Principles

We will ensure that we meet the needs of our children and young people, and we will use these principles to guide every element of our approach.

We will always:

- act in their best interests and promote their physical and mental health and wellbeing.
- encourage them to express their views, wishes and feelings.
- take account of their views, wishes and feelings.
- help them gain access to, and make the best use of, services provided by us and our partners.
- promote high aspirations and seek to secure the best outcomes for them.
- ensure that they are safe and have stability in their home lives, relationships, education, and work.
- prepare them for adulthood and independent living.

### Priorities

We have identified five priorities to ensure we are the best corporate parents we can be. We will focus on these priorities and continue to talk to children and young people, to make sure they remain the right ones.

Set out below each of the priorities are the relevant Pledges that we have made to our children and young people. The Pledges have been reviewed by The Circle as part of a consultation with young people in care and care experienced adults.

#### Priority 1: We will work with you

*“I’m really lucky to have a great Leaving Care worker...she makes me feel very listened to and supported, which is a really important thing to me. She’s also good at telling me ahead of time when she’s off work or on leave, which helps me because I don’t like sudden changes and not being able to plan in advance.”*

##### **Care experienced young person, Bright Spots Survey**

*“I want to be treated like any other child.”*

##### **Cared for child, Bright Spots Survey**

*“Things are good now that I am older; I make my decisions most of the time”.*

##### **Cared for child, Bright Spots Survey**

*“Don’t be scared to communicate with us, especially when it is about important things like becoming cared for. Be honest with us about what may happen.”*

##### **Cared for young person, specific consultation session**

*"I want to be included in decision so that the outcome is fair. I'd like to be able to be part of all discussion prior to final plans or arrangements."*

### **Cared for child, Bright Spots Survey**

- We will come prepared, and we will listen.
- Your views will come first, but we will be honest about what we can do.
- We will explain your rights using language that is easily understood.
- We will use Language that Cares.
- We will respect your privacy and work to ensure that you are not singled out or bullied at school, college, or in any other setting.
- We will use our training to be thoughtful about the challenges you have faced.
- We will celebrate your achievements with you in the ways that you would like.

## **Priority 2: We will ensure your placement is safe and meets your needs**

*"Where I live has a warm and welcoming atmosphere. I love it because my foster parents are I think of as mum and dad. I'm safe and secure here."*

### **Care experienced young person, Bright Spots Survey**

*"I would like to see more of my family."*

### **Cared for child, Bright Spots Survey**

*"Help us to understand why we have to ask our carers, or our carers have to ask social workers, to do certain things all the time."*

### **Cared for young person, specific consultation session**

- We will work with your carers to ensure your home is the best it can be.
- We will work together to keep you safe (safety planning).
- We will work with your carers to ensure that you have opportunities that you enjoy and enable you to have your voice if you want to.
- We will plan visits in advance and involve you in those plans.
- We will help you to stay in contact with any family you may have if you want that and explain the reasons if this is not possible.

## **Priority 3: We will support you to fulfil your potential**

*"My Personal Advisor really opened my eyes to the possibilities I am capable of"*

### **Care experienced young person, Bright Spots Survey**

*"We [need to be] informed fully and clearly about what we should aim to do, what opportunity are there for people in our position and how we can achieve this."*

### **Care experienced young person, Bright Spots Survey**

*"Think about what other children may need at the start of a school year and ensure that cared for child have the same opportunities. Try to do this in a way which isn't us being seen as having 'extra' as this makes us feel different."*

### **Cared for young person, specific consultation session**

- We will ask you what your goals are and support you to achieve them.
- We will develop a Personal Education Plan of the things you do in school, so you are helped to do well.
- We will work closely with your school, college or provider and offer you easy to understand reasons for any changes.
- We will encourage and support you to take up opportunities in education, employment and training until the age of at least 21, in ways that suit you.

**Priority 4: We will ensure that your physical, emotional, mental health needs are met**

*"It's difficult to adjust being independent."*

### **Care experienced young person, Bright Spots Survey**

- We will work together to help to support your sense of well-being and personal identity.
- We will develop a plan to ensure you are healthy and wanting to have good choices called a Personal Health Plan.
- We will support you to access regular health and dental checks and any appointments or treatment you may need – virtually and in person.

**Priority 5: You will be supported to develop into an independent, confident and responsible adult**

*"My Personal Advisor helps me see that what's happened in the past isn't my fault. And it's nice."*

### **Care experienced young person, Bright Spots Survey**

*"I'd like more independence".*

*"Managing money is really hard especially now I'm living alone for the first time."*

*"A better planned transition between being a child and becoming an adult."*

### **Care experienced young person, Bright Spots Survey**

- We will support you to know that challenges and uncertainty are part of life and growth.
- We will ensure you have support and advice, so you are less likely to take certain risks or be open to exploitation by others.
- We will work with you to develop the life skills we all need to achieve our goals and have the best opportunities for the future.

## Engaging with children and young people

In respect of all of these priorities and pledges, we will engage and consult with our children and young people, as a way of assuring ourselves that we are abiding by the corporate parenting principles outlined above. We will make sure that we take what we learn from children and young people and embed this in the partnership workforce development and training framework, to make sure that we as corporate parents share this learning.

### How non-verbal communication impacts on us

- Arriving late without letting us know = “you don’t care about us”
- Checking the time frequently = “you don’t want to be here”
- Bringing lots of paperwork with you = “you haven’t taken the time to learn about our story”
- Making notes or highlighting while we talk = “your paperwork is more important than spending time with us”
- Asking lots and lots of questions = “you do not trust what we are telling you”

One consultation session focused on non-verbal communication and what this says to young people; this was then shared as a learning exercise within the Practice Improvement Forum.

TORBAY COUNCIL

## Restorative Practice

We are committed to working with children and families in a restorative way. This means we will value and place importance on the relationships we build with children and families. We will always treat children and families with respect and dignity.

For cared for and care experienced young people this means that we will always try to work with you. We won’t make decisions about you without involving you. We won’t do things for you without involving you. We will regularly seek your views and reflect these views in all assessments or plans written with and about you.

## Housing

We know that care experienced young people have specific needs when it comes to accommodation. and housing and access to safe, stable and sustainable accommodation is one of our priorities. This is a distinct Strand Lead within our Corporate Parenting Board.

We are working across the Council and with our partners on ways in which we can support care experienced young people to access safe, stable and sustainable accommodation. This was also highlighted to Torbay’s Housing Crisis Review who made the following recommendations:

- to consider paying private landlords more than the standard one-month deposit (normally the equivalent to one month’s rent) to encourage them to rent properties to care experienced young

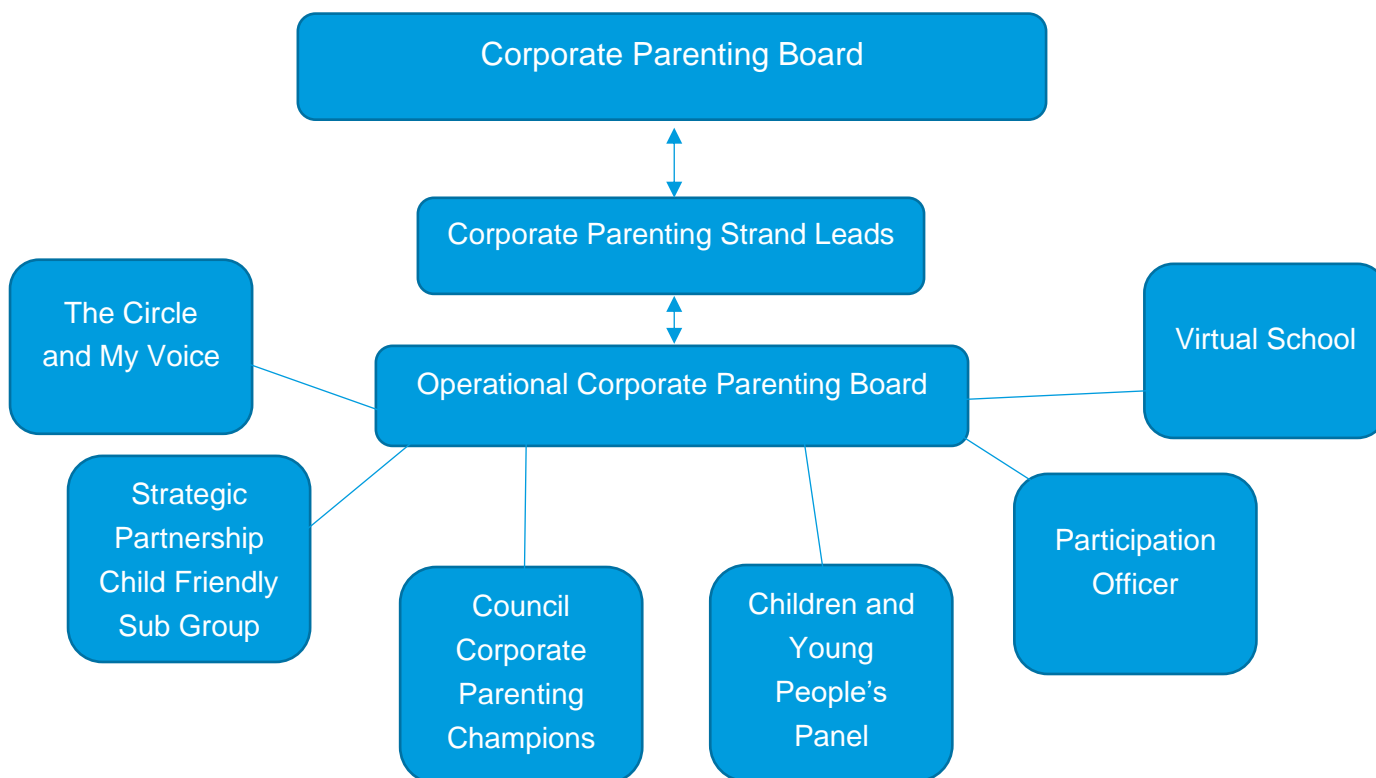
people to give them more confidence they will not be left out of pocket once the young person has moved on (this is something Torbay is already doing).

- to request that provision of new accommodation for care experienced young people should be a priority for TorVista Homes and other registered housing providers.
- to explore options to enable more care experienced young people to remain longer term with their foster carers (and we have revised our Staying Put policy, in conjunction with fostering families and care experienced young people as a way of doing this).
- to explore options for Banding in Devon Home Choice to see if care experienced young people can be given a higher priority and what processes are in place.
- to request that officers look at good practice from other local authorities when refreshing the Affordable Housing Supplementary Planning Document (SPD) to see how we can encourage the development of more larger family homes, single units, units for care experienced young people or units to assist adults with a disability to live independently.

## 6. Governance

The Council's Community and Corporate Plan sets out our aspirations for the community of Torbay including children and young people. The Council's objective is to ensure that all children and young people are safe, happy and healthy in order that they can reach their full potential.

Whilst corporate parenting is the responsibility of the Council as a whole and of its partners, on a day-to-day basis our arrangements are set out below.



### Corporate Parenting Board

This Board is chaired by the Cabinet Member for Children and comprises of a wider group of councillors drawn from all political groups together with partner representatives and senior officers from Children's Services.

The Board meets every two months and forms a key element within the Council's Constitution. It provides a forum for regular, detailed discussion of issues and a positive link with our cared for and care experienced children and young people.

An Operational Corporate Parenting Board has also been established, which is chaired by the Chief Executive. The Operational Corporate Parenting Board provides an operational oversight of all of the corporate parenting activities being undertaken. It puts into action the decisions of the Corporate Parenting Board.

## Corporate Parenting Strand Leads

In line with the priorities outlined above, we have established five Corporate Parenting Strand Leads: education; fostering and employment; housing; mental health and wellbeing; and participation. Each Strand Lead is led by a councillor who is also a member of the Corporate Parenting Board. Each Strand Lead has their own job description. Each Strand Leads meets with their Lead Officer and other key officers and partner representatives. Strand Leads take the strategic direction from the Corporate Parenting Board for their area of focus and scrutinises and explores relevant performance data and information. This then feeds into the action plans which sit under the Operational Corporate Parenting Board.

In addition, there are two identified underpinning Strands: The Council Corporate Parenting Champions (see below); and preparing for and transition to adulthood.

## Virtual School

Torbay Virtual School provides the framework to meet the educational needs of our cared for children. It works working closely with educational providers, carers, social care and health practitioners, and children and young people. The work of the Virtual School is overseen by a Governing Body and led by the Virtual School Headteacher.

Educational attainment and progress for our children is subject to regular review to determine the effectiveness of the arrangements put in place for them via their Personal Education Plan. The Virtual School produce an annual report for the consideration of the Governing Body and Corporate Parenting Board. The annual report is also presented at a meeting of the Council.

## The Circle and My Voice

The Circle and My Voice are participation groups facilitated by two Participation Officers who are part of Torbay's Learning Academy. The Circle is our Cared for Council and Community and brings together some of our cared for children to take part in activities on a regular basis and to obtain their views on the effectiveness of our arrangements for them. Similarly, My Voice is a participation group of care experienced young people, who meet regularly and who are actively involved in our Corporate Parenting Board and wider consultation about their care experienced journey. Their views have been instrumental in developing Torbay's Pledge for our cared for children.

## Council Corporate Parenting Champions

All departments across the Council and our wholly owned companies will have designated officers as Corporate Parenting Champions. The Champions come together on a quarterly basis to help to shape their department's role in ensuring that we are good corporate parents and to contribute to Council-wide initiatives to enhance our Corporate Parenting Offer.

The established aims of this group are:

- To become an authority who thinks first about our corporate parent role and fully embedded in all we do as an authority.

- To provide a corporate parent offer for our children on top of the care plan in place.
- To provide a corporate parenting offer for foster families.
- To raise awareness of the Council's corporate parenting responsibilities.

## Strategic Partnership Child Friendly Subgroup

Our Strategic Partnership has a subgroup which is focussed upon how organisations and communities come together collectively to become Child Friendly and support our cared for and care experienced children and young people.

## Children and Young People's Panel

Torbay is in the process of establishing a Children and Young People's Panel, which will consist of a diverse group of young people that can represent all the children within Torbay. This will include but not be limited to representatives from different educational providers, children and young people with SEND, cared for children and cared experienced young people. This would be a means of bringing together the existing participation groups, as a way of centralising feedback from children and young people. It would also support us in being able to expand the representation within these groups and reflect the voice of a wider range of children and young people.

In addition, this will create a sense of community and collaboration for our young people as they unite to advocate for themselves and have their voice heard.

## Participation Officer

Torbay introduced the role of Participation Officer in June 2022. The main aim of this role is to support and promote positive participation with children, young people and parent/carers. The role of the Participation Officer is integral to overseeing and co-ordinating the ways in which we seek and learn from feedback from children and young people, including those who are cared for or who have care experience.



## 7. Talk to us

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Feedback from children and young people is really important to us.

We would like to hear from children and young people and your view about how well we are keeping our promises to you. We take your experiences of care and leaving care really seriously. You can tell us about something positive or something which has been more difficult for you.

We want to learn from your experiences. We want to make sure that the support and services we provide to you continues to improve based on what you tell us.

If you think that we are not keeping our pledges to you, we would really like to hear this from you. If you think the pledges should change, tell us.

The best thing to do if you would like to share your experiences is to first speak to some you trust. This could be your social worker, Personal Advisor, carer, teacher, support worker or your Independent Reviewing Officer.

If this does not help you to solve your problem, or if you would like to speak to senior leaders who work in Children's Services, email [placements@torbay.gov.uk](mailto:placements@torbay.gov.uk) They will make sure that the right person is able to contact you within 48 hours to talk about this further.

(We are working on a different name for this email address. We are busy speaking to our young people so that they can help us decide what to call it. We also want to know how they would want this to work, so watch this space!)

**Corporate Parenting Strategy – Report of the Children and Young People’s  
Overview and Scrutiny Sub-Board**

**Report to Cabinet on 21 March 2023**

**Background**

1. The Children and Young People’s Overview and Scrutiny Board met on 30 January 2023 to consider revised draft Corporate Parenting Strategy. The Cabinet Member for Children’s Services, Councillor Law, and the Director of Children’s Services, Nancy Meehan, presented the revised Corporate Parenting Strategy which had been updated having regards to the views of children and young people and their foster families and reflected the kind of Corporate Parents they needed us to be to enable us to respond to the needs of young people. They responded to the following questions:
  - How many care experienced young people were worked with on the Strategy.
  - The Strategy referred to partnership working, who were the partners involved.
  - The forward just includes photos of the Leader of the Council and Cabinet Member for Children’s Services, this should be the whole of the Corporate Parenting Board to demonstrate that it was their collective responsibility.
  - There were no mention of accommodation needs or housing.
  - Do you monitor your young people who were not in accommodation.
  - P12 refers to The Cycle and My Voice being participation groups currently facilitated by Torbay Youth Trust this had moved back inhouse to Torbay Council.
  
2. The Sub-Board reflected and debated the information provided to them, both in writing and orally and formed the following recommendation to the Cabinet. On being put to the vote, the motion was declared carried unanimously.

That the Cabinet be recommended to approve the revised Corporate Parenting Strategy as set out in the submitted report subject to the following:

1. amend paragraph 1.2 to read ‘wider partnership’;
  
2. to include photos and membership of the whole of the Corporate Parenting Board and not just the Leader of the Council and Cabinet Member for Children’s Services in the forward to show that this was their collective responsibility;

3. to include reference to the housing needs for care experienced young people and reference to the Torbay's Housing Crisis Review recommendations set out below:
  - to consider paying private landlords more than the standard one month deposit (normally the equivalent to one month's rent) to encourage them to rent properties to care experienced young people to give them more confidence they will not be left out of pocket once the young person has moved on;
  - to request that provision of new accommodation for care experienced young people should be a priority for TorVista Homes and other registered housing providers;
  - to explore options to enable more care experienced young people to remain longer term with their foster carers;
  - to explore options for Banding in Devon Home Choice to see if care experienced young people can be given a higher priority and what processes are in place; and
  - to request that officers look at good practice from other local authorities when refreshing the Affordable Housing Supplementary Planning Document (SPD) to see how we can encourage the development of more larger family homes, single units, units for care experienced young people or units to assist adults with a disability to live independently; and
4. page 12 of the Strategy to be amended to reflect that The Circle and My Voice participation groups are no longer facilitated by Torbay Youth Trust and have been brought back inhouse.

**Meeting:** Adult Social Care and Health Overview and Scrutiny Sub Board/Cabinet/Council

**Date:** 17 August 2023/19 September 2023/20 September 2023

**Wards affected:** All

**Report Title:** Adult Social Care Strategy

**When does the decision need to be implemented?** Quarter 3 2023

**Cabinet Member Contact Details:** Councillor Hayley Tranter Cabinet member for Adult and Community Services and Public Health. [Hayley.Tranter@torbay.gov.uk](mailto:Hayley.Tranter@torbay.gov.uk)

**Director/Divisional Director Contact Details:** Joanna Williams Director of Adult and Community Services. [joanna.williams@torbay.gov.uk](mailto:joanna.williams@torbay.gov.uk)

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## 1. Purpose of Report

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- 1.1 This report seeks approval of the Adult Social Care Strategy which includes the priorities and approach for Adult Social Care going forward.
- 1.2 It also provides information with regards to the process undertaken and outcomes of the consultation on the Strategy.
- 1.3 It describes the feedback received, the changes that have been made to the strategy and the completed final strategy.

## 2. Reason for Proposal and its benefits

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- 2.1 This Strategy outlines how we can work together to deliver improved adult social care services for residents in Torbay. The Strategy seeks to achieve the best for people in Torbay, their friends and family. The key principle is that we always work with people who may need care and support in Torbay, and those who care for them, and prioritise their voice above everything else.
- 2.2 We want our residents to have a place to call home, in a community they can be part of, while being empowered to achieve what matters most to them through the best care and support available. The vision states that we want thriving communities where people can prosper. The strategy builds upon the longstanding integrated health and social care provision and joint working with the voluntary and community sector.
- 2.3 The reason for the decision is to ensure that the Council has an Adult Social Care Strategy which sets out the best approach to meet the challenges faced. This position has been supported by the people who have responded to the consultation.

## 3. Recommendation(s) / Proposed Decision

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### 3.1 Cabinet:

To consider any recommendations from the Adult Social Care and Health Overview and Scrutiny Sub-Board and;

That Cabinet recommends to Council:

1. That the list of Policy Framework documents set out in Torbay Council's Constitution be updated to include the Adult Social Care Strategy; and
2. Subject to 1. above, the Adult Social Care Strategy as set out in Appendix 1 to the submitted report be approved.

## Appendices

Appendix 1 Adult Social Care Strategy

Appendix 2 Easy Read Adult Social Care Strategy

Appendix 3: Adult Social Care Strategy Consultation Report August 2023.

Appendix 4 Healthwatch Report Torbay Adult Social Care Strategy Consultation Feedback Report July 2023.

## **Background Documents**

## 1. Introduction

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- 1.1 The Adult Social Care Strategy (Appendix 1 and easy read version Appendix 2) sets out the vision for thriving communities where people can prosper.
- 1.2 The Adult Social Care Strategy outlines how we can work together to deliver improved adult social care services for residents in Torbay. It builds upon the pioneering integrated journey for social care which started in 2005. More recently we have focussed on developing an integrated care model that puts a strengths-based approach at its heart focussing on what matters most to people. This model provides joined up services, a fully integrated health and social care system, delivering a person-centred approach and building on wider community support around people.
- 1.3 The key principle is that we always work with people who may need care and support in Torbay, and those who care for them, and prioritise their voice above everything else.
- 1.4 It sets out the challenges within social care and the demographic changes that will impact on social care now and in the future.
- 1.5 It identifies 3 key priorities.
  - Helping people to live well and independently.
  - Helping people to regain their independence.
  - Helping people with care and support needs to live as independently as possible, keeping safe and with choice and control.
- 1.6 Our system of care and support will be.
  - Focused on outcomes and wellbeing.
  - Personalised, co-created and flexible.
  - Proactive and preventative
  - Integrated and coordinated.
  - Local, community and relationship based.
- 1.7 Our voluntary, community and social enterprise (VCSE) partners have delivered a new 'front door' to adult social care with an emphasis on making the most of individual and community resources as part of our strengths-based approach. We also have asked VCSE

partners to address the issues they themselves have said are the most important, via a Voluntary Sector Alliance

- 1.8 The strategy also recognises several challenges in Torbay which include a higher proportion of older people than the England average, lots of people with mental health problems, many people with learning disabilities, too many people in long term care and financial and workforce challenges.

## 2. Options under consideration

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- 2.1 The options are to approve the strategy as is, amend it, or decide not to approve and therefore to not have a strategy in this respect.
- 2.2 There is an option to decide whether to include the strategy as a Policy Framework document. It is recommended to include it as such to recognise the importance of the same to the Council and its residents.

## 3. Financial Opportunities and Implications

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- 3.1 There are no financial implications.

## 4. Legal Implications

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- 4.1 There are no legal implications as the strategy covers the Council's duties under the Care Act 2014.

## 5. Engagement and Consultation

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- 5.1 A public consultation was held between 6<sup>th</sup> June 2023 and 30<sup>th</sup> July 2023.
- 5.2 The Consultation sought the public's views on the draft Adult Social Care Strategy. It was hosted on the Council's website.
- 5.3 Between June 2023 and July 2023 the Council worked with Healthwatch to run several engagement and consultation sessions. A session was held by Torbay Council at Paignton library open day to promote the live consultation. The consultation was also heavily promoted across Torbay Council and Healthwatch networks and social media and local newsletters. Engagement and consultation sessions were also held with social care staff at Torbay and South Devon NHS Foundation trust and Torbay council Commissioning team and Public Health. The consultation report is set out in Appendix 3, however in summary, there were 99 responses received by the online survey and a further 70 people took part in joint focus groups with Healthwatch and the Council. Several other engagement and feedback meetings have also been held with key people in Torbay and South Devon NHS Foundation Trust.



- 5.4 As can be seen from the Torbay Council website results, there is good support from those people who have responded to the survey for the Adult Social Care Strategy. Most people (62.5 %) think that that the overall priorities in the strategy are the right ones to help meet the Adult Social Care vision. In addition, people strongly agreed or agreed with each of the three priorities within the strategy.
- Helping people to live well and independently (84.5%)
  - Helping people to regain their independence (84.3%)
  - Helping people with care and support needs to live independently, safely and with choice and control. (84.3%)
- 5.6 Most people (58.9%) also felt that the strategy effectively describes the next steps for Torbay's Adult Social Care story. 66% of people thought that the strategy makes sense and is easy to understand.
- 5.7 The Healthwatch report set out in Appendix 4 also describes broad support for the strategy with the overall response being positive, with participants feeling it was a good approach, particularly with the focus on listening to those who are at the centre of service provision.
- 5.9 Several changes have been made to the Strategy reflecting the feedback the Council has received. This includes changes to the descriptions used for people with Learning Disabilities and making sure this is inclusive. A recognition that not everyone will be able to be fully independent because of the complexity of their needs. Ensuring that transitions between children and adult services are included as well as making sure the language used is as clear as possible. People were also very keen to understand how the strategy would be achieved.
- 5.10 The strategy now more clearly articulates the nature of the joint arrangements for adult social care with the partnership approach between the Council and Torbay and South Devon NHS Foundation Trust. The strategy has been refreshed to articulate high level priorities, including those of the Integrated Care Board and therefore enables the development of a transformation and delivery plan as part of the next steps. In addition, a number of responses from the online Council survey asked about an action plan.
- 5.11 Feedback received suggested that some more simple explanations for some of the terms in the document would be useful and so this has been added for Direct Payments, Supported Living and Extra Care.
- 5.12 Feedback received from the Deaf community focused on the importance of access to BSL interpreting services and this has been reflected in the system of care and support section which has been updated.
- 5.13 Feedback from our community partners has indicated that our strategy needs to more broadly apply to the whole community sector, so the narrative has been changed to reflect that.

- 5.14 Feedback indicated that the transitions work from children to adult services needed to be more clearly referenced, that has been added to the system of care and support.
- 5.15 The Adults Social Care and Health Overview and Scrutiny Sub-Board were also consulted, their report is set out at Appendix 5, the Sub-Board demonstrated unanimous support for the strategy.
- 5.16 Overall there was good support for the strategy and the priorities within it.

## 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 No impact

## 7. Tackling Climate Change

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- 7.1 No impact

## 8. Associated Risks

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- 8.1 There would be reputational risks for the council if the Adult Social Care Strategy is not approved given the support it has received from members of the public as well as staff in the Council and Torbay and South Devon NHS Foundation Trust.

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

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	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	The priorities in the strategy are promoting independence, regaining independence and being supported to be as independent as possible		
People with caring Responsibilities	The strategy sets out a commitment to carers and recognises their importance		

People with a disability	The priorities in the strategy are promoting independence, regaining independence and being supported to be as independent as possible		
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)	The strategy sets out the importance of health and wellbeing as a principle		

## 10. Cumulative Council Impact

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10.1 none

## 11. Cumulative Community Impacts

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11.1 None

# Thriving Communities Where People Can Prosper



Torbay and South Devon  
NHS Foundation Trust

## thriving communities where people can prosper

our vision for Adult Social Care in Torbay

### We will work in partnership



By building strong, open and trusting relationships with everyone



By connecting people, groups and organisations together



By being part of the community, not separate



PART OF



HELP

This vision is part of our improvement plan for Adult Social Care across Torbay. If you would like more information or to share your ideas, please email us: [ipmo@torbay.gov.uk](mailto:ipmo@torbay.gov.uk)

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August 2023

# Introduction

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This strategy outlines our values, our ambitions and how we're going to achieve the best outcomes for everyone.

Social Care Futures say that we all want to live in a place we call home with the people and things that we love, doing what matters to us in communities where we look out for one another (from Social Care futures) and that sums up what we're trying to achieve, working with people who are in the best place to tell us if we are achieving it!

There are so many great things about Torbay, and we've achieved a lot already – this strategy outlines how we're going to move forwards together.

Joanna Williams, Director of Adult and Community Services

# Foreword

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I want to thank everyone that has taken the time to complete the survey or has taken part in the consultation meetings we have held over the Summer. We have heard how important it is for people who use services to be heard and to work collaboratively together in our communities to improve services.

This strategy sets out our aspirations in relation to working together for everyone who has social care needs ensuring that people can remain independent, regain independence and for those that have care needs to be supported in the best way for them and their carers and families. We will continue to build on our integrated care model that puts a strengths-based approach at its heart, focussing on what matters most to people.

Cllr Hayley Tranter

Cabinet Member for Adult and Community Services and Public Health

# Who is this Strategy for?

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This Strategy outlines how we can work together to deliver improved adult social care services for residents in Torbay. The Strategy seeks to achieve the best for people in Torbay, their friends and family. The key principle is that we always work with people who may need care and support in Torbay, and those who care for them, and prioritise their voice above everything else.

We all want good outcomes, that we choose ourselves and to have control over how we live in our community. A vital part of adult social care is ensuring that people have the resources, and environment to keep them well in their own home.

Adult social care provides 'care and support', which covers a range of activities to promote people's wellbeing and support them to live independently, staying well and safe. It can include 'personal care' such as support for washing, dressing, and getting out of bed in the morning, as well as wider personalised support to enable people to stay engaged in their communities and live

their lives in the way they want. Adult social care supports adults of all ages and covers a diverse range of needs, including autistic people, people with a learning disability or physical disability, people with mental health conditions, people with sensory impairments, people who experience substance misuse, people with dementia, and other people with long-term conditions.

This strategy is designed for those who may need care and support and their carers, paid or unpaid. It is also for care staff, care providers, the voluntary and community sector and our partners in the NHS.

## Context

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### Overview of Torbay

Torbay can offer an unrivalled quality of life for individuals and families. The beautiful Torbay and its stunning natural environment provide a wide range of outdoor activities. We have excellent schools and a growing arts and cultural sector. But in common with other coastal communities, Torbay has its challenges. Our Joint Strategic Needs Assessment shows us where our major challenges lie there is a six-year gap in life expectancy between different areas of the Bay.

Torbay has the highest levels of deprivation in the South West. We have an ageing population who may experience ill-health, loneliness, and frailty. The number of people aged over 85 is expected to increase by over 50% within the next decade or so. As the population ages it is expected that we will see more people become frail and require support from health and social care services. We have high levels of children living in poverty, child and adult obesity, and suicide. Poorer environmental conditions are inevitably associated with poorer physical and mental wellbeing.

The level of need and inequality within the Bay has widened over the last 10 years and younger people and working age adults have higher levels of poor mental health and higher levels of drug and alcohol problems within the Bay. There is a higher incidence of younger people (under 18) with mental health problems and self-harm.

The Joint Health and Wellbeing Strategy lays out the plan to address these challenges and improve the health and wellbeing of the population in Torbay between 2022 – 2026. Five focus areas and six cross cutting areas identify priorities for collective system action over the next four years.

### National social work context

We must be honest about where we are. The Care Quality Commission State of Care Report in 2022 highlighted that the health and social care system is gridlocked and unable to operate effectively. People from deprived areas, people with disabilities and people from ethnic minority groups are less likely to access good care in a timely manner.

People can't always leave hospital when they are ready to, and providers are finding it extremely challenging to recruit.



Recognising the challenges facing the sector, the Government has embarked on a programme of reform. Its adult social care reform white paper, “People at the Heart of Care”, sets out a 10-year vision to transform care and support in England based around three objectives:

1. People have choice, control, and support to live independent lives.
2. People can access outstanding quality and tailored care and support.
3. People find adult social care fair and accessible

## Integrating Care in Torbay – Our Journey So Far

Torbay has long been at the forefront of pioneering integrated care. In 2005 the Torbay Care Trust was established to provide integrated community health and social care services. These services were based around an integrated management structure, pooled budgets, and integrated multi-disciplinary teams.

Integrated care was further developed with the creation of the Integrated Care Organisation in October 2015 - Torbay and South Devon NHS Foundation Trust. This was strongly supported and encouraged by both the Clinical Commissioning Group and Torbay Council. It has resulted in a more effective patient journey where fewer people in Torbay experience delays in moving between hospital and home and waits for care at home remain short. This is in stark comparison to many other areas across the country.

The Integrated Care System for Devon which brings together, for the first time, all the county’s local authorities, NHS organisations and the voluntary sector to create the One Devon Partnership. Together a single vision has been developed to ensure our communities have “Equal chances for everyone in Devon to lead long, happy healthy lives”.

More recently the Government has established Integrated Care Boards. NHS Devon is one of 42 Integrated Care Boards across the country and took over the statutory functions of Clinical Commissioning Groups (CCGs) on 1 July 2022. NHS Devon is responsible for the majority of county’s NHS budget, and for developing a plan to improve people’s health, deliver high-quality care and better value for money. The aim is to improve people’s lives in Devon – wherever they live – to reduce health inequalities and make sure we can deliver these services for the long term. Within the One Devon Partnership there is a representative from each of the five Local Care Partnerships. The Local Care Partnership (LCP) for Torbay is the South LCP. This is where most of the planning for integrated care and service transformation and change will happen.

Work started with the National Development Team for Inclusion (NDTi) in 2018 which set out a new approach to social care.

- Coproduction brings people and organisations together around a shared vision.
- There must be a culture based on trust and empowerment.
- There is a focus on communities, and each will be different.
- People are treated as equals, their strengths and gifts built on.
- Bureaucracy is the absolute minimum it must be.
- People get good advice and information that helps avoid crises.
- The system is responsive, proportionate and delivers good outcomes.

Building on this work, we have focussed on developing an integrated care model that puts a strengths-based approach at its heart, focussing on what matters most to people. This model provides joined up services, a fully integrated health and social care system, delivering a person-centred approach and building on the wider support around people. This means working with people, as equal partners, and making the best use of what is already available at home and in the community. We will routinely seek feedback from people of their experience and outcomes which will be used to bring about improvements.

Our voluntary, community and social enterprise (VCSE) partners has delivered a new 'front door' to adult social care with an emphasis on making the most of individual and community resources as part of our strengths-based approach. We also have asked VCSE partners to address the issues they themselves have said are the most important, via a Voluntary Sector Alliance.

## What We Do



**8,420**

requests for support were received compared to 5,407 in 2020/21



**1,092**

people started to receive an ongoing support service including community activities compared to 544 in 2020/21



**771**

people received one-off support compared to 443 in 2020/21



**2,128**

people did not go on to receive a service for a variety of reasons (pay themselves, not eligible etc) compared to 2,136 in 2020/21



**2,226**

people received Short Term Reablement services to help them gain independence compared to 1,275 in 2020/21



**100%**

of service users received community based social care services through self-directed support



**4,747**

carers are on Torbay's carers register - we assessed and reviewed 1,355 carers in 2020/21 and provided 678 carers with Direct Payments



**949**

people were in permanent residential placements during 2021/22 compared to 930 in 2020/21



**386**

people with mental health issues were supported by services compared to 343 in 2020/21



**1,871**

people were directed to other types of help and support including community activities compared to 1,921 in 2020/21



**92**

people aged 18-64 with learning disabilities are living in residential or nursing accommodation compared to 93 in 2020/21



**423**

service users received direct payments compared to 482 in 2020/21



**3,152**

adults received long term support services last year – 37% are aged between 18-64 and 63% are aged 65+



**998**

safeguarding concerns were raised. This represents a 9.1% decrease in the 1,098 safeguarding concerns raised in 2010/21



**1,775**

people received home care support to enable them to stay in their own home compared to 1,729 in 2020/21

## The Challenges We Face

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There is much to be proud of in Torbay and we have long been at the forefront of integrating health and care. However, we know that the demand on the adult care system in Torbay is high and it will only continue to increase due to our ageing population and areas of social deprivation. 27% of Torbay's population are aged 65 or over, compared to just 18% of population across England. By 2040, this is expected to rise to one in three (34%) of Torbay's population. As our population ages, we expect the number of frail people, people with physical restricted mobility, slowness, low physical activity, and people with dementia to increase and that they will require support from health and social care services. Frailty estimates for Torbay show that over the next 10 years frailty rates will increase by 25% to over 5000 people. Prevalence data estimates for Torbay show that over the next 10 years, the number of people living with dementia will increase by over 30% to 3300 people.

People with poor physical health are at higher risk of experiencing common mental health problems, and those people with mental health problems are more likely to experience poor physical health. One-in-four adults will experience mental illness during their lifetime. Measures such as depression rates in primary care, and hospital admissions for self-harm and suicides, are higher in Torbay compared to wider England average.

Other issues affecting levels of need are the relatively high numbers of people with a learning disability. A learning disability can be mild, moderate, severe, or profound and affects the way a person understands information and how they communicate. The percentage of GP patients known to have a learning disability is higher across Torbay compared to England, which is also reflected in the high numbers of working age adults accessing adult social care.

As well as facing increased demand, need and acuity we know that our model of care needs further development. Presently we have too many people in long term residential care and not enough people living independently. We also want more people to exercise choice and control over their care and support and yet we know the numbers accessing Direct Payments are below national average. Direct Payments allow people to receive cash payments from the Local Authority instead of care services. Like other areas we are experiencing unprecedented financial pressures which mean our current system is not sustainable. These challenges are recognised in our Blueprint for Market Transformation (2020-2030) which sets down a radical shift away from the existing provision of care through the growth of extra care, supported living, short term care provision and specialist nursing homes. Extra care housing is used to describe developments that comprise of self-contained homes with design features and support services available to enable self-care and independent living. Supported living is housing where support and /or care services are provided to help people live as independently as possible. Within Torbay there is vibrant and diverse adult social care market, and the quality of our regulated provision is above national averages. But like everywhere following the pandemic it is increasingly challenged and will need support from commissioners to change to meet the requirements of this Strategy.

As well as having a healthy care market, we recognise that to deliver safe, effective, high-quality care, they we need a workforce of sufficient scale and quality. Again, in line with the national picture, we know our workforce is incredibly strained. It estimates that the staff turnover rate in Torbay was 33.8%, which was like the region average of 36.0% and higher than England, at 30.0%. Not all turnover results in workers leaving the sector, around half (55%) of starters were recruited from within the adult social care sector, therefore although employers need to recruit to these posts, the sector retains their skills and experience.

## Our Vision for Adult Social Care in Torbay

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We have co-produced our vision with our community, voluntary and care sectors working in partnership with Torbay Council and Torbay and South Devon NHS Foundation Trust staff as we work to deliver improved adult social care services for residents in Torbay.

Our shared vision is:

Thriving communities where people can prosper.

We want our residents to have a place to call home, in a community they can be part of, while being empowered to achieve what matters most to them through the best care and support available.

Our mission statement is:

We will work with our local community to support residents in Torbay to maximise their own wellbeing and independence, advising and guiding them around the best health and social care systems for them. Those who offer and provide support services will feel empowered to enable people to engage fully in their own decision making on choices of care. By working with our community this way, we will create a new way of supporting each other to achieve wellbeing for everyone - those receiving support and personal assistance and those giving it.

Our system of care and support will be:

### 1. Focused on outcomes and wellbeing

Care and support is focused on promoting our wellbeing in all its facets – physical, mental, emotional and spiritual – and the outcomes we decide are important to us.

It also promotes equity and inclusion by ensuring different groups in the population experience similar outcomes.

### 2. Personalised, co-created and flexible

We have a say and shape care and support both individually and at community/ local level.

Care and support adapts to our needs as they change, and recognises our diversity and individual preferences, beliefs and circumstances. When we lack capacity there are

advocates to represent our prior wishes and best interests. When needed people will be supported by appropriate interpreting services and advocacy.

### **3. Proactive and preventative**

We can access support to enhance our health and wellbeing and reduce inequalities across communities. Care and support is easily available at an early stage to help slow or prevent escalation into crisis, or before we have acute care needs.

### **4. Integrated and coordinated**

The care and support we receive is better joined up around our needs and those of our carers. Care and support links to and/or includes support around health, housing and employment. We will build upon the partnership working with Childrens services to ensure seamless transitions from Childrens to Adults services.

### **5. Local, community and relationship based**

We can access care and support near to where we live, or where our close family and friends are.

Care is based upon relationships rather than being transactional, recognising our interdependence and mutuality. We feel at home and are part of our local community.

## Our Values, Behaviours and Approach

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We will co-create personalised and flexible care which is easily accessible and high quality.

Our strengths-based approaches focus on individuals' strengths (including personal strengths and social and community networks) and not on their deficits. Strengths-based practice is holistic and multidisciplinary and works with the individual to promote their wellbeing. It is outcomes led and not services led. It focusses on "What is Strong", not "What is Wrong".

This model will centre around creating the safe community infrastructure to have real conversations, based in the community, about what people need - such as help with housing, debt and wellbeing; continuing our integrated multidisciplinary working, focussing on personalising our approach to care and support and continuing to invest in community assets and the voluntary and community sector.

We are committed to working and delivering in partnership with the NHS, providers and communities. This means co-producing and co-delivering the approach to everything we do.

# Our Priorities

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To achieve these outcomes, we have co-produced the following priorities and the activities which we will carry out to meet those priorities.

## Priority 1: Helping people to live well and independently.

We will:

- Have strengths-based conversations.
- Provide accessible information, advice and guidance.
- Use our community front door and community sectors.
- Provide more support for carers.

## Priority 2: Helping people to regain their independence

We will:

- Provide a rapid/crisis response
- Increase community reablement
- Develop a short-term care centre

## Priority 3: Helping people with care and support needs to live independently, safely and with choice and control

We will:

- Encourage an increase in the use of Direct Payments
- Enable the provision of extra care and supported living housing options
- Have good and outstanding care homes
- Provide specialist dementia care

Underpinning these priorities, we will:

- Develop and grow our workforce
- Engage and consult with service users, their families and carers and our partners

### Delivery, Leadership and Oversight

We have a long-standing partnership with Adult Social Care and Torbay and South Devon NHS Foundation Trust and we will deliver our plans together, alongside other key partners outlined below.

The ambitions set out in this Strategy will be delivered alongside related strategies and plans, including the Coproduction Framework in Adult Social Care, the Adult Social Care Transformation and Sustainability Plan, Torbay and Devon Safeguarding Adults Partnerships Strategic Business Plan and our joint Carers Strategy. We will work in collaboration with our partners including users and carers, Healthwatch, partnership forums, care and support providers, the Community and

Voluntary Sector, Devon Partnership NHS Trust, and other key statutory partners. Partners routinely measure the impact of their work to tackle risk and drive improvements in adult social care.

As we take forward the strategy, successful delivery will be dependent on further engagement and co-production with people with lived experiences and the wider public. We will work with them as equal partners both in the planning and delivery of services so that we learn from their experiences to build a more accessible, responsive, resilient and personalised system.

Torbay has a long and strong history of integrating health and care. To deliver seamless care, Torbay Council has chosen, via a Section 75 agreement, to deliver much of adult social care with Torbay and South Devon NHS Foundation Trust. Within these arrangements the Council remains accountable for adult social care, retaining the lead for strategic commissioning and employing the Director of Adult Social Services (DASS).

The Council will lead the delivery and oversight of this Strategy, but in close collaboration with Torbay and South Devon NHS Foundation Trust. Both organisations will retain leadership and oversight of the implementation and delivery. The Council's Cabinet and Overview and Scrutiny Board and the Trust's Board are supported in their leadership roles by the Adult Social Care Continuous Improvement Board (ASCCIB). It provides an independently chaired forum for the partners to oversee their joint work on adult social care, providing support and challenge and escalating any risks and concerns through each organisation's governance arrangements. The ASCCIB will provide key oversight of the Strategy going forward.



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This document can be made available in other languages and formats.  
For more information please contact [commissioning@torbay.gov.uk](mailto:commissioning@torbay.gov.uk)

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Torbay and South Devon  
NHS Foundation Trust

# Thriving communities where people can prosper

our vision for Adult Social Care in Torbay

## We will work in partnership

The infographic features a central illustration of a landscape with a tractor, a house, a palm tree, and buildings. Three speech bubbles contain the following text:

- Strong Open Trusting** (with icons of three people)
- By building strong, open and trusting relationships with everyone
- By connecting people, groups and organisations together
- By being part of the community, not separate (with icons of two people and a thought bubble showing a community scene)

A circular graphic on the right contains the word **HELP** and icons of various community services.

This vision is part of our improvement plan for Adult Social Care across Torbay. If you would like more information or to share your ideas, please email us: [ipmo@torbay.gov.uk](mailto:ipmo@torbay.gov.uk)

**TORBAY COUNCIL**

**healthwatch**  
Torbay

**torbay COMMUNITY**  
development trust

**What do you think?**

Do you think the idea is a good one?

Yes

Not sure

No





This plan is about how we will work together to get the best for people in Torbay.



The plan is about working with people who may need care and support, to help other people who care for them and to make sure we listen to people and hear their voice.



We all want to make our own choices and to have control about how we live.



This plan explains how Adult Social Care services will make sure people have the things they need to stay healthy and well in their home, and to have the life they choose.



Lots of people need help and support from Adult Social Care services. The plan is about helping people and also those who care for them, community and voluntary services and partners in the NHS.



Torbay is a beautiful place with lots of good things going on, but there are some difficult things too.



Torbay has to find out what the people of Torbay need and this is written in a report called the Joint Strategic Needs Assessment (JSNA).



There are things that are difficult in Torbay.  
In some places in Torbay, people die 6 years younger than in other places.



Torbay has some of the poorest areas in the South West.



There are a lot of older people in Torbay who are poorly, lonely and vulnerable.



There are children who do not have a good life because their families are poor.



There are a lot of people who are very overweight.



There are a lot of people who end their life by suicide.



Many people, including young people, have problems with their mental health.



There are a lot of people who use drugs and alcohol.



There is a plan about how to help with some of the problems. The plan is called the Joint Health and Wellbeing strategy.



In 2022 the Care Quality Commission said that Health and Social Care is broken and does not work well.



People from poor areas, people from ethnic minority groups and disabled people are not getting good care at the right time.



People can't always leave hospital when they need to.



Care and support services are finding it hard to get staff to do the work.





The Government have set up a programme called “People at the heart of care” which is a plan to make changes.



They want people to have choice, control and support to live their own lives.



They want people to have good quality care and support.



They want adult social care to be fair and easy to access.



Joining up care (Integrating Care)

The Government has set up Integrated Care Boards (ICB).



The Integrated Care Board must make a plan to make people's health better, make care services better and make sure money is used well.

The Integrated Care Board is called 'One Devon'.





Torbay is using a plan which looks at the things that work well and are good (strengths based) for local people.



The plan looks at people as individuals and at the people who are there to support and help them.



We want to work with people as equal partners and using the good things we already have.

We will keep talking to people to find out what is working well and what needs to change.



### Problems in Torbay

There are a lot of people in Torbay who need care and support.



27% of people in Torbay are over 65 years old.

By 2040 there will be 34% of the population over 65 years old.

This means that more people will need care and support over time.



Over the next 10 years, there will be more people living with dementia.



There are more people living with mental health issues in Torbay than the wider average in England.



There are more people with learning disabilities in Torbay than the wider average in England.



There are not as many people using Direct Payments in Torbay. This means they may have less choice and control over their lives.



There is less money now and more people needing help so changes have to be made.





The staff working in Social Care change quickly but about half of social care staff stay in this type of work.

## What we want



“Thriving communities where people can prosper”. This means that the community is a great place to be with everything you need to live a good life.

## Mission statement (What we will do)



We will work with local people to make sure they can stay well and healthy with the right advice and support.



Services will be able to work in the best way for the person.

## We want care and support to



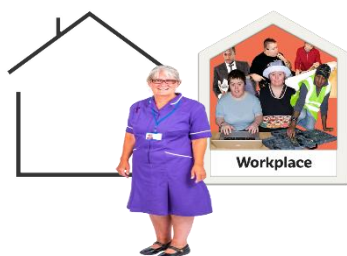
Think about what people want and how they stay well.



Listen to what people want, treating them as individuals and with respect as well as making changes when its needed.



Be easy to get help quickly to stop things getting worse.



Be joined up so that health can work with housing and employment too.



Be close to where people live and where people have family and friends.



The things we think are important and how we will behave and act.



We will work together with people to make sure care and support is right for them, flexible and good quality.



We will be fair with what we ask people to do.



We will share our power, skills, knowledge and resources (the things we have) to help people in Torbay.



We will try and get rid of the things that make it difficult for people to get the care and support they need.



We will support people by working in a flexible way to help people get the things they need to stay healthy and well.





We will help people to live independently by using technology.



We will respect people as individuals and support them to make changes which make them happy and healthier.



We will look at ways to work better and help people to have choices about how their needs are being met.



We will trust each other to do the right thing for people so that people are treated equally.



We will help staff to be creative and we will give staff the training they need to work in a different way.

## Strong not wrong



We want to look at the good things that work well for people and to focus on our strengths.

We want -



More people to live independently with healthier lives so they do not need long term services.



Not as many people living in residential or nursing care homes.



When people leave hospital, they can live at home independently.



Young people who leave children's services are more ready for being an adult.



Torbay and South Devon  
NHS Foundation Trust



This plan will be part of other plans and we will be working with our main partner Torbay and South Devon NHS Foundation Trust and other partners including people who use services, carers, Healthwatch, voluntary services and Devon Partnership NHS Trust.



To make the plan work, we will work together with people who use services and the wider community.

We will work together equally so that we can learn and make services better for people in Torbay.

### Torbay Adult Social Care Strategy Consultation Report August 2023

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This report outlines the results of the public consultation on the Draft Adult Social Care Strategy. This public consultation was undertaken between the dates 6th June 2023 and 30th July 2023.

The Consultation sought the public's views on the draft Adult Social Care Strategy. It was hosted on the Council's website and in person engagement events were hosted by Healthwatch Torbay.

It was a pleasure to speak to people about their experiences and the Council sincerely thanks everyone who has taken their time to feedback through the focus groups, meetings or the online survey.

#### 1. **Executive Summary**

1. 99 responses were received via the online survey on the Council's website.
2. A further 70 people took part in the joint focus groups with Healthwatch and the Council.
3. Several other engagement and feedback meetings have also been held with key people in Torbay and South Devon NHS Foundation Trust.
4. As can be seen from the Torbay Council website results, there is good support from those people who have responded to the survey for the Adult Social Care Strategy. Most people (62.5 %) think that that the overall priorities in the strategy are the right ones to help meet the Adult Social Care vision. In addition, people strongly agreed or agreed with each of the three priorities within the strategy;
  - Helping people to live well and independently (84.5%)
  - Helping people to regain their independence (84.3%)
  - Helping people with care and support needs to live independently, safely and with choice and control. (84.3%)
5. Most people (58.9%) also felt that the strategy effectively describes the next steps for Torbay's Adult Social Care story. 66% of people thought that the strategy makes sense and is easy to understand.
6. The Healthwatch report also describes broad support for the strategy with the overall response being positive, with participants feeling it was a good approach, particularly with the focus on listening to those who are at the centre of service provision.
7. In summary there is good support for the strategy and the priorities within it.
8. A number of changes have been made to the Adult Social Care Strategy which reflect the feedback received.

## **2. Background**

- 2.1 The Draft Adult Social Care Strategy outlines how we can work together to deliver improved adult social care services for residents in Torbay. It builds upon the pioneering integrated care journey for health and social care, which started in Torbay in 2005. More recently we have focussed on developing an integrated care model that puts a strengths-based approach at its heart; focussing on what matters most to people. This model provides joined up services, a fully integrated health and social care system, delivering a person-centred approach and building on wider community support around people.
- 2.2 The Strategy builds upon the work that was started with the National Development Team for Inclusion in 2018 and our voluntary and community sector partners, who have delivered a 'new front door' to adult social care with an emphasis on making the most of individual and community resources.
- 2.3 The Council sought the public's view on the draft Adult Social Care Strategy on its public website.
- 2.4 In addition, the Council worked with Healthwatch to run several engagement and consultation sessions. A session was held by Torbay Council at Paignton library open day to promote the live consultation. The consultation was also heavily promoted across Torbay Council and Healthwatch networks and social media and local newsletters. Engagement and consultation sessions were also held with social care staff at Torbay and South Devon NHS Foundation trust and Torbay council Commissioning team and Public Health and Torbay and South Devon NHS Foundation Trust.
- 2.5 The public consultation included a survey and a report from Healthwatch covering feedback from the consultation events.

## **3.0 Results**

- 3.1 This section summaries the results of the Council survey, feedback from Torbay and South Devon NHS Foundation Trust and the joint public consultation sessions held by Torbay Council and Healthwatch.
- 3.2 The Council survey received 99 responses.
- 3.3 This section of the report focuses on the responses to each of the 10 questions asked in the survey.
- 3.4 Question 1 asked why the adult Social Care Strategy is of interest to you. The results showed that most responses were from someone that works in Health or Adult Social Care (32), closely followed by other (24) which includes parents, residents, social enterprise and then Carers (20).



1. Please tell us why the Adult Social Care Strategy is of interest to you. Are you (please tick one):

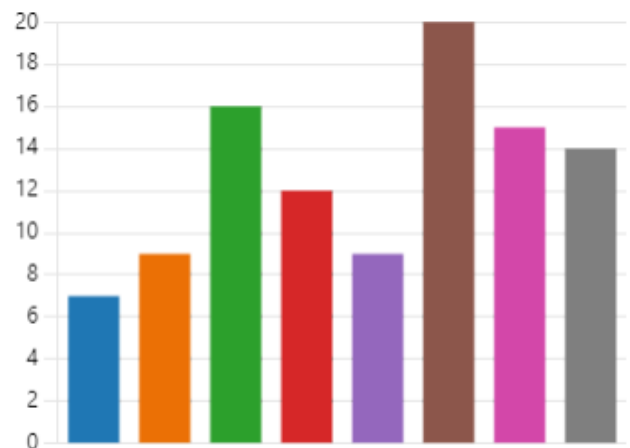
- Someone who uses Adult Social... 11
- Someone who works in Health ... 32
- A Carer for someone who uses ... 20
- Other 24



Question 2 asked about if you use or had used Adult social Care services. There was a spread of responses across adult social care services which included 20 receiving carers services, 16 receiving Domiciliary Care/Personal Assistants, 15 receiving Equipment or Tech. other 14 which included Mental Health services, 12 from people who received Day Care, 9 in Supported Living or Extra Care and 9 receiving Respite Care and 7 in Care Homes.

2. If you use or have used Adult Social Care Services, please can you specify which ones (tick all that apply).

- Care Home 7
- Supported Living/ Extra Care 9
- Domiciliary Care/ Personal Assis... 16
- Day Care 12
- Respite Care 9
- Carers Services 20
- Equipment/ Tech 15
- Other 14



Question 3 asked if people agreed that the overall priorities in the in the strategy would help us meet our vision 'Thriving communities where people can prosper'. Most people agreed that the priorities would meet the vision (62.5%) with only 15.6% of people disagreeing.

3. Do you agree that the overall priorities we have identified in the Strategy will help us meet our vision? We ask how you feel about the individual priorities in the following three questions. Tick one option.

<span style="color: blue;">●</span> Strongly agree	18
<span style="color: orange;">●</span> Agree	42
<span style="color: green;">●</span> Don't know	21
<span style="color: red;">●</span> Disagree	12
<span style="color: purple;">●</span> Strongly disagree	3



3.5 The next set of questions ask about the three priorities in the strategy and the extent to which they agree with them.

Question 4 asks about priority one: Helping people to live well and independently. 89.6% of people strongly agreed or agreed that this priority would help meet our vision. Only 8.3% disagreed or strongly disagreed.

4. Our first priority in the Strategy is: Helping people to live well and independently. Do you (please tick one).

<span style="color: blue;">●</span> Strongly agree	54
<span style="color: orange;">●</span> Agree	32
<span style="color: green;">●</span> Don't know	2
<span style="color: red;">●</span> Disagree	7
<span style="color: purple;">●</span> Strongly disagree	1



Question 5 asks about the second priority in the strategy: Helping people to regain their independence. 84.5% of people strongly agreed or agreed with this priority and only 9.3% of people disagreed.

5. Our second priority in the Strategy is Helping people to regain their independence. Do you (please tick one)

<span style="color: blue;">●</span> Strongly agree	55
<span style="color: orange;">●</span> Agree	27
<span style="color: green;">●</span> Don't know	6
<span style="color: red;">●</span> Disagree	9
<span style="color: purple;">●</span> Strongly disagree	0



Question 6 asks about the third priority which is helping people with care and support needs to live independently, safely and with choice and control. 84.3% of people said that they strongly agreed or agreed with this priority and 9.5% of people disagreed or strongly disagreed.

6. Our third priority in the Strategy is Helping people with care and support needs to live independently, safely and with choice and control. Do you (please tick one)

<span style="color: blue;">●</span> Strongly agree	52
<span style="color: orange;">●</span> Agree	28
<span style="color: green;">●</span> Don't know	6
<span style="color: red;">●</span> Disagree	8
<span style="color: purple;">●</span> Strongly disagree	1



Question 7 asks if the strategy effectively describes the next steps on Torbay's Adult Social Care story? 58.9% of people strongly agreed or agreed that it did, 26.3% of people didn't know and 14.7% disagreed or strongly disagreed.

7. Do you agree that the Strategy effectively describes the next steps on Torbay's Adult Social Care story? Tick one option.

<span style="color: blue;">●</span> Strongly agree	16
<span style="color: orange;">●</span> Agree	40
<span style="color: green;">●</span> Don't know	25
<span style="color: red;">●</span> Disagree	9
<span style="color: purple;">●</span> Strongly disagree	5



Question 8 asks if the strategy makes sense and is easy to understand? 66% of people thought it was, 10.6% didn't know and 23.4% disagreed or strongly disagreed.

8. Do you agree that the Strategy makes sense and is easy to understand? Tick one option.

● Strongly agree	9
● Agree	53
● Don't know	10
● Disagree	19
● Strongly disagree	3



Question 9 asked if the strategy focuses on the right things. 65.3% of people said that they agreed that it did focus on the right things, 16.8% of people didn't know and 16.8% of people disagreed or strongly disagreed.

9. Do you agree that the Strategy focuses on the right things? Tick one option.

● Strongly agree	12
● Agree	51
● Don't know	16
● Disagree	12
● Strongly disagree	4



Question 10 asked is there anything missing from the strategy that you would like us to consider? There were 64 responses to this and the wordle below summarises these.

17 respondents (29%) answered **strategy** for this question.



Some of the more specific comments relate to the descriptions used for people with Learning Disabilities and making sure this is inclusive. A recognition that not everyone will be able to be fully independent because of the complexity of their needs. Ensuring that transitions between children and adult services are included as well as making sure the language used is as clear as possible. People were also very keen to understand how the strategy would be achieved.

3.5 This next section describes the gender identify, age, ethnicity, employment status and disability status of the people who have responded to the survey.

Question 11 asks about the gender identity with most respondents identifying as female (73%) and 22% identifying as male and 5.2% preferring not to say.

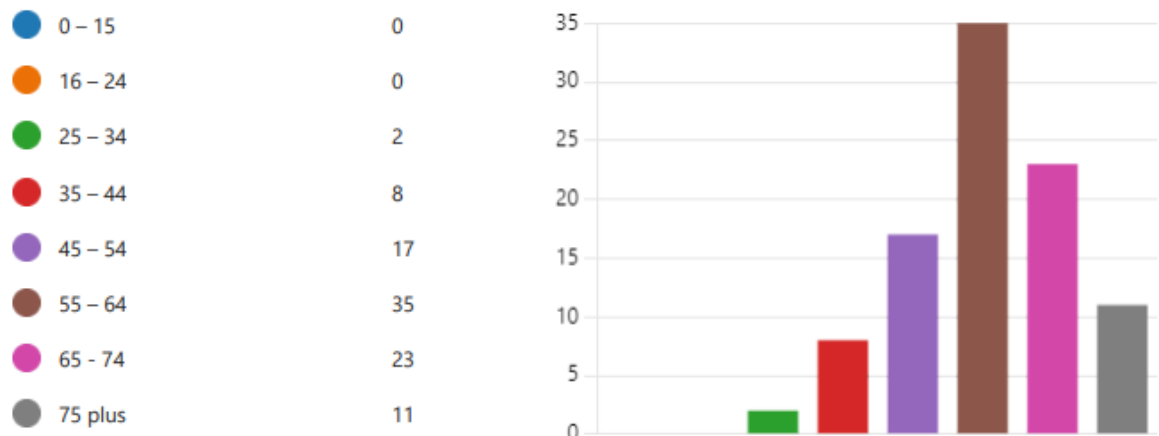
11. Which of the following options best describes how you think of your gender identity? Tick one only

Female	70
Male	21
In another way	0
Prefer not to say	5



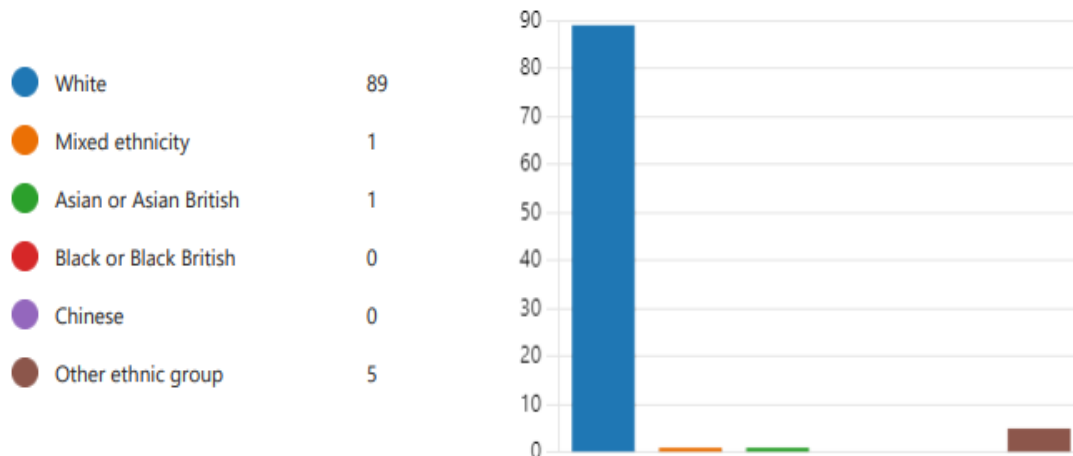
Question 12 asks which age groups apply to you? No one aged 24 and under responded to the survey. 36.5% were aged 55- 64, 24% were aged 65- 74 and 11.5% were aged 75 years or older.

12. Which of the following age groups applies to you? Tick one only



Question 13 asked about the respondent's ethnic background. The majority of people said that they were white (89 people) with 1 person of mixed ethnicity, 1 person of Asian or Asian British identity and 5 of other ethnic group.

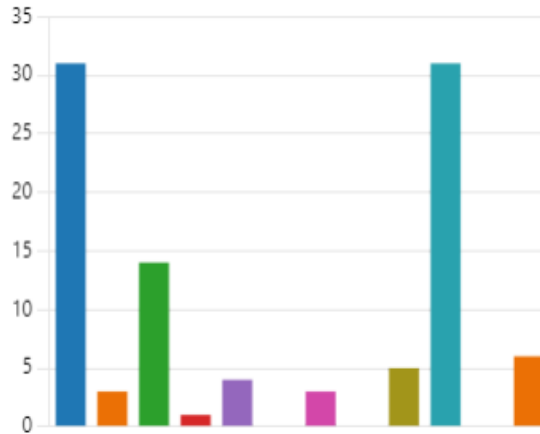
13. Which of the following best describes your ethnic background? Tick one only



Question 14 asked about the respondent's employment status and the largest groups were those working full time in Torbay (n 31) and those retired (n 31).

14. Employment Status - Tick one only

Working full-time in Torbay	31
Working full-time elsewhere in ...	3
Working part-time in Torbay	14
Working part-time elsewhere in ...	1
Self-employed – full - or part-ti...	4
Student	0
Looking after Family/Home	3
Temporary Sick	0
Long-Term Sick	5
Retired	31
Unemployed	0
Other	6



Question 15 asked if the respondents considered themselves to be disabled in any way. 56 (58%) people did not consider themselves to have a disability and 40 (42%) people did consider themselves to be disabled.

15. Do you consider yourself to be disabled in any way? Tick one only

Yes	40
No	56



Question 16 asked for those people that considered themselves disabled in any way, how it affects them. 21 (53%) people said it affected their mobility, 12 (30%) reported other, which included mental health issues and neurodiversity and 6 (15%) reported it affected their hearing and 1 (3%) said it affected their vision.

16. If you answered "Yes", please tell us how it affects you. Tick as many as apply

● It affects my mobility	21
● It affects my vision	1
● It affects my hearing	6
● Other	12



#### 4. Feedback from Torbay and South Devon NHS Foundation Trust

There was support for the strategy and agreement in relation to the context and integrated nature of our journey and provision along with the vision and priorities. TSDFT focussed on strengthening the recognition of our integrated approach and codesign to delivery. Also, agreement to develop a joint delivery and transformation plan as one of the next steps.

#### 5 Consultation and engagement events with Torbay Council and Healthwatch

5.1 There were 6 focus groups with 70 people across Torbay held jointly with Torbay Council and Healthwatch over 11<sup>th</sup> July to 2023 and 26<sup>th</sup> July 2023. This was with the aim to hear views from across Torbay on the Strategy. The groups participating included four Carers groups, the Torbay Deaf Club, and the Be Well Group run by Step One Charity. The detailed report is attached in appendix 1.

5.2 In addition the Council survey was promoted via the Healthwatch Torbay website, social media accounts and biweekly Email bulletin and in paper format.

5.3 The overall response to the strategy was positive with participants feeling it was a good approach, particularly with the focus on listening to those who are at the centre of service provision.

5.4 In addition the open discussion in each focus group also elicited a greater depth of information which has been collated under 4 headings:

- Information
- Communication
- Access to services
- Financial

The details contained in the report will be discussed and reviewed within the Quality Subgroup as part of the joint governance and partnership arrangements between the



Council and Torbay and South Devon NHS Foundation Trust to help shape and develop the transformation and delivery plan.

## 6. Analysis

6.1 The consultation received 99 responses on the website and the public consultation events reached 70 people. There were responses from people who were receiving a broad range of social care services. In terms of demographics three quarters of the respondents were female. Respondents did not come from people under 24 or from broad ethnic diverse groups. Equal amounts of respondents were working full time in Torbay (n 31) and retired (n 31). In terms of disability, 58% of the respondents did not consider themselves to be disabled in any way and 42% did consider themselves to be disabled. For those that considered themselves to be disabled most reported in affected their mobility (n 21).

As can be seen from the Torbay Council website results, there is good support from those people who have responded to the survey for the Adult Social Care Strategy. Most people (62.5 %) think that that the overall priorities in the strategy are the right ones to help meet the Adult Social Care vision. In addition, people strongly agreed or agreed with each of the three priorities within the strategy:

- Helping people to live well and independently (84.5%)
- Helping people to regain their independence (84.3%)
- Helping people with care and support needs to live independently, safely and with choice and control. (84.3%)

Most people (58.9%) also felt that the strategy effectively describes the next steps for Torbay's Adult Social Care story. 66% of people thought that the strategy makes sense and is easy to understand.

The Healthwatch report also describes broad support for the strategy with the overall response being positive, with participants feeling it was a good approach, particularly with the focus on listening to those who are at the centre of service provision.

In summary there is good support for the strategy and the priorities within it.

7 What has been changed in the strategy because of the consultation?

7.1 The strategy now more clearly articulates the nature of the joint arrangements for adult social care with the partnership approach between the Council and Torbay and South Devon NHS Foundation Trust. The strategy has been refreshed to articulate high level priorities, including those of the Integrated Care Board and therefore enables the development of a transformation and delivery plan as part of the next

steps. In addition, a number of responses from the online Council survey asked about an action plan.

- 7.2 Feedback received suggested that some more simple explanations for some of the terms in the document would be useful and so this has been added for Direct Payments, Supported Living and Extra Care.
- 7.3 The descriptions for people with Learning Disabilities have been made more inclusive. Whilst the priority of independence remains supported it has been broadened to include people being supported to be as independent as possible, recognising that not everyone can be fully independent due to the complexity of their needs.
- 7.4 Feedback received from the Deaf community focused on the importance of access to BSL interpreting services and this has been reflected in the system of care and support section which has been updated.
- 7.5 Feedback from our community partners has indicated that our strategy needs to more broadly apply to the whole community sector, so the narrative has been changed to reflect that.
- 7.6 Feedback indicated that the transitions work from children to adult services needed to be more clearly referenced, that has been added to the system of care and support.



# **Torbay Adult Social Care**

## **Strategy Consultation**

### **Feedback Report:**

***'Thriving Communities Where  
People Can Prosper'***

**July 2023**

Report requested by

**TORBAY  
COUNCIL**

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## About Us

Healthwatch in Devon, Plymouth, and Torbay (HWDPT) are the three local independent consumer champions for people using health and social care services across Devon.

The scope of HWDPT is to listen to what people say about their local health and social care services, to identify what works well and what could be improved, and to make those views known to those involved in the commissioning and scrutiny of health and social care services; ensuring the voice of the community is used to influence and improve services for local people.

## Introduction

A draft Adult Social Care Strategy has been produced by Torbay Council and Torbay & South Devon NHS Foundation Trust, setting out priorities to improve adult social care services for residents in Torbay.

Torbay Council approached HWDPT with an aim to hear real views from across Torbay on whether the priorities they identified will help meet their vision and whether the strategy effectively describes the next steps for adult social care in Torbay.

As a real opportunity for people to influence the strategy, HWDPT organised six focus groups across the Torbay locality between 11<sup>th</sup> July 2023 and 26<sup>th</sup> July 2023 to engage local residents into providing feedback and experiences on the local Adult Social Care landscape.

70 people from across Torbay joined the focus groups and gave their feedback based on the presentation and information given.

## Background

The draft Adult Social Care Strategy – entitled *'Thriving Communities Where People Can Prosper'* – sets out how Torbay Council and Torbay and South Devon NHS Foundation Trust will work towards that vision, setting out key priorities to improving adult social care services for residents in Torbay.

The priorities identified in the Strategy include:

- Helping people to live well and independently
- Helping people to regain their independence
- Helping people with care and support needs to live independently, safely and with choice and control.

To gain feedback on these priorities Torbay Council produced a publicly distributed survey which was promoted via the Healthwatch Torbay website, social media accounts and bi-weekly Email Bulletin, and also in paper format. The results from this survey will be used in combination with the feedback gained from the forums to create an overarching consultation report produced by Torbay Council's Strategic Lead for Adult Social Care Quality and Assurance.

This consultation report will go through the Torbay Council's governance process to assess whether any adjustments to the draft strategy are required.

The strategy aims to be published by Torbay Council on their website by Autumn 2023.

## Our Methodology

Healthwatch was approached by Torbay Council to assist with the promotion of the survey and to provide an independent presence at forums held across the Torbay locality.

To ensure maximum participation, the Torbay Council survey in relation to the strategy was circulated via Healthwatch Torbay's website, social media platforms and the bi-weekly Email Bulletin. A link to the survey was also sent out to all the local members of the Healthwatch Assist Network and the wider Voluntary Sector network in Torbay.

Healthwatch Torbay arranged a series of forums in liaison with local groups and services where people had an interest in adult social care and wanted to participate. An online virtual forum was also advertised for anyone who wished to participate but could not attend in person.



*One of the forums held at a Christian Community Centre in Brixham*

The survey was also made available as a hard copy during the forums for participants to complete in combination to the verbal feedback they provided during the sessions.



*Another forum held with the Be Well group at St Pauls Church in Preston, Paignton*

### Engagement Forums

The forums were led by Cathy Williams, Torbay Council's Strategic Lead for Adult Social Care Quality and Assurance, with participant feedback independently recorded by Healthwatch Torbay.

In total six forums were conducted with local groups who have an awareness, understanding and experience of adult social care and who wanted to participate in the engagement being undertaken. The groups participating included four Carers groups, the Torbay Deaf Club and the Be Well group, which is run by Step One Charity.



The sessions were run in a participatory manner with an initial presentation about the strategy followed by an open feedback session. A series of six questions were posed following the presentation, however, the feedback was presented in an experiential way rather than in response to the specific questions.

The initial questions proposed by Torbay Council were:

- How well do you think the priorities we've identified will help us meet our vision?
- Does the strategy effectively describe the next steps in Torbay's adult social care story?
- Is it understandable and does it resonate with you?
- Does it make sense?
- Does it focus on the right things?
- Is there anything missing?

Healthwatch Torbay independently captured over 230 comments in relation to the feedback given and this has been summarised for sharing with Torbay Council to form part of the final report.

In addition, Healthwatch identified various concerns from participants which will be considered for further examination as part of the ongoing work of Healthwatch Torbay as the independent consumer champion for health and social care. These identified themes included:

- Difficulties of accessing services due to the reliance on online provision and reduction of face-to-face contact,
- Access and availability of replacement (respite) care,
- Access to reasonable adjustments in service provision.

As part of the engagement process, additional specific questions were raised by participants which were addressed through collaborative working with Torbay Council and associated services. For example, Carers who requested information about other Carers' services were introduced to a Carer Support Worker who was able to share information and give advice.

## Key Findings

This section summarises the feedback independently gathered by Healthwatch during the engagement forums. Where possible, verbatim comments have been included as examples. As such, these comments are the view of forum participants and not the view of Healthwatch.

It is important to note that during the sessions people referred to their own experiences and issues that they had encountered when navigating their local health and social care services, for example, when requesting a social care assessment or arranging a care and support plan review.

Healthwatch offered to follow up any individual concerns that were raised during the session afterwards, outside of the session, so that they could be signposted to the correct point of contact who would be able to help them to resolve the concern that they raised.

### General View of the Strategy

The overall response to the strategy was positive, with participants feeling it was a good approach, particularly with the focus on listening to those who are at the centre of service provision. There was no disagreement about the focus of the strategy. Verbatim comments from participants noted by Healthwatch included:

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*"I agree that it is important that the strategy prioritised that people are listened to".*

*"You have recognised the system is fractured and are trying to do something about it".*

*"It's a good thing you are doing – you have to start somewhere."*

---

### Overall Feedback

The importance of the flexibility of Torbay Council in enabling the facilitation of open discussion elicited a greater depth of information, which we were able to categorise into the four main areas below for ease of reporting:

#### **Information, Communication, Access to Services and Finance.**

Each of the four areas relate directly to the strategy and the potential delivery of services, providing examples of the positive behaviours which will support and benefit people who access health and care services.

## **Information**

### **23% of comments referenced access to information**

Participants highlighted the difficulties of finding the right service or someone who can help them with the information they need.

Some participants felt that they had to constantly retell their story, which was highlighted in most of the forums with people having to repeat information time and again. Information sharing presents a constant problem for individuals trying to access and use services.

Participants expressed difficulties of the reliance on online and phone-based services which exclude many people and can be difficult to use. Participants reported using the assistance of other people who can provide access to face-to-face information and support and groups such as the Deaf Club provide a valuable resource, as do Carer Support Workers.

Peer-led support groups are valued highly, and they form an essential role in information and advice sharing, as well as providing support for people's wellbeing, when other services are difficult to contact.

Verbatim comments from participants noted by Healthwatch included:

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*"You don't know where to go for help... I don't know what to do".*

*"Everything is online, but some people are not online and don't understand it – people need people they can talk to".*

*"There is a high turnover of staff, so you have to tell your story over and over again".*

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## **Communication**

### **20% of comments referenced communication.**

Communication was highlighted is a key issue and a barrier for people who are in receipt of services and for those seeking support.

For the communities of people who need reasonable adjustments there is a clear requirement for services to be aware of an individual's communication requirements and to make suitable arrangements accordingly.

Older Deaf people in residential care may be at risk of isolation and poor health outcomes due to a reported lack of access to BSL users.

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*"I received a letter from the hospital ... I had to phone to contact them, but I can't use the phone, so I had to actually go there, and they told me to use my son to interpret for me". (Verbatim comment from a BSL language user)*

*"We need people who can sign properly and where are they? We are stuck. We have things that need sorting out- we can't just email in."*

*"We have difficulties reading, it goes over our heads- lots of deaf people can't read or can't write. It is the utmost important we have BSL."*

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Concerns were expressed about trying to contact services who either did not respond or moved people onto another service, who then moved them on again until they seemed to be in a continual loop without achieving an outcome. This impacts negatively on their health and wellbeing.

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*"We got signed off (Mental Health Support) when more urgent cases came up. We contacted the doctor who put forward a referral again and the team said no. I don't know where to go now, help with medications etc. She is a lot worse now. I am lost in a vacuum."*

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In several cases, people expressed the need for flexibility in the involvement of other people in communication about an individual. Carers and members of the Deaf community stated their frustration when services do not accept involvement from someone such as an interpreter or family Carer, because it restricts the information which is given and can deny people the services they need.

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*"More listening to families- there need to be mechanisms to assure the family are recognised as experts on the person's life. Not everyone has someone to fight in their corner but those who do need to be listened to."*

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As previously mentioned, people-based services were consistently highlighted as an effective source of information and communication which was highly valued. A verbatim comment related to this was:

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*“Building a relationship with a person who you can communicate with is essential, human contact is so important”.*

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## **Access to services**

### **35% of comments referenced access to services**

The discussions covered many topic areas related to access to services, including housing, health and care services, replacement care and preventative support, which promotes health and wellbeing.

The delays and waiting lists for services was evident in the discussions. Regular reviews of care and support packages were an issue and being able to get help was reported to be a problem. The ability to challenge a service or make complaints was also raised because people lacked information and did not know where to go to get resolution.

In social care situations, participants highlighted experiencing problems with constant staff changes and in particular, the lack of consistency and continuity of care.

Participants highlighted the frustration of the current system where an individual is assessed, and the case is then ‘closed on the system’. If subsequent changes are needed or a reassessment is required, a new referral must be made which is then placed back on the waiting list where it could take many months to be addressed. At this point there is often a new worker allocated who is unaware of the background of the situation, leading to the repetition of individual stories. Verbatim comments from participants noted by Healthwatch in relation to housing included:

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*“There are not enough places for people to live, there are people who need to move for their wellbeing but there is nowhere, Devon Home Choice doesn’t work for people”.*

*“The lady is trying to care for her husband who keeps falling because they need ground floor accommodation but there isn’t any”.*

---

Verbatim comments from participants noted by Healthwatch in relation to access to replacement care included:

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*“Trying to get a week’s holiday as a carer, when you know what week you want, we are told to contact 1 week before to see if they may or may not have a vacancy. As a carer being able to review a register of availability would be really helpful so we don't have to go around searching. This is very stressful as a carer.”*

*“We can't access respite care locally- she's not getting away from us and we are not getting away from her. We paid privately but places are closing and it is more expensive, so she is not getting a break from us and doing what she wants to do.”*

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## **Financial**

### **22% of comments referenced finances / budgets.**

Participants recognised the difficulty of the current economic climate and the financial requirements placed on Torbay Council.

However, aligning to the strategy, they also raised the need to have preventative services in place which can reduce longer term costs caused by individuals going into crisis.

Families want support for planning long term, yet some people felt like this isn't always happening. Verbatim comments from participants noted by Healthwatch included:

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*“It's frustrating that all the money goes in to dealing with crisis and we have nothing for preventative work which would help cut costs in the long run”.*

*“Stop cutting costs and services because we need help to stay well and independent”.*

*“When Carers ask for a break they need it – they can't wait but there are limited places and you have to book, but you can't book in advance – it's very stressful”.*

*“My passions (frustrations) are that because of the lack of money we put everything we have into crisis support rather than preventative. If we could aim it at preventative in the first place there would be less crisis and people’s lives would be so much better.”*

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The impact of finance was mentioned in relation to thresholds and the balance between being just over the financial threshold, then going below it, also being unable to get relevant support in time to prevent financial difficulties. Verbatim comments from participants noted by Healthwatch included:

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*Financial threshold- When you are getting near the allowance, (...) it starts to get financially difficult and we get low on money - you think what the hell do we do? Backdating does not pay the bills.*

*“The financial side is important. If you’re working and you don’t receive any carers allowance it is very hard.”*

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Other comments mentioned the additional pressure placed on family when an assessment is undertaken but the actual support and care hours provided fall below what is required, and the family are required to fill the gaps.

# Healthwatch Observations

The opportunity to be involved in this important work with Torbay Council has provided valuable insight about people's experiences and knowledge.

The flexibility in approach taken by Torbay Council has also enabled participants to engage in a meaningful way, ensure that they have felt listened to.

The Adult Social Care Strategy identifies the following key aims-

- Helping people to live well and independently
- Helping people to regain their independence
- Helping people with care and support needs to live independently, safely and with choice and control

The Strategy, as presented, has been well received at all focus groups.

On consideration of implementation of The Strategy moving forward, the following suggestions have been drawn from the feedback recorded during the focus groups, which relate to the key aims of the Adult Social Care Strategy.

## **To help people live well and independently:**

- Effective person-centred communication, which is essential for people to be able to access information in a way that they can understand, when they need it.
- Information made available to people in a variety of accessible formats including face-to face and paper -based.
- Preventative services which form an equally important part of service delivery.
- A wide range of suitable accommodation options are to be made available.
- Replacement care services that can be accessed in a timely and more responsive manner, including at short notice or as a planned break in advance.

## **To help people regain their independence:**

- Access to services is timely and proactive.



- Financial support and assessments are up to date.
- A wide range of suitable accommodation and support needs are available.
- The voice of those providing care and support or additional support such as Interpreters, should be accepted and valued.

**To help people with care and support needs to live independently, safely and with choice and control:**

- Regular checks are undertaken about the quality of services used in providing care and support.
- Access to complaints and routes for feedback are easy to find and include all methods of communication.
- Services are developed to be responsive to the needs of the individual, providing preventative care and support as required.
- The needs of those providing care and support, advice and information are recognised, valued and promoted.
- Access to regular breaks and replacement care services are available to ensure health and wellbeing is maintained and to avoid crisis.

As a result of some of the issues raised at the focus groups in relation to people's experiences of health and social care services, Healthwatch Torbay will consider looking further into these in the development of its workplan, to ensure that the voices of local people are heard.

## Statement from Torbay Council

*"I would like to thank Healthwatch for their support during the Torbay Councils consultation in relation to the Adult Social Care Strategy. Healthwatch were a great organisation to work with and pulled the consultation events together in a very professional way and they added an element of independence to the process which the Council greatly appreciated.*

*By working together in partnership, we were able to maximise the benefits of the client feedback we received for both health and social care.*

*The work will be used to further develop the Councils Adult Social Care strategy ensuring it is reflective of what people think is important, in readiness to be approved by the Council in the Autumn."*

**Catherine Williams, Strategic Lead for Adult Social Care Quality and Assurance**

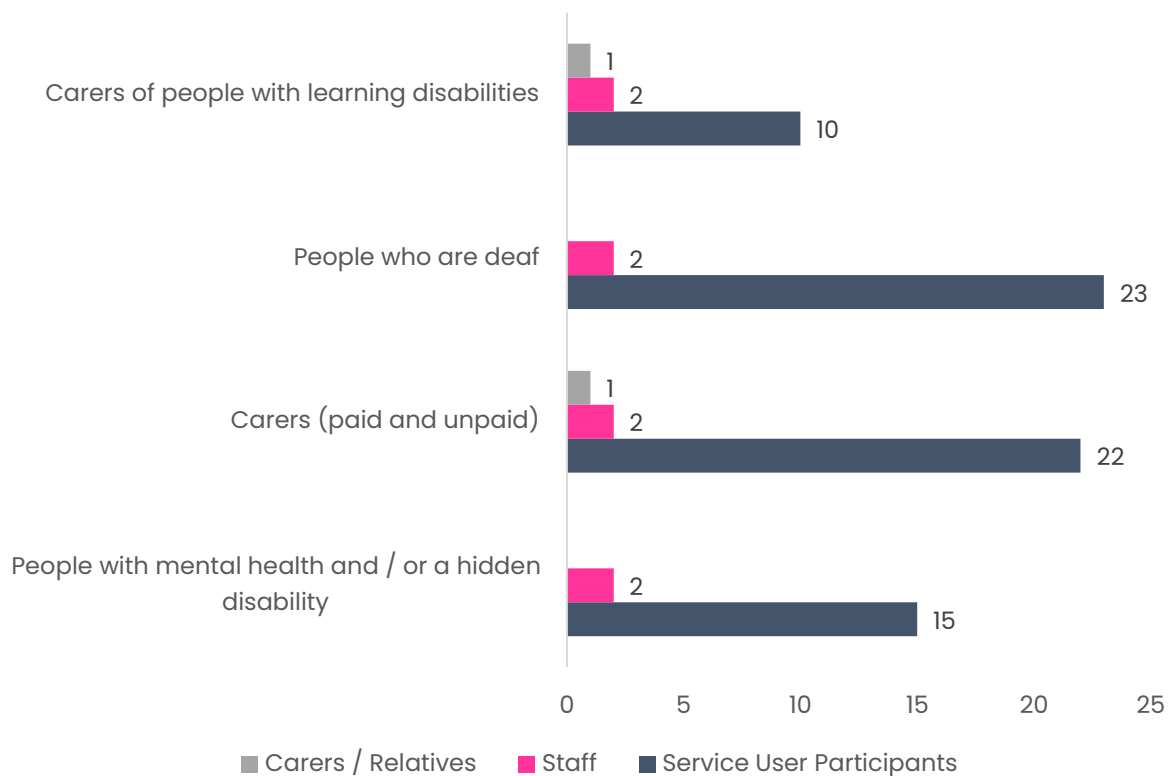


## Recognition

Healthwatch in Devon, Plymouth, and Torbay express their gratitude to Cathy Williams from Torbay Council for asking Healthwatch to organise this consultation. They would also like to extend their heartfelt thanks to all the groups, Carers, and individuals receiving adult social care in Torbay. Their valuable participation and willingness to share thoughts, experiences, and feedback has been greatly appreciated.

# Appendix

### Breakdown of participants by client group



## Healthwatch Devon

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## **Draft Strategy for Adult Social Care in Torbay – Report of the Adult Social Care and Health Overview and Scrutiny Sub-Board**

### **Report to Cabinet on 19 September 2023**

#### **Background**

The Adult Social Care and Health Overview and Scrutiny Sub-Board met on 17 August 2023 to receive a report on the draft Strategy for Adult Social Care in Torbay.

The Director of Adult and Community Services presented the report together with the draft Strategy and responded to questions in relation to the following:

- Did the consultation and survey include bespoke communication with individuals who may have a protected characteristic; unemployed residents; homeless individuals; those in deprived areas and minority groups who might not be able to access care as quickly?
- How would the Council assist with enabling supported care and housing given the current economic climate?
- How would the Strategy be delivered and were there any measurable targets in place against which performance could be monitored?
- What alternative methods were available for individuals to access help in addition to the web based triage approach?

Members were informed that the Draft Strategy for Adult Social Care provided focus on the Council's approach for helping people with adult social care needs in Torbay to live the best life. It was noted particular emphasis had been placed on consultation of the draft Strategy and Healthwatch were thanked for their involvement and assistance with this.

The Sub-Board formed the following recommendations to the Cabinet. On being put to the vote, the motion was declared carried unanimously:

That the Cabinet be advised that the Adult Social Care and Health Overview and Scrutiny Sub Board supports the Draft Adult Social Care Strategy and Cabinet be recommended:

1. To recommend to Council that the Strategy be included within the Council's Policy Framework;
2. that the Director of Adult and Community Services provides the local Members of Parliament's offices and other information offices within Torbay information concerning the website based approach for accessing care;
3. that the Director of Adult and Community Services circulate a briefing note to all Councillors with information concerning the website based approach for accessing care;
4. That Head of Policy, Performance and Community Engagement be instructed to publicise information about the approach to accessing care to inform wider communities
5. That the Head of Policy, Performance and Community Engagement be instructed to widen the inclusion of people with protected characteristics in future consultations and report back to the Adult Social Care and Health Overview and Scrutiny Sub-Board at a later date.

**Meeting:** Overview & Scrutiny Board/Cabinet/Council  
2023

**Date:** 6 Sept /19 Sept/20 Sept

**Wards affected:** All Wards

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

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

**Cabinet Member Contact Details:** Councillor Alan Tyerman, Cabinet Member for Finance  
[alan.tyerman@torbay.gov.uk](mailto:alan.tyerman@torbay.gov.uk)

**Supporting Officer Contact Details:** Ian Rowswell, Deputy Director of Finance,  
[ian.rowswell@torbay.gov.uk](mailto:ian.rowswell@torbay.gov.uk),

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## 1. Purpose and Introduction

- 1.1. This report provides a high-level budget summary of the Council's revenue and capital position for the financial year 2023/24, comparing budgets with year-end forecasts.
- 1.2. The Council is facing significant external pressure due to the wide-reaching implications of the current economic situation. The levels of cost inflation are impacting the Council across almost every single service. We are also seeing an impact on the levels of income received, with projections being below those budgeted. This pressure is resulting in an initial year end forecast for 2023/24 of **£1.5m overspend**.
- 1.3. The Capital Plan is currently under review and the profile of spend will be updated accordingly and presented within the Q2 report.

## 2. Recommendations

### Recommendations for Overview and Scrutiny Board

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

## Recommendations for Cabinet/Council

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

2.3.1. The underwriting arrangements for Combe Pafford School as detailed in paragraphs 4.17-19; and

2.3.2. The addition of the following projects (as set out in paragraphs 8.4) to the current capital programme:

- Refurbishment of the changing rooms at Armada Park sports facilities at Torquay.
- Scaling up the delivery of local charge points for electric vehicles.
- Shiphay Lane Active Travel works.
- Renovation of tennis courts at St Marys, Oldway and Abbey Park.

### 3. 2023/24 Budget Summary Position

3.1. The table below contains the forecast spend for the financial year 2023/24. Budget monitoring has identified a number of spending pressures and is initially forecasting a total overspend at year end of £1.5m, broken down between Council Directorates as follows.

Service	Current Budget £m	Projected Outturn £m	Outturn Variance £m
Adult Services	51.444	52.464	1.020
Children's Services	50.179	51.912	1.733
Corporate and Executive Services	12.245	12.446	0.201
Finance	-11.941	-13.541	-1.600
Investment Portfolio	-4.134	-4.134	0
Place	22.728	22.851	0.124
Public Health	10.430	10.430	0
<b>TOTAL</b>	<b>130.950</b>	<b>132.428</b>	<b>1.478</b>

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

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



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

#### 4. Service Budgets

4.1. The table below summarises the most material variances (over £100k) currently being forecast at the end of June 2023.

Service	Current Budget £m	Projected Outturn £m	Outturn Variance £m
Adults Service - Housing (Temporary Accommodation)	1.565	2.585	1.020
Corporate and Exec Service - Legal services	1.327	1.645	0.318
Children's Services – Care placements incl. UASC	20.400	22.462	2.062
Childrens – Net staffing underspend across various CS teams/services.	19.200	18.779	-0.421
Finance – Investments and borrowing	-1.927	-3.527	-1.600
Place - Income below target across services ( <i>N.b figures relate to income only</i> )	-2.096	-1.722	0.374
Place - Waste disposal	4.453	4.203	-0.250
			<b>-1.503</b>

#### **Adult Services (incl. Community and Customer Services)**

4.2. Within Adult Social Care the majority of spend is against a fixed price financial arrangement (contract) for the delivery of services provided by the Integrated Care Organisation (ICO). This agreement was uplifted by £5m in 2023/24, with a further £1.1m agreed for the following year. A new arrangement will need to be negotiated for 2025/26 onwards and activity is well underway with partners to identify actions that can reduce spend and enhance financial sustainability for the future.

4.3. The **£1.020m** overspend currently forecast at Q1 is within our Housing Service and predominantly relates to increasing costs for both homelessness prevention activity and the provision of Temporary Accommodation. There continues to be considerable demand in this service, fuelled by the cost of living, which is impacting significantly on clients both financially and emotionally. The main reasons for homelessness is the loss of private rented accommodation and breakdown in family relations.

4.4. Since 2020, there has been a 64% increase in people presenting to the local authority as homeless and a 66% increase in those being provided temporary accommodation.

Compared to this point in time in 2022 there has been a 40% increase in presentations. Increasingly, families are approaching the service, and overall complexity is increasing.

- 4.5. This is combined with low availability of temporary options for individuals and family groups in need of temporary accommodation. As at the end of July 2023 there were 143 households living in Temporary Accommodation, with a significant amount of prevention activity underway to mitigate the risk of numbers significantly increasing.
- 4.6. Work is well underway to directly purchase and lease property to reduce costs and increase the stability of accommodation options available to the Housing Options team. This will help to stabilise costs and allow more work to be done to prevent homelessness and support households to find more permanent housing.

### **Corporate Services & Executive**

- 4.7. An overspend of **£0.318m** is currently being forecast within Legal Services. This is a result of the difficulties the service faces in recruiting permanent staff to meet levels of demand. This has meant the service have had to use more expensive agency staff to continue delivering legal support to services across the Council.
- 4.8. The council have struggled to compete with the salaries paid by other organisations – both within the private and public sector. The service has recently had approval to apply additional market factors and hope this will make a difference to their ability to recruit and replace agency workers. Further recruitment activity is underway to achieve this.
- 4.9. Within Corporate and Executive Services, there are some underspends forecast across other teams and service areas, which are partially offsetting the overspend within Legal Services.

### **Children's Services**

- 4.10. Overall Children's Services is experiencing significant financial pressures due to extreme external forces outside of the control of the Council. An overspend of **£2.062m** is currently being forecast across care placements, despite the overall numbers of cared for children being lower than previous years. Significant shortages of suitable available placements are driving up costs within the market, with price increases since 21/22 of over 30% in residential and unregulated/unregistered placements. The legislation on unregulated placements changed in September 2022 and is resulting in further pressure on this budget into 2023/24.
- 4.11. This is exacerbated by the demand arising from the increasing volume of cases allocated to Torbay through the National and Regional allocation of Unaccompanied Asylum Seeking Children (UASC). Costs of placement and support are in excess of the Home Office Funding, with current financial pressures arising from UASCs estimated at over £0.718m.
- 4.12. All of this means that despite the continued oversight, challenge and support from colleagues, external factors are now significantly influencing spend.

- 4.13. Offsetting some of these pressures are underspends in staffing budgets totalling **£0.421m** Agency costs have been a significant financial pressure in recent years, but following successful recruitment and retention within the service, the total agency costs are forecast to be £2.3m this year compared with spend in 2021/22 of £4.9m. This demonstrates that Torbay Council has achieved significant improvements to influence spend where it can. We are now seeing significantly increased salary expectations within the agency market and stiff competition from other Councils that are offering increased hourly rates to stabilise their own workforces.
- 4.14. Outside of Local Authority funded activities, the schools' higher needs block in the Dedicated Schools Grant (DSG) remains under financial pressure from continual referrals for higher needs support for children.
- 4.15. The Council is part of the Education and Skills Funding Agency (ESFA) and Department for Education (DfE) Safety Valve programme, which supports councils in achieving future financial sustainability in this area. If the council can deliver on its recovery plan and achieve a balanced higher needs budget, all of the historic DSG deficit will be written off, through additional funding by ESFA.
- 4.16. Torbay Council has already received £5.160m from the ESFA in response to its recovery plan, without which the DSG cumulative deficit was forecast to be £12.8m by the end of the financial year. For 2023/24 the DSG is forecasting an overspend of £1.060m at quarter 1, an improved position compared with the forecast deficit within the agreed safety valve plan of £1.263m. It is of importance to the Council's future budget position that the Council delivers its recovery plan.
- 4.17. Discussions have been taking place with Combe Pafford School about the possibility of underwriting part of the cost of their forthcoming capital investment project to extend the school. Any underwriting will be up to a maximum of £300k, which would be drawn down on, or after, 1 April 2024, and recovered from through a deduction from the School's future funding allocation over three consecutive financial years to commence in 2024/25.
- 4.18. Governors have provided a formal letter to Torbay Council confirming the affordability, and acceptance, of the three year funding and any draw down will be subject to a formal, signed, legal agreement which will detail specific terms, repayments and any interest applicable on the drawdown.
- 4.19. The school are seeking alternative sources of top up funding and support from the Department for Education, which might mitigate the need to enact any under-writing from the Council. However, agreement is being sought for the underwriting arrangements, should they be required.

## Finance

- 4.20. A **£1.6m** positive variance is being forecast, mainly as a result of increased interest rates, being applied on council investments. This means the Council is forecast to earn higher levels of interest on its current cash balances than was budgeted. Given the current low levels of spend on Capital projects, there is also a saving on interest payable

by the Council as lower levels of spend activity means lower amounts borrowed, therefore reduced interest paid by the Council.

4.21. As part of setting the 2023/24 budget a few centrally held contingencies, mainly linked to pay and inflation risks, were held under finance and will be released to contribute toward the known cost pressures. A total of £0.165m has been released to address specific issues identified early within 2023/24.

4.22. The 2023/24 budget was based on a 4% pay award. Independent pay review bodies have recommended pay increase of up to 6.5%, recognising the high levels of inflation. The final pay award, once agreed, could have a significant impact on the contingencies currently being held.

### **Investment Portfolio**

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

4.24. Any tenants with arrears are all actively engaging with colleagues in Torbay Development Agency.

### **Place**

4.25. Within the Place directorate an overspend of **£0.124m** is currently forecast, mainly due to levels of income being lower than budgeted.

4.26. Planning have highlighted that projected application fee income is £0.150m below target and building regulation applications are projecting a £0.050m shortfall. In addition, a shortfall of £0.060m is forecast on income from local land searches. All three of these elements reflect the challenging economic position of the country and the region.

4.27. An overspend of £0.075m is forecast for Torre Abbey despite admission numbers being higher than this time last year. The Paddington Exhibition and planned events and activities have had a positive impact on admissions, but income from the Café is below budget.

4.28. The reduced Directorate levels of income are expected to be offset by an underspend within the waste budget, due to disposal levels and associated costs being lower than forecast.

4.29. Currently Parking Services is forecast to break even, however there are risks around this forecast. Whilst May/June income levels were good, there remains significant uncertainty as to how the summer weather and the cost-of-living crisis will impact on residents and visitor behaviour over the coming months.

### **Public Health**

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

## **5. Collection Fund**

5.1. Collection rates for 2023/24 are currently slightly below forecast levels. The impact of the rising cost of living appears to be having an impact, which could worsen as we move into Autumn/Winter given the pressures facing households across the UK. We continue to explore opportunities to increase our overall collection rates, whilst supporting residents and businesses.

## **6. Wholly owned companies**

6.1. SWISCo. faces financial pressures in terms of operational delivery due to rising costs, particularly fuel and materials. However, they are managing these pressures and are currently forecasting a breakeven position for 2023/24.

6.2. To the end of May 2023 TDA group draft consolidated year to date surplus was £0.047m against a budget of £0.064m. Within the TDA Group, TorVista continues to operate with a higher level of deficit compared to their business plan – with a loss at the end of May 2023 of £0.076m against a budgeted loss of £0.049m.

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

7.1. The Council's Statement of Accounts for 2020/21 were only signed off by Grant Thornton in April 2023, despite their findings being presented to Audit Committee in December 2021.

7.2. The Council's Statement of Accounts for 2021/22 remain unaudited by Grant Thornton and have not been signed off by the Government's Statutory deadline. This is a national audit issue, partly due to lack of capacity in the market. At the time of writing this report, Grant Thornton was planning on auditing the 2021/22 and 2022/23 accounts jointly, later this year.

7.3. The protracted statement of accounts process has continued to put significant pressure on the finance team, for whom the majority of the last year have been working concurrently on multiple financial years.

## **8. Capital**

8.1. Council is seeing extreme cost inflation in respect of its Capital projects. As a result, several schemes that are in progress are facing rising costs, which are at variance to initial business cases and forecasts. The viability of schemes supported by prudential borrowing are further impacted from the recent rises in borrowing rates.

8.2. The revenue outturn position for 2022/23 enabled £0.4m surplus to be transferred to a specific earmarked Capital Reserve, which will assist the Council in the re-prioritisation, and ultimate delivery, of the Capital Investment Programme. Revenue costs will be

required to continue with design and feasibility work for specific schemes alongside bolstering capacity, and skills, in project delivery.

8.3. The programme is currently under review and the plan and profile of spend will be updated accordingly.

8.4. Following discussion and support at the Capital and Growth Board it's proposed that the following projects are added to the capital programme.

8.4.1. Refurbishment of the changing rooms at Armada Park sports facilities at Torquay. The total project cost is £91k, of which £25,000 is funded by the Football Foundation, £25,000 by the Torquay Neighbourhood Forum, £22,500 from the UK Shared Prosperity Fund and £18,500 from S106 funding.

8.4.2. Scaling up the delivery of local charge points for electric vehicles. Grant funding of £958,000 provided by the DfT, Local Electric Vehicle Infrastructure - currently split 50/50 over 23/24 and 24/25.

8.4.3. Shiphay Lane – installation of safe crossing for cyclists and pedestrians - funded by £226,634 of funding from the DfT Active Travel Fund.

8.4.4. Renovation of tennis courts at St Marys, Oldway and Abbey Park. Funding of £337,399 from the Lawn Tennis Association and match funding of £167,075 from S106 funding.

8.5. The following new, or improved capital grant allocations have been announced since the Capital plan for 23/24 was approved:

8.5.1. Ministry of Housing Communities and Local Government – Disabled Facilities grants 2023/24 of £2,128,689. This grant allocation is used to support our DFG expenditure but also includes the former Adult Social Care capital grant.

8.5.2. Department for Education – School Condition Allocation 2023/24 – additional £344,106 provided to authorities for major repairs and maintenance of school estates.

8.5.3. Department for Education– Devolved Formula Capital Grant 2023/24 - £76,895. This is a ring-fenced grant and will be paid to appropriate schools as required.

8.5.4. Department for Transport – additional Potholes Fund allocation of £323,600 for 2023/24.

8.5.5. Department for Transport – Active Travel Fund - £226,634 capital grant awarded.

8.5.6. Department for Transport – grant funding of £958,000 awarded by the DfT, Local Electric Vehicle Infrastructure for the scaling up of the delivery of local charge points for electric vehicles.

## **9. Risks & Sensitivity**

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

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

		increased its focus and resources on preventive work.
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## Extracted Minute of the Audit Committee held on 26 July 2023.

### Minute 2. Treasury Management Outturn 2022/23 Report

Members considered an annual report on the treasury management activities undertaken during the year 2022/23, which was compared to the 2022/23 Treasury Management Strategy.

In March 2023 the Council adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which requires the Authority to approve treasury management semi-annual and annual reports.

The Council's treasury management strategy for 2022/23 was approved by Council at a meeting on 3 March 2022. The successful identification, monitoring and control of risk remains central to the Council's Treasury Management Strategy.

The Director of Finance explained that the proposed recommendation enables the organisation to think more about long term cash. At the moment the organisation can make cash balances work much better than it could six months ago due to higher interest rates. Advising Members that he would like more balance in the Council's investment portfolio comparable with the size of the organisation.

Resolved:

That the Audit Committee recommends to Council:

- i) That the Treasury Management decisions made during 2022/23, as detailed in the submitted report be noted; and
- ii) That the increases to limits within the Treasury Management Strategy 2023/24 as set out below be approved:

	<b>Strategy 2023/24</b>	<b>Recommended Change 2023/24</b>
Limit on principal invested beyond year end (Treasury Management Strategy section 7)	£20M	<b>£40M</b>

	<b>Strategy 2023/24</b>		<b>Recommended Change 2023/24</b>	
	Counterparty Limit	Sector Limit	Counterparty Limit	Sector Limit

Strategic Pooled Funds (Treasury Management Strategy Appendix 3, Table 9)	£10M	£20M	<b>£10M</b>	<b>£30M</b>
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- iii) That in principle, the Council doesn't borrow any further money unless there is a clear revenue or saving stream to support the required borrowing.

**Meeting:** Audit Committee

**Date:** 26<sup>th</sup> July 2023

**Wards affected:** All Wards in Torbay

**Report Title:** Treasury Management Outturn 2022/23 Report

**Cabinet Member Contact Details:** Councillor Alan Tyerman, Cabinet Member for Finance, [alan.tyerman@torbay.gov.uk](mailto:alan.tyerman@torbay.gov.uk)

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## 1. Purpose of Report

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- 1.1 This report is to provide members with an annual report on the treasury management activities undertaken during the year 2022/23, which is compared to the 2022/23 Treasury Management Strategy.

## 2. Reason for Proposal and its benefits

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- 2.1 Treasury risk management at the Council is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which requires the Authority to approve a treasury management strategy before the start of each financial year and, as a minimum, a semi-annual and annual treasury outturn report

## 3. Recommendation(s) / Proposed Decision

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**That the Audit Committee recommends to Council :**

- i) **That the Treasury Management decisions made during 2022/23, as detailed in the submitted report be noted; and**
- ii) **That the increases to limits within the Treasury Management Strategy 2023/24 as set out below be approved:**

	<b>Strategy 2023/24</b>	<b>Recommended Change 2023/24</b>
Limit on principal invested beyond year end (Treasury Management Strategy section 7)	£20M	<b>£40M</b>

	<b>Strategy 2023/24</b>		<b>Recommended Change 2023/24</b>	
	Counterparty Limit	Sector Limit	Counterparty Limit	Sector Limit
Strategic Pooled Funds (Treasury Management Strategy Appendix 3, Table 9)	£10M	£20M	<b>£10M</b>	<b>£30M</b>

## Appendices

Appendix 1: Economic Commentary

## Background Documents

Treasury Management Strategy 2022/23

## Supporting Information

### 1. Introduction

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- 1.1 In March 2023 the Council adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which requires the Authority to approve treasury management semi-annual and annual reports.
- 1.2 The Council's treasury management strategy for 2022/23 was approved by Council at a meeting on 3<sup>rd</sup> March 2022. The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Council's treasury management strategy.

### 2. External Context

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- 2.1 An economic commentary for the year provided by the Council's treasury management advisors, Arlingclose, is provided at Appendix 1 to this report. Bank Rate was raised from 0.75% to 4.25% at regular steps through the year as inflation levels rose sharply and remained persistently high.

### 3. Local Context

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- 3.1 On 31<sup>st</sup> March 2023, the Council had net borrowing of £284m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary (subject to finalisation and audit)

	<b>31.3.23 Actual £m</b>
<b>Total CFR</b>	<b>428</b>
Less: *Other debt liabilities	(15)
<b>Borrowing CFR</b>	<b>413</b>
External borrowing	385
<b>Internal borrowing</b>	<b>28</b>
Less: Usable reserves	(96)
Less: Working capital and other cash backed balance sheet items	(23)
<b>Net treasury position</b>	<b>294</b>

\* PFI liabilities that form part of the Council's total debt

- 3.2 The Council pursued its strategy of keeping borrowing and investments below their underlying levels (i.e. using internal cash resources in place of borrowing), sometimes known as internal borrowing, to reduce risk and interest costs.
- 3.3 The treasury management position on 31<sup>st</sup> March 2023 and the change during the year is shown in Table 2 below.

**Table 2: Treasury Management Summary**

	<b>31.3.22 Balance £m</b>	<b>Movement £m</b>	<b>31.3.23 Balance £m</b>	<b>31.3.23 Rate %</b>
Long-term borrowing*	389	(4)	385	2.98
Short-term borrowing	0.0	0.0	0.0	0.0
<b>Total borrowing</b>	<b>389</b>	<b>(4)</b>	<b>385</b>	<b>2.98</b>
Long-term investments*	(5)	(10)	(15)	4.02
Short-term investments	(107)	32	(75)	3.88
Cash and cash equivalents	(4)	3	(1)	1.49
<b>Total investments</b>	<b>(116)</b>	<b>25</b>	<b>(91)</b>	<b>3.76</b>
<b>Net position</b>	<b>273</b>	<b>21</b>	<b>294</b>	<b>3.13</b>

\*Long term investments include the CCLA Property Fund at market valuation.

## 4. Borrowing Update

- 4.1 CIPFA's 2021 Prudential Code is clear that local authorities must not borrow to invest primarily for financial return and that it is not prudent for local authorities to make any investment or spending decision that will increase the capital financing requirement, and so may lead to new borrowing, unless directly and primarily related to the functions of the Authority. PWLB loans are no longer available to local authorities planning to buy investment assets primarily for yield.
- 4.2 The Council has reviewed its capital programme in light of changes to the CIPFA Prudential Code and PWLB lending arrangements to ensure that borrowing to invest primarily for commercial return is no longer undertaken.
- 4.3 At 31<sup>st</sup> March 2023 the Council held £385.2m of loans, (a decrease of £3.7m to the 31<sup>st</sup> March 2022 position) as part of its strategy for funding previous and current years' capital programmes. Outstanding loans on 31<sup>st</sup> March are summarised in Table 3 below.

Table 3: Borrowing Position

	<b>31.3.22 Balance £m</b>	<b>Net Movement £m</b>	<b>31.3.23 Balance £m</b>	<b>31.3.23 Weighted Average Rate %</b>	<b>31.3.23 Weighted Average Maturity (years)</b>
Public Works Loan Board	378.9	(3.7)	375.2	2.941	26.3
Banks (LOBO)	5.0	-	5.0	4.700	56.6
Banks (fixed-term)	5.0	-	5.0	4.395	52.5
<b>Total borrowing</b>	<b>388.9</b>	<b>(3.7)</b>	<b>385.2</b>	<b>2.983</b>	<b>27.8</b>

- 4.4 The Council's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Council's long-term plans change being a secondary objective.
- 4.5 In keeping with these objectives, no new borrowing was undertaken, while £3.7m of existing loans were allowed to mature without replacement. This strategy enabled the Council to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk.
- 4.6 LOBO loans: The Council continues to hold a £5m LOBO (Lender's Option Borrower's Option) loan where the lender has the option to propose an increase in the interest rate at set dates, following which the Council has the option to either accept the new rate or to repay the loan at no additional cost. The lenders option does not become due until 2028.

## 5. Other Debt Activity

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- 5.1 After £0.93m repayment of prior years' Private Finance Initiative liabilities, total debt other than borrowing stood at £15.0m on 31<sup>st</sup> March 2023, taking total debt to £400.2m

## 6. Treasury Investment Activity

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- 6.1 CIPFA published a revised Treasury Management in the Public Services Code of Practice and Cross-Sectoral Guidance Notes on 20<sup>th</sup> December 2021. These define treasury management investments as investments that arise from the organisation's cash flows or treasury risk management activity that ultimately represents balances that need to be invested until the cash is required for use during business.
- 6.2 The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year, the Council's investment

balances ranged between £84 million and £131 million due to timing differences between income and expenditure. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	<b>31.3.22 Balance £m</b>	<b>Net Movement £m</b>	<b>31.3.23 Balance £m</b>	<b>2022/23 Income Return %</b>	<b>2022/23 Weighted Average Maturity days</b>
Banks & building societies (unsecured)	17.2	(11.4)	5.8	1.50	15
Government (incl. local authorities)	77.0	(9.0)	68.0	1.77	223
Money Market Funds	12.6	(4.1)	8.5	2.13	1
Other Pooled Funds:					
- <i>Cash plus fund</i>	4.0	-	4.0	2.40	
- <i>Property fund</i>	5.5	(0.9)	4.6	4.45	
<b>Total investments</b>	<b>116.3</b>	<b>(25.4)</b>	<b>90.9</b>	<b>1.91</b>	

- 6.3 Both the CIPFA Code and government guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.
- 6.4 Bank Rate has increased from 0.75% at the beginning of the year to 4.25% at the end of March 2023. Short-dated cash rates, which had ranged between 0.7% - 1.5% at the beginning of April, rose by around 3.5% for overnight/7-day maturities and 3.3% for 6-12 month maturities.
- 6.5 By end March 2023, the rates on DMADF (government) deposits ranged between 4.05% and 4.15%. The return on the Council's sterling Low Volatility Net Asset Value (LVNAV) Money Market Funds ranged between 0.5% - 0.6% p.a. in early April and between 4.0% and 4.2% at the end of March.
- 6.6 The progression of risk and return metrics are shown in the extracts from Arlingclose's quarterly investment benchmarking in Table 5 below.

Table 5: Investment Benchmarking – Treasury investments managed in-house

	<b>Credit Score</b>	<b>Credit Rating</b>	<b>Bail-in Exposure</b>	<b>Weighted Average Maturity (days)</b>	<b>Rate of Return %</b>
31.06.2022	3.56	AA	27%	83	1.01



31.03.2023	4.67	A+	17%	186	3.65
<b>Similar LAs</b>	<b>4.84</b>	<b>A+</b>	<b>60%</b>	<b>64</b>	<b>3.77</b>
<b>All LAs</b>	<b>4.71</b>	<b>A+</b>	<b>59%</b>	<b>12</b>	<b>3.66</b>

- 6.7 Fixed deposits were made throughout the year at each rise in Bank Rate, predominantly with the DMADF for three to six months duration. A number of slightly longer dated deposits (up to one year) were also transacted with other local authorities.
- 6.8 Exposure to the Banking sector was limited to ease credit risks and at the end of the year concerns of a banking crisis led Arlingclose to recommend reducing all banking counterparty durational limits to 35 days. The Director of Finance concurred with this advice and the limit remains in place.
- 6.9 During March 2023 interest rates looked to be peaking and two 2-year deals were taken with local authorities to provide some protection against potentially falling rates. While forecasts have reversed since then these deals remain strategically useful in providing a base return over the longer term.
- 6.10 Remaining funds were substantially kept liquid to enable the Council's policy of internal borrowing and in anticipation of future rate rises. At outturn the actual capital spend was well below the original plan contributing to the continuing higher than forecast cash balance.
- 6.11 **Externally Managed Pooled Funds:** £5m of the Council's investments are invested in an externally managed strategic pooled property fund where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability. These funds generated an income return of £0.23m (4.45%) and an unrealised capital loss of £0.9m (12.87%).

## 7. Non-Treasury Investments

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- 7.1 The definition of investments in CIPFA's revised Treasury Management Code covers all the financial assets of the Authority as well as other non-financial assets which the Council holds primarily for financial return. Investments that do not meet the definition of treasury management investments (i.e. management of surplus cash) are categorised as either for service purposes (made explicitly to further service objectives) or for commercial purposes (made primarily for financial return).
- 7.2 The outturn position of the Council's non-treasury investments will form part of the Statement of Accounts 2022/23 and will be reported with the usual level of detail within the Treasury Management 2023/24 mid-year review.

## 8. Treasury Performance

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- 8.1 The financial performance of the Council's treasury management activities in terms of its impact on the revenue budget is shown **Page 157** below.

Table 6: Performance

As at 31 <sup>st</sup> March 2023	Budget 2022/23	Outturn 2022/23	Variation
	£M	£M	£M
Investment Income	(0.4)	(2.2)	(1.8)
Interest Paid on Borrowing	12.2	11.5	(0.7)
<b>Net Position (Interest)</b>	<b>11.8</b>	<b>9.3</b>	<b>(2.5)</b>
Minimum Revenue Provision (excl. PFI)	6.9	6.9	(0.0)
<b>Net Position (Other)</b>	<b>6.9</b>	<b>6.9</b>	<b>(0.0)</b>
<b>Net Position Overall</b>	<b>18.7</b>	<b>16.2</b>	<b>(2.5)</b>

## 9. Compliance

- 9.1 The Chief Finance Officer reports that all treasury management activities undertaken during the year complied fully with the CIPFA Code of Practice and the Council's approved Treasury Management Strategy. Compliance with specific limits is demonstrated in table 7 below.

Table 7: Debt Limits

	2022/23 Maximum	31.3.23 Actual	2022/23 Operational Boundary	2022/23 Authorised Limit	Complied? Yes/No
Borrowing	£388.9m	£385.2m	£530m	£620m	Yes
PFI & Finance Leases	£16.0m	£15.0m	£20m	£20m	Yes
<b>Total Debt</b>	<b>£404.9m</b>	<b>£400.2m</b>	<b>£550m</b>	<b>£640m</b>	Yes

- 9.2 **Treasury Management Indicators:** The Council measures and manages its exposures to treasury management risks using the following indicators.

**Security:** The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating/credit score of its investment portfolio. The credit score is calculated by applying a value to each investment (AAA=1, AA+=2, .... A=6 etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	<b>31.3.23 Actual</b>	<b>2022/23 Target</b>	<b>Complied?</b>
Portfolio average credit rating (score)	A+ (5)	A (6)	Yes

**Liquidity:** The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling one-month period, without additional borrowing.

	<b>31.3.23 Actual</b>	<b>2022/23 Target</b>	<b>Complied?</b>
Total cash available within one month	£19M	£10M	Yes

**Interest Rate Exposures:** This indicator is set to control the Council's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interests was:

<b>Interest rate risk indicator</b>	<b>31.3.23 Actual</b>	<b>2022/23 Limit</b>	<b>Complied?</b>
Upper limit on one-year revenue impact of a 1% <u>rise</u> in interest rates	(£241,000)	£300,000	Yes
Upper limit on one-year revenue impact of a 1% <u>fall</u> in interest rates	£241,000	£300,000	Yes

**Maturity Structure of Borrowing:** This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

	<b>31.3.23 Actual</b>	<b>Upper Limit</b>	<b>Lower Limit</b>	<b>Complied?</b>
Under 12 months	1%	40%	0%	Yes
12 months - within 24 months	2%	40%	0%	Yes
24 months and within 5 years	3%	30%	0%	Yes
5 years and within 10 years	12%	40%	0%	Yes
10 years and within 20 years	15%	50%	0%	Yes
20 years and within 30 years	10%	60%	0%	Yes
30 years and within 40 years	36%	50%	0%	Yes
40 years and over	21%	50%	0%	Yes

**Principal Sums Invested for Periods Longer than a year:** The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	2022/23	2023/24	2024/25
Actual principal invested beyond year end	£15m	£10m	£5m
Limit on principal invested beyond year end	£20m	£20m	£20m
Complied?	Yes	Yes	Yes

## 10. Other

10.1 **IFRS 9:** The DLUHC published a consultation on the IFRS 9 pooled investment fund statutory override for English authorities for fair value gains and losses on pooled investment funds which was due to expire with effect from 2023/24. The options under evaluation were to allow the override to lapse, to extend it, or to make it permanent. The override will be extended for two years and therefore remain in place for the 2023/24 and 2024/25 financial years. Under the Regulations, gains and losses resulting from unrealised fair value movements relating to treasury pooled investment funds, that otherwise must be recognised in profit or loss under IFRS 9, are not charges to the revenue account, and must be taken into an unusable reserve account.

10.2 **Change to approved investment limits 2023/24:** Changes in the interest rate environment and outlook have prompted an increase in longer dated deposits. The Director of Finance, in consultation with Arlingclose, also sees value in increasing the Council's exposure to longer term strategic investments. The limits set by the Treasury Management Strategy 2023/24 will not facilitate these measures and the following changes to the Strategy limits are recommended:

	Strategy 2023/24	Recommended Change 2023/24
Limit on principal invested beyond year end (Treasury Management Strategy section 7)	£20M	£40M

	Strategy 2023/24		Recommended Change 2023/24	
	Counterparty Limit	Sector Limit	Counterparty Limit	Sector Limit
Strategic Pooled Funds (Treasury Management Strategy Appendix 3, Table 9)	£10M	£20M	£10M	£30M

**Economic Commentary** (provided by Arlingclose, April 2023)

**Economic background:** The war in Ukraine continued to keep global inflation above central bank targets and the UK economic outlook remained relatively weak with the chance of a mild recession. The economic backdrop during the January to March period continued to be characterised by high energy and commodity prices, high inflation, and the associated impact on household budgets and spending.

Central Bank rhetoric and actions remained consistent with combatting inflation. The Bank of England, US Federal Reserve, and European Central Bank all increased interest rates over the period, even in the face of potential economic slowdowns in those regions.

Starting the financial year at 5.5%, the annual CPI measure of UK inflation rose strongly to hit 10.1% in July and then 11.1% in October. Inflation remained high in subsequent months but appeared to be past the peak, before unexpectedly rising again in February. Annual headline CPI registered 10.4% in February, up from 10.1% in January, with the largest upward contributions coming from food and housing. RPI followed a similar pattern during the year, hitting 14.2% in October. In February RPI measured 13.8%, up from 13.4% in the previous month.

Following the decision by the UK government under Rishi Sunak and Jeremy Hunt to reverse some of the support to household energy bills announced under Liz Truss, further support in the form of a cap on what energy suppliers could charge household was announced in the March Budget to run from April until end June 2023. Before the announcement, typical household bills had been due to rise to £3,000 a year from April.

The labour market remained tight albeit with some ongoing evidence of potential loosening at the end of the period. The unemployment rate 3mth/year eased from 3.8% April-June to 3.6% in the following quarter, before picking up again to 3.7% between October-December. The most recent information for the period December-February showed an unemployment rate of 3.7%.

The inactivity rate was 21.3% in the December-February quarter, slightly down from the 21.4% in the first quarter of the financial year. Nominal earnings were robust throughout the year, with earnings growth in December-February at as 5.7% for both total pay (including bonuses) and 6.5% for regular pay. Once adjusted for inflation, however, both measures were negative for that period and have been so throughout most of the year.

Despite household budgets remaining under pressure, consumer confidence rose to -36 in March, following readings of -38 and -45 in the previous two months, and much improved compared to the record-low of -49 in September. Quarterly GDP was soft through the year, registering a 0.1% gain in the April-June period, before contracting by (an upwardly revised) -0.1% in the subsequent quarter. For the October-December period was revised upwards to 0.1% (from 0.0%), illustrating a resilient but weak economic picture. The annual growth rate in Q4 was 0.6%.

The Bank of England increased the official Bank Rate to 4.25% during the financial year. From 0.75% in March 2022, the Monetary Policy Committee (MPC) pushed through rises at every subsequent meeting over the period, with recent hikes of 50bps in December and February and then 25bps in March, taking Bank Rate to 4.25%. March's rise was voted by a majority of 7-2, with two MPC members preferring to maintain Bank Rate at 4.0%. The Committee noted that inflationary

pressures remain elevated with growth stronger than was expected in the February Monetary Policy Report. The February vote was also 7-2 in favour of a hike, and again with two members preferring to keep Bank Rate on hold.

After reaching 9.1% in June, annual US inflation slowed for eight consecutive months to 6% in February. The Federal Reserve continued raising interest rates over the period with consecutive increases at each Federal Open Market Committee meetings, taking policy rates to a range of 4.75%- 5.00% at the March meeting.

From the record-high of 10.6% in October, Eurozone CPI inflation fell steadily to 6.9% in March 2023. Energy prices fell, but upward pressure came from food, alcohol, and tobacco. The European Central Bank continued increasing interest rates over the period, pushing rates up by 0.50% in March, taking the deposit facility rate to 3.0% and the main refinancing rate to 3.5%.

**Financial markets:** Uncertainty continued to be a key driver of financial market sentiment and bond yields remained relatively volatile due to concerns over elevated inflation and higher interest rates, as well as the likelihood of the UK entering a recession and for how long the Bank of England would continue to tighten monetary policy. Towards the end of the period, fears around the health of the banking system following the collapse of Silicon Valley Bank in the US and purchase of Credit Suisse by UBS caused further volatility.

Over the period the 5-year UK benchmark gilt yield rose from 1.41% to peak at 4.70% in September before ending the financial year at 3.36%. Over the same timeframe the 10-year gilt yield rose from 1.61% to peak at 4.51% before falling back to 3.49%, while the 20-year yield rose from 1.82% to 4.96% and then declined to 3.82%. The Sterling Overnight Rate (SONIA) averaged 2.24% over the period.

**Credit review:** Early in the period, Moody's affirmed the long-term rating of Guildford BC but revised the outlook to negative. The agency also downgraded Warrington BC and Transport for London.

In July Fitch revised the outlook on Standard Chartered and Bank of Nova Scotia from negative to stable and in the same month Moody's revised the outlook on Bayerische Landesbank to positive. In September S&P revised the outlook on the Greater London Authority to stable from negative and Fitch revised the outlook on HSBC to stable from negative.

The following month Fitch revised the outlook on the UK sovereign to negative from stable. Moody's made the same revision to the UK sovereign, following swiftly after with a similar move for a number of local authorities and UK banks including Barclays Bank, National Westminster Bank (and related entities) and Santander.

During the last few months of the reporting period there were only a handful of credit changes by the rating agencies, then in March the collapse of Silicon Valley Bank (SVB) in the US quickly spilled over into worries of a wider banking crisis as Credit Suisse encountered further problems and was bought by UBS.

Credit Default Prices had been rising since the start of the period on the back of the invasion of Ukraine, and in the UK rose further in September/October at the time of the then-government's mini budget. After this, CDS prices had been falling, but the fallout from SVB caused a spike on the back of the heightened uncertainty. However, they had moderated somewhat by the end of the period as

fears of contagion subsided, but many are still above their pre-March levels reflecting that some uncertainty remains.

On the back of this, Arlingclose reduced its recommended maximum duration limit for unsecured deposits for all UK and Non-UK banks/institutions on its counterparty list to 35 days as a precautionary measure. No changes were made to the names on the list.

As market volatility is expected to remain a feature, at least in the near term and, as ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remains under constant review.

Local authorities remain under financial pressure, but Arlingclose continues to take a positive view of the sector, considering its credit strength to be high. Section 114 notices have been issued by only a handful of authorities with specific issues. While Arlingclose's advice for local authorities on its counterparty list remains unchanged, a degree of caution is merited with certain authorities.

**Meeting:** Council

**Date:** 20 September 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

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

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

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## 1. Purpose of Report

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- 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

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- 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

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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

Revised Article 13 – Review and Revision of the Constitution -

<https://www.torbay.gov.uk/DemocraticServices/documents/s140230/14%20Article%2013%20-%20Review%20and%20Revision%20Appendix%202.pdf>

### Supporting Information

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#### 1. Introduction

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- 1.1 At the meeting of Council held on 20 July 2023 (minute 27/7/23 refers) the Council approved amendments to Article 13 requiring the Monitoring Officer to keep the Constitution under review and authorising her to make changes which were required for technical or legal reasons. The Monitoring Officer was also authorised to make other changes to the Constitution that she believes were in the best interests of the Council and/or local people provided they were made in consultation with the Leader of the Council and Group Leaders; if any of them object, the Monitoring Officer will report the matter to Council for decision.
- 1.2 Whilst the Local Protocol – Civic and Ceremonial has been amended to reflect current practice, the proposed amendments were beyond technical or legal reasons, and Liberal Democrat Group Leader determined that the matter should come before the Council to approve, as the sovereign body.

#### 2. Options under consideration

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- 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

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- 3.1 None

## 4. Legal Implications

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4.1 None

## 5. Engagement and Consultation

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5.1 The revised Local Protocol has been circulated to Councillors and was submitted to the Council Leadership Group and suggestions put forward, have been incorporated into the final version, in accordance with Article 13 of the Constitution.

## 6. Purchasing or Hiring of Goods and/or Services

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6.1 Not applicable

## 7. Tackling Climate Change

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7.1 Not applicable.

## 8. Associated Risks

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8.1 None

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

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	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

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10.1 None

## 11. Cumulative Community Impacts

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11.1 None

**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 shallis 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/100<sup>th</sup> 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~~ 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 proceeds sings 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/~~C~~charities 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 which all attendees are required to purchase. Once all the event costs have been paid, 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 financial loss incurred as a result of a Civic event shall be met and paid in full by the Civic Mayor personally, where they have acted contrary to Officer's advice.
- ~~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 Freeman 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 Freeman ~~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 Freeman 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.



**Meeting:** Council

**Date:** 20 September 2023

**Wards affected:** All Wards

**Report Title:** Constitution Amendment Local Protocol – Indemnity and Insurance for Members and Officers

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

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

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

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## 1. Purpose of Report

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- 1.1 This report sets out a proposed new Local Protocol on Indemnity and Insurance for Members and Officers which has been prepared, having regard to a Local Government Association briefing issued to Local Authority Chief Executives and Council Leaders. The briefing referenced legal liabilities in relation to placing children in care in unregistered placements and the wider consideration of insurance and indemnity for Councillors and Officers in the course of exercising their proper powers and duties as an Elected Member or Officer of Torbay Council.
- 1.2 This Local Protocol follows the same format of the Local Protocol adopted by Devon County Council, which was seen as good practice.

## 2. Reason for Proposal and its benefits

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- 2.1 The adoption of this Protocol provides an opportunity to regularise the current situation, reflecting both existing practice and legislation, and to provide indemnity for Members and Officers acting on behalf of the Council; to safeguard and protect their position in such cases.

- 2.2 Councils have a discretionary power in certain circumstances to provide an indemnity or insurance against Members and Officers incurring personal liability. The power applies to Members and Officers whose actions, or failure to act, are authorised by the Council, or who undertake a function at the request of, or with the approval of the Council, or for the purposes of the Council. In addition, where a Member or Officer has exceeded their power or that of the Council, an indemnity or insurance may be given, providing that the Member or Officer reasonably believed that the act or omission was within the power of the Council, or the Member or Officer as the case may be
- 2.3 An indemnity or insurance cannot be provided for a criminal offence, or conduct that amounts to fraud, deliberate wrongdoing, or recklessness. However, an indemnity or insurance can be provided for the defence of criminal proceedings and for any civil liability that also constitutes a criminal offence, and for the defence of an investigation into alleged breach by a Member of the Code of Conduct. Providing that Member or Officer is not guilty of the criminal offence, or the breach of the Code of Conduct, as the case may be, in which case the Member or Officer is obliged to repay any sums expended by the Council or the Insurer. Furthermore, no indemnity or insurance may be provided under the order for a Member or Officer to pursue defamation actions, but one can be provided to defend an allegation of defamation.

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

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- 3.1 That the Council approves the Local Protocol - Indemnity and Insurance for Members and Officers, as set out at Appendix 1 to this report, and determines that it be incorporated into the Council's Constitution.
- 3.2 That the Director of Finance and Head of Legal Services and Monitoring Officer (or their deputies) be authorised to determine requests for indemnities, in consultation with the Cabinet Member for Housing, Finance and Corporate Services. Or in consultation with the Leader of the Council, where the matter relates to the Cabinet Member for Housing, Finance and Corporate Services.

## Appendices

Appendix 1: Local Protocol – Indemnity and Insurance for Members and Officers

## Background Documents

Revised Article 13 – Review and Revision of the Constitution -

<https://www.torbay.gov.uk/DemocraticServices/documents/s140230/14%20Article%2013%20-%20Review%20and%20Revision%20Appendix%202.pdf>

## Supporting Information

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### 1. Introduction

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- 1.1 At the meeting of Council held on 20 July 2023 (minute 27/7/23 refers) the Council approved amendments to Article 13 requiring the Monitoring Officer to keep the Constitution under review and authorising her to make changes which were required for technical or legal reasons. The Monitoring Officer was also authorised to make other changes to the Constitution that she believes were in the best interests of the Council and/or local people provided they were made in consultation with the Leader of the Council and Group Leaders; if any of them object, the Monitoring Officer will report the matter to Council for decision.
- 1.2 This is a new Local Protocol which is therefore beyond technical or legal reasons, and Liberal Democrat Group Leader has determined that the matter should come before the Council to approve, as the sovereign body.

### 2. Options under consideration

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- 2.1 To adopt, or not to adopt the new Local Protocol - on Indemnity and Insurance for Members and Officers.

### 3. Financial Opportunities and Implications

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- 3.1 The Council's insurance policy will indemnify Members and Officers up to £5million per incident, subject to a policy excess of £25,000 per claim, with sums up to that amount coming from our own internal insurance fund.

### 4. Legal Implications

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- 4.1 None

### 5. Engagement and Consultation

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- 5.1 The new Local Protocol has been circulated to the Council Leadership Group.

### 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 Not applicable

## 7. Tackling Climate Change

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7.1 Not applicable.

## 8. Associated Risks

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8.1 Not adopting the new Local Protocol - on Indemnity and Insurance for Members and Officers, would leave Members and Officers unprotected.

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

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	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

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10.1 None

## 11. Cumulative Community Impacts

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11.1 None

**Local Protocol - Indemnity and Insurance for Members and Officers**

**Indemnity for elected members**

1. The Council gives the following indemnities to its elected members subject to paragraphs 2-13 below: -
  - (a) That if any act or omission of an elected member in the course of exercising his/her proper powers and duties as a member of the Council does or may give rise to any liability of the Council or the elected member to any third party, the Council will indemnify the elected member against all loss or damage or other legal expenses arising and the Council will not make any claims against the elected member for any loss or damage or legal or other expenses.
  - (b) That if any act or omission of an elected member in the course of exercising his/her proper powers and duties as a member of the Council, does or may give rise to any liability of the member to the Council, then the Council will not make any claims against the member for any loss or damage or legal or other expenses.
2. That, subject to paragraph 3, the indemnities shall apply to all actions undertaken, or failures to act, which forms part of or arises from the duties of the elected member on behalf of the Council whilst the elected member is acting within the scope of their authority which shall include when they are acting as the Council's representative on other bodies providing that they act with the written consent of the Council and in accordance with the terms of that consent.
3. That the indemnities shall apply to all actions undertaken, or failures to act, in pursuit of the duties of the elected member on behalf of the Council whilst the elected member is acting outside the scope of their authority which shall include when they are acting as the Council's representative on other bodies providing that;
  - (a) They act with the written consent of the Council and in accordance with the terms of that consent and providing further that the elected member reasonably believed that the action, or failure to act, in question, was within the power of the authority, and was also within his or her powers at the time at which the elected member acted.
  - (b) Where the action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the authority, or any statement that certain steps have been taken or requirements fulfilled, they believed that the contents of the statement were true, and it was reasonable for them to hold that belief at the time when they acted or failed to act.
4. That, subject to paragraph 11, the indemnities shall apply to the defence of any criminal proceedings.
5. That, subject to paragraph 11, the indemnities shall apply to the defence of any proceedings in connection with the Code of Conduct for Elected Members, pursuant to Part 3 of the Local Government Act 2000 and Part 1 of the Localism Act 2011.

6. That the indemnity shall apply to any loss or damage or legal or other expenses arising from any civil liability which arises as a consequence of any action or failure to act which also constitutes a criminal offence, providing that such liability has not arisen in whole or in part from any fraud, deliberate wrongdoing or recklessness on the part of the elected member.
7. That the indemnities shall not apply to loss or damage or legal or other expenses arising directly or indirectly from:-
  - (i) Fraud, dishonesty or a criminal offence, or other deliberate wrongdoing or recklessness on the part of the elected member (save as provided for by paragraph 6)
  - (ii) Liability in respect of losses certified by the Council's external auditor as caused by wilful misconduct or where unlawful expenditure has been knowingly or recklessly authorised.
  - (iii) Circumstances in which the elected member has not acted in good faith.
8. In relation to loss or damage or expenses relating to the actions of an elected member when they were acting as the Council's representative on other bodies the following additional limitations will apply:-
  - (i) Where the management committee or its equivalent is jointly and severally liable, the indemnity to the elected member will be limited to a sum equivalent to the amount for which the member would be liable if all members of the management committee or its equivalent paid an equal amount to discharge the liability.
9. The Council may in its absolute discretion withdraw the indemnities if: -
  - (i) The elected member does not notify the Legal Officer (i.e. Head of Legal Services and Monitoring Officer or equivalent) and Chief Finance Officer (Director of Finance or equivalent) immediately they are aware of an incident and/or are notified of a claim.
  - (ii) The elected member makes any admission to or negotiates or agrees any settlement with a third party without the prior written consent of the Legal Officer (i.e., Head of Legal Services and Monitoring Officer or equivalent) and Chief Finance Officer (Director of Finance or equivalent).
10. The indemnities shall not apply in respect of all claims falling within the cover provided to elected members under any policy of insurance taken out by the Council or any motor vehicle insurance policy taken out by the elected member.
11. The elected member shall reimburse the Council, or its insurer, for any sums expended by the authority or the insurer in relation to any criminal proceedings, or any proceedings under Part 3 of the Local Government Act 2000 and Part 1 of the Localism Act 2011 where:

- (a) In the case of criminal proceedings, if the elected member in question is convicted of a criminal offence, and that conviction is not overturned following an appeal.
  - (b) In the case of proceedings under Part 3 of the Local Government Act 2000, and Part 1 of the Localism Act 2011 if the elected member admits that he has failed to comply with the Code of Conduct, or if there is a finding in those proceedings that that the elected member in question has failed to comply with the Code of Conduct, and that finding is not overturned following any appeal.
- 12. The indemnities shall continue in force for as long as the elected member remains liable in law for the act or omission in question.
- 13. The indemnities shall not extend to any situation where it would be unlawful for the Council to give an indemnity to elected members.



**Indemnity for employees**

1. The Council gives the following indemnities to its employees subject to paragraphs 2 –12 below: -
  - (a) That if any act or omission of an employee in the course of his/her employment by the Council does or may give rise to any liability of the Council or the employee to any third party, the Council will indemnify the employee against all loss or damage or legal or other expenses arising, and the Council will not make any claim against the employee.
  - (b) That if any act or omission of an employee in the course of his/her employment by the Council does or may give rise to any liability of the employee to the Council, then the Council will not make any claim against the employee for any loss or damage or legal or other expenses.
2. That, subject to paragraph 3, the indemnities shall apply to all actions undertaken, or failures to act, which forms part of or arises from, the duties of the employee on behalf of the Council, whilst the employee is acting within the scope of his/her employment or authority which shall include when they are acting in relation to work undertaken by the Council for other bodies and work undertaken by the employee for or on behalf of another body, providing that his/her Chief Officer has authorised the work in question.
3. That the indemnities shall apply to all actions undertaken, or failures to act, which forms part of or arises from the duties of the employee on behalf of the Council whilst the employee is acting outside the scope of his/her authority which shall include when they are acting as the Council's representative on other bodies providing that:
  - (a) They act with the written consent of the Council and in accordance with the terms of that consent, and providing further that they reasonably believed that the action, or failure to act, in question was within the power of the authority, and was also within their powers at the time at which they acted
  - (b) Where the action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the authority, or any statement that certain steps have been taken or requirements fulfilled, they believed that the contents of the statement were true, and it was reasonable for them to hold that belief at the time when they acted or failed to act.
4. That, subject to paragraph 10, the indemnities shall apply to the defence of any criminal proceedings.
5. That the indemnity shall apply to any loss or damage or legal or other expenses arising from any civil liability which arises as a consequence of any action or failure to act which also constitutes a criminal offence, providing that such liability has not arisen in whole or in part from any fraud, deliberate wrongdoing or recklessness on the part of the employee.

6. That the indemnities will not apply to loss or damage or legal or other expenses arising directly or indirectly from: -
  - (i) Fraud, dishonesty or a criminal offence, or other deliberate wrongdoing or recklessness on the part of the employee (save as provided for by paragraph 5)
  - (ii) Liability in respect of losses certified by the Council's external auditor as caused by wilful misconduct or where unlawful expenditure has been knowingly or recklessly authorised.
  - (iii) Circumstances in which the employee has not acted in good faith.
7. In relation to loss or damage or expenses relating to the actions of an employee when they are acting as the Council's representative on other bodies the following additional limitations will apply -
  - (i) Where the management committee or its equivalent is jointly and severally liable, the indemnity to the officer will be limited to a sum equivalent to the amount for which the officer would be liable if all members of the management committee or its equivalent paid an equal amount to discharge the liability.
8. The Council may in its absolute discretion withdraw the indemnities if: -
  - (i) The employee does not notify the Head of Legal Services and Monitoring Officer or equivalent) and Chief Finance Officer (Director of Finance or equivalent) immediately they are aware of an incident and/or are notified of a claim.
  - (ii) The employee makes any admission to or negotiates or agrees any settlement with a third party without the prior written consent of the Legal Officer (i.e., Head of Legal Services and Monitoring Officer or equivalent) and Chief Finance Officer (Director of Finance or equivalent).
9. The indemnities shall not apply in respect of all claims falling within the cover provided to employees under any policy of insurance taken out by the Council or any motor vehicle insurance policy taken out by the employee.
10. The employee shall reimburse the Council, or its insurer, for any sums expended by the authority or the insurer in relation to any criminal proceedings where the employee in question is convicted of a criminal offence, and that conviction is not overturned following an appeal.
11. The indemnities shall continue in force for as long as the employee remains liable in law for the act or omission in question.
12. The indemnities shall not extend to any situation where it would be unlawful for the Council to give an indemnity to employees.

## Schedule 5 - Scheme of Delegation of Executive Functions to the Cabinet, Committees of the Cabinet and Officers

This report is presented to the meeting of Council on 20 September 2023 in accordance with Standing Order C4.2(a) for inclusion in the Council’s Scheme of Delegation (Schedule 5 of Part 3) of the Constitution of Torbay Council.

1. The names, addresses and wards of the people appointed to the Cabinet by the Leader of the Council are set out below:

Name	Address	Electoral Ward
Cabinet Member for Place Development and Economic Growth and Deputy Leader – Councillor Chris Lewis	Torbay Council Town Hall Torquay TQ1 3DR	Preston
Cabinet Member for Pride in Place, Culture & Events and Parking – Councillor Billings	Torbay Council Town Hall Castle Circus Torquay TQ1 3DR	Churston with Galmpton
Cabinet Member for Housing, Finance and Corporate Services – Councillor Tyerman	Torbay Council Town Hall Torquay TQ1 3DR	Churston with Galmpton
Cabinet Member for Adult and Community Services, Public Health and Inequalities – Councillor Tranter	Torbay Council Town Hall Torquay TQ1 3DR	Goodrington with Roselands
Cabinet Member for Children’s Services - Councillor Bye	Torbay Council Town Hall Torquay TQ1 3DR	Wellswood

2. The Cabinet will carry out all the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. Executive functions will be exercised collectively unless the Leader of the Council directs otherwise in accordance with Article 6.06 of the Constitution.

<b>Cabinet Member</b>	<b>Service Areas</b>
Leader of the Council  Councillor David Thomas	Oversight of all areas  Strategy and Place Leader, Regional Policy and external relations
Cabinet Member for Place Development and Economic Growth and Deputy Leader  Councillor Chris Lewis	TDA Services  Economic Growth, Development Management, Strategic Planning, Building Control, Tourism, Harbours, Beaches and Climate Emergency
Cabinet Member for Pride in Place, Culture & Events and Parking  Councillor Billings	SWISCO Services  Culture & Events and Parking
Cabinet Member for Housing, Finance and Corporate Services  Councillor Tyerman	Housing, Finance, Procurement, Debt Recovery, Council Tax, Business Rates, Legal, IT, Business Improvement and Change, Libraries, Coroner, Emergency Planning, Health and Safety, Policy, Performance and Community Engagement, Governance, Human Resources
Cabinet Member for Adult and Community Services, Public Health and Inequalities  Councillor Tranter	Adult Social Care delivery Adult Social Care Inspection regime Market Management  Customer Services Housing Standards Housing Options Anti Social Behaviour and Vulnerability  Public Health Improvement Health Protection Equalities (Directorate crossing)
Cabinet Member for Children's Services  Councillor Bye	Children's Social Care Education Youth Justice

3. No executive functions have been delegated to area committees, any other authority

or any joint arrangements at the present time.

4. The Leader of the Council has also (so far as lawful) delegated to officers the discharge of those functions that are referred to in Schedule 7 and are executive functions in the manner set out in that Schedule, in accordance with (and subject to) the Council's Standing Orders in relation to the Cabinet.
5. So far as the Constitution requires officers to consult with "the relevant member", the areas of responsibility of the Cabinet Members are as set out paragraph 2 above.

**Standing Order D11 (in relation to Overview and Scrutiny) – Call-in and Urgency  
Council Meeting, 20 September 2023**

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

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

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

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

The table below sets out this information:

Matter for decision	Decision-taker	Reasons for urgency	Consultation
Cyber Security - Renewal of 24-Hour Cyber Security Operations Centre Monitoring Contract	The Cabinet	<p>The Cabinet took a decision, at its meeting held on 15 August 2023, in respect of Cyber Security - Renewal of 24-Hour Cyber Security Operations Centre Monitoring Contract which needed to be implemented immediately.</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the public and Council's interests.</p>	The Overview and Scrutiny Co-ordinator was consulted on 8 August 2023.
Torbay Youth Justice Plan 2023-24	The Cabinet	<p>The Cabinet took a decision, at its meeting held on 13 June 2023, in respect of submitting the Torbay Youth Justice Plan 2023-24 to the Youth Justice Board, the deadline for the submission of the Youth Justice Plan 2023-24 was 30 June 2023.</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the public and Council's interests.</p>	The Overview and Scrutiny Co-ordinator was consulted on 6 June 2023.