

Wednesday, 7 May 2025

## **Adjourned Annual Meeting of the Council**

Dear Member

I am pleased to invite you to attend the adjourned annual meeting of Torbay Council which will be held in **The Forum, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 15 May 2025** 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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**A Healthy, Happy and Prosperous Torbay**

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

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) - [www.torbay.gov.uk](http://www.torbay.gov.uk)

# Adjourned Annual Meeting of the Council Agenda

1. **Minutes** (Pages 5 - 16)  
To confirm as a correct record the minutes of the meeting of the Council held on 27 February 2025.
2. **Declarations of interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
3. **Communications**  
To receive any communications or announcements from the Civic Mayor, the Leader of the Council, the Overview and Scrutiny Co-ordinator or the Chief Executive.
4. **Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Lead Members**  
The Council was requested to consider the appointment of the Overview and Scrutiny Co-ordinator and the appointment of Scrutiny Lead Members for the 2025/2026 Municipal Year.
5. **Appointments to Council Committees, Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2025/2026** (Pages 17 - 50)  
To appoint the Council's committees, working parties, Chairmen/women and Vice-Chairmen/women for the new municipal year, in accordance with Council Standing Order A1.2(x)

6. **Composition and Constitution of the Cabinet and Record of Delegations of Executive Functions** (Pages 51 - 54)  
To receive details from the Leader of the Council of the composition and constitution of the Cabinet for 2024/2025, together with the record of delegations of Executive functions (in accordance with Standing Order C2).
7. **Overview and Scrutiny Annual Report 2024/2025** (Pages 55 - 72)  
To receive the Overview and Scrutiny Annual Report 2024/2025.
8. **Audit Committee Annual Report 2024/2025** (Pages 73 - 88)  
To receive the Audit Committee's Annual Report for 2024/2025.
9. **Formation of a Social Housing Delivery Programme for Torbay and Associated Financing Proposal** (Pages 89 - 102)  
To consider the recommendation of the Cabinet and the submitted report that requests funding in order to accelerate and extend the Accommodation Repurposing Programme.
10. **Brokenbury Solar Farm** (Pages 103 - 114)  
To consider a report that seeks to rescind a previous Council decision to borrow money for the construction of a solar farm at Brokenbury.
11. **Torbay Inclusion Strategy** (Pages 115 - 158)  
To consider a recommendation of the Cabinet and a report, that seeks to include the Torbay Inclusion Strategy as part of Torbay Council's Policy Framework.
12. **Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency** (Pages 159 - 160)  
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>.

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

**27 February 2025**

**-: Present :-**

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

Councillors Amil, Billings, Brook, Bryant, Bye, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fellows, Foster, Fox, Hutchings, Johns, Chris Lewis, Long, Maddison, Penny, Pentney, Spacagna, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves, Tyerman and Virdee

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**91 Opening of meeting**

The meeting was opened with a prayer.

**92 Apologies for absence**

Apologies for absence were received from Councillors Atiya-Alla, Harvey, Law, and Nicolaou.

**93 Minutes**

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

**that the Minutes of the meeting of the Council held on 6 February 2025 were confirmed as a correct record and signed by The Worshipful The Mayor of Torbay.**

**94 Declarations of interests**

At the invitation of The Worshipful The Mayor of Torbay, the Monitoring Officer reminded Members of the dispensation granted in respect of Members' interests in relation to the setting of the budget and Council Tax and matters relating to Council controlled companies where Members were appointed as unpaid directors by the Council. It was noted that the dispensation permitted Members to discuss and vote on the budget in respect of these matters without the need to declare an interest.

No interests were declared.

**95 Communications**

In accordance with the decision of the Standards Hearing Sub-Committee, held on 11 February 2025, the Worshipful the Mayor of Torbay requested Councillor Maddison to make her apology to the Council in respect of her breaches of the Council's Code of Conduct for Members. Councillor Maddison sought to give her response, but this did not include the apology required by the determination of the Standards Hearing Sub-Committee.

The Leader of the Council referred to the Government's invitation to Council Leaders to work on proposals for Local Government Reorganisation (LGR) and submit initial proposals by 21 March 2025. The Leader of the Council advised of a public and stakeholder meeting on LGR, which was planned for 11 March 2025 at the Princess Theatre, Torquay. The meeting would give an opportunity for the Leader of the Council and senior officers to explain LGR, the timelines involved and provide an opportunity for questions.

**96 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 Billings, Chris Lewis, David Thomas, Jacqueline Thomas, Tranter and Tyerman, and was circulated prior to the meeting.

During the meeting The Worshipful The Mayor of Torbay advised Councillor Billings would be responding to question 4 and not Councillor Chris Lewis.

Supplementary questions were put and answered by Councillors Billings, Chris Lewis, Jacqueline Thomas, Tranter and Tyerman, arising from their responses to the questions in respect of questions 1, 4, 5, 6, 10, 11, 13, 14 and 15.

**97 Revenue and Capital Budget 2025/2026 Proposals**

Members considered the recommendations of the Cabinet in relation to the Revenue Budget 2025/2026, the Fees and Charges for 2025/26, the Revenue Reserves Statement 2025/2026, the Capital Strategy 2025/2026 and the Treasury Management Strategy 2025/2026 (as set out in the submitted report and supporting documents). A revised Fees and Charges for 2025/26 and the Director of Public Health's proposals for the Public Health Ring-Fenced Grant Uplift was published on 20 February 2025

In accordance with legislation, The Worshipful The Mayor of Torbay advised that recorded votes would be taken on all the budget items on this agenda.

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

1. that for 2025/26 a net revenue expenditure of £147.5m, resulting in a Council Tax requirement of £96.2m (a 4.75% increase in Council Tax, of which 2% is for Adult Social Care) be approved (as outlined in Appendix 1 to the submitted report);
2. that the proposed Fees and Charges for 2025/26 be approved as set out in revised Appendix 4 to the submitted report;
3. that in accordance with the requirement of the Local Government Act 2003, the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's Reserves, (as set out in the Reserves Statement published in November 2024), be noted;
4. that it be noted that the Brixham Town Council precept for 2025/26 of £531,935 will be included as part of the Torbay Council budget for Council Tax setting purposes;
5. that the proposals for the allocation of the Public Health Ring-Fenced Grant uplift, as circulated 20 February 2025 and at Appendix 8 of the submitted report, be approved as part of the budget for 2025/26;
6. that the Revenue Reserves Statement 2025/26, Capital Strategy 2025/26 and Treasury Management Strategy 2025/26 be approved as published for Cabinet on 26 November 2024; and
7. that any technical adjustments to the Revenue and Capital Budget be delegated to the Section 151 Officer in consultation with the Cabinet Member for Housing and Finance.

The Worshipful The Mayor of Torbay advised that two notice of motions to amend the Cabinet's revenue budget proposals had been received, in accordance with Standing Order A13.4.

Councillor Long proposed and Councillor Cowell seconded an amendment to the motion as follows:

1. that for 2025/26 a net revenue expenditure of £147.5m, resulting in a Council Tax requirement of £96.2m (a 4.75% increase in Council Tax, of which 2% is for Adult Social Care) be approved (as outlined in Appendix 1 to the submitted report) ), subject to a one-off budget allocation for 2025/2026 of £100,000, to be funded from the Concessionary Fares budget (based on the forecasted underspends for 2024/25 and future projected spending for 2025/26) to:
  - a) enable residents who receive an older person's bus pass and in receipt of relevant disability benefits, to allow their carer to travel with them; and

- b) allocate provision of bus passes for young carers (as determined by assessment to be appropriate) to be provided in school holidays (excluding half terms);
2. that the proposed Fees and Charges for 2025/26 be approved as set out in revised Appendix 4 to the submitted report;
3. that in accordance with the requirement of the Local Government Act 2003, the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's Reserves, (as set out in the Reserves Statement published in November 2024), be noted;
4. that it be noted that the Brixham Town Council precept for 2025/26 of £531,935 will be included as part of the Torbay Council budget for Council Tax setting purposes;
5. that the proposals for the allocation of the Public Health Ring-Fenced Grant uplift, as circulated 20 February 2025 and at Appendix 8 of the submitted report, be approved as part of the budget for 2025/26;
6. that the Revenue Reserves Statement 2025/26, Capital Strategy 2025/26 and Treasury Management Strategy 2025/26 be approved as published for Cabinet on 26 November 2024; and
7. that any technical adjustments to the Revenue and Capital Budget be delegated to the Section 151 Officer in consultation with the Cabinet Member for Housing and Finance.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Amil, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Johns, Long, Maddison, Penny, Pentney and Virdee (14); Against: Councillors Billings, Brook, Bryant, Bye, Fellows, Foster, Hutchings, Barbara Lewis, Chris Lewis, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves and Tyerman (18); and Absent: Councillors Atiya-Alla, Harvey, Law and Nicolaou (4). Therefore the amendment was declared lost.

Councillor Long proposed and Councillor Cowell seconded an amendment to the motion as follows:

1. that for 2025/26 a net revenue expenditure of £147.5m, resulting in a Council Tax requirement of £96.2m (a 4.75% increase in Council Tax, of which 2% is for Adult Social Care) be approved (as outlined in Appendix 1 to the submitted report), subject to the allocation of £20,000 one off funding to support People's Parkfield to provide temporary toilet provision in the grounds, whilst People's Parkfield identify funding for permanent provision; and this funding to be identified from firstly developer contributions, or if this not possible,

- funding to be allocated from the Community Fund and reducing this budget to £180,000 (noting the Community Grant Fund is allocated to support areas of deprivation and the projects run by People's Parkfield support deprived areas);
2. that the proposed Fees and Charges for 2025/26 be approved as set out in revised Appendix 4 to the submitted report;
  3. that in accordance with the requirement of the Local Government Act 2003, the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's Reserves, (as set out in the Reserves Statement published in November 2024), be noted;
  4. that it be noted that the Brixham Town Council precept for 2025/26 of £531,935 will be included as part of the Torbay Council budget for Council Tax setting purposes;
  5. that the proposals for the allocation of the Public Health Ring-Fenced Grant uplift, as circulated 20 February 2025 and at Appendix 8 of the submitted report, be approved as part of the budget for 2025/26;
  6. that the Revenue Reserves Statement 2025/26, Capital Strategy 2025/26 and Treasury Management Strategy 2025/26 be approved as published for Cabinet on 26 November 2024; and
  7. that any technical adjustments to the Revenue and Capital Budget be delegated to the Section 151 Officer in consultation with the Cabinet Member for Housing and Finance.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Amil, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Johns, Long, Maddison, Penny, Pentney and Virdee (14); Against: Councillors Billings, Brook, Bryant, Bye, Fellows, Foster, Hutchings, Barbara Lewis, Chris Lewis, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves and Tyerman (18); and Absent: Councillors Atiya-Alla, Harvey, Law and Nicolaou (4). Therefore the amendment was declared lost.

Councillor David Thomas' and Councillor Tyerman's original motion was then considered and agreed by the Council (by recorded vote) as set out below:

1. **that for 2025/26 a net revenue expenditure of £147.5m, resulting in a Council Tax requirement of £96.2m (a 4.75% increase in Council Tax, of which 2% is for Adult Social Care) be approved (as outlined in Appendix 1 to the submitted report);**
2. **that the proposed Fees and Charges for 2025/26 be approved as set out in revised Appendix 4 to the submitted report;**

3. that in accordance with the requirement of the Local Government Act 2003, the advice given by the Chief Finance Officer with respect to the robustness of the budget estimates and the adequacy of the Council's Reserves, (as set out in the Reserves Statement published in November 2024), be noted;
4. that it be noted that the Brixham Town Council precept for 2025/26 of £531,935 will be included as part of the Torbay Council budget for Council Tax setting purposes;
5. that the proposals for the allocation of the Public Health Ring-Fenced Grant uplift, as circulated 20 February 2025 and at Appendix 8 of the submitted report, be approved as part of the budget for 2025/26;
6. that the Revenue Reserves Statement 2025/26, Capital Strategy 2025/26 and Treasury Management Strategy 2025/26 be approved as published for Cabinet on 26 November 2024; and
7. that any technical adjustments to the Revenue and Capital Budget be delegated to the Section 151 Officer in consultation with the Cabinet Member for Housing and Finance.

The voting was taken by roll call as follows: For: Councillors Billings, Brook, Bryant, Bye, Fellows, Foster, Hutchings, Barbara Lewis, Chris Lewis, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves and Tyerman (18); Against: Councillor Carter (1); Councillor Abstain: Councillors Amil, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Johns, Long, Maddison, Penny, Pentney and Virdee (13); and Absent: Councillors Atiya-Alla, Harvey, Law and Nicolaou (4).

## 98 Council Tax 2025/2026

The Council received the submitted report in relation to the setting of Council Tax for 2025/2026.

Councillor Tyerman proposed and Councillor David Thomas seconded a motion, which was agreed by the Council (by recorded vote) as set out below:

1. that it be noted on the 5 December 2024 Council approved the following Council Tax Bases for 2025/26:
  - a. for the whole Council area as 49,254.24 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
  - b. for dwellings in the Brixham Town Council area as 6,670.18 to which a Parish precept relates;

2. that it be noted the Police and Crime Commissioner for Devon and Cornwall, and the Devon and Somerset Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table in 5. below;

That the Council is recommended to approve:

3. the Council Tax requirement for the Council's own purposes for 2025/26 (excluding Brixham Town Council) of £95,896,000;
4. that the following amounts be calculated for the year 2025/26 in accordance with Chapter Three of the Act:
  - a. £391,072,801 being the estimated aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account the precept issued to it by Brixham Town Council;
  - b. £294,644,866 being the estimated aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;
  - c. £96,427,935 being the amount by which the aggregate at 4 a. above exceeds the aggregate at 4 b. above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year (item R in the formula in Section 31B of the Act);
  - d. £1,957.76 being the amount at 4 c. above (Item R), all divided by Item T (1 a. above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
  - e. £531,935 being the aggregate amount of all special items (Brixham Town Council) referred to in Section 34(1) of the Act;
  - f. £1,946.96 being the amount at 4 d. above, less the result given by dividing the amount at 4 e. above by Item T (1 a. above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
5. that the Council, in accordance with Chapter Three of the Local Government Finance Act 1992, hereby sets the aggregate

amounts shown in the tables below as the amounts of Council Tax for 2025/26 for each part of its area and for each of the categories of dwellings; and

|   | Valuation Band  |                 |                 |                 |                 |                 |                 |                 |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|   | A               | B               | C               | D               | E               | F               | G               | H               |
| Ratio of each band-to-Band D  | 6/9             | 7/9             | 8/9             | 9/9             | 11/9            | 13/9            | 15/9            | 18/9            |
|   | £               | £               | £               | £               | £               | £               | £               | £               |
| <b>Torbay Council</b>   | <b>1,297.97</b> | <b>1,514.30</b> | <b>1,730.63</b> | <b>1,946.96</b> | <b>2,379.62</b> | <b>2,812.28</b> | <b>3,244.92</b> | <b>3,893.91</b> |
| <b>Police and Crime Commissioner</b>  | <b>192.13</b>   | <b>224.16</b>   | <b>256.18</b>   | <b>288.20</b>   | <b>352.24</b>   | <b>416.29</b>   | <b>480.33</b>   | <b>576.40</b>   |
| <b>Devon and Somerset Fire and Rescue Authority</b>                         | <b>69.79</b>    | <b>81.42</b>    | <b>93.05</b>    | <b>104.68</b>   | <b>127.94</b>   | <b>151.20</b>   | <b>174.47</b>   | <b>209.36</b>   |
| <b>Aggregate of Council Tax Requirements excluding Town Council</b>         | <b>1,559.89</b> | <b>1,819.88</b> | <b>2,079.86</b> | <b>2,339.84</b> | <b>2,859.80</b> | <b>3,379.77</b> | <b>3,899.72</b> | <b>4,679.67</b> |
| <b>Brixham Town Council</b>   | <b>53.17</b>    | <b>62.03</b>    | <b>70.89</b>    | <b>79.75</b>    | <b>97.47</b>    | <b>115.19</b>   | <b>132.92</b>   | <b>159.50</b>   |
| <b>Aggregate of Council Tax Requirements including Brixham Town Council</b> | <b>1,613.06</b> | <b>1,881.91</b> | <b>2,150.75</b> | <b>2,419.59</b> | <b>2,957.27</b> | <b>3,494.96</b> | <b>4,032.64</b> | <b>4,839.17</b> |

**Note: Torbay Council's precept includes the Adult Social Care "precept" set in 2016/17 to 2018/19 and 2020/21 to 2025/26.**

6. that it be noted that the Council's basic amount of Council Tax for 2025/26 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992. (Refer to paragraph 5.7 of the submitted report.)

The voting was taken by roll call as follows: For: Councillors Amil, Billings, Brook, Bryant, Bye, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fellows, Foster, Fox, Hutchings, Johns, Barbara Lewis, Chris Lewis, Long,

Penny, Pentney, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves, Tyerman and Virdee (31); Abstain: Councillor Maddison (1); and Absent: Councillors Atiya-Alla, Harvey, Law and Nicolaou (4).

**99 Budget Monitoring 2024/25 - April to December 2024 Revenue and Capital Outturn Forecast**

Members considered the recommendations of the Cabinet in relation to the Budget Monitoring 2024/25 - April to December 2024, which included consideration of the year-end forecasts based on level of spend and financial information at the end of quarter three (as set out in the submitted report).

The submitted report included recommendations to revise the Council's Capital Programme.

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

**that Council approves the revisions to the Capital Investment Plan, as per the submitted report.**

**100 Good Governance the Torbay Way - Effective Administration and Opposition - Leaders' Agreement, Principles and Constitution Amendments**

The Council considered the submitted report on the result of work undertaken by the Group Leaders to co-create a Leaders' Agreement, associated principles, amendments to the Constitution and ways of working to embed effective Administration and Opposition for good governance, and in response the recommendations of the Local Government Association's Corporate Peer Challenge.

Councillor David Thomas proposed and Councillor Long seconded a motion, which was agreed by the Council (and by recorded vote requested by The Worshipful The Mayor of Torbay) as set out below:

- 1. that the Council approve the Group Leaders' Agreement, the associated principles and amendments to the Constitution, as set out at Appendix 1 to the submitted report, in order to embed effective Administration and Opposition in our 'Torbay Way' for good governance and for inclusion in the Council's Constitution;**
- 2. that, subject to approval of 1. above, the Group Leaders be requested to sign the Leaders' Agreement and principles at the Council Meeting on 27 February 2025;**
- 3. that, in order to bring into effect the associated changes to the various roles as a result of the Group Leaders' Agreement, the Council resolves:**

- a) the decision of the Council on 18 July 2024, to appoint Councillor Spacagna as Overview and Scrutiny Co-ordinator be rescinded (Minute 39/7/24 refers) and that Councillor Long be appointed as Overview and Scrutiny Co-ordinator and Chairman of the Overview and Scrutiny Board (in accordance with Article 5.04) for the remainder of the Municipal Year 2024/25;
- b) the decision of the Council on 20 June 2024 to appoint the following Scrutiny Leads be rescinded (Minute 20(2)/6/24 refers):
- Councillor Fellows - Overview and Scrutiny Lead for Children's Services;
- Councillor Tolchard - Overview and Scrutiny Lead for Adults, Community Services, Public Health and Inequalities;
- Councillor Hutchings - Overview and Scrutiny Lead for Place Development, Economic Growth and Culture; and
- Councillor Foster - Overview and Scrutiny Lead for Housing, Finance, Corporate and Place Based Services.
- c) the following Scrutiny Leads be appointed for the remainder of the 2024/2025 Municipal Year:
- Councillor Law - Overview and Scrutiny Lead for Children's Services;
- Councillor Johns - Overview and Scrutiny Lead for Adults, Community Services, Public Health and Inequalities;
- Councillor Carter - Overview and Scrutiny Lead for Place Development, Economic Growth and Culture; and
- Councillor Cowell - Overview and Scrutiny Lead for Housing, Finance, Corporate and Place Based Services.
- d) the decision of the Council on 20 June 2024 to appoint the following Chairmen/women be rescinded (Minute 19(5)/6/24 refers):
- Audit Committee - Councillor Brook
- Children and Young People Overview and Scrutiny Sub-Board – Councillor Fellows

**Adult Social Care and Health Overview and Scrutiny Sub-Board  
- Councillor Tolchard**

- e) **the following Chairmen/women be appointed for the remainder of the 2024/25 Municipal Year:**

**Audit Committee - Councillor Penny**

**Children and Young People Overview and Scrutiny Sub-Board  
– Councillor Law**

**Adult Social Care and Health Overview and Scrutiny Sub-Board  
- Councillor Johns**

- f) **the decision of the Council on 20 June 2024 to appoint the following Vice-Chairmen/women be rescinded (Minute 19(5)/6/24 refers):**

**Audit Committee – Councillor Fellows**

**Harbour Committee – Councillor Twelves**

**Statutory Licensing Committee – Councillor Foster**

**Regulatory Committee - Councillor Foster**

**Overview & Scrutiny Board – Councillor Tolchard**

**Children and Young People Overview and Scrutiny Sub-Board  
– Councillor Twelves**

**Adult Social Care and Health Overview and Scrutiny Sub-Board  
- Councillor Foster**

**Planning Committee – Councillor Billings**

**Standards Committee – Councillor Chris Lewis**

- g) **the following Vice Chairmen/women be appointed for the remainder of the 2024/25 Municipal Year:**

**Audit Committee – Councillor Brook**

**Harbour Committee – Councillor Carter**

**Statutory Licensing Committee – Councillor Douglas-Dunbar**

**Regulatory Committee - Councillor Pentney**

**Overview & Scrutiny Board – Councillor Spacagna****Children and Young People Overview and Scrutiny Sub-Board  
– Councillor Fellows****Adult Social Care and Health Overview and Scrutiny Sub-Board  
- Councillor Tolchard****Planning Committee – Councillor Fox****Standards Committee – Councillor Atiya-Alla**

The voting was taken by roll call as follows: For: Councillors Amil, Billings, Brook, Bryant, Bye, Carter, Cowell, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fellows, Foster, Fox, Hutchings, Johns, Barbara Lewis, Chris Lewis, Long, Penny, Pentney, Spacagna, Stevens, Strang, David Thomas, Jacqueline Thomas, Tolchard, Tranter, Twelves, Tyerman and Virdee (31); Abstain: Councillor Maddison (1); and Absent: Councillors Atiya-Alla, Harvey, Law and Nicolaou (4).

After the recorded vote and in accordance with the decision of the Council at 2. above, the Group Leaders signed the Leaders' Agreement and principles.

**101 Constitution Amendments - Various**

The Council considered the submitted report on proposed changes to the Council's Constitution, including the thresholds for officer decisions in respect of leases (following benchmarking with other local authorities) and minor changes to the rules around the number of petitions and public questions that can be presented at a Council meeting.

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

**that Council approves the amendments to the following parts of the Constitution as set out in the submitted report:**

**Officer Scheme of Delegation (Appendix 1 to the submitted report);**

**Financial Regulations and Contracts Procedures (Appendix 2 to the submitted report);**

**Standing Orders Council Meetings – Petitions Scheme (Appendix 3 to the submitted report); and**

**Standing Orders – Council Meetings – Public Question Time (Appendix 4 to the submitted report).**

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The Worshipful The Mayor of Torbay

**Meeting:** Adjourned Annual Council

**Date:** 15 May 2025

**Wards affected:** All

**Report Title:** Appointments to Council Committees and Working Parties and Appointment of Committee Chairmen/women and Vice Chairmen/women for 2025/2026

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

**Cabinet Member Contact Details:** Councillor Jackie Thomas, Cabinet Member for Culture, Tourism & Events and Corporate Services, Jackie.thomas@torbay.gov.uk

**Director Contact Details:** Matthew Fairclough-Kay, Director of Corporate Services, matthew.fairclough-kay@torbay.gov.uk

## 1. Purpose of Report

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- 1.1. To appoint the Council's committees, working parties, Chairmen/women and Vice-Chairmen/women for the new municipal year, in accordance with Council Standing Order A1.2(x). In addition to ensure the committees and working parties have appropriate terms of reference and appointments to those bodies are made in accordance with the relevant statutory requirements.

## 2. Reason for Proposal and its benefits

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- 2.1. The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by ensuring the Council complies with relevant statutory and Constitutional requirements thereby supporting all the priorities within the Community and Corporate Plan 2023-2043.
- 2.2. The Constitution requires Members at the Annual Meeting of the Council to determine which committees to establish for the forthcoming municipal year, their size and terms of reference and the allocation of seats in accordance with the rules of political balance.

## 3. Recommendation(s) / Proposed Decision

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That;

- 3.1. the overall political balance of the committees as set out at Appendix 1 be approved;
- 3.2. in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be approved;

- 3.3. subject to 3.1. and 3.2. above, the Terms of Reference and membership for the Council's Committee's and working parties be approved as set out in Appendix 3;
- 3.4. subject to 3.3. above being approved, nominations from Group Leaders be received to fill the seats on the committees;
- 3.5. subject to 3.3. above, the Chairmen/women and Vice-Chairmen/women of those Committee's be approved as set out in Appendix 4;
- 3.6. a sub-committee of both the Statutory Licensing Committee and Regulatory Committee be established both to comprise three Members of the relevant Statutory Licensing Committee or Regulatory Committee;
- 3.7. both the Statutory Licensing Sub-Committee and Regulatory Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations;
- 3.8. the Head of Governance Support be authorised to empanel Members from the Statutory Licensing Committee and Regulatory Committee to serve on the Statutory Licensing Sub-Committee and Regulatory Sub-Committee as and when required.

## 4. Appendices

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Appendix 1: Political Balance of Committees

Appendix 2: Political Balance of Working Parties

Appendix 3: Committee Terms of Reference and Membership of Committees and Working Parties

Appendix 4: Nominations of Chairmen/women and Vice-Chairmen/women

## 5. Background Documents

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- [Minutes of the Children and Young People Overview and Scrutiny Sub-Board 27 January 2025](#)
- [Audit Committee Assessment CIPFA Guidance - Committee Responses.pdf](#)

## Supporting Information

### 6. Introduction

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- 6.1. The political composition of the Council is 18 members of the Conservative Group, 15 members of the Liberal Democrat Group and 3 members of the Independent Group. The political balance is:

|                        |          |          |
|------------------------|----------|----------|
| Conservative Group     | 18 seats | = 50.00% |
| Liberal Democrat Group | 15 seats | = 41.67% |
| Independent Group      | 3 seats  | = 8.33%  |

- 6.2. The proportional distribution of seats on Committees between political groups remains as agreed by Council on 5 December 2024.
- 6.3. Whilst not a legislative requirement, the Council has included in its Constitution for Working Parties to also be politically balanced and remains as agreed by Council on 5 December 2024.
- 6.4. In order to ensure the Council uses its resources in an effective and efficient manner, it is proposed that Council appoints the Sub-Committee's for both the Statutory Licensing Committee and Regulatory Committee, avoiding the necessity for full Committees to be convened solely to make a decision on this matter.
- 6.5. In accordance with, Committee and Sub-Committee Meetings Standing Order B1, the Council will also appoint the Chairmen/women and Vice-Chairmen/women for Committees, except for those Committees that meet on an ad hoc basis.
- 6.6. Appendix 3 sets out the terms of reference for Council Committees and Working Parties. At the meeting of the Children and Young People's Overview and Scrutiny Sub-Board held on 27 January 2025 Members recommended the following change to the Sub-Board's Terms of Reference.

“that Council be recommended that the Membership of the Children and Young People's Overview and Scrutiny Sub-Board be amended to remove the Care Experienced young person and Young Person Panel Non-voting Co-opted Member representatives from the Board but request that the Democratic Services Team Leader to work with the Participation Officers to invite representatives from the Children in Care Council, SEND Youth Forum or Young Person's Panel to participate in meetings where there are specific areas of interest to them so as to hear the voice of the children and young people at the meetings”.

- 6.7. The Terms of Reference attached to this report have been amended to remove these two Non-voting Co-opted Members and include reference to the Democratic Services Officer working with the Participation Officer to invite representatives from the Children in Care Council, SEND Youth Forum or Young Person's Panel to participate in meetings where there are specific areas of interest to them so as to hear the voice of the children and young people at the meetings.
- 6.8. Furthermore the Terms of Reference in respect of the Audit Committee as set out in Appendix 3 to this report have also been amended. In CIPFA's 2022 Position Statement, it stated '*CIPFA expects that all local government bodies should make their best efforts to adopt the principles, aiming for effective audit committee arrangements. This will enable those bodies to meet their statutory responsibilities for governance and internal control arrangements, financial management, financial reporting and internal audit.*'
- 6.9. The Audit Committee have, through facilitated sessions with the Devon Assurance Partnership (DAP), undertaken a self-assessment against the principles of CIPFA's 2022 Position Statement. The self-assessment identified that the Terms of Reference for the

Audit Committee did not set out and describe the purpose of the Committee in accordance with CIPFA's 2022 Position Statement. As such the Director Finance in consultation with the Chairman and Vice-Chairman of the Audit Committee have amended the Audit Committee's Terms of Reference to that as set out in Appendix 3.

## 7. Options under consideration

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- 7.1. None, the calculation of political balance of committees is a statutory requirement, the legislation ensures that nominations to the seats on committees reflects the representation of different political groups on the Council.

## 8. Financial Opportunities and Implications

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- 8.1. There are no financial implications.

## 9. Legal Implications

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- 9.1. The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political groups in accordance with the size of each group as a whole, unless alternative arrangements are notified to all Members and agreed without any councillor voting against them. The Council is required to observe the following principles as far as it is reasonably practicable:

(a) that not all seats on the body are allocated to the same group;

(b) that the majority of seats on the body are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;

(c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of Members of that group to the membership of the authority; and

(d) subject to paragraphs (a) to (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of Members of that group to the membership of the authority.

- 9.2. The Council is required to determine the number of seats on each committee and the allocation of those seats to the political groups. Applying the principles of the Local Government and Housing Act 1989 and the supporting Regulations, the distribution would be proportional as set out at Appendix 1.

- 9.3. The allocation of seats includes a statutory bar on members of the Cabinet to be on the Overview and Scrutiny Board and a Council decision to exclude members of the Cabinet on the Audit Committee.

- 9.4. Political balance requirements may be dis-applied under Section 17, Local Government and Housing Act 1989 and Regulation 20, Local Government (Committees and Political Groups) Regulations 1990. This would allow the relevant seats to be allocated to another group. Any decision to dis-apply would require a resolution of the Council with no member voting against.
- 9.5. In respect of Working Parties, the Council's Constitution states that Working Parties considering non-executive functions will be appointed in accordance with the principles of political balance.

## 10. Engagement and Consultation

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- 10.1. The Group Leaders have received the proposed allocations to Council committees and working parties, along with the appointments to Chairmen/women and Vice-Chairmen/women and have been requested to provide options for political balance and nominations from their respective groups.

## 11. Procurement Implications

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- 11.1. There are no procurement implications.

## 12. Protecting our naturally inspiring Bay and tackling Climate Change

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- 12.1. No impact

## 13. Associated Risks

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- 13.1. The Constitution and legislation require the Council to undertake the annual appointments of committees, working parties and chairmen/women and vice-chairmen/women. There are no risks unless members fail to determine the matter.

## 14. Equality Impact Assessment

| Protected characteristics under the Equality Act and groups with increased vulnerability | Data and insight  | Equality considerations (including any adverse impacts) | Mitigation activities | Responsible department and timeframe for implementing mitigation activities |
|--|---|---|-----------------------|---|
| Age<br><br>Page 22   | 18 per cent of Torbay residents are under 18 years old.<br>55 per cent of Torbay residents are aged between 18 to 64 years old.<br>27 per cent of Torbay residents are aged 65 and older. | There is no differential impact.                        |                       |   |
| Carers   | At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.   | There is no differential impact.                        |                       |   |
| Disability   | In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by   | There is no differential impact.                        |                       |   |

|                                |   |                                  |  |  |
|--------------------------------|---|----------------------------------|--|--|
|                                | a physical or mental health condition or illness.   |                                  |  |  |
| Gender reassignment            | In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.  | There is no differential impact. |  |  |
| Marriage and civil partnership | Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.   | There is no differential impact. |  |  |
| Pregnancy and maternity        | Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas. | There is no differential impact. |  |  |

|                        |  |                                  |  |  |
|------------------------|--|----------------------------------|--|--|
| Race                   | In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England. | There is no differential impact. |  |  |
| Religion and belief    | 64.8% of Torbay residents who stated that they have a religion in the 2021 census.   | There is no differential impact. |  |  |
| Sex                    | 51.3% of Torbay's population are female and 48.7% are male   | There is no differential impact. |  |  |
| Sexual orientation     | In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.   | There is no differential impact. |  |  |
| Armed Forces Community | In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,  | There is no differential impact. |  |  |

|   |   |                                  |  |  |
|---|---|----------------------------------|--|--|
|   | 5.9 per cent of the population have previously served in the UK armed forces.   |                                  |  |  |
| <b>Additional considerations</b>  |   |                                  |  |  |
| Socio-economic impacts (Including impacts on child poverty and deprivation)                 | There is no differential impact.  |                                  |  |  |
| Public Health impacts (Including impacts on the general health of the population of Torbay) | There is no differential impact.  |                                  |  |  |
| Human Rights impacts  | There is no differential impact.  |                                  |  |  |
| Child Friendly  | Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people. | There is no differential impact. |  |  |

## 15. Cumulative Council Impact

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15.1. None

## 16. Cumulative Community Impacts

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16.1. None

### Review of Political Balance of Committees

| Committee  | Conservative Group | Liberal Democrat Group | Independent Group | Total |
|--|--------------------|------------------------|-------------------|-------|
| Audit Committee<br>(excluding Cabinet Members)                                       | 3                  | 2                      | 1                 | 6     |
| Civic Committee  | 2                  | 2                      | 0                 | 4     |
| Employment Committee<br>(to include a Cabinet member)                                | 3                  | 2                      | 1                 | 6     |
| Harbour Committee  | 3                  | 3                      | 0                 | 6     |
| Regulatory Committee<br>(excluding Cabinet Member with responsibility for Licensing) | 5                  | 4                      | 1                 | 10    |
| Overview and Scrutiny Board<br>(excluding Cabinet Members)                           | 5                  | 4                      | 1                 | 10    |
| Planning Committee<br>(excluding Cabinet Member with responsibility for Planning)    | 4                  | 4                      | 0                 | 8     |
| Standards Committee  | 3                  | 2                      | 0                 | 5     |
| <b>Totals</b>  | 28                 | 23                     | 4                 | 55    |

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### Political Balance of Non-Executive Council appointed Working Parties

| Working Party  | Conservative Group | Liberal Democrat Group | Independent Group | Total     |
|--|--------------------|------------------------|-------------------|-----------|
| Community Asset Transfer Panel (including appropriate Cabinet Member)                                | 3                  | 2                      | 0                 | 5         |
| Corporate Parenting Board  | 2                  | 2                      | 1                 | 5         |
| Harbour Asset Working Party (plus external advisors and membership restricted to Harbour Committee)  | 2                  | 2                      | 0                 | 4         |
| Harbour Budget Working Party (plus external advisors and membership restricted to Harbour Committee) | 2                  | 2                      | 0                 | 4         |
| Local Plan Working Party   | 3                  | 2                      | 1                 | 6         |
| <b>Totals</b>  | <b>12</b>          | <b>10</b>              | <b>2</b>          | <b>24</b> |

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**Schedule 4 – Terms of Reference**  
**Overview and Scrutiny Board and Sub-committees, Regulatory and Other Committees,**  
**Area Committees, Working Parties and Other Bodies**

| Name and Terms of Reference  | Membership   |
|--|--|
| <p><b>Audit Committee</b></p> <p><b>Audit Activity:</b></p> <ol style="list-style-type: none"> <li>1. To consider the Head of Internal Audit’s annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council’s corporate governance arrangements.</li> <li>2. To approve, but not direct, the Internal Audit Strategy and annual audit plan ensuring that appropriate risk assessments have been carried out when formulating the internal audit plan and to monitor performance against the plan.</li> <li>3. To review any revisions to the plan as advised by the Head of Internal Audit and agreed by the Director of Finance.</li> <li>4. To review half yearly internal audit reports and the main issues arising and seek assurance from management that action has been taken, where necessary</li> <li>5. To consider summaries of specific Internal Audit reports as requested.</li> <li>6. To consider reports dealing with the management and performance of the providers of Internal Audit Services.</li> <li>7. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.</li> <li>8. To consider the External Auditor’s Annual Letter, relevant reports, and the report to those charged with governance.</li> <li>9. To consider specific reports as agreed with the External Auditor.</li> </ol> | <p>6 members of the Council excluding members of the Cabinet, in accordance with the political balance requirements.</p> <p>Normally chaired by an Opposition Member, where political balance allows.</p> <p>Conservative Group (3): Cllrs Brook, Fellows and Hutchings</p> <p>Liberal Democrat Group (2): Cllrs Long and Penny</p> <p>Independent Group (1): Cllr Maddison</p> <p>Non-voting Independent Member: Mr Kristian Hawkes</p> |

| Name and Terms of Reference  | Membership |
|--|------------|
| <p>10. To comment on the scope and depth of external audit work and to ensure it gives value for money.</p> <p>11. To liaise with the Public Sector Audit Appointments Ltd over the appointment of the Council’s external auditor.</p> <p>12. To commission work from Internal and External Audit within approved resources.</p> <p>13. To support the Council’s compliance with the CIPFA Code of Practice for Treasury Management in Public Services including the role as nominated Committee to be responsible for ensuring effective scrutiny of the capital strategy, treasury management strategy and policies.</p>   |            |
| <p><b>Regulatory Framework</b></p> <p>14. To maintain a strategic overview of the Council’s Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour (the primary responsibility for considering and ensuring that the constitution is fit for purpose lies with the Monitoring Officer and the Standards Committee in relation to the codes of conduct).</p> <p>15. To maintain a strategic overview of the Council’s compliance with the prevailing Accounts and Audit Regulations.</p> <p>16. To review any issue referred to it by the Chief Executive, a Director, the Monitoring officer, Section 151 Officer (Chief Finance Officer) or any Council body.</p> <p>17. To monitor the effective development and operation of risk management and corporate governance in the Council and agree necessary actions to ensure compliance with best practice</p> |            |

| Name and Terms of Reference  | Membership |
|--|------------|
| <p>18. To monitor the “Whistle blowing Policy” which meets the requirements of the Public Interest Disclosure Act 1998, to encourage employees to report suspected malpractice, fraud or crime by other staff, the public or organisations having dealings with the Council.</p> |            |
| <p>19. To monitor and review the council policy on ‘Counter Fraud and Corruption’ and to be responsible for the Council’s procedure for investigating and responding to complaints.</p>  |            |
| <p>20. To consider the findings of reviews of the effectiveness of the system of internal control including the Annual Governance Statement and to recommend its adoption.</p>   |            |
| <p>21. To oversee the Council’s arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.</p>  |            |
| <p>22. To monitor the Council’s compliance with its own and other published standards and controls.</p>  |            |
| <p>23. To maintain a strategic overview of the Council’s compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).</p>   |            |
| <p>Accounts</p>  |            |
| <p>24. To consider the External Auditor’s report to those charged with governance on issues arising from the audit of the accounts.</p>  |            |
| <p>25. On behalf of the Council, to consider and approve the annual statement of accounts.</p>   |            |

| Name and Terms of Reference  | Membership   |
|--|--|
| <p>26. To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.</p>  |  |
| <p><b>Civic Committee:</b></p> <p>1. To consider nominations for the title of Honorary Freeman and Honorary Alderman subject to, those individuals meeting the criteria as set out in Section 249 of the Local Government Act 1972 and by unanimous vote, make recommendations to the Council as to acceptance of any nominations.</p> <p>2. To identify individuals to nominate for the King’s Birthday Honours and New Years’ Honours list subject to those individuals meeting the criteria as set out in Government guidance and by unanimous vote, request the Chief Executive to consider progressing applications for potential nominees.</p>   | <p>4 members of the Council in accordance with the political balance requirements</p> <p>Conservative Group (2): Cllrs Spacagna and Stevens</p> <p>Liberal Democrat (2): Cllrs Mandy Darling and Douglas-Dunbar</p>  |
| <p><b>Employment Committee:</b></p> <p>1. To make recommendations to Council on the appointment of the Head of Paid Service including the terms and conditions of his/her employment.</p> <p>2. To determine appointments to post of Director or equivalent positions of the Council and senior management positions at Hay Grade 528 or above, or for the most senior management position where this is lower, for its wholly owned companies, including the terms and conditions of contracts, appointment procedures and arrangements.</p> <p>3. To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post.</p> <p>4. To hear and determine appeals in relation to disciplinary matters, in relation to dismissal.</p> | <p>6 members of the Council in accordance with the political balance requirements (to include a Cabinet member)</p> <p>Conservative Group (3): Cllrs Chris Lewis, David Thomas and Tyerman</p> <p>Liberal Democrat Group (2): Cllrs Law and Long</p> <p>Independent Group (1): Cllr Cowell</p> |

| Name and Terms of Reference  | Membership   |
|--|--|
| <p>5. To consider any matters referred by the Chief Executive on the appointment of Non-Executive Directors on Council owned companies.</p> <p>6. To consider any matters referred by the Chief Executive on strategic matters relating to pay and conditions.</p> <p>7. To consider any disciplinary or grievance matters in relation to the Chief Executive.</p> <p>8. To consider and determine requests for Flexible Retirement from Senior Officers.</p>  |  |
| <p><b>Harbour Committee</b></p> <p>To determine all matters relating to the strategic management of the Council’s function as a Harbour Authority as stipulated in The Port Good Governance Guidance, Tor Bay Harbour Port Masterplan and the Council’s Policy Framework. Specifically the Committee will:-</p> <p>1. manage all of the Harbour’s financial matters in accordance with The Port Good Governance Guidance, approved Council financial procedures and the Council’s aspirations for the harbour to be self financing as outlined in the Tor Bay Harbour Port Masterplan and including (but not limited to):</p> <p>(a) the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums and Director of Finance</p> <p>(b) to make recommendations to the Cabinet on the annual ring-fenced Harbour revenue budget to form part of the Cabinet’s overall recommendations to the Council on the Annual Revenue budget;</p> <p>(c) receiving quarterly budget monitoring reports and to approve variances</p> | <p>6 members of the Council in accordance with the political balance requirements, plus up to five external non-voting advisors appointed by the Committee on a four year term.</p> <p>(Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)</p> <p>Conservative Group (3): Cllrs Fellows, Strang and Twelves</p> <p>Liberal Democrat Group (3): Cllrs Carter, Fox and Penny</p> |

| Name and Terms of Reference   | Membership |
|---|------------|
| <p style="text-align: center;">as appropriate; and</p> <p>(d) monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing;</p> <p>2. to act as Duty Holder for the purposes of the Port Marine Safety Code, the accountability for which cannot be assigned or delegated;</p> <p>3. approve and monitor a business plan for Tor Bay Harbour, in line with the Council’s policy framework, and address any issues relating to performance;</p> <p>4. review these terms of reference annually and request the Council to make any necessary amendments and/or additions;</p> <p>5. review annually the powers delegated to the Head of Tor Bay Harbour Authority and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes;</p> <p>6. consider any other matters referred to the Committee by the Head of Tor Bay Harbour Authority;</p> <p>7. establish any sub-committee or working parties as the Committee sees fit;</p> <p>8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;</p> <p>9. to provide strategic direction to the Head of Tor Bay Harbour Authority and the Leader of the Council in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority; and</p> <p>10. appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.</p> |            |

| Name and Terms of Reference   | Membership  |
|---|---|
| <p><b>Health and Wellbeing Board</b></p> <ol style="list-style-type: none"> <li>1. To encourage those who arrange for the provision of any health or social care services in the area to work in an integrated manner for the purpose of advancing the health and wellbeing of the people in its area.</li> <li>2. To provide advice, assistance and support, as it thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 (arrangements between NHS bodies and local authorities) of the National Health Service Act 2006 in connection with the provision of such services.</li> <li>3. To encourage those who arrange for the provision of health-related services in its area to work closely with the Health and Wellbeing Board.</li> <li>4. To encourage those who arrange for the provision of any health or social care services in its area and those who arrange for the provision of any health-related services in its area to work closely together.</li> <li>5. To exercise the functions of Torbay Council and South Devon and Torbay Clinical Commissioning Group under sections 116 (health and social care: joint strategic needs assessments) and 116A (health and social care: joint health and wellbeing strategy) of the Local Government and Public Involvement in Health Act 2007, namely: <ul style="list-style-type: none"> <li>• Preparation of a Joint Strategic Needs Assessment; and</li> <li>• Preparation of a Joint Health and Wellbeing Strategy.</li> </ul> </li> <li>6. To assess needs for pharmaceutical services in Torbay and publish a statement of its first assessment and of any revised assessment.</li> <li>7. To provide the Council its opinion on whether the local authority is discharging its duty under section 116B (duty to have regard to assessment and strategies)</li> </ol> | <p>Leader of the Council or their nominee</p> <p>Director of Adults and Community Services;<br/> Director of Children’s Services;<br/> Director of Public Health;<br/> A representative of Healthwatch Torbay;<br/> A representative of Devon Integrated Care Board;<br/> A representative of NHS England;<br/> Cabinet Member for Children’s Services;<br/> Torbay and South Devon NHS Foundation Trust;<br/> Devon Partnership NHS Trust;<br/> Torbay Community Development Trust;<br/> Chairman of Safer Communities Torbay;<br/> Chairman of Torbay Safeguarding Children Board;<br/> Chairman of Torbay Safeguarding Adults Board;<br/> Representative from Devon and Cornwall Police;<br/> Divisional Director for Community and Customer Services;<br/> Representative of the Ageing Well Assembly;<br/> Representative of Primary Care;</p> |

| Name and Terms of Reference  | Membership   |
|--|--|
| <p>of the Local Government and Public Involvement in Health Act 2007.</p> <p>8. To exercise the statutory duty to promote co-operation between Torbay Council, its relevant partners and other partners or bodies as the Council considers appropriate, to improve the well-being of children in the area.</p> <p>9. To consider the annual report of the Torbay Safeguarding Children’s Board.</p> <p>10. To make any decisions that legislation or government guidance reserves to Health and Wellbeing Board’s and/or proposes that Health and Wellbeing Boards would be appropriate forum for such decisions to be made.</p> | <p>Representative of the Department for Work and Pensions;<br/>Representative of Torbay Schools.</p>   |
| <p><b>Statutory Licensing Committee:</b></p> <p>1. To discharge the functions of the Council as a Licensing Authority, with the exception of approving the Gambling and Statement of Licensing Policy which is function of the Council.</p> <p>2. To approve future reviews and adoption of the Cumulative Impact Assessment. Since the introduction of section 5A of the Licensing Act 2003, all matters regarding Cumulative Impact Assessments are now the responsibility of the statutory Licensing Committee, by virtue of section 7(1), as it is no longer part of the Licensing Act 2003 Statement of Policy.</p>         | <p>10 members of the Council.</p> <p>(Note: Under the Licensing Act 2003 this Committee must be between 10 and 15 members and is not required to be politically balanced)</p> <p>Conservative Group (5): Cllrs Brook, Foster, Chris Lewis, Spacagna and Stevens</p> <p>Liberal Democrat Group (4): Cllrs Douglas-Dunbar, Johns, Pentney and Virdee</p> <p>Independent Group (1): Cllr Amil</p> |
| <p><b>Statutory Licensing Sub-Committee</b></p> <p>To consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act</p>  | <p>To comprise 3 Members of the Statutory Licensing Committee.</p>   |

| Name and Terms of Reference   | Membership  |
|---|---|
| Policy/Statement of Principles).  |   |
| <p><b>Regulatory Committee</b></p> <p>To discharge the functions contained in schedule 101 and 102 of the Local Government Act 1972.</p>  | <p>10 Members of the Council in accordance with the political balance requirements</p> <p>Conservative Group (5): Cllrs Bryant, Foster, Chris Lewis, Stevens and David Thomas</p> <p>Liberal Democrat Group (4): Cllrs Douglas-Dunbar, Johns, Pentney and Virdee</p> <p>Independent Group (1): Cllr Amil</p>  |
| <p><b>Regulatory Sub-Committee</b></p> <p>To consider and determine all matters in connection with Hackney Carriage and Private Hire Licences, Sex Establishment Licences, Street Trading Licences and Consents.</p>  | <p>To comprise 3 members of the Regulatory Committee</p>  |
| <p><b>Overview and Scrutiny Board:</b></p> <ol style="list-style-type: none"> <li>1. To approve and co-ordinate the work programme for the overview and scrutiny function for the year.</li> <li>2. To appoint sub-committees and/or working parties to perform the overview and scrutiny function (the membership of such bodies to be in accordance with Standing Order D2 in relation to Overview and Scrutiny).</li> <li>3. To appoint the Council’s representatives to the Heart of the South West Local Enterprise Partnership (LEP) Joint Scrutiny Committee.</li> </ol> | <p>10 members of the Council in accordance with the political balance requirements (including the Overview and Scrutiny Co-ordinator and Overview and Scrutiny Lead Members) excluding Members of the Cabinet and the Chairman/woman of the Council plus 2 Diocesan and 2 Parent Governor Representatives</p> |

| Name and Terms of Reference  | Membership  |
|--|---|
| <p>4. To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are the responsibility of the Cabinet.</p> <p>5. To make reports or recommendations to the Authority or the Cabinet with respect to the discharge of functions which are the responsibility of the Cabinet.</p> <p>6. To make reports or recommendations to the Authority or the Cabinet with respect to the discharge of functions which are not the responsibility of the Cabinet.</p> <p>7. To make reports or recommendations to the Authority or the Cabinet or the Council’s partner authorities (as defined by the Local Government and Public Involvement in Health Act 2007) on matters which affect the Authority’s area or the inhabitants of that area.</p> <p>8. To consider all matters and issues arising from the Council’s power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions in accordance with the Police and Justice Act 2006.</p> <p>9. To review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority’s area in accordance with Flood and Water Management Act 2010.</p> | <p>Normally chaired by an Opposition Member, where political balance allows</p> <p>Conservative Group (5): Cllrs Fellows, Foster, Hutchings, Spacagna and Tolchard</p> <p>Liberal Democrat Group (4): Cllrs Douglas-Dunbar, Johns, Law and Long</p> <p>Independent Group (1): Cllr Cowell</p> |
| <p><b>Adult Social Care and Health Overview and Scrutiny Sub-Board:</b></p> <p>1. to review how the needs and interests of adults are met by all departments, policies, services and decisions; and how performance is evaluated and improved;</p> <p>2. to review universal, targeted and specialist services for adults including:</p>   | <p>This is a Sub-Committee of the Overview and Scrutiny Board and comprises 5 members of the Council in accordance with the political balance requirements (excluding Members of the Cabinet), Chaired by the Scrutiny</p>  |

| Name and Terms of Reference   | Membership  |
|---|---|
| <ul style="list-style-type: none"> <li>• prevention and management of risk;</li> <li>• social care;</li> <li>• adults wellbeing;</li> <li>• education – supporting and enabling learning for adults;</li> <li>• internal and external partnership working for adults;</li> <li>• supporting adults and carers; and</li> <li>• relevant financial management;</li> </ul> <p>3. to consider all matters and issues arising from the Council's power of scrutinising local health services in accordance with the Health and Social Care Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012;</p> <p>4. to assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity; and</p> <p>5. to make reports and recommendations as appropriate arising from this area of overview and scrutiny.</p> | <p>Lead for Adult Services and Health.</p> <p>Conservative Group (3): Cllrs Bryant, Foster and Spacagna</p> <p>Liberal Democrat Group (2): Cllrs Douglas-Dunbar and Johns</p> <p><b>Non-Voting Co-opted Members:</b></p> <p>Healthwatch (1):</p> <p>Chair of Voluntary Sector Network (1):</p>                              |
| <p><b>Children and Young People's Overview and Scrutiny Sub-Board:</b></p> <p>1. to review how the needs and interests of children and young people are met by all departments, policies, services and decisions; and how performance is evaluated and improved;</p> <p>2. to review universal, targeted and specialist services for children and young people including:</p> <ul style="list-style-type: none"> <li>• prevention and management of risk;</li> <li>• social care;</li> <li>• children's and young people's wellbeing;</li> </ul>  | <p>This is a Sub-Committee of the Overview and Scrutiny Board and comprises 5 members of the Council in accordance with the political balance requirements (excluding Members of the Cabinet), Chaired by the Scrutiny Lead for Children's Services.</p> <p>Conservative Group (3): Cllrs Fellows, Tolchard and Twelves</p> |

| Name and Terms of Reference   | Membership   |
|---|--|
| <ul style="list-style-type: none"> <li>• education – supporting and enabling learning for all children and young people;</li> <li>• internal and external partnership working for children and young people;</li> <li>• supporting parents and families; and</li> <li>• relevant financial management;</li> </ul> <p>3. to assess the effectiveness of decisions of the Cabinet in these areas of the Council’s statutory activity; and</p> <p>4. to make reports and recommendations as appropriate arising from this area of overview and scrutiny.</p> | <p>Liberal Democrat Group (2): Cllrs Law and Nicolaou</p> <p><b>Statutory Education Co-opted Members:</b></p> <p>Statutory parent governor representatives (primary, secondary and academy trust) (3):</p> <p>Statutory Church of England representative (1):</p> <p>Statutory Roman Catholic Diocesan representative (1):</p> <p><b>Non-Voting Co-opted Members:</b></p> <p>Devon and Cornwall Police representative (1):</p> <p>Play Torbay representative (1):</p> <p>Voluntary and Community Sector and Alternative Provider (Education) representative (1):</p> <p>Representatives from the Children in Care Council, Special Educational Needs and Disabilities (SEND) Youth Forum</p> |

| Name and Terms of Reference  | Membership   |
|--|--|
|  | <p>or Young Person’s Panel to participate in meetings where there are specific areas of interest to them.</p>  |
| <p><b>Planning Committee:</b></p> <ol style="list-style-type: none"> <li>1. At all times to have regard to the Development Plan (as defined in S.38 of the Planning and Compulsory Purchase Act 2004) for Torbay.</li> <li>2. To consider and (if appropriate) determine (unless such determination is reserved by law to Council) all applications and all other matters (including issuing notices, making Orders and requesting the Monitoring Officer to issue civil or criminal proceedings) relating to: <ul style="list-style-type: none"> <li>Town and Country Planning, including <ul style="list-style-type: none"> <li>• Conservation Areas</li> <li>• Listed Buildings</li> <li>• Scheduled Ancient Monuments</li> <li>• The display of advertisements</li> <li>• Tree Preservation Orders</li> <li>• Complaints about high hedges</li> <li>• Public Rights of Way</li> <li>• Minerals</li> <li>• Highways matters</li> <li>• Waste</li> <li>• Enforcement; and</li> <li>• Environmental Assessment</li> </ul> </li> </ul> </li> </ol> <p>so far as they are set out in Schedule 2 of this Part 3 of the Constitution (Council Functions) or are identified as Council functions in Schedule 1 of this Part 3 (Local Choice Functions): i.e. so far as they are not Executive functions.</p> | <p>8 members of the Council (excluding the Cabinet Lead with responsibility for Planning, in accordance with the political balance requirements) with membership comprising, if reasonably possible, members from the various areas of the Borough</p> <p>Conservative Group (4): Cllrs Billings, Brook, Strang and Tolchard</p> <p>Liberal Democrat Group (4): Cllrs Mandy Darling, Fox, Pentney and Virdee</p> |

| Name and Terms of Reference  | Membership   |
|--|--|
| <p>3. The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of the Divisional Director Planning, Housing and Climate Emergency or the opinion of the Director of Pride in Place) not be in accordance with the Development Plan for Torbay unless they recommend such determination and the determination is consistent with the Divisional Director’s recommendation.</p> <p>If, contrary to officer recommendation, the Committee consider that an application (or other matter) shall be determined not in accordance with the Development Plan for Torbay then (unless their determination is consistent with the recommendation of the Divisional Director Planning, Housing and Climate Emergency) the item shall be referred to Council for determination.</p>   |  |
| <p><b>Standards Committee:</b></p> <ol style="list-style-type: none"> <li>1. To promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives.</li> <li>2. To assist councillors, co-opted members and church and parent governor representatives to observe the Members’ Code of Conduct.</li> <li>3. To advise the Council on the adoption or revision of the Members’ Code of Conduct.</li> <li>4. To monitor the operation of the Members’ Code of Conduct.</li> <li>5. To advise, train or arrange to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members’ Code of Conduct.</li> <li>6. To assist the Monitoring Officer in carrying out his/her responsibilities pursuant to the Code of Conduct and its protocols.</li> <li>7. To review the Council’s local protocols as contained in the Constitution.</li> <li>8. To review the Constitution in relation to ethics and probity issues.</li> </ol> | <p>5 members of Torbay Council in accordance with the political balance requirements</p> <p>Conservative Group (3): Cllrs Stevens, Jackie Thomas and Tolchard</p> <p>Liberal Democrat Group (2): Cllrs Atiya-Alla and George Darling</p> |

| Name and Terms of Reference  | Membership  |
|--|---|
| <p>9. To advise others on probity and ethics.</p> <p>10. To consider any alleged breaches of local protocols by members.</p> <p>11. To share experience with other standards committees.</p> <p>The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.</p> |   |
| <p><b>Community Asset Transfer Panel</b></p> <p>To assess applications made at Stage 1 and Stage 2 of the Community Asset Transfer process in accordance with the criteria set out in the Community Asset Transfer Policy.</p>   | <p>5 members of the Council in accordance with the political balance requirements, to include the appropriate Cabinet Member</p> <p>Conservative Group (3): Cllrs Bryant, Foster and Chris Lewis</p> <p>Liberal Democrat Group (2): Cllrs Douglas-Dunbar and Virdee</p> |
| <p><b>Corporate Parenting Board</b></p> <p>1. To provide a forum for regular, detailed discussions of issues in relation to, and a positive link with, our Children Looked After, in accordance with the Council’s Children Looked After and Corporate Parenting Strategy.</p>   | <p>5 members of the Council in accordance with the political balance requirements</p> <p>Conservative Group (2): Cllrs Bye and Twelves</p> <p>Liberal Democrat Group (2): Cllrs Douglas-Dunbar and Law</p> <p>Independent Member (1): Cllr Amil</p>                     |

| Name and Terms of Reference  | Membership   |
|--|--|
| <p><b>Harbour Asset Working Party (plus external advisors)</b></p> <ol style="list-style-type: none"> <li>1. To review all assets within Tor Bay Harbour and the Harbour Estate.</li> <li>2. To establish how each asset is performing.</li> <li>3. To identify any assets that are surplus.</li> </ol>  | <p>4 members of the Council in accordance with the political balance requirements (membership restricted to Harbour Committee members)</p> <p>Conservative Group (2): Cllrs Fellows and Strang</p> <p>Liberal Democrat Group (2): Cllrs Fox and Penny</p>    |
| <p><b>Harbour Budget Working Party (plus external advisors)</b></p> <ol style="list-style-type: none"> <li>1. To scrutinise the draft Tor Bay Harbour Authority budget prior to presentation to the Harbour Committee and to review the full range of harbour charges.</li> <li>2. To assist Officers to monitor and review the budget ahead of each quarterly Harbour Committee meeting.</li> </ol>   | <p>4 members of the Council in accordance with the political balance requirements (membership restricted to Harbour Committee members)</p> <p>Conservative Group (2): Cllrs Strang and Twelves</p> <p>Liberal Democrat Group (2): Cllrs Carter and Penny</p> |
| <p><b>Local Plan Working Party</b></p> <p>To assist Officers with the preparation of the revised draft Local Plan including the content, timing and scope of key consultation and submission documents in accordance with the timetable as set by the Local Development Scheme (or similar document required by subsequent legislation); to make appropriate recommendations to Cabinet and Council; and to respond to issues that may arise during examination.</p> | <p>6 members of the Council in accordance with the political balance requirements (to include the Cabinet Members for Place Development and Economic Growth), appointed by Council</p> <p>Conservative Group (3): Cllrs</p>                                  |

| Name and Terms of Reference | Membership  |
|-----------------------------|---|
|                             | Billings, Brook and Chris Lewis<br><br>Liberal Democrat Group (2): Cllrs<br>Fox and Pentney<br><br>Independent Member (1): Cllr<br>Cowell |

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### Nominations for Chairmen/women and Vice-Chairmen/women of Committee's 2025-2026

| <b>Committee</b>   | <b>Chairman/woman</b>   | <b>Vice-Chairman/woman</b>           |
|--|-------------------------|--------------------------------------|
| Audit Committee  | Cllr Penny              | Cllr Brook                           |
| Harbour Committee  | Cllr Strang             | Cllr Carter                          |
| Health and Wellbeing Board<br><br>(Note: In accordance with Standing Order H3.1 nominations reflect the members of the Health and Wellbeing Board which includes officers and partners.) | Councillor David Thomas | Karen Barry (partner representative) |
| Statutory Licensing Committee  | Cllr Spacagna           | Cllr Douglas-Dunbar                  |
| Regulatory Committee   | Cllr Foster             | Cllr Pentney                         |
| Overview and Scrutiny Board  | Cllr Long               | Cllr Spacagna                        |
| Children and Young People Overview and Scrutiny Board (Sub-Committee of Overview and Scrutiny)<br><br>(Note: position of Chairman/woman held by Scrutiny Lead)                           | Cllr Law                | Cllr Fellows                         |
| Adult Social Care and Health Overview and Scrutiny Sub-Board (Sub-Committee of Overview and Scrutiny)<br><br>(Note: position of Chairman/woman held by Scrutiny Lead)                    | Cllr Johns              | Cllr Spacagna                        |
| Planning Committee   | Cllr Brook              | Cllr Fox                             |

|                      |                    |                     |
|----------------------|--------------------|---------------------|
| Standards Committee  | Cllr Jackie Thomas | Cllr Atiya-Alla     |
| Civic Committee      | Cllr Stevens       | (Opposition Member) |
| Employment Committee | Cllr David Thomas  | (Opposition Member) |

(Note: In accordance with Committees and Sub-Committees Standing Order B1, Committees that meet on an ad hoc basis and require a different Chairman/woman are not included. The appointments above also reflect the Leaders Agreement.)

## Schedule 5 - Scheme of Delegation of Executive Functions to the Cabinet, Committees of the Cabinet and Officers

This report is presented to the Adjourned Annual meeting of Council on 15 May 2025 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<br>Town Hall<br>Torquay<br>TQ1 3DR                  | Preston                    |
| Cabinet Member for Pride in Place, Transport and Parking – Councillor Billings                       | Torbay Council<br>Town Hall<br>Castle Circus<br>Torquay<br>TQ1 3DR | Churston with Galmpton     |
| Cabinet Member for Housing, and Finance – Councillor Tyerman   | Torbay Council<br>Town Hall<br>Torquay<br>TQ1 3DR                  | Churston with Galmpton     |
| Cabinet Member for Adult and Community Services, Public Health and Inequalities – Councillor Tranter | Torbay Council<br>Town Hall<br>Torquay<br>TQ1 3DR                  | Goodrington with Roselands |
| Cabinet Member for Children’s Services - Councillor Bye  | Torbay Council<br>Town Hall<br>Torquay<br>TQ1 3DR                  | Wellswood                  |
| Cabinet Member for Tourism, Culture & Events and Corporate Services – Councillor Jackie Thomas       | Torbay Council<br>Town Hall<br>Torquay<br>TQ1 3DR                  | Kings Ash                  |

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>  |
|--|---|
| <p>Leader of the Council</p> <p>Councillor David Thomas</p>  | <p>Oversight of all areas</p> <p>Strategy and Place Leader, Regional Policy and external relations</p>  |
| <p>Cabinet Member for Place Development and Economic Growth and Deputy Leader</p> <p>Councillor Chris Lewis</p>  | <p>Asset Management Services, Economic Growth, Development Management, Strategic Planning (excluding Transport), Building Control, Harbours, Beaches and Climate Emergency</p>  |
| <p>Cabinet Member for Pride in Place, Transport and Parking</p> <p>Councillor Billings</p>                       | <p>SWISCo Services</p> <p>Transport and Parking</p>   |
| <p>Cabinet Member for Housing and Finance</p> <p>Councillor Tyerman</p>  | <p>Housing, Finance, Procurement, Debt Recovery, Council Tax, Business Rates,</p>   |
| <p>Cabinet Member for Adult and Community Services, Public Health and Inequalities</p> <p>Councillor Tranter</p> | <p>Adult Social Care delivery<br/>Adult Social Care Inspection regime<br/>Market Management</p> <p>Customer Services<br/>Housing Standards<br/>Housing Options<br/>Anti Social Behaviour and Vulnerability</p> <p>Public Health Improvement<br/>Health Protection<br/>Equalities (Directorate crossing)</p> |
| <p>Cabinet Member for Children's Services</p> <p>Councillor Bye</p>  | <p>Children's Social Care<br/>Education<br/>Youth Justice</p>   |

| <b>Cabinet Member</b>   | <b>Service Areas</b>  |
|---|---|
| Cabinet Member for Tourism, Events & Culture and Corporate Services<br><br>Councillor Jackie Thomas | Tourism, Culture & Events, Legal, IT, Business Improvement and Change, Libraries, Coroner, Emergency Planning, Health and Safety, Policy, Performance and Community Engagement, Governance, Human Resources |

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.

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# Overview and Scrutiny Annual Report 2024/2025

April 2025



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# Foreword

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This year has been another busy year for Overview and Scrutiny, who have and continued to respond to the issues affecting Torbay's residents and visitors, as well as working with our communities and partners to make improvements in respect of services for our children as well as holding partners in health to account and being a critical friend to our adult social care service through the main Board and the Children and Young People's Overview and Scrutiny Sub-Board and Adult Social Care and Health Overview and Scrutiny Sub-Board.

We continued to take a leading role in the Leader and Cabinet's Budget development for 2025/2026 and I am pleased that most of our recommendations informed the final budget proposals. In addition to the budget, the Board and its Sub-Boards have investigated several issues and I believe has made a notable difference in some of the key decisions made by the Cabinet, the public and private sector partners.

This report gives details of the work which has been undertaken by Overview and Scrutiny over the course of the 2024/2025 Municipal Year.

I would like to take this opportunity to thank everyone who has played a part in contributing towards the work of the Council's Overview and Scrutiny Boards, Sub-Boards and Panels. Particular thanks should go to Councillor Steve Darling, Councillor Yvonne Twelves and Councillor Mark Spacagna who have all ably Chaired the Board prior to my appointment in February 2025. Overview and Scrutiny, the Cabinet and our key partners in Health, the voluntary and community sectors and Police have continued to work together to try to make a positive difference for the people of Torbay.

Councillor Swithin Long  
Overview and Scrutiny Co-ordinator

# 1. Key information about Overview and Scrutiny

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## The operation of overview and scrutiny

There have been a number of changes to the Leadership and membership of Overview and Scrutiny over the past year.

Overview and Scrutiny Co-ordinator:

Councillor Steve Darling until 20 June 2024

Councillor Yvonne Twelves from 20 June until 18 July 2024

Councillor Mark Spacagna from 18 July 2024 to 27 February 2025

Councillor Swithin Long from 27 February 2025

The Overview and Scrutiny Co-ordinator is supported by Scrutiny

Lead Members:

- Councillors Fellows and Law – Children’s Services;
- Councillors Tolchard and Johns – Adult, Community Services, Public Health and Inequalities;
- Councillors Twelves, Hutchings and Cowell – Housing, Finance and Corporate Services; and
- Councillors Foster and Carter – Place Development, Economic Growth and Culture.

The Overview and Scrutiny Board meets monthly with Task and Finish Panels created to consider topics in greater detail. During the last year the following Members have served on the Overview and Scrutiny Board: Councillors Atiya-Alla, Brook, Carter, Cowell, Steve Darling, Mandy Darling, Douglas-Dunbar, Fellows, Foster, Fox, Hutchings, Johns, Law, Barbara Lewis, Long, Maddison, Spacagna, Strang, Tolchard, Twelves and Virdee.

There are two dedicated Sub-Boards:

The Adult Social Care and Health Overview and Scrutiny Sub-Board provides greater focus on issues in relation to adult social care and health and fulfils the statutory health overview and scrutiny function and normally meets monthly.

This Board comprised of five Councillors and was Chaired by the Scrutiny Lead for Adult, Community Services, Public Health and Inequalities - Councillors Tolchard/Johns. During the last year the following Members have served on the Sub-Board: Councillors Brook, Douglas-Dunbar, Foster, Fellows, Johns, Barbara Lewis, Long, Maddison and Tolchard. Representatives from Healthwatch Torbay and the Voluntary Sector Network were appointed as non-voting co-opted members on the Board to help provide independent expert advice.

The Children and Young People’s Overview and Scrutiny Sub-Board is responsible for overview and scrutiny of Children’s Services and meets bi-monthly.

This Sub-Board comprised of five Councillors and was Chaired by the Scrutiny Lead for Children’s Services – Councillors Fellows/Law. During the last year the following Members have served on the Sub-Board: Councillors Fellows, Foster, Law, Nicolaou, Tolchard and Twelves. Representatives from Devon and Cornwall Police, Play Torbay, Voluntary and Community Sector and Alternative Provision (Education) as well as the Statutory Co-opted Members from the Church of England Diocese and a Primary Parent Governor also help provide the voice of the child or young person and provide independent expert advice.

## Scrutiny’s Role

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

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

## Meetings:

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

## Residents and stakeholders can get involved by:

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

## 2. Snapshot of scrutiny development in 2024/2025

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### **Focusing on the issues which matter**

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

The Overview and Scrutiny Board continued to receive regular reports on the Council's revenue and capital budgets and monitor key performance indicators, this now includes monitoring performance and compliance of all of the Council's housing stock and former TorVista Homes housing stock. It has closely monitored and challenged the performance and outcomes for children holding the Cabinet and our key partners to account through the Children and Young People's Overview and Scrutiny Sub-Board.

### **Equal importance placed on policy development**

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

- Annual Review of the Events Strategy as aligned with Destination Management Plan
- Local Transport Plan 4 Consultation (Note: since the review of this document it has been removed from the Policy Framework list as it is now the responsibility of the Devon and Torbay Combined County Authority.)
- Equality, Diversity and Inclusion Strategy
- Draft Homelessness and Rough Sleeper Strategy 2024 – 2030

### **Complementing the work of the Cabinet**

The Overview and Scrutiny Board continue to seek to complement the work of the Cabinet, with Quarterly Overview and Scrutiny Leadership meetings held between the Overview and Scrutiny Co-ordinator, Overview and Scrutiny Board Vice-Chairman, Group Leaders and Chairman of the Audit Committee to review work programmes and determine where Overview and Scrutiny can add value. The Overview and Scrutiny Co-ordinator also met with Group Leaders and Deputy Group Leaders monthly via the Council Leadership Group meetings to keep them informed of the work of Overview and Scrutiny, review the current Work Programmes and give them an opportunity to suggest topics for inclusion.

## Pre-Briefings and Work Planning

Monthly briefings have enabled better member engagement and more focussed debate at Board meetings, developing key lines of questioning and exploring upcoming items to ensure relevant items are considered at the right time with key attendees invited to contribute towards discussions. They have also monitored implementation of recommendations and received updates on topics to determine if they should be included in the Work Programmes, which freed up capacity for the main Board to focus on delivering its Work Programme. The Forward Plan was also used as a tool to identify key issues for consideration by the Board and Sub-Boards.

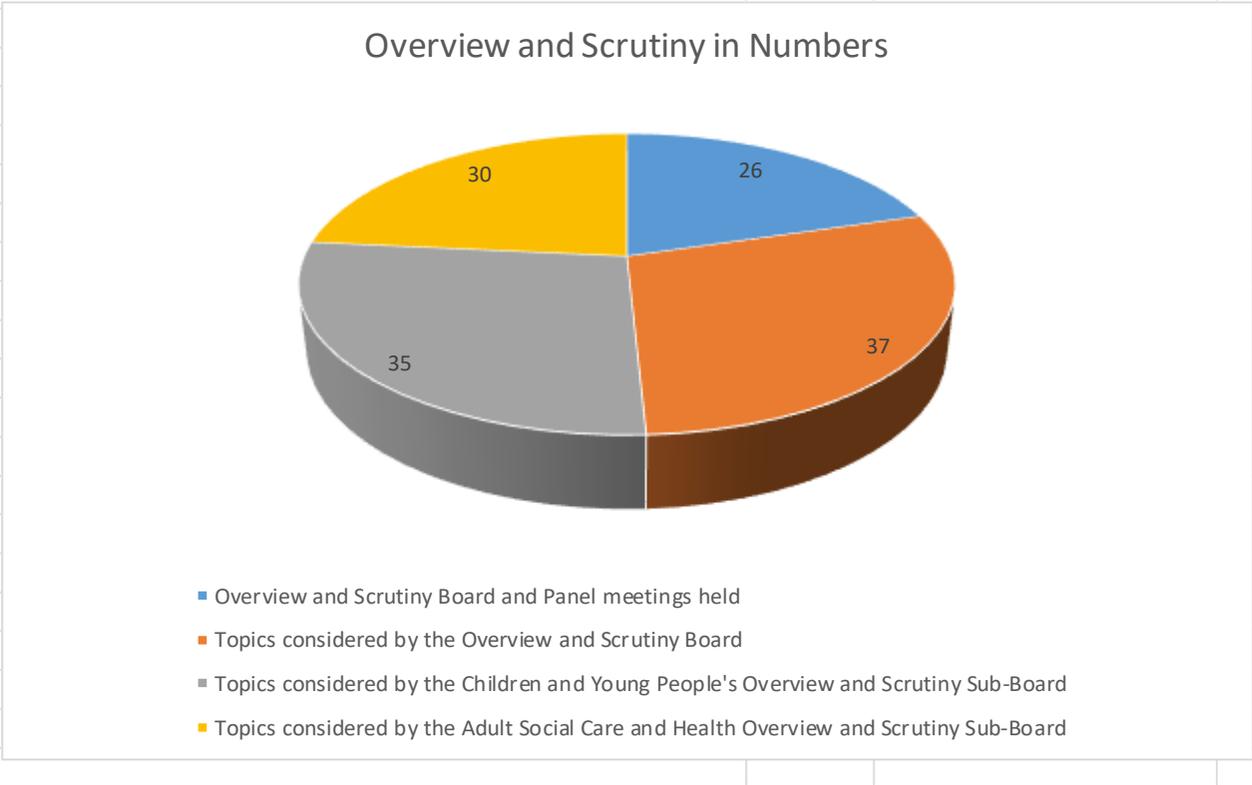
Workshops were held during March to develop the draft Work Programmes for the main Overview and Scrutiny Board and the two Sub-Boards for Children and Adults. These were open to all Councillors, Directors and Co-opted Members of the Sub-Boards to enable them to contribute and share ideas on the focus Overview and Scrutiny in 2025/2026.

### 3. Overview and Scrutiny in Numbers 2024/2025

**Key**

|   |    |  |
|---|----|--|
| Overview and Scrutiny Board and Panel meetings held                                   | 26 |  |
| Topics considered by the Overview and Scrutiny Board                                  | 37 |  |
| Topics considered by the Children and Young People's Overview and Scrutiny Sub-Board  | 35 |  |
| Topics considered by the Adult Social Care and Health Overview and Scrutiny Sub-Board | 30 |  |

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## 4. Snapshot of some of the Key Achievements 2024/2025

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### Overview and Scrutiny Board

Over the last 12 months Overview and Scrutiny has focussed on delivering its main Work Programme with meetings dedicated to spotlight reviews rather than undertaking longer task and finish groups, except for the annual Priorities and Resources Review Panel which considered the Cabinet's draft Budget Proposals for 2025/2026. Members found that this enabled a greater focus on a single topic with key stakeholders invited to contribute. Quarterly meetings focussed on monitoring the Council's Revenue and Capital Budget and key Performance Indicators which helped to hold decision makers to account for delivery of the budget and Community and Corporate Plan.

### Spotlight Review of Drainage and Flooding

Further to the successful Spotlight Review of South West Water in 2023, the Overview and Scrutiny Board held a Spotlight Review on issues of concern regarding drainage and flooding. The Panel heard evidence from the Regulatory Manager (Water) (Environment Agency), Head of Environmental Performance for Wastewater Services (SWW), Head of Networks for Drinking Water Services (SWW), Corporate Community Engagement Officer (SWW), Director of Asset Management (SWW), Head of Service Insight (Customer Services) (SWW). The Review resulted in:

- improved communication and greater public engagement with the Council, residents and South West Water (SWW) regarding the Seasonal Tariff Pilot, with more information being provided to explain the rationale and where to get help. Members of the Board were invited to give their views on letters to residents before they were circulated;
- improved relationships between the Council and Environment Agency and South West Water;
- the Chairman and Vice-Chairman were invited to Centre for Resilience and Environment, Water and Waste (CREWW) a joint venture between South West Water and Exeter University, researching the challenges facing the water sector in the UK and beyond; and
- local Members of Parliament asking questions in Government on plastic wet wipes and raising awareness of the impact they cause on blocking drains and sewers.

The full details on this Spotlight Review can be viewed at [Agenda for Overview and Scrutiny Board on Tuesday, 8 October 2024, 5.30 pm.](#)

Full details of the work of the Overview and Scrutiny Board can be viewed at [Committee details - Overview and Scrutiny Board.](#)

### Continued to Support Children's Services Improvement Journey

The Children and Young People's Overview and Scrutiny Sub-Board has had a busy year working with and holding to account the Director of Children's Services and Cabinet Member for Children's Services and our key partners across a wide range of topics.

## Continued Focus on Children and Adolescent Mental Health

Following a Spotlight Review on Child and Adolescent Mental Health Services (CAMHS) in 2023, the Sub-Board have continued to raise awareness and challenge what was being done to support children and young people with their mental health in all aspects of their work. This was evident through their discussions at their meeting held on 10 March 2025 on the following:

- Joint Targeted Area Inspection (JTAI); and
- Update on the Local Government Association Peer Review of Special Educational Needs and Disabilities (SEND).

Full details of the work of the Children and Young People's Overview and Scrutiny Sub-Board can be viewed at [Browse Meetings - Children and Young People's Overview and Scrutiny Sub-Board](#).

## Scrutiny of Adult Social Care and Health

Over the past year, the Adult Social Care and Health Sub-Board has focused on understanding the complexities of Adult Social Care and Health. This included the new Care Quality Commission regulations and the new Integrated Care Organisation and Board arrangements.

## Holding Partners to Account

The Sub Board continued to hold the Torbay and South Devon NHS Foundation Trust to account for the delivery and quality of services at Torbay Hospital and received regular updates in relation to the implementation of the capital programme and redesign of Torbay Hospital, including the Government's New Hospital Programme which resulted in the new Torbay Hospital development being delayed to around 2033/2035. The Sub-Board received the following praise for their work from the Trust:

"I would like to personally thank you for the support the Overview and Scrutiny Sub-Board has given us over the last few years as we developed our plans. I really appreciate everything you have done to help raise awareness of the estates' issues at Torbay Hospital and the critical need for investment. It is now even more important than ever that we continue to work together to deliver the modern hospital that our people and communities in Torbay and South Devon deserve and need. "

Full details of the work of the Adult Social Care and Health Overview and Scrutiny Sub-Board can be viewed at [Browse meetings - Adult Social Care and Health Overview and Scrutiny Sub-Board](#).

## Rowcroft Hospice

Following a spotlight review on Dementia Services carried out in March 2024, Members of the Sub-Board visited Rowcroft Hospice to learn about their future plans as a specialist nursing home for dementia patients and how the Council could support and work with the Torbay and South Devon NHS Foundation Trust and other local authorities to implement this important project for the residents of Torbay.



## Director of Public Health Annual Report – Women’s Health

The Sub-Board helped to shape the 2024 Director of Public Health’s Annual Report on Women’s Health and suggested the following should be included:

- development of flexible and inclusive employment practices to reflect and encourage women into education and employment;
- raising awareness of the impact of domestic abuse on women who experience it, and the sensitivity of response needed to meet their needs;
- improvement to access, experience and outcomes for women’s healthcare through Torbay’s women’s health hub;
- recognition and support of grass roots women’s groups and activities as integral components of mental health and wellbeing provision;
- development of integrated service delivery pathways for women’s health care, reducing the need to attend multiple appointments for routine health care; and
- development of inclusive approaches that facilitate and support girls and women to become more physically active.

More details on the Sub-Board’s discussions can be found at [Agenda for Adult Social Care and Health Overview and Scrutiny Sub-Board on Thursday, 5 September 2024, 2.00 pm.](#)

The final report incorporating the decision of the Cabinet can be found at [Agenda for Cabinet on Tuesday, 17 December 2024, 5.30 pm.](#)

## 6. Topic List

### Overview and Scrutiny Board

- Annual Review of Key Performance Indicators for the Special Educational Needs and Disabilities (SEND) Local Area Strategy
- Update on the Implementation of the Review of Planning Services Fit for the Future
- Review of Council Procurement Policies and Food and Music Festival
- Call-In of Cabinet's Decision on Next Steps Properties at Ryan Place
- Torbay Place Leadership Board
- SWISCo Green Space Management and Engagement – Update
- Economic Growth Strategy Action Plan
- Budget Monitoring Outturn 2023/24
- Performance Report - Quarter 4 2023/2024
- Budget Monitoring Quarter 1 2024/2025
- Performance Q1 Performance 2024/2025
- A Greener Way for our Bay Framework and Action Plan Update
- Plymouth and South Devon Freeport Status - Impact on Torbay
- Commercial Policy
- Torre Abbey Business Plan 2024
- Annual Review of the Events Strategy as aligned with Destination Management Plan
- Spotlight Review – Drainage and Flooding
- Safer Torbay Annual Review which included:
  - Strategic Assessment
  - Prevent
  - Modern Slavery
  - Serious and organised crime
  - Domestic abuse and sexual violence

- Torbay Combatting Drugs Partnership
- Special Educational Needs and Disability (SEND) and work with Local Government Association
- Performance Monitoring Quarter 2 2024/2025
- Budget Monitoring 2024/2025 April to September 2024 Revenue and Capital Outturn Forecast
- Local Transport Plan 4 Consultation
- Multiple Complex Needs (MCN) Alliance Review
- Torbay Food Strategy
- Update on Operation Brighter Bay and Operation Town Centres
- Quarterly Housing Audit and Compliance Report
- Revenue and Capital Budget 2025/2026 - Report of the Overview and Scrutiny Board
- Budget Monitoring 2024/2025 - Quarter 3
- Performance Report 2024/25 - Quarter 3
- Equality, Diversity and Inclusion Strategy
- Rent and Service Charge Policy and proposed changes to Social Housing Rents
- Torbay Council Climate Change Action Plan
- Housing Audit and Compliance Framework
- Update on Domestic Abuse Safe Accommodation Needs Assessment Refresh
- Food Strategy Action Plan
- Overview and Scrutiny Annual Report 2024/2025
- Initial Overview and Scrutiny Work Programme 2025/2026

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

- Care Experienced, Including Housing for Care Experienced Young People
- Youth Justice
- Exclusions and Absence
- Special Educational Needs and Disability Update (SEND)
- Exploitation and Children Missing
- Young Carers Strategy
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker
- Youth Provision in Torbay
- 0 to 25 Services Procurement
- Torbay Local Area Special Educational Needs and Disabilities (SEND) Self Evaluation Framework (SEF)
- Our Promise to You - The Torbay Pledge to care for and care experienced children/young people - Revised Children's Pledge
- Fostering Annual Report
- Regional Adoption Agency Joint Scrutiny Board
- Ofsted Annual Conversation Letter
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker
- Home to School Transport
- Early Years Sufficiency Duty Report
- Sufficiency Strategy Unaccompanied Asylum Seeking Children
- Holiday Activity and Food (HAF) Programme and Sustainability
- 0 to 25 Provision
- Safeguarding Children Annual Report
- Children's Continuous Improvement Board Update

- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker
- Councillor Call to Action - St Margarets and Spires Hearing Unit Closures
- Update on UNICEF work to be a Child Friendly Torbay
- Adopt South West Annual Report 2023/2024
- Youth Justice
- Exploitation and Children Missing
- Our Promise to You - The Torbay Pledge to care for and care experienced children/young people
- Virtual School Annual Report 2023/2024
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker
- Joint Targeted Area Inspection (JTAI)
- Schools Capital Programme Review
- Update on Local Government Association Peer Review of Special Educational Needs and Disabilities (SEND)
- Children and Young People's Overview and Scrutiny Sub-Board Action Tracker

## Adult Social Care and Health Overview and Scrutiny Sub-Board

- Peninsula Acute Sustainability Programme (PASP) draft Case for Change
- Draft Homelessness and Rough Sleeper Strategy 2024 – 2030
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker
- Director of Public Health Annual Report - Women's Health
- Building Heart Healthy Communities in Torbay
- Healthwatch Annual Report

- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker
- Torbay and South Devon NHS Trust Quality Account 2024
- New diagnostic unit in Market Street – 2024
- Infection prevention and control - incorporating vaccine preventable illnesses and antimicrobial resistance (AMR)
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker
- Annual Review of Dentistry Provision in Torbay
- Adult Social Care Peer Challenge
- Annual update on Domiciliary Care
- Adult Social Care, Memorandum of Understanding between Torbay Council and Torbay and South Devon NHS Foundation Trust
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker
- Pharmacy First - Update/outline of new strategy
- Adult Social Care, Memorandum of Understanding between Torbay Council and Torbay and South Devon NHS Foundation Trust
- Adult Social Care Improvement Board - Co-production update
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker
- Annual Public Health Report 2025 on Healthy Ageing
- Local Government Association (LGA) Peer Challenge Action Plan
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker
- Annual Review of Building a Brighter Future
- Peninsula Acute Sustainability Programme (PASP)
- Test for change on out-of-hours on-call Primary Percutaneous Coronary Intervention (PPCI) services

- Homelessness and Rough Sleeping Action Plan
- Residential Care Homes and Nursing Homes
- Adult Social Care and Health Overview and Scrutiny Sub-Board Work Programme 2025/26
- Adult Social Care and Health Overview and Scrutiny Sub-Board Action Tracker

## Panels

- Priorities and Resources Review Panel

## 7. Current and Future Work Programme

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

The Work Programmes for 2025/2026 will be submitted to Overview and Scrutiny Board on 9 April 2025 and then to the subsequent Sub-Boards.

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

## 8. Call-in of decisions

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

There was one call-in during 2024/2025.

- Call-In of Cabinet's Decision on Next Steps Properties at Ryan Place – the outcome of the call-in was no further action.

## 9. Councillor Call for Action

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Any Member of the Council can ask for Overview and Scrutiny to request officers to prepare a report on a topic for overview and scrutiny. There was one Councillor Call for Action in the past twelve months:

- Councillor Call to Action - St Margarets and Spires Hearing Unit Closures

## 10. Community involvement

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

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

## How to get involved in overview and scrutiny

- **Attend meetings** – our scrutiny meetings are open to the public and you are welcome to come along and listen to the debate and discussion. Please note that reports may be considered in private if they contain confidential information.
- **Ask a question or make a point** – if you would like to make a representation at a meeting, please email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) at least two days before the meeting so that we can let the Chairman know in advance. It is helpful to know what you would like to raise in order for it to be considered at the appropriate time during the discussions.
- **Request a review** – if there is something you think scrutiny could look at, then let us know via

[governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

**Consultation and participation** – you could be asked for your views on an issue or be invited to provide specialist knowledge you might have by being a witness in a scrutiny review.

## Contact Us

Overview and Scrutiny  
Torbay Council  
Town Hall  
Torquay  
TQ1 3DR

[governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

[www.torbay.gov.uk/scrutiny](http://www.torbay.gov.uk/scrutiny)



# **TORBAY COUNCIL**

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## **Torbay Council Audit Committee Annual Report 2024/25**

## **Introduction**

### **Chair – Audit Committee, Cllr Nigel Penny & Martin Brook**

This is the first Annual Report presented to full Council. Firstly, Full Council delegate responsibility to this Committee. It is important that a report on performance for the year is provided therefore providing direct assurance -and completing the circle. Secondly, since 2022 it is good practice, via the 'CIPFA Position Statement: Audit Committees in Local Authorities and Police.'

Much effort goes to developing Governance and Assurance Arrangements, particularly through our staff's hard work and dedication. Risk Management develops, increasingly sensitive to environmental changes. Supporting Governance and Assurance is no longer an 'add on' to tasks, they are integral to the task themselves.

There has been a significant amount of work undertaken by the committee in the year including the signing off of the 2021/22, 2022/23 (via backstop arrangements) and 2023/24 Statement of Accounts and Annual Governance Statements. In 'normal' times the committee would only expect to sign off one set off statements in a year. However as point 2 below picks up on we are slowly returning to the norm for this element of the audit committee work in 2025/26.

There are three items relating to assurance that the audit committee would like to flag, which are:

- The Treasury Management Strategy is within required professional practices. It demonstrates a highly prudent approach to financial management including avoiding external borrowing.
- The External Audit Opinion and Fees 2024/25. This is not Torbay-specific. A 'Disclaimer Opinion' was received due to the national backlog of Opinions issued. Improved audit quality and quantity required from 2018 detrimentally impacted timeliness of complete Opinions and auditor numbers. Corrective arrangements in three stages – Reset, Recover, Reform – are making progress as agreed with central government, professional bodies and the Public Sector Audit Appointments. It is hoped that this should return to normal this year. The associated audit fees, which were in excess of the scale fee, are currently under review between ourselves, Grant Thornton and the independent Public Sector Audit Appointments (who have the final say).
- Committee Terms of Reference. Given the improved quality and quantity of audit now required, the Audit Committee is taking the opportunity to review current terms of reference. It is not anticipated that there will be major changes.

I would like to offer my sincere thanks to the Governance Support Team who have offered great support to the Committee during the last 12 months. To all members of

the Committee, I continue to offer my sincere thanks for your important contributions and diligence.

## 1. Purpose of the Audit Committee Annual Report

1.1 Under CIPFA best practice the Audit Committee should produce an annual report on its performance to Full Council. This report summarises the work of the Audit Committee during 2024/25 and how it has fulfilled its duty. To assess its performance the following key areas have been considered, as aligned to CIPFA best practice:

- Membership and Attendance
- Performance in delivery of its Terms of Reference
- Compliance to the CIPFA Audit Committee Position Statement
- Compliance to CIPFA Audit Committee Best Practice Self-Assessment
- Assessment of Skills and Knowledge
- Training and Development

## 2. Governance

2.1 The Chartered Institute for Public Finance and Accountancy (CIPFA) describes the overall aim of good governance as:

*‘To ensure that resources are directed in accordance with agreed policy and according to priorities, that there is sound and inclusive decision making and that there is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities’*

CIPFA Delivering Good Governance in Local Government Framework 2016 Edition (the Good Governance Framework)

2.2 Good governance is ultimately the responsibility of Full Council as the governing body of Torbay Council. This report provides assurance to the way in which the Audit Committee has discharged its role to support the Full Council in this responsibility.

## 3. Role of the Audit Committee

3.1 The Audit Committee is a key component of the Council’s governance framework. Its purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee’s role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective. The Audit Committee has oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability.

3.2 The Audit Committee is directly accountable to Full Council. It is independent of both the cabinet and the scrutiny functions and is a key advisory committee providing independent oversight, recommendations, opinions and influence on the matters for which it is responsible. To assist the Audit Committee in fulfilling

its role, it has a right of access to and is expected to engage constructively with other committees and functions, for example scrutiny committee, corporate risk management groups/boards where they exist and other strategic groups. The Audit Committee also has the right to request reports and seek assurances from relevant officers.

- 3.3 The Audit Committee is governed by its terms of reference that shall be reviewed by Full Council on the advice of the committee to ensure that they remain fit for purpose and in accordance with any relevant regulations and guidance. Any revisions will be agreed by the Full Council and by the Audit Committee. The current Audit Committee Terms of Reference were approved by Full Council on 20 June 2024 and are based on CIPFA’s recommended Audit Committee Terms of Reference.

**Audit Committee Membership**

3.4 Membership

|  |   |
|--|---|
| Number of Members                            | 6 elected members and 1 Independent Person                  |
| Substitute Members Permitted                 | Yes   |
| Political Balance Rules apply                | Yes   |
| Appointments                                 | Appointments to the Committee are made annually by Council. |
| Restrictions on Membership                   | Cabinet members may not be a member of this Committee       |
| Restrictions on Chair/Vice- Chair            | None  |
| Quorum                                       | 3   |
| Number of ordinary meetings per Council Year | At least 4 per year   |

**4. How the Audit Committee has discharged responsibilities against its Terms of reference**

4.1 Governance, risk and control

| <b>Governance, risk and control</b>   | <b>Frequency</b> |
|---|------------------|
| To review the council’s corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance | P                |
| To monitor the effective development and operation of risk management in the council.   | P                |

|  |   |
|--|---|
| To monitor progress in addressing risk-related issues reported to the committee.   | P |
| To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.                                    | P |
| To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code         | A |
| To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements. | A |
| To review the assessment of fraud risks and potential harm to the council from fraud and corruption.   | A |
| To monitor the counter fraud strategy, actions and resources   | P |
| To review the governance and assurance arrangements for significant partnerships or collaborations   | P |

P=Periodically, Q=Quarterly, A=Annually

The Audit Committee received a number of reports throughout 2024/25 to help inform how governance is operating within the Council and to provide an insight to how well risk management and internal control is operating. Key information presented to the committee included:

### **Regular Risk Management Reports/Updates**

4.2 The Audit Committee has received regular reports on risk management. Effective risk management can have a major impact on the successful achievement of the objectives, policies, and strategies of the authority. The Account and Audit Regulations 2015 require the Council to have in place effective arrangements for the management of risk. The Audit Committee has challenged officers around the level of engagement on risk management and requested that reports that the Audit Committee receive were amended to include additional information to assist in their oversight with how effectiveness the management of risks is within the Council.

### **Financial Management Code Compliance**

4.3 The audit committee plan to undertake this piece of work in 2025/26

### **Review of Councils counter fraud and corruption arrangements**

4.4 Anti-fraud and corruption work forms an important part of our corporate governance and internal control framework. A number of reports are scheduled as part of audit committee work with the following reports being considered by audit committee during 2024/25:

- **Counter Fraud and Error Update – 2023/24** – report on counter fraud activity undertaken in 2023/24
- **Counter Fraud Plan 2024/25 & 2025/26** – detailed current and future Counter Fraud plans supporting delivery of the Counter Fraud and Corruption Policy

## 5. Financial and governance reporting

|   |                       |
|---|-----------------------|
| <b>Financial and governance reporting</b> | <b>Frequenc<br/>y</b> |
|---|-----------------------|

### **Governance reporting**

|  |   |
|--|---|
| To review the AGS prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the head of internal audit's annual opinion. | A |
|--|---|

|  |   |
|--|---|
| To consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives. | A |
|--|---|

|                            |                       |
|----------------------------|-----------------------|
| <b>Financial reporting</b> | <b>Frequenc<br/>y</b> |
|----------------------------|-----------------------|

|   |   |
|---|---|
| To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met. | A |
|---|---|

|  |   |
|--|---|
| To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council. | A |
|--|---|

|   |                       |
|---|-----------------------|
| <b>Financial and governance reporting</b> | <b>Frequenc<br/>y</b> |
|---|-----------------------|

|  |   |
|--|---|
| To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts. | A |
|--|---|

P=Periodically, Q=Quarterly, A=Annually

### **Presentation of financial accounts & External Auditors Reports**

5.1 The Accounts and Audit Regulations 2015, as amended by the Accounts and Audit (amendment Regulations 2022 states that, as part of the formal process of closing the accounts, the Chief Financial Officer is required to approve the draft statement of accounts by the 30th June. As part of the Audit Committees role in signing off the annual accounts is to examine the report from External audit on any matters arising through their work on the accounts. The Audit Committee has reviewed and commented on all external audit finding reports relating as well as commenting on the financial accounts.

## 6. Arrangements for audit & assurance – External Audit

|                       |                       |
|-----------------------|-----------------------|
| <b>External audit</b> | <b>Frequenc<br/>y</b> |
|-----------------------|-----------------------|

|  |   |
|--|---|
| To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate. | P |
| To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.  | A |
| To consider specific reports as agreed with the external auditor.  | P |
| To comment on the scope and depth of external audit work and to ensure it gives value for money.   | A |
| To consider additional commissions of work from external audit.  | P |
| To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.  | P |
| To provide free and unfettered access to the Audit Committee chair for the auditors, including the opportunity for a private meeting with the committee.   | A |

6.1 The committee plays a significant role in overseeing the Council's relationship with its external auditors and takes an active role in reviewing the external audit plan, progress reports and annual report setting out external audit findings and the value for money review/conclusion. Grant Thornton UK LLP is the Council's current appointed auditor, appointed through the public sector audit appointment (PSAA) process.

## 7. Arrangements for audit & assurance – Internal Audit

| Internal audit  | Frequency |
|---|-----------|
| To approve the internal audit charter   | A         |
| To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.   | P         |
| To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources. | A         |
| To approve significant interim changes to the risk-based internal audit plan and resource requirements.   | P         |
| To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations   | P         |

|   |   |
|---|---|
| To consider any impairments to the independence or objectivity of the head of internal audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments             | P |
| To consider reports from the head of internal audit on internal audit's performance during the year   | P |
| To consider the head of internal audit's annual report  | A |
| To consider summaries of specific internal audit reports as requested   | P |
| To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions. | P |
| To contribute to the Quality Assurance and Improvement Plan (QAIP) and in particular to the external quality assessment of internal audit that takes place at least once every five years   | P |
| To consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations  | A |
| To provide free and unfettered access to the Audit Committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.  | P |

P=Periodically, Q=Quarterly, A=Annually

Internal audit services are provided by Devon Assurance Partnership which is a shared service arrangement between Devon County Council, Torbay Council, Plymouth City Council, Mid Devon District Council, Torridge District Council, North Devon District Council and Devon and Somerset Fire and Rescue Authority.

The partnership has a management board made up of representatives from the partner members and a single Head of Partnership who fulfils the role of Chief Internal Auditor for each of the authorities.

The partnership is governed as a joint committee under Section 20 of the Local Government Act 2000. The joint committee has Members from each of the Councils, supported by a management board comprising the Directors of Finance (Section 151 Officers).

### **Internal Audit Charter & Approval of the Risk Based Audit plan**

- 7.1 The Audit Committee received the internal audit plan and charter and the committee feed in their views on areas of potential risk and assurance that should be considered. The audit plan was pulled together through collaboration with key stakeholders to ensure that the widest view on risk and assurance requirements was taken into account.
- 7.2 Annual Internal Audit Opinion Report

The Annual Internal Audit Opinion Report summarises the work of internal audit to provide an 'independent' view from the Head of Internal Audit on how well governance, risk management and internal control is operating within the authority. The report is based on the work undertaken by Internal Audit, but can draw on other sources of assurance where appropriate.

### **Progress Update Reports & Significant Internal Audit Findings**

7.3 Internal audit provided regular update reports to the Audit Committee on performance against the internal audit plan, highlighting areas of significant governance, risk or control weaknesses identified through their work. These update reports included the summary of key findings where weaknesses were identified. As part of the internal audit process, agreed management actions are captured for addressing weaknesses and these are monitored through

There were no issues raised around scope limitations through the work of internal audit during 2024/25 nor were there any areas where management chose to 'accept' the level of risk being highlight by internal audit through their work.

Also, to maintain independence and objectivity the head of audit does not undertake additional roles or responsibilities.

### **Quality Assurance and Improvement Plan (QAIP) and the External Quality Assessment (EQA)**

7.4 DAP's EQA was last performed 2024/25 and is required to be undertaken every 5 years by the Public Sector Internal Auditing Standards (PSIAS). From 1st April 2025 PSIAS has been replaced with GIAS (Global Internal Auditing Standards). The partnership was externally assessed and re-awarded the accreditation in November 2024 and therefore next accreditation will be due in Nov 2029.

7.5 The partnership has a QAIP which sets the high level strategic aims of the partnership and was updated in May 2025. It covers the following areas and identifies the risks associated with each area:

People

Quality

Growth & Sustainability

### **Liaison with Chair and Vice Chair of the Audit Committee**

7.6 Officers and external partners such as Grant Thornton and Devon Assurance Partnership are continually liaising with Chair and Vice Chair of the committee. Ad-hoc meetings are set up by officers as required if any urgent issues arise.

## 8. Audit Committee Accountability Arrangements

### Accountability arrangements

### Frequency

To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions

A

To report to Full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

A

To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

A

P=Periodically, Q=Quarterly, A=Annually

The Annual Governance Statement is a statutory document which explains the processes and procedures in place to enable the council to carry out its functions effectively. The AGS is produced following a review of the council's governance arrangements and includes an action plan to address any significant governance issues identified. A key role of the Audit Committee is to ensure that the annual governance statement is an accurate assessment of governance, risk management and internal control operating in the authority drawing on information the committee has received and contains an action plan on areas for improvement.

## Audit Committee Annual Report to Full Council

8.1 This document constitutes the annual report to Full Council providing an overview of the work undertaken by the Audit Committee to comply with its terms of reference. This report highlights information received by the Audit Committee in discharging its delegated responsibility for oversight for governance, risk management and internal control.

### CIPFA Self-Assessment of Good Practice

8.2 The 2022 CIPFA Audit Committee Guidance provides a framework for assessing the Audit Committee against good practice. Where an Audit Committee has a high degree of performance against the good practice principles, it is an indicator that the committee is soundly based and has in place a knowledgeable membership. These are the essential factors in developing an effective Audit Committee. A regular self-assessment should be used to support the planning of the Audit Committee work programme and training plans. It will also inform this annual report.

A workshop was held in September 2024, this was co-ordinated by the Head of Devon Assurance Partnership. The outcome of the workshop was presented to the November 2024 meeting of the Audit Committee, the link below:

[Audit Committee Self Assessment CIPFA Guidance 2024-25.pdf](#)

An action plan to address the areas of improvement identified in the self-assessment will be presented to the May 2025 audit committee meeting which detailed timescales for delivery.

8.3 Conclusion on Compliance to CIPFA Audit Committee Position Statement 2022

A review has been undertaken against the CIPFA Audit Committee Position Statement. Whilst the Audit Committee generally complies with the CIPFA Position Statement, there are some areas for work for full compliance. The committee will be undertaking the training and development in 2025/26 to ensure compliance with the position statement. The 2025/26 annual report will provide an update on this area.

## 9. Annual Approvals

| Annual Approvals | Frequency |
|------------------|-----------|
|------------------|-----------|

|   |   |
|---|---|
| Approve the annual accounts of the Council and the Annual Governance Statement. | A |
|---|---|

P=Periodically, Q=Quarterly, A=Annually

## 10. Additional Areas for Committee work: Treasury Management

| Treasury Management | Frequency |
|---------------------|-----------|
|---------------------|-----------|

Provide an overview role in Treasury Management matters including regular monitoring of treasury activity and practices. P

Review and recommend the Non-Treasury Management Investment Strategy, Capital Strategy, MRP Strategy, and any appropriate Prudential Indicators to Council. P

### **Treasury Management Practices (TMPs)**

10.1 The TMP is a detailed document setting out how day to day treasury activity is undertaken by the council and is part of the suit of governance documents controlling the Council's Treasury Management activity. It is a requirement of the CIPFA code on treasury management for the council to prepare and maintain TMPs and should be a 'living document' that should be review and updated as necessary.

### **Treasury Management Strategy 2025/26**

10.2 The Audit Committee received the Treasury Management Strategy report that brought the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management in the Public Services Code of Practice Revised 2021 Edition (CIPFA TM Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities: Revised 2021 Edition (CIPFA Prudential Code) together. The Audit Committee reviewed and asked a number of questions on the report before recommending it to for formal approval at Cabinet and Full Council.

### **Capital Strategy 2025/26**

10.3 Under CIPFA's Prudential Code for Capital Finance (2021) local authorities must put in place a Capital Strategy which explains how proposed capital expenditure contributes to the Council's objectives and supports delivery of essential services, sets the funding strategies for new items of capital investment and provides an overview of how the risks associated with capital investments are being identified and addressed. The Audit Committee received a copy of the Capital Strategy and asked a number of questions and comments. Following discussion the strategy was noted.

### **Outcome of Skills Survey against CIPFA key knowledge areas.**

11. Members of the Audit Committee were surveyed during 2024/25 against the CIPFA Audit Committee members knowledge and skills framework. This information was used to help inform knowledge gaps to address through the appointment of independent members and inform future training & development requirements. A number of questions were asked under each knowledge area for members to consider their understanding as 'good knowledge', 'some knowledge' or 'no knowledge'.

## **Training and Development**

12. The current Audit Committee membership has had the following training sessions/workshops made available:

- March 2024 - Internal Audit Plan and Risk Framework/Management
- July 2024 – Statement of Accounts
- September 2024 – Audit Committee Self-Assessment Workshop

In addition to these training sessions/workshops the External Auditors also provide sector updates to ensure the Audit Committee is kept up to date on relevant matters.

As part of the Audit Committee self assessment work, a training plan is being developed and will delivered throughout 2025/26 to ensure that the committee members have the required skills and knowledge.

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**Meeting:** Cabinet & Council

**Date:** 13 and 15 May 2025

**Wards affected:** All

**Report Title:** Formation of a social housing delivery programme for Torbay and associated financing proposal

**When does the decision need to be implemented?** Following approval by Council

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

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

## 1. Purpose of Report

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- 1.1. The purpose of the report is to request funding to accelerate and extend the Accommodation Repurposing Programme to deliver up to 75 Affordable housing units per year over a 5 year programme.
- 1.2. The Torbay Housing Delivery Plan, finalised in August 2024, (and provided at Appendix 1) included the establishment of an Accommodation Repurposing Project targeted to deliver 14 to 36 new homes for social rent within 3-years and in excess of 50 such homes within 5-years.
- 1.3. The Head of Strategic Housing & Delivery brought a paper to Cabinet in September 2024, seeking approval to acquire and enter purchase contracts for the delivery of social housing at the former Brampton Court Hotel, Torquay (then referred to as 'Scheme 1'). The timing of this transaction and the associated governance took place relatively soon after the General Election, which resulted in a temporary pause in allocations of social housing grant from Homes England, whilst the government established their immediate delivery priorities. Whilst there was a degree of confidence about the ability to fund the specific first scheme, it was not possible at that time to accurately predict the wider opportunities for an expanded programme. It should also be noted that a second site has now been secured for redevelopment at the former Seabury Hotel, Torquay, with officers currently working to establish the most viable form of delivery for the site.
- 1.4. The September 2024 decision instructed the Head of Strategic Housing & Delivery to bring a further report back to cabinet at such time as there was sufficient confidence about Torbay Council's ability to fund a long term scheme.
- 1.5. An increased and extended social housing grant programme has now been published by government, With the funding now secured for Brampton Court (and greater understanding

on the likely future requirements to secure grant in the coming years) it is now possible to progress decision making for a long term scheme.

- 1.6. The Housing Delivery Team have a designed a programme and funding proposal that can sustainably deliver a large number of homes on brownfield sites to help contribute to the requirements of the emerging Torbay Local Plan and the increased housing target that has been given to the Local Planning Authority. The paper outlines a proposal for £20m of ring-fenced prudential borrowing, specifically to deliver this programme as set out in the paper.
- 1.7. Projects will be submitted to Cabinet to approve Full Business Cases.

## 2. Reason for Proposal and its benefits

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- 2.1. In the early 2000s, the Torbay area regularly delivered an average of 100-180 new affordable homes per annum, reaching a peak in 2013/14 of 273 new affordable homes. Since then, delivery has dropped significantly; average annual delivery over the last 5 years has been just 31 homes (data extracted from MHCLG Live Table 1008C). This is against a backdrop of high (and growing) need for homes by local households registered with Devon Home Choice.
- 2.2. In light of this, a Housing Delivery Plan has been created to bring forward opportunities over the next five years, both for direct council delivery and delivery through partners. One of the direct interventions identified is the innovative Accommodation Repurposing Project, incorporating schemes designated under title of 'Hotels to Homes'. This is designed to respond to Torbay's characteristics of having large numbers of small urban brown-field sites many of which are unviable leisure and holiday accommodation such as former hotels, bed & breakfasts, and guest houses. Through this initiative, such properties will be purchased by the Council and converted into new homes.
- 2.3. The Council is not the only organisation exploring the re-use of such sites for housing. However, when brought forward by private sector developers, they typically provide few – if any – affordable homes. The current affordable requirement for brown-field sites is only 20% and because many sites are capable of delivering fewer than 15 dwellings, which is below the current Local Plan's threshold for requiring affordable housing, many schemes deliver no affordable units at all.
- 2.4. Feedback from the Tourism Industry indicates that a growing number of small hotels, guest houses and other types of holiday accommodation are experiencing a decline in trade and are no longer viable as going concerns. The number of owners seeking to exit the market is growing and the availability of accommodation for repurposing has become more evident over the last year. It is felt that the repurposing project could make a greater contribution to meeting Torbay's Housing Need and a more ambitious target of bringing forward schemes to create up to 75 units of accommodation per year should be set. It is anticipated that the request for £20m of capital borrowing in this report would be sufficient to support the schemes at both the former Brampton Court and Seabury Hotels, provide additional financial capacity to secure and work up the next tranche of sites.

- 2.5. Government has asked all local authorities to accelerate house building throughout the United Kingdom. An increase to delivery numbers in the Accommodation Repurposing Scheme will help Torbay towards meeting that requirement. Furthermore, the Council intends to commit to this level of self-delivery through the emerging Torbay Local Plan, as a way of demonstrating how it will achieve its mandatory planning targets and kick-start the local construction sector. With the Local Plan including this as part of the delivery trajectory for housing (and specifically affordable housing), clearly it is necessary to ensure there is appropriate capital funding in place to meet this obligation.

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

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#### Recommendations for Cabinet:

1. That Cabinet notes that the existing total amount of Capital Grant Funding to support the project is £5 million, comprising £3 million from The Levelling Up Partnership and £2 million from The Devon and Torbay Devolution Deal, and notes that this grant funding will be used for both interim funding of schemes before Business Cases are finalised, and for part funding of completed schemes.
2. That Cabinet approves the principle of the funding model for the Accommodation Repurposing Project, namely that each scheme is funded by a combination of Homes England grant, an appropriate level of supported prudential borrowing, with any residual funding requirement made up from monies already received from the Levelling-Up Partnership, the Devon and Torbay Devolution Deal (or any other relevant affordable housing subsidy available to Torbay Council at the time).
3. That Cabinet approves the stated ambition to build a programme that is able to deliver an average of 75 units per year (over the coming years) through the Accommodation Repurposing Project and that the Director of Pride in Place be instructed to develop further schemes and present final business cases for approval to Cabinet.
4. That, subject to Full Council approving the £20 million prudential borrowing, that further schemes are developed with Full Business Case presented to Cabinet for approval.
5. That Cabinet requests that Head of Strategic Housing & Delivery prepare an annual report for Cabinet demonstrating progress against the project.

#### Recommendations to Council:

6. That £20 million of prudential borrowing be approved to part fund individual schemes within the Accommodation Repurposing Programme, subject to repayment of borrowing being supported by rental income from the schemes after deduction of projected management and operating costs and appropriate allowances for future maintenance cost of the properties (taking account of any grant funding that may be available for the individual site

## 4. Appendices

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- Appendix 1 - Torbay Housing Delivery Plan
- Appendix 2 – Template Social Housing capital finance proposal

## 5. Background Documents

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- None

## 6. Introduction

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- 6.1. The Accommodation Repurposing Programme involves the acquisition and conversion of former hotels and other redundant sites and buildings into new, high-quality housing for social rent. Although the main focus is expected to be to acquire sites formerly used as holiday accommodation, the project is not restricted to this former use type and may therefore include redundant sites formerly used for other purposes. Alongside the benefit of increasing housing supply, an additional benefit is that this will help prevent such sites entering a state of dereliction, as well as helping to prevent anti-social behaviour, and avoiding the plethora of public health issues associated with sites in disrepair.
- 6.2. The Council's ambition is to prove that our innovative delivery model can be a viable vehicle to increase the level of affordable housing and stimulate neighbourhood renewal and regeneration. Long-term, there is also an aspiration to stimulate the private and Registered Provider sectors to move into this space by demonstrating the positive outcomes that can be achieved. To achieve this, however, the Council will need to step in to 'prove the market', create commercial interest and demonstrate how the process can provide a source of suitable development land.
- 6.3. The Council has secured £3m of capital grant from the Levelling Up Partnership to use for this purpose, alongside a revenue allocation of £0.250m. This has been supplemented by securing £2m of funding through the Devon and Torbay Devolution Deal. The Accommodation Repurposing Project and its funding model have been designed to secure as much benefit in terms of number of units created as possible from the level of Grant available and this has resulted in the blending of available funding streams.
- 6.4. Schemes eligible for inclusion under the Accommodation Repurposing Project will be utilising sites recognised as brownfield sites and will always be for affordable housing. Most schemes are likely to be for general needs social rent but schemes for care leavers, older persons, people working in key employment industries and other restricted groups may be included where there is a demonstrable need and strategic imperative to intervene to help the cohort in question. Schemes will provide accommodation to match local housing needs but may also be influenced by factors such as site location, ease of access, availability of local facilities, transport links and other site specific factors when determining the type, size and scale of accommodation to develop in each location.
- 6.5. It is anticipated that schemes will generally enable between 6 and 25 units of accommodation to be delivered per site. A defined upper or lower limit on size will exist for

schemes. It is anticipated that most schemes will take place on sites when an existing business/use has ceased trading or operating but sites where it can be assessed that a trading business is and is likely to remain not financially viable will be considered for inclusion as schemes within the project. In such situations information demonstrating of lack of viability will be included in any scheme submitted for approval to the Director of Finance and Cabinet Member for Housing & Finance.

- 6.6. The Accommodation Repurposing Schemes will be able to cover a number of different delivery models, ranging from turnkey purchases to those where a demolition and rebuild is required. Other delivery solutions could be accommodated in the project to enable schemes to proceed in a timely and cost effective manner. Purchases of sites for inclusion in schemes may have planning permissions in place; may require amendment to existing planning consents or may require new planning applications to be obtained through the normal planning process. It is possible that a single site could include more than one delivery solution. For example, a site might support a new build alongside the refurbishment of an existing building on site. A flexible approach will be taken to look for the most productive solution for how to develop any site.
- 6.7. It is in the nature of this type of development that it will usually be necessary to purchase a property or incur other costs before the costs of rebuild or conversion can be determined, before a full business case can be prepared, and before an application for Homes England Funding can be submitted. This use the grant funding will be authorised by the Director of Finance
- 6.8. The intention will be to minimise the contribution from grant funding to each scheme to enable the grant funding to support as many units of accommodation as possible over future years. Funding from the Grants will however be used to cover scheme costs that cannot be met through Homes England Grant and Supported borrowing and any scheme cost overrun.
- 6.9. The Director of Finance will determine the most appropriate interest rate and method of applying finance charges, including MRP, appropriate for the programme and will determine the amount of prudential borrowing that can be allocated to each scheme in consideration of an appraisal of the net rental income. The Capital Growth Board will consider the robustness of business cases for each scheme within the programme before presentation to Cabinet for approval.
- 6.10. Each scheme will be managed by Torbay Council upon completion in accordance with the appropriate Council housing policies that cover rents, letting criteria, and how the properties will be managed. Local letting arrangements will be applied to ensure that schemes address identified priorities in housing need both for initial and subsequent lettings. A Local Lettings Plan will be adopted for each site to explicitly clarify the allocation criteria to be used for each project, and to set out the minimum local connection requirements (which will ensure that homes are let to households with a Local Connection to Torbay, through Devon HomeChoice). Where specific housing need is not identified, units will satisfy general housing need from the Housing Register.

- 6.11. Future ownership and management of properties will be reviewed by officers annually. Cabinet has previously stated an ambition to explore opportunities to dispose any accumulated social housing stock to a Registered Provider partner at a point in the future. The Council will need to assess whether such action will continue to meet its responsibilities to meet housing need and whether such sale is financially beneficial for the Council at that time. It is considered likely that schemes developed under the Accommodation Repurposing Project will remain within the Council's ownership and management for at least the 3-5 years.

## 7. Options under consideration

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- 7.1. Option 1 – do nothing. This would result in under performance against Local Plan/MHCLG delivery numbers.
- 7.2. Option 2 – proceed as set out. This would achieve all the objectives stated in this report and ensure delivery of a large capital housing programme of new homes for the benefit of households with a local connection to Torbay.
- 7.3. Option 3 – partial implementation (smaller scale ambition). This is an option; however, we would be more susceptible to market fluctuations in borrowing costs, and likely not be able to upskill and increase capacity to a sufficient level, which would impact upon our ability to deliver. It would also not signal the right level of commitment to the RP/private sector, which may hinder our ability to get longer-term buy-in or investment for wider growth.
- 7.4. **To achieve all of the stated ambitions, officers recommend proceeding with Option 2.**

## 8. Financial Opportunities and Implications

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- 8.1. The business case for the Brampton Court scheme was approved by Cabinet and Council in September 2024 on the basis of being fully funded by MHCLG Levelling Up Partnership grant. The creation of the long term sustainable model requires that grant be recycled and a revised funding model for the scheme is therefore necessary required to enable this and to internally free-up the financial headroom.
- 8.2. The second scheme at the former Seabury Hotel has been purchased and demolition of the existing premises is being progressed. At this point, the Council does not know the exact scale of development that can be achieved on the site and cannot therefore know how much grant funding is likely to be secured from Homes England. A revised planning consent will be sought to improve the mix of units and scheme viability; however, it has an existing consent that could be developed out if necessary. A full business case will be prepared for the Director of Finance and Cabinet Member in due course.
- 8.3. Further Accommodation Repurposing Schemes will be brought forward for approval, along with indicative plans of what the site will be used for, an interim business case, an expected funding model and an analysis of risks within the scheme in the event that funding from Homes England is not obtained at the expected level. Homes England grant is likely to provide between 30% and 50% of the capital needed for each scheme and a complete absence of such funding will be the biggest financial risk to any scheme (however, the team

leading this programme is highly experienced in delivering council-led social housing and has a track-record of securing millions of pounds of grant from Homes England to deliver schemes similar the Accommodation Repurposing Programme; Cabinet can be assured that the team will not progress any scheme that is considered unlikely to be deliverable or capable of securing grant funding from Homes England.

- 8.4. From time to time, Homes England's funding capacity is limited and there have been examples in the past of where programmes have run out of funding or government has changed its priorities to divert capital away from social housing. It is hoped and expected though, that the Government's increased housing ambitions will result in a higher and more consistent availability of Homes England funding and that the target of delivering up to 75 units of accommodation per year can be met without particular concern.

## 9. Legal Implications

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- 9.1. The council is exposed to risk in every commercial transaction it is involved in; this will of course include land acquisitions made to support the Accommodation Repurposing Programme. The acquisition process for both of the first schemes was complicated by historic freehold issues. To resolve these matters, officers brought on board specialist social housing and commercial conveyancers, and this is likely to be necessary for future (similar) projects in the future.
- 9.2. Officers will consider the risks for each scheme and create appropriate risk registers (and mitigation strategies) for each project as it progresses.

## 10. Engagement and Consultation

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- 10.1. Any scheme that goes through a planning process in respect of demolition, newbuild or conversion will have appropriate period of statutory consultation where member of the public (and any interested community groups) will be welcome to provide comments to inform scheme design and delivery. Officers anticipate that some schemes may also necessitate specific consultation with affected/nearby neighbouring groups in some circumstances.

## 11. Procurement Implications

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- 11.1. All projects will be delivered in accordance with established internal procurement requirements applicable for the site, at the point in time. The Head of Strategic Housing & Delivery has a good relationship with the Head and Deputy Head of Commercial Services, and advice on the most appropriate route to market is sought (and will continue to be sought) for each scheme as it comes forward to ensure compliance with the new procurement act.

## 12. Protecting our naturally inspiring Bay and tackling Climate Change

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- 12.1. Provision of new homes designed to meet the latest building regulations standards will help to improve the climate impact of the housing stock in Torbay overall.

- 12.2. Furthermore, the Accommodation Repurposing Project is specifically targeting brownfield sites over greenfield therefore protecting areas of high environmental quality etc. Similarly, some schemes will involve the re-use of existing buildings helping to minimise materials transferred to landfill and reduce the carbon impact of housing delivery.

## 13. Associated Risks

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- 13.1. Failure to adopt this programme will contribute to a greater stress on Local Plan delivery numbers, therefore likely increasing the number of homes that need to be delivered on greenfield sites going forward.
- 13.2. Furthermore, moving away from this priority now would put at risk the grant funding that has already been secured, and may require repayment of grant in accordance with any grant terms.

## 14. Equality Impact Assessment

| Protected characteristics under the Equality Act and groups with increased vulnerability | Data and insight   | Equality considerations (including any adverse impacts)  | Mitigation activities   | Responsible department and timeframe for implementing mitigation activities |
|--|--|--|---|---|
| Age  | <p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p> | <p>The flats would be let to occupants who are suitable to sustain a tenancy in the property.</p> <p>Considerations would be paid to accessibility requirements, support needs and suitability of location.</p>                            | <p>Understanding the future clients and the suitability of the dwelling</p>     | <p>Lettings and Housing Management</p>                                      |
| Carers   | <p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>   | <p>Lettings would not discriminate against the caring responsibilities of future tenants</p>   |   | <p>Housing Management and Lettings</p>                                      |
| Disability   | <p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>                       | <p>Due to the nature of converting existing buildings, it will not always be possible to create flats that are suitable for occupants with a physical disability. Any support needs would be assessed at the time of letting the homes</p> | <p>Consider accessibility and mental health needs in designs of conversions</p> | <p>Housing Delivery</p>   |

|                                |   |  |    |                                 |
|--------------------------------|---|--|----|---------------------------------|
| Gender reassignment            | In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.  | We would not discriminate against gender on general needs rented properties unless there was a specific requirement to have same sex accommodation, for example in the case of a women's refuge. | NA | ALL                             |
| Marriage and civil partnership | Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.   | The marital status of occupants should not influence the suitability of the flats. No adverse impact expected.   | NA | ALL                             |
| Pregnancy and maternity        | Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas. | Only homes with 2 or more bedrooms would be considered suitable for families.  | NA | Lettings and Housing Management |
| Race                           | In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.  | No adverse impact expected as we would not discriminate on the lettings of homes based on ethnicity  | NA | Lettings and Housing Management |

|   |   |   |  |                                 |
|---|---|---|--|---------------------------------|
| Religion and belief   | 64.8% of Torbay residents who stated that they have a religion in the 2021 census.  | No adverse impact expected as religion would not be a consideration in the lettings process   | NA   | Lettings and Housing Management |
| Sex   | 51.3% of Torbay's population are female and 48.7% are male  | No adverse impact expected as general needs lettings does not discriminate on gender  | NA   | Lettings and Housing Management |
| Sexual orientation  | In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.                | No adverse impact expected as sexual orientation is not discriminated against   | NA   | Lettings and Housing Management |
| Armed Forces Community  | In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces. | Theoretically, affordable housing is more likely to be available to former service personnel and their families, as there is a degree of preference awarded to such households when they join the housing register. | Consider needs during the lettings process | Lettings and Housing Management |
| <b>Additional considerations</b>  |   |   |  |                                 |
| Socio-economic impacts (Including impacts on child poverty and deprivation) |   | No negative impact expected. Affordable housing supports those in need of a safe and warm home, facilitating the improvement of socio-economic prosperity   | NA   | NA                              |
| Public Health impacts (Including  |   | By providing suitable, safe and warm affordable housing we can  | NA   | NA                              |

|  |   |   |    |                                 |
|--|---|---|----|---------------------------------|
| impacts on the general health of the population of Torbay) |   | lower public health impacts and improve the health of occupants.  |    |                                 |
| Human Rights impacts                                       |   | No negative impact expected   | NA | NA                              |
| Child Friendly   | Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people. | No negative impact expected as the allocation of homes will not discriminate against children. Only homes that have more than one bedroom will be suitable for children | NA | Lettings and Housing Management |

## 15. Cumulative Council Impact

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15.1. Not relevant

## 16. Cumulative Community Impacts

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16.1. Not relevant

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**Meeting:** Council

**Date:** 15 May 2025

**Wards affected:** Churston with Galmpton

**Report Title:** Brokenbury Solar Farm

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

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

**Director Contact Details:** Malcolm Coe, Director of Finance, [Malcolm.coe@torbay.gov.uk](mailto:Malcolm.coe@torbay.gov.uk)

## 1. Purpose of Report

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- 1.1. The approach to the delivery of the solar farm has now changed and, following the decision of the Cabinet on 15 April 2025 (pending the outcome of Call-in), will see the end user develop the Solar Farm as opposed to the Council. As such this report looks to rescind a previous Council decision to borrow money for the construction.

## 2. Reason for Proposal and its benefits

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- 2.1. By leasing its land the Council will no longer need to borrow money for the construction of the solar farm. All the costs associated with the delivery will now sit with the end user and not the Council.

## 3. Recommendation(s) / Proposed Decision

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- 3.1 That subject to the outcome of the Call-in process, the following decision of Council made on 18 July 2024 be rescinded:

‘that up to £2,750,000 of prudential borrowing be approved subject to securing a unit rate per MWh that exceeds the loan repayments, covers projected maintenance and other operational and equipment replacement costs and provides an appropriate surplus per annum over the life of the scheme commensurate with level of risk ‘.

## 4. Appendices

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None

## 5. Background Documents

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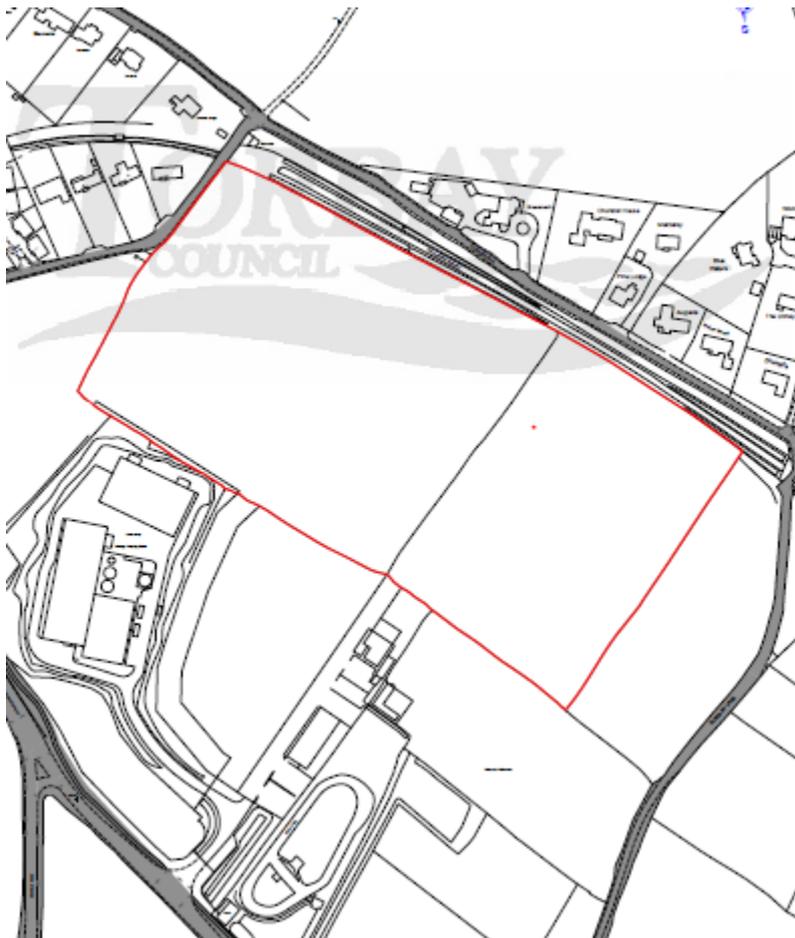
- Record of Decision Cabinet 15 April 2025 (Decision - Brokenbury Solar Farm) and Brokenbury solar farm Cabinet paper 15 April 2025 [Brokenbury.pdf](#)

## Supporting Information

### 6. Introduction

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- 6.1. On 11 June 2024 Cabinet approved funding for a solar farm at Brokenbury. A link to the previous report and record of decision can be found in section 5.
- 6.2. The two fields at Brokenbury (edged red below) are located off Bridge Road and to the north and east of the Southwest Water (SWW) treatment plant in Churston. The fields extend to 16.66 acres.



- 6.5. Planning consent has been obtained on 18.11.22 reference P/2021/0658. This is for a 2MWp solar farm. The consent has been granted for a 3-year time period whereby work must have started (but not completed). The below plan forms part of the planning consent and shows the location of the solar panels in blue.



lease term. The lease terms will restrict use of the land in alignment with the existing planning consent referred to above unless approved by the Council.

- 8.2. At present the Council's maintenance costs for the land are minimal. In granting a long lease to Pennon all such maintenance liabilities will be passed to the tenant.

## 9. Legal Implications

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- 9.1. A long lease is to be granted to Pennon, providing the tenant with the ability to build out the scheme in accordance with the existing planning consent referred to above. Each party will need to bear its own legal costs associated with the transaction.

## 10. Engagement and Consultation

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- 10.1. Public consultation for the project has been carried out in line with the usual planning application process.
- 10.2. The key stakeholder and end user of the renewable energy has been closely engaged with during the strategic work up of the project, which is ongoing.
- 10.3. A Communication Plan will be produced by Torbay Council Communications Team if the lease option is pursued. This will likely include local news and social media platforms.

## 11. Procurement Implications

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- 11.1. None.

## 12. Protecting our naturally inspiring Bay and tackling Climate Change

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- 12.1. On 24 June 2019, Torbay Council declared a 'Climate Emergency'. Torbay Council is a partner of and supports the work of the Devon Climate Emergency Response Group, which is aiming to produce a collaborative Devon-wide response to the climate emergency to achieve net zero carbon emissions by 2050 and prepare Devon for the necessary adaptation to infrastructure and services required to respond to climate change.
- 12.2. Torbay Council's current Energy and Climate Change Strategy describes how the Council will help minimize the economic, social and environmental costs of climate change by demonstrating leadership and providing encouragement in working toward emission reductions and resilience to our changing climate.
- 12.3. The UK government also has a net zero strategy "Build Back Greener". This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet Central Governments net zero target by 2050. Renewable energy including solar power forms part of this strategy.
- 12.4. The proposed solar farm would allow the end user to use sustainable electricity generated on Torbay Council owned land to power the end users site. The identified end users' site being SWW's Brokenbury Water Treatment Works serves residents throughout Torbay.

Delivery of the solar farm would be a positive step towards meeting the targets set out in the Climate Change Strategy.

The objective is to provide a 2MWP solar farm to generate renewable energy over a 25-year period which will:

Contribute to Torbay's net zero target by reducing our carbon footprint by 458.75 tonnes of CO<sub>2</sub> a year or 13,762.5 tonnes of CO<sub>2</sub> over a 30-year period and 18,350 tonnes of CO<sub>2</sub> over a 40 year period. These figures are approximate based on average sunlight.

## 13. Associated Risks

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- 13.1 The detailed lease terms are not yet agreed and as such there is a risk that terms cannot be agreed.

## 14. Equality Impact Assessment

| Protected characteristics under the Equality Act and groups with increased vulnerability | Data and insight   | Equality considerations (including any adverse impacts) | Mitigation activities | Responsible department and timeframe for implementing mitigation activities |
|--|--|---|-----------------------|---|
| Age  | <p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p> | no differential impact                                  |                       |   |
| Carers   | At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.  | no differential impact                                  |                       |   |
| Disability   | In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by  | no differential impact                                  |                       |   |

|                                |   |                        |  |  |
|--------------------------------|---|------------------------|--|--|
|                                | a physical or mental health condition or illness.   |                        |  |  |
| Gender reassignment            | In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.  | no differential impact |  |  |
| Marriage and civil partnership | Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.   | no differential impact |  |  |
| Pregnancy and Maternity        | Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas. | no differential impact |  |  |
| Race                           | In the 2021 Census, 96.1% of Torbay residents described   | no differential impact |  |  |

|                        |   |                        |  |  |
|------------------------|---|------------------------|--|--|
|                        | <p>their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.</p> |                        |  |  |
| Religion and belief    | <p>64.8% of Torbay residents who stated that they have a religion in the 2021 census.</p>   | no differential impact |  |  |
| Sex                    | <p>51.3% of Torbay's population are female and 48.7% are male</p>   | no differential impact |  |  |
| Sexual orientation     | <p>In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.</p>   | no differential impact |  |  |
| Armed Forces Community | <p>In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.</p>  | no differential impact |  |  |

| Additional considerations   |   |  |  |
|---|---|--|--|
| Socio-economic impacts (Including impacts on child poverty and deprivation)                 |   | no differential impact   |  |
| Public Health impacts (Including impacts on the general health of the population of Torbay) |   | Clean energy will prevent the use of fossil fuel alternative and help to sustain a cleaner atmosphere and environment for all in the local area. |  |
| Human Rights impacts  |   | no differential impact   |  |
| Child Friendly  | Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people. | no differential impact   |  |

## 15. Cumulative Council Impact

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15.1. None

## 16. Cumulative Community Impacts

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16.1. None

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## Record of Decisions

### Torbay Inclusion Strategy

#### Decision Taker

Cabinet on 15 April 2025

#### Decision

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 Inclusion Strategy for Torbay for 2025 - 2030 and that the Strategy be approved; and
2. subject to 1. above, the Inclusion Strategy for Torbay for 2025 – 2030 action plan as set out in Appendix 2 to the submitted report be approved.

#### Reason for the Decision

Under our Public Sector Equality Duty, the Council must publish one or more equality objectives every four years. The Inclusion Strategy aims to holistically bring together the Council's work on inclusion and its equality objectives into one overarching document to support the Council to meet its Public Sector Equality Duty.

#### Implementation

The decision in respect of 1. above will be considered at the Adjourned Annual Council meeting on 15 May 2025. The decision in respect of 2. above will come into force and may be implemented on 29 April 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Under the Equality Act the Council was subject to the Public Sector Equality Duty which meant that the Council needed to give 'due regard' to equality. The General Duty required the Council to:

- Eliminate unlawful discrimination, harassment, victimisation, and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and people who do not.

In August 2021, the Council set its equality objectives. The Council had subsequently refreshed its equality objectives which would sit within the Inclusion Strategy. The Council had taken steps to promote inclusion, however, the Council was aware that further work was needed to fully mainstream inclusion across the Council and was fully committed to doing so. The proposed equality objectives aimed to support the Council to continue this work in a meaningful and impactful manner. The equality objectives would be delivered through a mixture of business-as-usual activities and specific activity included within the Inclusion Action Plan.

At the meeting Councillor Tranter proposed and Councillor Tyerman 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**

An alternative option would be to not progress with an Inclusion Strategy or publish refreshed equality objectives.

This was not deemed to be a suitable option. The Council had a legal obligation to publish equality objectives. Under the Public Sector Equality Duty, it was important that the Council promoted and fully embedded inclusion. A strategic and joined up approach would help to achieve this.

### **Is this a Key Decision?**

No

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

Yes

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

None

### **Published**

17 April 2025

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

Date: 17 April 2025

**Meeting:** Cabinet / Council      **Date:** 15 April 2025 / 16 May 2025

**Wards affected:** All Torbay wards

**Report Title:** Torbay Inclusion Strategy

**When does the decision need to be implemented?** Upon consideration by Council on 16 May 2025

**Cabinet Member Contact Details:** Cllr Hayley Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities, hayley.tranter@torbay.gov.uk

**Director/Divisional Director Contact Details:** Matthew Fairclough-Kay, Director of Corporate Services, matthew.fairclough-kay@torbay.gov.uk

## 1. Purpose of Report

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- 1.1 This report shares with Cabinet the Torbay Inclusion Strategy and Action Plan which aims to support the Council to embed inclusion across the organisation. It also includes refreshed equality objectives.
- 1.2 The report also provides feedback from the Overview and Scrutiny Board for Cabinet's consideration.

## 2. Reason for Proposal and its benefits

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- 2.1 Under the Equality Act the Council is subject to the Public Sector Equality Duty which means that we need to give 'due regard' to equality. The General Duty requires us to:
  - Eliminate unlawful discrimination, harassment, victimisation, and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not, and
  - Foster good relations between people who share a protected characteristic and people who do not.
- 2.2 Under our Public Sector Equality Duty, we must publish one or more equality objectives every four years. Following a consultation, we last set our equality objectives in August 2021.
- 2.3 The Inclusion Strategy aims to holistically bring together the Council's work on inclusion and its equality objectives into one overarching document to support the Council to meet its

Public Sector Equality Duty. It also aims to respond to the feedback from the Council's Local Government Association (LGA) Corporate Peer Challenge which emphasised the need for more focused strategic inclusion activity.

- 2.4 The Strategy also builds upon the work of the Racism Review and aims to foster a shared commitment to inclusion within the Council. The Strategy has been guided by the LGA's Equality Framework for Local Government and is flexible enough to meet the needs of different departments and communities.
- 2.3 The Inclusion Strategy will form part of the Council's Policy Framework. The accompanying action plan incorporates updated equality objectives (following the consultation).

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

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That Cabinet recommends to Council:

- 3.1 That the list of Policy Framework documents set out in Torbay Council's Constitution be updated to include the Inclusion Strategy for Torbay for 2025 - 2030; and
- 3.2. Subject to 1. above, the Inclusion Strategy for Torbay for 2025 – 2030 action plan as set out in Appendix 2 to the submitted report be approved.

## Appendices

Appendix 1: Torbay Inclusion Strategy

Appendix 2: Equality, Diversity and Inclusion Action Plan

Appendix 3: Torbay Inclusion Strategy consultation response

Appendix 4: Cabinet's response to the recommendations of the Overview and Scrutiny Board

# 1. Supporting information

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- 1.1 In August 2021, the Council set its equality objectives. They are due to be refreshed by August 2025 as set out under the specific duties within the Equality Act.
- 1.2 The following equality objectives were set:
1. Ensure a wide range of voices are reached and heard in decision making and designing and delivering services.
    - Ensure all relevant groups are included in consultations.
    - Improve the accessibility of our events, meetings, information and communications. Strengthen our relationship with the community and encourage participation.
  2. Reduce inequalities so Torbay and its residents thrive.
    - Delivering on our Community and Corporate Plan ambition we will work to:
    - Ensure that all children are given the best start in life and families are supported.
    - Tackle lifestyle and economic issues which lead to inequality and poor health.
    - Ensure that older people age well and are physically, mentally and socially active.
  3. Consider and if approved implement the recommendations from the Torbay Racism Review Panel.
    - Maintain a legacy of the review.
    - Strengthen engagement networks.
  4. Support the diverse needs of our workforce. Our staff are one of our biggest assets and our employees come from a wide range of backgrounds with a variety of skills and knowledge. We are committed to supporting our staff and enabling them to provide the best possible service to our customers.
    - Demonstrating our Core Values, we will always be approachable, calm and respectful.
    - Create an environment where we act professionally and treat everyone with respect.
    - Ensure that policies and initiatives are in place so our staff can feel safe at work and carry out their duties without feeling bullied or discriminated against.
- 1.3 Since we adopted our equality objectives we have made progress towards achieving them. Some examples of this work has included;
- Working with our partners to deliver our Health and Wellbeing Strategy for Torbay which helps to inform the planning of future care and ensures that we respond to the areas of greatest need.
  - Launching the new Multiple Complex Needs Alliance.
  - Employing an officer whose job focuses on promoting inclusion as recommended by the Racism Review.
  - Drafting and developing our People Strategy.
  - Reviewing our inclusion training offer and commissioning additional inclusion related learning and development opportunities.

- Ensuring that policies and initiatives are in place so our staff can feel safe at work and carry out their duties without feeling bullied or discriminated against.
- 1.4 We are proud of the steps that we have taken to promote inclusion, however we are aware that further work is needed to fully mainstream inclusion across the Council and are fully committed to doing so. Our proposed equality objectives aim to support us to continue this work in a meaningful and impactful manner. See our [Annual Equality Report](#) for more detailed information on the progress we have made towards our equality objectives.
- 1.5 Our refreshed proposed equality objectives aim to support us to continue this work in a meaningful way. They are;
1. Ensure a wide range of voices are reached and heard in decision making and designing and delivering services.
    - Ensure all relevant groups are included in consultations.
    - Improve the accessibility of our events, meetings, information and communications. Strengthen our relationship with the community and encourage participation.
  2. Ensure that we embed inclusion into our procurement framework and clearly communicate our commitment towards inclusion with potential suppliers.
  3. Continue to implement the recommendations from the Torbay Racism Review Panel.
    - Maintain a legacy of the review.
    - Strengthen engagement networks.
  4. Support the diverse needs of our workforce. Our staff are one of our biggest assets and our employees come from a wide range of backgrounds with a variety of skills and knowledge. We are committed to supporting our staff and enabling them to provide the best possible service to our customers.
    - Demonstrating our Core Values, we will always be approachable, calm and respectful.
    - Create an environment where we act professionally and treat everyone with respect.
    - Ensure that policies and initiatives are in place so our staff can feel safe at work and carry out their duties without feeling bullied or discriminated against.
  5. Raise awareness of the importance of ensuring that our services are accessible.
- 1.6 Once approved the refreshed equality objectives will sit within the Inclusion Strategy. The equality objectives will be delivered through a mixture of business-as-usual activities and specific activity included within the inclusion action plan which will sit alongside the final published Inclusion Strategy.

## 2. Options under consideration

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- 2.1 The options considered were:

(i) To not progress with an Inclusion Strategy or publish refreshed equality objectives.

2.2 This was not deemed to be a suitable option. The Council has a legal obligation to publish equality objectives. Under our Public Sector Equality Duty, it is important that we promote and fully embed inclusion. A strategic and joined up approach will help us to achieve this.

### 3. Financial Opportunities and Implications

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3.1 No further funding is required at this stage.

### 4. Legal Implications

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4.1 The Inclusion Strategy includes care experience and the armed forces community within the list of protected characteristics. By including care experience and the armed forces community within the list of protected characteristics and, in turn treating them as protected characteristics, there is a risk that this could cause confusion. This is because it could blur the line between groups that are included within the Equality Act as a protected characteristic, and those which are not.

### 5. Engagement and Consultation

---

5.2 To inform the development of the Inclusion Strategy and action plan, consultation and engagement took place with key stakeholders and community groups throughout January and February 2025.

5.3 An online consultation was opened on Monday 6 January 2025 and closed on 2 March 2025 to enable a range of voices to be heard and inform the final Inclusion Strategy.

5.4 Information about the Inclusion Strategy consultation is published on the Council's website. It has been shared via a members' briefing, emails to key stakeholders and through posts on LinkedIn. Online engagement conversations were also held with local partners/ community groups and one online session was held with Council colleagues.

5.4 As part of the consultation process the draft Inclusion Strategy was shared with the Overview and Scrutiny Board on 12 February 2025. The Board made the recommendation that Cabinet be recommended to approve the draft Inclusion Strategy for Torbay for 2025-2030 subject to the following:

- Consider how the MyBay benefits can be expanded to help young Carers who do not drive, for example a free bus pass; and
- Request that the Director of Adult Services to liaise with the local cemeteries providers to see how they have considered providing suitable provisions for all religious communities.

The Cabinet's response to the recommendations of the Overview and Scrutiny Board are set out in Appendix 4

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

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6.1 Not applicable within this proposal.

## 7. Tackling Climate Change

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7.1 No adverse impacts on climate change are anticipated.

## 8. Associated Risks

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8.1 The absence of a strategy will result in a lack of cohesion around our inclusion work, resulting in lost opportunities or duplication.

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

| Protected characteristics under the Equality Act and groups with increased vulnerability | Data and insight  | Equality considerations (including any adverse impacts) | Mitigation activities | Responsible department and timeframe for implementing mitigation activities |
|--|---|---|-----------------------|---|
| Age  | 18 per cent of Torbay residents are under 18 years old.<br>55 per cent of Torbay residents are aged between 18 to 64 years old.<br>27 per cent of Torbay residents are aged 65 and older. | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |
| Carers   | At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.   | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |
| Disability   | In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.               | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |
| Gender reassignment  | In the 2021 Census, 0.4% of Torbay's community  | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |

| Protected characteristics under the Equality Act and groups with increased vulnerability | Data and insight  | Equality considerations (including any adverse impacts) | Mitigation activities | Responsible department and timeframe for implementing mitigation activities |
|--|---|---|-----------------------|---|
|  | answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.   |   |                       |   |
| Marriage and civil partnership   | Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.   | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |
| Pregnancy and maternity  | Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas. | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |
| Race   | In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This  | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |

| Protected characteristics under the Equality Act and groups with increased vulnerability | Data and insight  | Equality considerations (including any adverse impacts) | Mitigation activities | Responsible department and timeframe for implementing mitigation activities |
|--|---|---|-----------------------|---|
|  | is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England. |   |                       |   |
| Religion and belief  | 64.8% of Torbay residents who stated that they have a religion in the 2021 census.  | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |
| Sex  | 51.3% of Torbay's population are female and 48.7% are male  | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |
| Sexual orientation   | In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.                                    | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |
| Armed Forces Community   | In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,   | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |

| Protected characteristics under the Equality Act and groups with increased vulnerability    | Data and insight   | Equality considerations (including any adverse impacts) | Mitigation activities | Responsible department and timeframe for implementing mitigation activities |
|---|--|---|-----------------------|---|
|   | 5.9 per cent of the population have previously served in the UK armed forces.  |   |                       |   |
| <b>Additional considerations</b>  |  |   |                       |   |
| Socio-economic impacts (Including impacts on child poverty and deprivation)                 |  | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |
| Public Health impacts (Including impacts on the general health of the population of Torbay) |  | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |
| Human Rights impacts  |  | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |
| Child Friendly  | Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared | No adverse impacts are anticipated from this decision.  | Not applicable        | Not applicable  |

| Protected characteristics under the Equality Act and groups with increased vulnerability | Data and insight                                    | Equality considerations (including any adverse impacts) | Mitigation activities | Responsible department and timeframe for implementing mitigation activities |
|--|---|---|-----------------------|---|
|  | for and care experienced children and young people. |   |                       |   |

## 10. Cumulative Council Impact

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10.1 None

## 11. Cumulative Community Impacts

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11.1 None



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## Inclusion Plan

### Introduction

Equity means treating people fairly. Diversity means understanding that everyone is different. Inclusion means that everyone is included and feels welcome. It is about seeing and valuing people's differences. Inclusion also means supporting people and providing help in different ways when people need it.

The Torbay Inclusion Plan has been written to make sure that this is a place where everyone is treated fairly. This plan is for everyone who works at the Council including our councillors. It includes our services and how we work and support our staff and how we work with different organisations.

The Torbay Inclusion Plan follows the Racism Review which looked at how we can make Torbay a welcoming place for everyone. The Inclusion plan supports work such as Child Friendly Torbay, the Carers Strategy, Age friendly and others.

### Our legal duties

We must follow the Equality Act to make sure that we treat people fairly and with respect. You can read more about our legal duties on our website.

We must make sure that we do not treat people unfairly because of their background, identity or experience. These are known as the protected characteristics which are:

- age
- Care experience
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

We treat care experience as though it is a protected characteristic as we know that people who have been in care face lots of challenges. We also make sure that we promote equality and do not treat members of the armed forces community unfairly under our Armed Forces Covenant Duty.

To be inclusive we will:

- Treat people fairly and with respect
- Challenge unfair treatment
- Help people to feel safe and welcome in Torbay
- Help people to have easy access to our services.
- Help people from different backgrounds to have similar life chances

- Create good relationships between communities in Torbay
- Change the way we do things to meet different people's needs
- Look at how our policies may effect different groups of people

## How we will be inclusive

### The Equality Framework for Local Government

We have used the Equality Framework for Local Government and its different areas to help us write this Plan. The Equality Framework for Local Government was created by the Local Government Association to help local councils be more inclusive.

### Understanding and working with your communities

To help us meet the needs of different communities in Torbay and to support us to work well together we will:

- Collect and share information about our communities
- Use inclusion data to help us to decide what to do
- Identify how we will listen to different communities
- Support good relationships between communities and with the Council
- Support people to volunteer and get involved in their communities

### Leadership, partnership and organisational commitment

To show that our leadership and our partners are inclusive we will:

- Support councillors and senior leaders to support and raise awareness of inclusion
- Work with our partners and support them to be inclusive
- Look at the effects of our decisions on different groups of people and complete an equality impact assessment
- Support councillors to feel confident to understand the possible inclusion impacts of a decision
- Publish an annual report to show where progress has been made
- Celebrate the different communities living in Torbay

### Responsive services and customer care

To show that our leadership and our partners are inclusive we will:

- Buy our services and products in an inclusive way
- Look at our equality objectives when planning services
- Change the way we deliver services to meet the needs of different people
- Provide information, advice and guidance in a way that is easy for everyone to access and understand

## Diverse and engaged workforce

We have a People Strategy which is the plan for how we will be an even greater place to work. To help make this an inclusive place and to support the People Strategy we will:

- Support people from different backgrounds who work here
- Put in place policies that meet the needs of our workforce
- Look at our workforce data
- Provide different training and learning opportunities to help our staff understand equality and diversity
- Put in place reasonable adjustments
- Make this a welcoming place to work

## Making it happen

To make our services welcoming and inclusive in Torbay we will focus on key areas. These areas are known as our equality objectives and are:

- Listen to different people and communities when the Council makes a decision.
- Be clear with the organisations and people that the Council buys services and products from that inclusion is important to the Council.
- Continue to complete the actions from the Racism Review.
- Support our staff to understand what they need to do and how they need to behave to be inclusive.
- Continue to raise awareness of the importance of reasonable adjustments.

More information about our equality objectives can be found on our website.

## Reasonable Adjustments: Small Changes - Big differences

Reasonable adjustments are small changes which the law says must be made so that people with disabilities can use services as easily as everyone else. They may be small changes but they make a big difference to the lives of people with learning disabilities.

Having reasonable adjustments can help people to take part in their community, give them more independence, get better health care and live longer. Services which must be provided (statutory) should be showing other organisations how to make reasonable adjustments so everyone can see how important they are and what a difference they make.

The Learning Disability Ambassadors have told us that having reasonable adjustments can help people to take part in their community, give them more independence, get better health care and live longer. The work we do to deliver our Inclusion Plan will support The Big Plan and will include reasonable adjustments in everything that happens.

We also know that other groups of people may benefit from support to access our services. For example, someone who speaks English as a second language and needs to use an interpreter. We are working hard to make sure that our services are accessible.

## The Torbay Inclusion Partnership

The Torbay Inclusion Partnership is being set up to help us listen to the needs and views of different groups of people when it makes decisions. It will also help us to deliver this Inclusion Plan. The group will be made up of organisations working with different communities and people who make decisions within the Council.

The Partnership Board aims to:

- Promote fairness and respect
- Promote partnership working
- Listen to their views and needs of different groups
- Act as a 'critical friend' on inclusion issues
- Help us to understand the impacts from our decisions.

## Making the Inclusion Plan happen in Torbay

Making everything inclusive will take time. The Torbay Inclusion Partnership Board will agree the actions to be completed each year. The Council's Senior Leadership Team will oversee this. The action plan will then be approved by the Council's Director of Corporate Services who will be updated every three months with progress.

The Council's Partnerships and Inclusion Manager will write the actions and report on behalf of the Partnership Board. They will also write an annual report about the work that has been done and the progress that has been made. There will be actions which other groups need to take to make sure The Inclusion Plan happens. It is important for everyone to work together to make change happen. The annual report will need to include information from other plans too.

## Policy and legislation (Laws)

The Inclusion Plan includes work which the Government has written about and made laws about.

These include:

- The Human Rights Act (1998)
- The Equality Act (2010)
- The Armed Forces Covenant (2021)
- The Accessible Information Standard (2017)

For more information please contact us:

By email:

[engagement@torbay.gov.uk](mailto:engagement@torbay.gov.uk)

By telephone:

01803 201201

By post:  
Policy, Performance and Community Engagement Team  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

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## Appendix B: Equality, Diversity, and Inclusion Action Plan 2025 - 2026

The Council's Equality, Diversity, and Inclusion Action Plan has been developed to support the Council to the deliver its Public Sector Equality Duties under the Equality Act.

The Plan will be updated annually to reflect changes within the system and, emerging issues. Progress will be monitored through an annual report alongside quarterly progress reports which will be shared with directors.

The activity contained within this action plan aligns with the Equality Framework for Local Government (EFLG) which aims to support local authorities to meet their Public Sector Equality Duties. Activities within this action plan are grouped within those following EFLG thematic areas:

- Understanding and Working with Communities
- Leadership and Organisational Commitment
- Responsive Services and Customer Care
- Diverse and Engaged Workforce

## Understanding and working with communities

Understanding and working with communities focuses on five themes aim to promote positive relationships and ways of working with our communities and partners. They include;

- Collecting and sharing information
- Analysing and using data and information
- Effective community engagement
- Fostering good community relations
- Participation in public life

| No.      | Outcome  | Activity  | Lead                                    | Timeline   |
|----------|--|---|---|------------|
| Page 138 | A diverse range of voices are heard during engagement activity.  | <ul style="list-style-type: none"> <li>• Review our current engagement practices to ensure as many different voices as possible are heard.</li> <li>• Promote and integrate the latest research and guidance on accessible communications and inclusive language into our engagement activities.</li> <li>• Continue to build relationships with key underrepresented groups.</li> </ul>      | Policy, Performance and Engagement Team | March 2026 |
| 2.       | We understand who communities are and have a greater awareness and understanding of the barriers facing different communities. | <ul style="list-style-type: none"> <li>• Publish information about local community to meet our specific reporting requirements under our Public Sector Equality Duty.</li> <li>• Pull together data and insight on each of the protected characteristics to support decision making and help to aid colleagues in understanding the barriers that different groups of people face.</li> </ul> | Policy, Performance and Engagement Team | May 2026   |

|    |   |   |   |  |
|----|---|---|---|--|
| 3. | Awareness and understanding of hate crime and its impacts is increased.   | <ul style="list-style-type: none"> <li>• Work with our partners to raise awareness of hate crime, its impacts and the support available for victims.</li> </ul>   | Community Safety Partnership                              | Ongoing with quarterly progress update |
| 4. | Ensure that older people age well and are physically, mentally and socially active and are respected for their skills and contributions.; | <ul style="list-style-type: none"> <li>• Support the implementation of WHO Age Friendly Torbay status</li> <li>• Select Age Friendly domains for focused work.</li> </ul>   | Public Health Team  | Ongoing                                |
| 5. | There is a mechanism in place for different communities to share their views on consultations and equality impact assessments.            | <ul style="list-style-type: none"> <li>• An Inclusion Partnership is set up to enable different perspectives to help inform Council decision making. The Group includes representation across the protected characteristics.</li> </ul> | Policy, Performance and Engagement Team and Public Health | August 2025                            |

## Leadership and Organisational commitment

Understanding and working with communities focuses on four themes which recognise that strategic leadership – both political and managerial – is key to establishing a strong vision for equality and improving equality outcomes. The five themes include;

- Leadership Priorities and working in partnership
- Assessing equality impact in policy and decision taking
- Equality objectives and annual reporting
- Performance monitoring and scrutiny

| No.      | Outcome  | Activity   | Lead  | Timeline      |
|----------|--|--|---|---------------|
| Page 140 | The approach to inclusion is mirrored by the Council's wholly owned companies. | <ul style="list-style-type: none"> <li>• Work with relevant colleagues to ensure that the Council's approach to inclusion is mirrored by its wholly owned companies.</li> </ul>  | Policy, Performance and Engagement Team and Human Resources | December 2026 |
| 7.       | We robustly assess the impacts our decisions could have on different groups.   | <ul style="list-style-type: none"> <li>• Carry out an audit of equality impact assessments once a year to assess the quality and ensure that mitigation activities are being followed through and put in place.</li> <li>• Colleagues are provided with EIA support and encouraged to support their peers when completing an EIA.</li> </ul> | Policy, Performance and Engagement Team                     | December 2025 |

|     |   |  |   |                               |
|-----|---|--|---|-------------------------------|
| 8.  | We have a mechanism in place to gather feedback and build relationships with diverse communities. | <ul style="list-style-type: none"> <li>• Work with our partners to contribute to developing a community partnership specifically for minoritised ethnic communities.</li> </ul>  | Policy, Performance and Engagement Team | June 2025                     |
| 9.  | We identify trends to minimise negative experiences of our services.                              | <ul style="list-style-type: none"> <li>• Monitor complaints quarterly to identify any trends from an inclusion perspective and take remedial action where appropriate.</li> </ul>  | Information Governance                  | Ongoing with quarterly review |
| 10. | We understand who is using our services.  | <ul style="list-style-type: none"> <li>• Conduct a data audit to identify which data is currently collected locally by services.</li> <li>• Compare the proportion of those from different communities using services to the demographics in the community.</li> <li>• Draft demographic monitoring form and guidance and raise awareness of it internally.</li> </ul> | Policy, Performance and Engagement Team | September 2025                |
| 11. | We encourage a wide range of people to stand as councillors.                                      | <ul style="list-style-type: none"> <li>• Guided by the LGA we share communications and hold an information session to raise awareness of the role of a councillor to increase the diversity of those standing for election.</li> </ul>   | Governance Support Team                 | March 2026                    |
| 12. | Our services are accessible to speakers of different languages.                                   | <ul style="list-style-type: none"> <li>• Put in a place a new contract for foreign language translation and interpretation and raise awareness of the contract internally.</li> </ul>  | Policy, Performance and Engagement Team | March 2026                    |

## Diverse and engaged workforce

Diverse and engaged workforce focuses on five themes aim to promote equality and foster inclusion within the workforce. They include;

- Workforce diversity
- Inclusive strategies and policies
- Collecting, analysing and publishing workforce data
- Learning and Development
- Health and wellbeing

| No.      | Outcome  | Activity  | Lead  | Timeline      |
|----------|--|---|---|---------------|
| Page 142 | The organisation feels welcoming and inclusive for job applicants. | <ul style="list-style-type: none"> <li>• Recruiting managers and staff are trained and provided with guidance to ensure inclusive recruitment.</li> </ul>   | Human Resources and all managers                            | June 2025     |
| 14.      | We understand who employees are.                                   | <ul style="list-style-type: none"> <li>• Draft and publish the annual workforce report to enable us to understand our workforce demographics.</li> <li>• Draft and publish the annual gender pay gap report to enable us to understand our workforce demographics.</li> </ul> | Policy, Performance and Engagement Team and Human Resources | February 2026 |
| 15.      | Equality is embedded within the service performance framework      | <ul style="list-style-type: none"> <li>• All senior leaders within the Council have inclusion related performance objectives within their service plans and personal development plans.</li> </ul>  | Policy, Performance and Engagement Team                     | April 2026    |

|     |   |   |   |                                  |
|-----|---|---|---|----------------------------------|
| 16. | Staff from different backgrounds and with different experiences are provided with opportunities to come together.   | <ul style="list-style-type: none"> <li>Continue to support, resource and listen to the Staff Networks and identify what activity is required to further grow the networks.</li> </ul>   | Policy, Performance and Engagement Team                     | Ongoing with review each quarter |
| 17. | We understand our workforce.  | <ul style="list-style-type: none"> <li>Gather and analyse workforce data to enable us to better understand trends within the workforce and within our recruitment activities.</li> </ul>  | Human Resources   | September 2025                   |
| 18. | Managers are equipped with the skills to support their employees and deliver their services in an equitable manner. | <ul style="list-style-type: none"> <li>Review our inclusion related learning and development provision for managers.</li> <li>Deliver manager equality, diversity and inclusion training as part of the Manager's Framework.</li> </ul> | Policy, Performance and Engagement Team and Human Resources | Ongoing 2026                     |
| 20. | There are clear learning and development opportunities around inclusion.  | <ul style="list-style-type: none"> <li>Review the all-staff e-learning course.</li> <li>Provide inclusion induction sessions.</li> </ul>  | Policy, Performance and Engagement Team and Human Resources | June 2025                        |
| 20. | There is a positive and inclusive organisational culture.   | <ul style="list-style-type: none"> <li>Regularly monitor the organisational culture at Torbay by including a question about EDI within staff surveys and check ins.</li> </ul>  | Human Resources   | March 2026                       |
| 21. | We understand who employees are.  | <ul style="list-style-type: none"> <li>Run an internal campaign to encourage employees to update their sensitive information.</li> </ul>  | Human Resources   | March 2026                       |

|     |  |  |                     |                                  |
|-----|--|--|---------------------|----------------------------------|
| 22. | The Council's recruitment process is inclusive.  | <ul style="list-style-type: none"> <li>• Refresh the Council's equality statement on the recruitment pages.</li> <li>• Develop a recruitment comms plan to encourage applications from underrepresented groups.</li> <li>• Update the Council's external recruitment webpages with a diverse range of people to attract talent.</li> </ul> | Human Resources     | September 2025                   |
| 23. | We retain a diverse range of talent and we understand why people are leaving the organisation. | <ul style="list-style-type: none"> <li>• Regularly review exit form to identify if there are any equality trends emerging.</li> </ul>  | Human Resources     | Ongoing with review each quarter |
| 24. | Ensure that all children are given the best start in life and families are supported.          | <ul style="list-style-type: none"> <li>• Explore how we can best support international Social Workers to help them to get the best outcomes for families and children in Torbay.</li> </ul>  | Children's Services | Ongoing                          |
| 25. | Staff are supported to continue to improve their cultural competence and confidence.           | <ul style="list-style-type: none"> <li>• Cultural Awareness training is offered.</li> <li>• Guidance is provided on some cultural/traditions and practices.</li> <li>• Guidance and support is provided around engagement activities with different communities.</li> </ul>  | Human Resources     | February 2026                    |

## Responsive services

Responsive services focuses on theme which aim to ensure that the different needs of communities and individuals are met and that services are accessible. They include;

- Commissioning and procuring services
- Integration of equality objectives into service planning
- Service delivery

|     |  |  |   |  |
|-----|--|--|---|--|
| 26. | Equality considerations are appropriately addressed within our procurement processes and contract management arrangements. | <ul style="list-style-type: none"> <li>• Review current procurement processes and embed inclusion into the processes where appropriate.</li> <li>• Develop guidance for staff who are buying things so that we can be clear with our suppliers/ providers that we expect them to promote equality and inclusion and comply with the Equality Act.</li> </ul> | Procurement Team                        | September 2025   |
| 27. | Our website is accessible  | <ul style="list-style-type: none"> <li>• Develop and deliver our Digital Accessibility Plan</li> <li>• Implement an accessibility toolbar and regularly review any feedback gathered from its use.</li> </ul>  | Policy, Performance and Engagement Team | December 2025  |
| 28. | Our Adult Social Care  | <ul style="list-style-type: none"> <li>• We deliver our Adult Social Care Equality, diversity and Inclusion Action Plan.</li> <li>• We reflect on the findings from the LGBT+ community survey and agree actions to take forward.</li> </ul>   | Adult Social Care                       | Ongoing  |
| 29. | There is greater awareness across the organisation of children's rights.   | <ul style="list-style-type: none"> <li>• We work towards achieving Child Friendly organisation and city status.</li> </ul>   | Children's Services                     | Ongoing<br>Will be reported through reporting on Child Report. |
| 30. | Our events, meetings, information and communications are accessible.   | <ul style="list-style-type: none"> <li>• Review the information that is currently published about our events.</li> <li>• Ensure that accessibility information is provided in advance of an event and during an event.</li> <li>• Articulate clearly our expectations of suppliers around equality if they deliver events on Council premises.</li> </ul>    | Events Team                             | September 2025   |

|          |  |  |   |                |
|----------|--|--|---|----------------|
| 31.      | Our services are accessible for people experience hearing loss or those who are Deaf.                          | <ul style="list-style-type: none"> <li>• Ensure all relevant departments are aware of and understand the requirements of the British Sign Language (BSL) Act and have a consistent and clear approach to BSL provision within the Council.</li> </ul>  | Policy, Performance and Engagement Team | September 2025 |
| 32.      | We aim to improve the accessibility of Council buildings.  | <ul style="list-style-type: none"> <li>• Draft an options paper to consider if an accessibility strategy would be viable for the Council.</li> </ul>   | Policy, Performance and Engagement Team | August 2025    |
| Page 146 | Increase awareness of the Council's legal duty under the Armed Forces Act (2021).                              | <ul style="list-style-type: none"> <li>• Develop and embed an e-learning Armed Forces Act module for relevant staff.</li> <li>• Foster an increased awareness of the Armed Forces Duty and the Covenant through managers' briefings and internal comms.</li> <li>• Continue to support and promote awareness of the Armed Forces Community staff network.</li> </ul> | Corporate Services                      | October 2025   |
|          | The Council is confident that its providers are sharing its commitments to inclusion and anti-racist practice. | <ul style="list-style-type: none"> <li>• Develop a position statement for potential providers/ suppliers to communicate our expectations of them to promote equality and inclusion and comply with the Equality Act.</li> </ul>  | Procurement Team                        | September 2025 |

## Inclusion Strategy - Consultation Report

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## Introduction

The Council published its draft Inclusion Strategy in January 2025. An online survey was created to gather public views on the draft Strategy. An easy read survey Paper surveys were available on request. A small number of surveys were also available in libraries in Torbay.

The consultation opened on Monday 6 January and closed on Sunday 2 March.

The consultation was promoted in several ways. This included:

- Member briefing
- The Council's e-Newsletter One Torbay
- Through staff news updates (as the majority of our employees are also Torbay residents)
- Social media (Linked Inn)
- On the Consultation webpage on the Councils website
- Email distribution lists

There were 73 responses to the consultation survey, all but one was received online. All percentages shown within this report use the number of people that completed the survey as the denominator. All comments within this report are shown as written by the respondent. .

As part of the consultation the Overview and Scrutiny Board considered the draft Strategy.

A summary of responses to the consultation survey (as %) are shown in the table on the next page. Note that one response was a written response and all questions were optional, so percentages may not add up to 100 for all questions.

:

## Responses to the Proposals

This section of the paper provides information on the responses to each of the questions included within the Inclusion Strategy consultation.

### Draft Torbay Inclusion Plan

How much do you agree with the draft Torbay Inclusion Plan?

|                                      | Number | Percentage |
|--------------------------------------|--------|------------|
| Strongly agree with this proposal    | 27     | 36         |
| Agree with this proposal             | 28     | 37         |
| Neither agree nor disagree           | 11     | 14         |
| Disagree with this proposal          | 4      | 5          |
| Strongly disagree with this proposal | 2      | 3          |

### Our proposed equality objectives

#### Engagement

Do you agree with the equality objective to listen to different people and communities when the Council makes a decision?

|                                      | Number | Percentage |
|--------------------------------------|--------|------------|
| Strongly agree with this proposal    | 42     | 55         |
| Agree with this proposal             | 22     | 29         |
| Neither agree nor disagree           | 7      | 9          |
| Disagree with this proposal          | 3      | 4          |
| Strongly disagree with this proposal | 0      | 0          |

#### Procurement

Do you agree with the equality objective to be clear with the organisations and people that the Council buys services and products from that inclusion is important to the Council?

|                                   | Number | Percentage |
|-----------------------------------|--------|------------|
| Strongly agree with this proposal | 40     | 54         |
| Agree with this proposal          | 21     | 28         |
| Neither agree nor disagree        | 10     | 14         |

|                                      |   |   |
|--------------------------------------|---|---|
| Disagree with this proposal          | 3 | 3 |
| Strongly disagree with this proposal | 0 | 0 |

### Racism Review

Do you agree with the equality objective to continue to complete the actions from the remaining Racism Review?

|                                      | Number | Percentage |
|--------------------------------------|--------|------------|
| Strongly agree with this proposal    | 39     | 53         |
| Agree with this proposal             | 19     | 26         |
| Neither agree nor disagree           | 11     | 15         |
| Disagree with this proposal          | 2      | 3          |
| Strongly disagree with this proposal | 3      | 4          |

### Learning and development opportunities for staff

Do you agree with the equality objective to support our staff to understand what they need to do and how they need to behave to be inclusive?

|                                      | Number | Percentage |
|--------------------------------------|--------|------------|
| Strongly agree with this proposal    | 44     | 59         |
| Agree with this proposal             | 18     | 24         |
| Neither agree nor disagree           | 8      | 11         |
| Disagree with this proposal          | 2      | 3          |
| Strongly disagree with this proposal | 2      | 3          |

### Reasonable Adjustments

Do you agree with the equality objective to continue to raise awareness of reasonable adjustments?

|                                      | Number | Percentage |
|--------------------------------------|--------|------------|
| Strongly agree with this proposal    | 44     | 61         |
| Agree with this proposal             | 14     | 19         |
| Neither agree nor disagree           | 9      | 13         |
| Disagree with this proposal          | 2      | 3          |
| Strongly disagree with this proposal | 3      | 4          |

## Additional views on Inclusion Plan

Respondents were provided with an opportunity to share any other comments or views they had on the draft Inclusion Plan. The below section highlights some of these comments.

| Theme                     | Summary   |
|---------------------------|---|
| Leadership and commitment | Political and organisational leadership and commitment was seen as key to ensure that the commitments within the Inclusion Strategy become reality. |
| Discrimination            | A small number of respondents mentioned that either they or someone they know had been a victim of discrimination.                                  |
| Engagement                | Respondents were keen any engagement that the Council does is meaningful and representative.  |

## Additional views on inclusion within Torbay

Respondents were provided with an opportunity to share any other comments including their own experiences of inclusion within Torbay. The below section highlights some of these comments.

| Theme                     | Summary   |
|---------------------------|---|
| Leadership and commitment | Political and organisational leadership and commitment was seen as key to ensure that the commitments within the Inclusion Strategy become reality. |
| Reasonable adjustments    | Several comments focused on the importance of meeting people's needs and treating people with dignity.  |

## Appendix B: Easy Read survey

An easy read version of the survey was made available on the Council's website. One person completed an easy read version of the survey. This response is included in the analysis.

## Appendix D: Consultation questionnaire respondent profile

This section of the paper provides information on the demographics of the survey respondents.

How are you responding to this survey?

| Option                         | Total | Percentage |
|--------------------------------|-------|------------|
| As an individual               | 55    | 25         |
| As a member of an organisation | 18    | 75         |

Do you live or work in Torbay?

| Option | Total | Percentage |
|--------|-------|------------|
| Yes    | 70    | 96         |
| No     | No    | 0          |
| Other  | 3     | 4          |

What is your sex?

| Option            | Total | Percentage |
|-------------------|-------|------------|
| Female            | 42    | 59         |
| Male              | 23    | 32         |
| Prefer not to say | 6     | 8          |

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

| Option                           | Total | Percentage |
|----------------------------------|-------|------------|
| White                            | 61    | 90         |
| Mixed ethnicity                  | 3     | 4          |
| Asian or Asian British           | 2     | 3          |
| Black or Black British           | 0     | 0          |
| My ethnicity is not listed above | 2     | 3          |

Do you consider yourself to be a carer?

| Option            | Total | Percentage |
|-------------------|-------|------------|
| Yes               | 16    | 23         |
| No                | 52    | 74         |
| Prefer not to say | 2     | 3          |

Employment Status – Select only one

| Option                               | Total | Percentage |
|--------------------------------------|-------|------------|
| Working full-time in Torbay          | 29    | 41         |
| Working full-time elsewhere in Devon | 2     | 3          |
| Working part-time in Torbay          | 12    | 17         |
| Working part-time elsewhere in Devon | 1     | 1          |
| Self-employed – full, or part-time   | 5     | 7          |
| Student                              | 0     | 0          |
| Looking after Family/Home            | 0     | 0          |
| Temporary Sick                       | 1     | 1          |
| Long-Term Sick                       | 2     | 3          |
| Retired                              | 11    | 15         |
| Unemployed                           | 1     | 1          |
| Other                                | 2     | 3          |
| Prefer not to say                    | 5     | 7          |

Have you ever been in care?

| Option | Total | Percentage |
|--------|-------|------------|
|--------|-------|------------|

|                   |    |    |
|-------------------|----|----|
| Yes               | 4  | 6  |
| No                | 61 | 87 |
| Prefer not to say | 3  | 4  |
| Other             | 2  | 3  |

Do you consider yourself to be disabled in any way?

| Option            | Total | Percentage |
|-------------------|-------|------------|
| Yes               | 18    | 26         |
| No                | 46    | 66         |
| Prefer not to say | 6     | 9          |

How do you describe your sexual orientation?

| Option   | Total | Percentage |
|--|-------|------------|
| Bisexual   | 0     | 0          |
| Gay  | 2     | 3          |
| Heterosexual   | 53    | 74         |
| Lesbian  | 4     | 6          |
| Prefer not to say                                    | 10    | 14         |
| I use another word to describe my sexual orientation | 3     | 4          |

How old are you?

| Option | Total | Percentage |
|--------|-------|------------|
| 0-15   | 0     | 0          |
| 16-24  | 0     | 0          |
| 25-34  | 2     | 3          |
| 35-44  | 6     | 8          |

|                   |    |    |
|-------------------|----|----|
| 45-54             | 18 | 25 |
| 55-64             | 21 | 30 |
| 65-74             | 6  | 8  |
| 75+               | 9  | 13 |
| Prefer not to say | 9  | 13 |

## Appendix E: Overview and Scrutiny Board

As part of the consultation process the draft Inclusion Strategy was shared with the Overview and Scrutiny Board on 12 February 2025. The Board made the recommendation that Cabinet be recommended to approve the draft Inclusion Strategy for Torbay for 2025-2030 subject to the following:

- Consider how the MyBay benefits can be expanded to help young Carers who do not drive, for example a free bus pass; and
- Request that the Director of Adult Services to liaise with the local cemeteries providers to see how they have considered providing suitable provisions for all religious communities.

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## **TORBAY COUNCIL**

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### **Cabinet Response to the recommendations of the Overview and Scrutiny Board – Torbay Inclusion Strategy**

The Board on 12 February 2025 made the recommendation that Cabinet be recommended to approve the draft Inclusion Strategy for Torbay for 2025-2030 subject to the following:

#### **Recommendation 1:**

Consider how the MyBay benefits can be expanded to help young Carers who do not drive, for example a free bus pass.

#### **Response/Update:**

Officers have been tasked to approach Stagecoach to see if they would offer a discount for MyBay holders but that would likely be on longer term tickets options, perhaps matching a corporate offer they have for businesses and may not be best suited to young carers.

In considering this recommendation Officers have cross-referenced our young carer cohort with those who receive a school bus pass, allowing travel throughout the week. We have 348 open young carers aged 11-18, but only 5 young carers receive a bus pass via Home to School Transport.

Officers have previously discussed discounts with Stagecoach, but they did not agree to any fare reductions. For example, they wouldn't change the home to school transport bus pass cost when we requested a reduced price for a 5-day pass. For travel training, they offered 6 bus tickets for the price of 5, potentially saving £23 per ticket, but this required purchasing 6 at a time, which was not viable for the Council.

Considering the cost of a bus pass in the next financial year, the new price for a home to school bus pass, usable 7 days a week, is £936 per year. If we were to award the remaining 343 young carers aged 11 and over a bus pass, it would cost £321,048 per year. We also cover transport costs for young carers attending the Orchard Forest School sessions, which amounts to approximately £5,000 per year.

#### **Recommendation 2:**

Request that the Director of Adult Services to liaise with the local cemeteries providers to see how they have considered providing suitable provisions for all religious communities.

**Response/Update:**

Officers have been in discussions with the Westerleigh Group, who manage Torbay Cemeteries. They have indicated that suitable provision for all religious communities is linked to a wider issue with the availability of burial space in Torbay. Officers are working with the Westerleigh Group to address the issue and have included space for all religious communities as a key consideration. The issue has also been raised with Officers leading the review of the Local Plan for consideration as part of that process.

**Standing Order D11 (in relation to Overview and Scrutiny) – Call-in and Urgency**  
**Council Meeting, 15 May 2025**

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  |
|--|----------------|--|---|
| Local Government Reorganisation – Interim Plan | The Cabinet    | <p>On 5 February 2025, the Government issued a Statutory Invitation to the Leaders of all of the two-tier councils and unitary councils in Devon to submit a proposal for a single tier of local government in Devon. As part of the Invitation, the Government asked that an interim plan should be submitted on or before 21 March 2025 which sets out the progress that had been made in developing proposals in line with the criteria and guidance provided.</p> <p>The Cabinet took a decision, at its meeting held on 18 March 2025, to submit an interim plan for local government reorganisation impacting on Torbay to the Ministry for Housing, Communities and Local Government (MHCLG).</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the Council and Public’s interests.</p> | The Overview and Scrutiny Co-ordinator was consulted on 7 March 2025. |

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Agenda Item 12

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