Wednesday, 3 December 2025

## **Meeting of the Council**

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **The Burdette Room**, **Riviera International Conference Centre**, **Chestnut Avenue**, **Torquay**, **TQ2 5LZ** on **Thursday**, **11 December 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.)

## A Healthy, Happy and Prosperous Torbay

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

Email: <a href="mailto:governance.support@torbay.gov.uk">governance.support@torbay.gov.uk</a> - <a href="mailto:www.torbay.gov.uk">www.torbay.gov.uk</a>

# Meeting of the Council Agenda

- 1. Opening of meeting
- 2. Apologies for absence
- 3. Minutes (Pages 5 8)

To confirm as a correct record the minutes of the extraordinary meeting of the Council held on 20 November 2025.

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

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

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

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

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

### 5. Communications

To receive any communications or announcements from the:

- Civic Mayor, including presentation of the Gold National Britain in Bloom Award to Torquay in Bloom and presentation of long service awards to Councillors and staff;
- Leader of the Council:
- Overview and Scrutiny Co-ordinator; or
- Chief Executive.

### 6. Members' questions

To respond to the submitted questions asked under Standing Order A12.

(Pages 9 - 14)

### 7. Review of Council Tax Support Scheme 2026/27

(Pages 15 - 82)

To consider the recommendations of the Cabinet and a report that provides an overview of the current Council Tax Support Scheme and the proposed change for the financial year 2026/27.

### 8. Council Tax Base 2026-2027

(To Follow)

To consider a report on the above.

## 9. Budget Monitoring - Revenue and Capital Outturn 2025/26 Quarter 2

(Pages 83 - 110)

To consider the recommendation of the Cabinet and a report that provides a high-level budget summary of the Council's revenue and capital position for the financial year 2025/26, reviewing budgets and considering year-end forecasts.

### 10. Corporate Parenting Strategy 2026-2028

(Pages 111 - 150)

To consider the recommendation of the Cabinet and a report that sets out the Corporate Parenting Strategy which builds on previous versions and represents the Council's unrelenting intention to fulfil its role to the highest standard thereby ensuring that our children and young people receive the best possible support.

# 11. Licensing Act 2003 - Proposed Licensing Statement of Principles (Licensing Policy) 2026 - 2031

(Pages 151 - 254)

To consider the recommendation and a report that seeks approval of the Licensing Act 2003 - Proposed Licensing Statement of Principles (Licensing Policy) 2026 – 2031.

# 12. Streetlighting Central Management System and Light Emitting Diode (LED) Upgrade Project

(Pages 255 - 318)

To consider a report on the above.

# 13. Torbay Waste Transfer Station and Household Waste Recycling Centre - Paignton

(Pages 319 - 336)

To consider a report that sets out the required action to enable commencement of preparations for a possible Compulsory Purchase Order (CPO) process for the delivery of a relocated Waste Transfer Station and Household Waste Recycling Centre (HWRC) on land adjacent to the existing operation.

### 14. 2025/26 Treasury Management Mid-Year Review

(Pages 337 - 358)

To note a report on the Treasury Management Mid – Year Review 2025/26.

### Live Streaming

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



# Minutes of the Extraordinary Meeting of the Council (Council decisions shown in bold text)

### 20 November 2025

-: Present :-

The Worshipful The Mayor of Torbay (Councillor Barbara Lewis) (In the Chair)

Deputy Civic Mayor of Torbay (Councillor Foster)

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

### 38 Opening of meeting

The meeting was opened with a prayer.

### 39 Apologies for absence

An apology for absence was received from Councillor Cowell.

### 40 Minutes

The Worshipful The Mayor of Torbay proposed and Councillor Foster 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 11 September 2025 were confirmed as a correct record and signed by The Worshipful The Mayor of Torbay.

### 41 Declarations of interests

No declarations of interest were made.

### 42 Torbay Council's proposal for Local Government Reorganisation

Members considered the recommendations of the Cabinet in relation to Torbay Council's proposals for Local Government Reorganisation (as set out in the submitted report).

The Worshipful The Mayor of Torbay advised that, after consulting with the Group Leaders:

- a. recorded votes would be taken on all votes in respect of this item; and
- b. Standing Order A15.5 would be suspended to enable Group Leaders to provide opening speeches of up to fifteen minutes with all other speeches being limited to five minutes.

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

- that the proposal for local government reorganisation in Devon as set out in Appendix 1 to the submitted report be approved for submission to Government; and
- 2. that the Chief Executive be authorised to make any further amendments deemed necessary to the proposal and submit the proposal to the Government by the deadline of 28 November 2025.

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

- 1. that Torbay submit a detailed letter to Government setting out the proposal for local government reorganisation in Devon as per Option 2.2, as detailed in Appendix 1 to the submitted report; and
- 2. that the Chief Executive be given delegated authority to approve the letter, in consultation with Group Leaders and submit the letter proposal to the Government by the deadline of 28 November 2025.

A recorded vote was taken on the amendment. The voting was taken by roll call as follows: For: Councillors Amil, Atiya-Alla, Carter, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Harvey, Johns, Law, Long, Maddison, Nicolaou, Penny, Pentney and Virdee (17); 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); Absent: Councillor Cowell (1). Therefore the amendment was declared lost.

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

- 1. that the proposal for local government reorganisation in Devon as set out in Appendix 1 to the submitted report be approved for submission to Government; and
- 2. that the Chief Executive be authorised to make any further amendments deemed necessary to the proposal and submit the proposal to the Government by the deadline of 28 November 2025.

### Council

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: Councillors Amil, Atiya-Alla, Carter, George Darling, Mandy Darling, Steve Darling, Douglas-Dunbar, Fox, Harvey, Johns, Law, Long, Maddison, Nicolaou, Penny, Pentney and Virdee (17). Absent: Councillor Cowell (1). Therefore the motion was declared carried.

The Worshipful The Mayor of Torbay



### Meeting of the Council, Thursday, 11 December 2025

### Members' Questions Under Standing Order A12

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

### **First Round**

### **Question 1**

Councillor Steve Darling to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)

How has Torbay Council worked with the Department for Work and Pensions around promoting pension credit uptake?

### Question 2

# **Councillor Spacagna to the Cabinet Member for Housing and Finance** (Councillor Tyerman)

It is often reported that there is a very low level of property available at Social Rent in Torbay.

Can you inform me how many new dwellings for rental at Social Rent levels were delivered or were under construction by Torbay Council or its subsidiary companies, during the 4 years of the previous administration?

### **Question 3**

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

Further to the response provided at the last meeting that work was on-going on the passenger lift, albeit awaiting the delivery of some parts and that a further temporary repair would be undertaken shortly thereafter on the escalator adjacent to Sports Direct. Can you confirm when repairs will be completed in light of it being a busy time of year for traders in the run up to Christmas?

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

What assurance can be provided that cots are provided as a matter of course in temporary accommodation facilitated by Torbay Council for all children under the age of two?

### Question 5

# Councillor Long to the Cabinet Member for Housing and Finance (Councillor Tyerman)

A Freedom of Information request shared with me has revealed that the Airshow in Torbay made a loss of £33,683.74 (on top of an allocation of £100,000 from Torbay Council and an overall budget of £285,224.20). Has the overspend fallen on the shoulders of local taxpayers to underwrite?

### **Question 6**

# Councillor Mandy Darling to the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)

Animal charities have highlighted injuries being sustained by hedgehogs as a result of robot lawnmowers, with reports of serious harm including the loss of limbs. What measures has SWISCo taken to ensure that its robot lawnmowers are safe and not detrimental to local wildlife?

### **Question 7**

# Councillor Law to the Cabinet Member for Tourism, Events & Culture and Corporate Services (Councillor Jackie Thomas)

The Council's communications to residents about renewing their postal votes, suggests to people that do not have internet access, that they should "download" a paper copy of the application form. If people do not have internet access, then surely better customer service would have been to provide a phone number to request application forms, or to have them available at public libraries?

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

How many employment mentors have the council recruited to support our care experienced community into work?

### Question 9

# Councillor George Darling to the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)

Earlier this year, Plainmoor residents and businesses made clear their wish to see a Sunday exemption for parking restrictions on the St Marychurch Road which was kindly supported by the Cabinet Member and Highways. Could an update on when this will be implemented, please be provided?

### **Second Round**

### **Question 10**

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

What is the number of families and children in temporary accommodation in Torbay over the last 3 years?

### **Question 11**

### **Councillor Pentney to the Chair of the Planning Committee (Councillor Brook)**

Broken down by year and political groups for the last four years, how many times has the Planning Committee Chair;

- (a) agreed to a request from a ward Councillor for a planning matter going to Committee
- (b) refused a request from a Ward Councillor for a planning application to go to committee?

# Councillor Long to the Cabinet Member for Tourism, Events & Culture and Corporate Services (Councillor Jackie Thomas)

How has the Council's Community Wealth Building Policy been taken into account in the forthcoming Christmas Market at Torre Abbey; and ice rink?

### **Question 13**

# Councillor Mandy Darling to the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)

Following the implementation of the 20mph speed limit on Cricketfield Road, residents have raised concerns that traffic continues to travel well above the limit. Monitoring has confirmed that the average speed remains close to 30mph. Could the Council look at further measures to bring down speeds outside one of Torbay's largest schools, such as additional traffic calming or speed-activated signs?

### **Question 14**

# Councillor Steve Darling to the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)

Following the failure of the sewage pipe and highway on Ilsham Marine Drive, I understand the local authority has obtained a geological report, can this be published now?

### **Question 15**

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

I understand people in Torbay have suffered from parasitic worms under their nails and fungal infections due to poor hygiene practices in beauty salons, other local authorities have implemented inspectors for this, when do the local authority plan to appoint an inspector?

# Councillor George Darling to the Cabinet Member for Children's Services (Councillor Bye)

A recent FOI (16257490) revealed that the council brought 136 prosecutions against parents for school non-attendance in the 2024/25 academic year. Yet it does not record what proportion of these parents are caring for children on the SEND register. Parents believe that families of children on the SEND register are disproportionately represented in prosecutions. Will the Council agree to monitor this information going forward, with the aim to identify whether there is any subsequent action necessary to support these families?

### **Third Round**

### **Question 17**

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

How has the Council's Community Wealth Building Policy been taken into account for the proposal for a hotel at The Strand in Torquay?

### **Question 18**

# Councillor Mandy Darling to the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)

With traffic continuing to flow up and down Fleet Walk unrestricted, as if it were an open highway, what measures are the council undertaking to enforce the regulations that designate this as a restricted area, will the Cabinet consider whether it is now time to implement a barrier system before a pedestrian is seriously hurt, in order to ensure that only minimal and permitted vehicles are accessing this road?

#### **Question 19**

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

Over the term of this administration, how has the Cabinet Member for Place Development and Economic Growth worked with the community in Clifton with Maidenway to utilise the Old Monastery for community use?

### **Question 20**

# Councillor Pentney to the Cabinet Member for Pride in Place, Transport and Parking (Councillor Billings)

The lighting at Melville Hill Car Park has been inadequate for a number of reasons despite several reports about the issue. When will we see the upgrades required?

### **Question 21**

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

I understand from a Trustee at the Torbay Coast and Countryside Trust, that the cost of the National Insurance Contribution hike was an additional £100,000 for the Trust. How much money did the local authority offer the Trust to bridge this gap?

### **Question 22**

# Councillor George Darling to the Cabinet Member for Children's Services (Councillor Bye)

From the recent FOI (16795525), there was concern that fines on parents for school non-attendance disproportionately impact families on a low income. Has an equality impact assessment been undertaken to assess this, if not what action is the council taking to investigate this concern?

## Agenda Item 7

### **Record of Decisions**

### Review of Council Tax Support Scheme 2026/27

### **Decision Taker**

Cabinet on 18 November 2025.

### Decision

That the Council be recommended to amend the Council Tax Support Scheme for 2026/27 as follows:

- the financial support to some of our working age households within our community is increased by aligning the income bands that allocate Council Tax Support discounts for single parents with couples that have children. By making this change it will help to alleviate the cumulative effects of welfare cuts and rising household costs; and
- 2. income bands will be increased by the September 2025 Consumer Price Index inflation rate, at 3.8%.

That subject to 1. and 2. above Cabinet:

- 3. notes that all income banded Council Tax Support Schemes in Devon have combined income bands for single parents and couples with children;
- 4. notes that the Exceptional Hardship Fund will continue at £100,000;
- 5. notes that pension age households will not be affected as they are part of the national scheme, set by the Government; and
- 6. gives delegated authority to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance, to make any further adjustments required to the Exceptional Hardship Policy and Fund and the Vulnerable Policy.

### Reason for the Decision

The Local Government Finance Act 2012 requires that the Council Tax Support scheme is reviewed annually and where a Council proposes changes to its scheme it must consult on the changes. The Council must approve the scheme for the financial year 2026/27, before 11 March 2026.

### **Implementation**

The decisions in respect of 1. and 2. above will be considered at the Council meeting on 11 December 2025. The decision in respect of 3. to 6. above will come into force and may be implemented on 1 December 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

### Information

Council Tax Support is a discount that reduces the amount of Council Tax to pay for

households that have a low income. The Local Government Finance Act 2012 requires that the working age Council Tax Support scheme is reviewed annually, this year annual review resulted in minor changes being made to the 2025/26 Scheme, for self-employed households, not receiving Universal Credit and have a disability, or caring responsibilities. It also included discounting certain payments or settlements made by the UK Government.

At the meeting Councillor Tyerman proposed and Councillor David Thomas 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 have been to leave the current Scheme unchanged which would have resulted in a lower level of discount.

Is this a Key Decision?	
No	
Does the call-in procedure apply?	
Yes	
<b>Declarations of interest</b> (including details of any relevant dispersion of the standards Committee)	nsations issued by the
None	
Published	
21 November 2025	
Signed:	Date:
Leader of Torbay Council on behalf of the Cabinet	

# Agenda Item 7 Appendix 1

## **TORBAY COUNCIL**

Meeting: Cabinet/Council Meeting Date: 18 November 2025/11 December 2025

Wards affected: All

Report Title: Review of Council Tax Support Scheme 2026/27

When does the decision need to be implemented? 01 April 2026

Cabinet Member Contact Details: Councillor Alan Tyerman, Cabinet Member for Housing and

Finance, alan.tyerman@torbay.gov.uk

**Director Contact Details:** Malcolm Coe, Director of Finance, malcolm.coe.torbay.co.uk

## 1 Purpose of Report

- 1.1 Council Tax Support is a discount that reduces the amount of Council Tax to pay for households that have a low income.
- 1.2 This report provides members with an overview of the current Council Tax Support scheme and the proposed change for the financial year 2026/27.
- 1.3 The Local Government Finance Act 2012 requires that the working age Council Tax Support scheme is reviewed annually and where a council proposes changes to its scheme it must consult on the changes.
- 1.4 The Council must approve the scheme for the financial year 2026/27, before 11 March 2026.

## 2 Reason for Proposal

2.1 Currently, working age single parent households that do not receive the maximum 75% Council Tax Support discount, receive less discount, when comparing weekly income bands with couples with children.

### 3 Recommendations

- 3.1 That the Council be recommended to amend the Council Tax Support Scheme for 2026/27 as follows:
  - Financial support to some of our working age households within our community is increased by aligning the income bands that allocate Council Tax Support discounts for single parents with couples that have children. By making this change it will help to alleviate the cumulative effects of welfare cuts and rising household costs (see paragraphs 8.1 to 8.14).

    Page 17

2. Income bands will be increased by the September 2025 Consumer Price Index inflation rate, at 3.8% (see paragraph 8.15).

That subject to 3.1 above, the Cabinet:

- 3.2 Notes that all income banded Council Tax Support schemes in Devon have combined income bands for single parents and couples with children. For comparisons with other Council Tax Support schemes in South Devon, see Appendix 2.
- 3.3 Notes that the Exceptional Hardship Fund will continue at £100,000 (see paragraph 8.16).
- 3.4 Notes that pension age households will not be affected as they are part of the national scheme, set by the Government.
- 3.5 Gives delegated authority to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance, to make any further adjustments required to the Exceptional Hardship Policy and Fund and the Vulnerable policy.

## 4 Appendices

Appendix 1 - Current expenditure and caseload

Appendix 2 – Council Tax Support schemes in South Devon

Appendix 3 – Universal Credit glossary of terms

Appendix 4 – Equality Impact Assessment

Appendix 5 – Council Tax Consultation Report

## 5 Background Documents

**Draft Scheme** 

### 6 Introduction

- 6.1 In March 2012, the Welfare Reform Bill received Royal Assent and contained provisions for the abolition of Council Tax Benefit. In October 2012, the Local Government Finance Act became law and included the framework for localised Council Tax Reduction schemes which is known as the Council Tax Support scheme.
- 6.2 Statutorily, Local Authorities were required to develop and adopt a Localised Council Tax Support scheme by 31 January 2013 with implementation on 1 April 2013. To an extent, Councils had been given autonomy to develop schemes that met the needs of their local area but were also prescribed a framework, where pensioners are protected. However, Local Authorities would only receive 90% of the funding received in the previous year (2012/13). It was up to Local Authorities to decide whether to absorb the ten per cent cut in funding or pass this onto Council Tax Support recipients.
- 6.3 To enable this activity to be taken forward, the Government provided Local Authorities with a statutory framework that included the following:

- Local Authorities must have their new schemes agreed by 31st January 2013.
- Financial help with Council Tax will now be seen as a discount and not a benefit.
- There will be no change to the amount of help pension age claimants receive.
- Councils can decide the rules for their new schemes within a prescribed framework, however, must consider the impact on the most vulnerable.
- Guidance was given to encourage local authorities to ensure local schemes do not act as a disincentive to working.
- 6.4 The Government required that all pensioners are protected under the new scheme with the reduction in funding not applying to them. Working age households would therefore bear the full reduction in grant to cover future Council Tax Support scheme expenditure.

## 7 Background

- 7.1 Prior to April 2013 the national Council Tax Benefit scheme was available to taxpayers on low incomes to assist them with their Council Tax liability. This scheme had been in operation since 1993 and was administered by Local Authorities on behalf of the Department for Work and Pensions.
- 7.2 Under the national scheme Council Tax payers could receive up to 100% of their Council Tax liability. The Council then received full funding from the Government for all claims that were correctly awarded.
- 7.3 Following changes introduced by the Local Government Finance Act 2012, local authorities had to devise their own local schemes for low income households to take effect from 1 April 2013. At that time the Government also reduced the amount of funding by 10%.
- 7.4 When devising the new scheme, a detailed analysis of over 35 different financial profiles was undertaken, taking into account the demographic profile of the households receiving Council Tax Benefit at that time. The evaluation process was based upon the principles of fairness and ease of administration.
- 7.5 The scheme was approved by members at Full Council in December 2012 and introduced in the following April 2013.
- 7.6 Further changes to the scheme were agreed by members in December 2016 and introduced over the following two financial years, in 2017/18 and 2018/19. These changes were made to make the scheme more affordable and to align with Housing Benefit and Universal Credit legislation.
- 7.7 Between financial years 2019/20 and 2023/24 minor changes were made to the scheme so that it continued to be aligned with Housing Benefit Regulations and Universal Credit legislation.
- 7.8 From 1 April 2024, an income banded scheme replaced the means tested scheme.
- 7.9 Minor changes were made to the 2025/26 scheme, for self-employed households, not receiving Universal Credit and have a disability, or caring responsibilities. It also included discounting certain payments or settlements made by the UK Government.

## 8 Proposed Scheme Change

- 8.1 Torbay's scheme currently has six household types. For each household type there are four income bands that will allocate a discount to the liable Council Tax charge. The level of discount is determined by the net household income.
- 8.2 Household types are based on the components that's been used by DWP to calculate social security benefits for many years. The components determine the estimated amount of income required to cover basic living costs, depending on household composition and individual circumstances. The same principle continues to be applied for the calculation of Universal Credit.
- 8.3 The three main components that are used to allocate these amounts are:
  - 1. A personal allowance for single people or couples.
  - 2. An amount for any dependent children.
  - 3. A premium, to cover any special needs.
- 8.4 Household types vary, depending on the number of adults and children in the household. There are four primary household types single people, couples, single parents, and couples with children. Single parents and couples with children are assigned to two further household types, depending on the number of children in the household.
- 8.5 The proposed change will align:
  - The income band for a single parent with one child with the income band for a couple with one child.
  - The income band for a single parent with two or more children with the income band for a couple with two or more children.
- 8.6 The aligned income bands will come into effect from 1 April 2026 for single parent households receiving Council Tax Support on 31 March 2026 and for all new applications.
- 8.7 Income bands and the associated level of discount for single parents will remain unchanged for financial year's ending, 31 March 2025 and 31 March 2026.
- 8.8 The table below shows the current income bands for single parents and couples with children for financial year ending 31 March 2026.

Level of Discount	Single and 1 Child	Single and 2+ Children	Couple and 1 Child	Couple and 2+ Children
75%	£0-£179	£0-£261	£0-£234	£0-£316
55%	£179.01-£220	£261.01-£302	£234.01-£275	£316.01-£356
40%	£220.01-£261	£302.01-£342	£275.01-£316	£356.01-£397
20%	£261.01-£302	£342.01-£383	£316.01-£356	£397.01-£438

0%	£302.01+	£383.01+	£356.01+	£438.01+

8.9 The table below shows the estimated net increase in expenditure as a result of aligning income bands for single parents with couples with children that are currently receiving a discount.

Household Type	Number of Cases	Annual Expenditure
Single Parent - One Child	786	£64,856
Single Parent - Two Children or More	858	£110,286
Total	1,644	£175,142

Source: Council Tax Reduction Administrative Data 8 July 2025

- 8.10 Expenditure has been calculated on the basis of a full years Council Tax charge and discount, for financial year ending 31 March 2026.
- 8.11 For current scheme expenditure see Appendix 1.
- 8.12 The calculation does not include any increase in the Council Tax from April 2026 or the increase in the income bands, in line with the September 2025 Consumer Price Index.
- 8.13 As this change will increase the income levels for the 40% and 20% bands, more single parent households will qualify for a discount.
- 8.14 Based on current data, it is estimated that expenditure could increase by a further £35k during the first year of making this change.
- 8.15 Income bands will be increased by September's (2025) Consumer Price Index rate, at 3.8%, which is the same rate as working age benefits will increase from 1 April 2026 this increase will be rounded up to the nearest pound.

The revised income bands to be used for all working age households are shown below.

Level of Discount	Single	Couple	Single and 1 Child	Single 2+ Children	Couple and 1 Child	Couple 2+ Children
75%	In receipt of a passported benefit					
75%	£0 to £108.00	£0 to £158.00	£0 to £186.00	£0 to £271.00	£0 to £243.00	£0 to £329.00
55%	£108.01 to £141.00	£158.01 to £201.00	£186.01 to £229.00	£271.01 to £314.00	£243.01 to £286.00	£329.01 to £370.00
40%	£141.01 to £172.00	£201.01 to £242.00	£229.01 to £271.00	£314.01 to £355.00	£286.01 to £329.00	£370.01 to £413.00
20%	£172.01 to £204.00	£242.01 to £285.00	£271.01 to £314.00	£355.01 to £398.00	£329.01 to £370.00	£413.01 to £455.00
0%	£204.01+	£285.01+	£314.01+	£398.01+	£370.01+	£455.01+

If the proposed change, to align income bands that allocate Council Tax Support discounts for single parents with couples that have children is not approved, the income bands highlighted in grey will apply to single parent households.

If the proposed change is approved, the income bands that allocate Council Tax Support discounts to couples with children will also apply to single parents.

If income bands are not increased by September 2025 CPI rate, some working age households would move into a higher income band, resulting in less discount and having to pay more Council Tax.

8.16 The Exceptional Hardship fund was introduced from 1 April 2013, to provide financial assistance to working age households with their Council Tax. The fund is available to Council Tax payers receiving Council Tax Support who experiencing significant financial hardship and the level of support does not meet their full Council Tax liability.

The fund has financial limitations and, as such, awards can only be made based on eligibility, whilst having regard to the level of funding available or remaining within the Exceptional Hardship Scheme each financial year.

It should be noted that this fund was increased from £80,000 to £100,000 from 1 April 2024 to mitigate the impact of the new income banded scheme for those households that were most adversely affected. To ensure that the correct level of funding is maintained monitoring arrangements are in place to review the fund position.

## 9 Options Under Consideration

- 9.1 To approve the proposed scheme change.
- 9.2 Leave the current scheme unchanged.

## 10 Financial Opportunities and Implications

10.1 The proposed changes will lead to an increase in the scheme's cost - see paragraphs 8.9 and 8.14.

## 11 Legal Implications

11.1 Schedule 1A(3) of the Local Government Finance Act 1992, states:

Before making a scheme, the authority must:

- a) consult any major precepting authority which has power to issue a precept to it,
- b) publish a draft scheme in such manner as it thinks fit, and
- c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.

The draft scheme is available as a separate document.

11.2 In addition to the above, to set a new scheme the Council is required to make a resolution by 11th March of the year prior to the scheme coming into place.

## 12 Engagement and Consultation

- 12.1 Before final approval of the scheme, Councils are required to consult with:
  - Major Precepting Authorities (Police and Fire Authorities)
  - The public
  - Relevant stakeholder groups e.g. CAB, representative groups.
- 12.2 The consultation process ran for a period of six weeks, from 24 September 2025 to 4 November 2025.
- 12.3 Consultation activities included the following:
  - An online survey made available on the Torbay website with the provision of a hard copy of the consultation questionnaire where required.
  - A consultation questionnaire with covering letter and a pre-paid envelope sent by post to 2,000 randomly selected households that were in receipt of Council Tax Support at that time and 2,000 randomly selected Council Tax payers (not receiving Council Tax Support).
  - Residents' Satisfaction Survey Roadshows, which took place throughout September and October at the following locations:

Saturday 27 September	Scala Hall, Brixham
Thursday 2 October	Outside Primark, Torquay Town Centre
Tuesday 7 October	Sainsbury's (The Willows, Torquay)
Thursday 9 October	Former Shoe Zone shop, Fleet Walk, Torquay (has Spaces to Thrive sign)
Tuesday 14 October	Fore Street, Brixham (outside Tesco)
Tuesday 21 October	St Marychurch High Street
Thursday 23 October	Victoria Street, Paignton

- A press release issued on 24 September 2025.
- Staff engagement.
- Consultation was undertaken with the major precepting authorities (Devon & Cornwall Police and Devon & Somerset Fire and Rescue), who are statutory consultees.
- 12.4 The consultation report for the proposed change is attached at Appendix 5.

## 13 Procurement Implications

13.1 The proposed scheme changes may require some minor changes to the on-line application form software that will incur a nominal charge from our current software supplier.

## 14 Protecting our Bay and Tackling Climate Change

14.1 There are no additional environmental implications with the current Council Tax Support scheme. Electronic applications will continue to be promoted reducing the need for paper forms. It also removes the need to travel to either post or deliver the application to a designated office.

### 15 Associated Risks

- 15.1 A more challenging financial environment with greater uncertainty than in previous financial years could result in an increase in the number of working age households receiving a discount.
- 15.2 Should the caseload increase, the Council, along with the other preceptors, bears the risk of the additional cost of the scheme.

## 16 Equality Impact Assessment

- 16.1 An equalities impact assessment has been undertaken and no significant issues from making the proposed scheme change have been identified this is available as a separate document (Appendix 4).
- 16.2 An updated version will be brought to the full council meeting in December following the results of the public consultation.

## 17 Cumulative Council Impact

17.1 None.

## 18 Cumulative Community Impacts

18.1 None.



## Working Age Scheme – Current Position Appendix 1

### Number of Households Receiving a Discount and Expenditure on 08/07/2025

Household Type	Number of Cases	Annual Expenditure
Single Person	3,006	£2,865,579
Couple	429	£550,024
Single Parent - One Child	786	£753,123
Couple - One Child	153	£186,806
Single Parent - Two Children or More	858	£812,476
Couple - Two Children or More	262	£304,773
Total	5,494	£5,472,781

Source: Council Tax Reduction Administrative Data 8 July 2025

Expenditure has been calculated on the basis of a full years Council Tax charge and discount, for financial year ending 31 March 2026, at the rate currently received for each case.

### Number of Households by Household Type and Income Band on 08/07/2025

Level of Discount	Single	Couple	Single and 1	Single and 2+	Couple and 1	Couple and 2+	Total Cases
75%	2,814	363	616	579	115	157	4,644
55%	71	22	57	114	9	24	297
40%	72	22	65	113	15	50	337
20%	49	22	48	52	14	31	216
Total Cases	3,006	429	786	858	153	262	5,494

Source: Council Tax Reduction Administrative Data 8 July 2025

The household income used to calculate discount levels is derived from:

- the previous means tested Council Tax Support scheme or
- new applications received since the banded scheme was introduced, from 1 April 2024.

75% - this includes households that are in receipt of Passported Benefits or have an income that would fall within the current 75% working age household type/income band.

55% - this includes all households that have an income that would fall within the current 55% working age household type/income band.

40% - this includes all households that have an income that would fall within the current 40% working age income band.

20% - this includes all households that have an income that would fall within the current 20% working age income band.

### **Expenditure by Household Type and Income Band on 08/07/2025**

Level of Discount	Single	Couple	Single and 1 Child	Single and 2+ Children	Couple and 1 Child	Couple and 2+ Children	Total
75%	£2,759,614	£502,872	£655,843	£634,538	£159,893	£226,932	£4,939,692
55%	£53,158	£22,987	£44,459	£93,544	£9,008	£26,496	£249,652
40%	£38,355	£15,561	£38,037	£68,484	£11,915	£39,308	£211,660
20%	£14,452	£8,604	£14,784	£15,910	£5,990	£12,037	£71,777
Total Expenditure	£2,865,579	£550,024	£753,123	£812,476	£186,806	£304,773	£5,472,781

Source: Council Tax Reduction Administrative Data 8 July 2025

Expenditure has been calculated on the basis of a full years Council Tax charge and discount, for financial year ending 31 March 2026, at the rate currently received for each case.

## **South Devon's Working Age Schemes**

**Appendix 2** 

### **Torbay**

## Income bands and level of discount set for financial year ending 31 March 2026

Level of Discount	Single	Couple	Single and 1 Child	Single and 2+ Children	Couple and 1 Child	Couple and 2+ Children
75%	£0-£104	£0-£152	£0-£179	£0-£261	£0-£234	£0-£316
7:176	7(1-7 1(14	7 (1-7 1:32	70-7179	7(1-776)	711-77.14	70-7.510
55%	£104.01-£135	£152.01-£193	£179.01-£220	£261.01-£302	£234.01-£275	£316.01-£356
40%	£135.01-£165	£193.01-£233	£220.01-£261	£302.01-£342	£275.01-£316	£356.01-£397
20%	£165.01-£196	£233.01-£274	£261.01-£302	£342.01-£383	£316.01-£356	£397.01-£438
0%	£196.01+	£274.01+	£302.01+	£383.01+	£356.01+	£438.01+

### **Key features**

### All Cases

- Savings limit at £6,000.
- No deductions made for any non-dependents living in the household.

### **Passported Benefit Income**

 Passported refers to households that are in receipt of Employment and Support Allowance (Income Related), Job Seekers Allowance (Income Based) or Income Support receive the maximum discount, which is currently set at 75% of the Council Tax liability.

### **Universal Credit Income**

- Housing Element disregarded.
- Carer Allowance disregarded.
- Limited Work Capability disregarded.
- Disabled Child Element disregarded.
- Transitional Protection disregarded.
- Standard Earnings disregards if the applicant and/or partner is in full or parttime employment some of the earnings is discounted and a standard income disregard is applied. The amount disregarded depends on personal circumstances (£5, £10, £20 & £25).

For further information on Universal Credit income, see Appendix 3.

### Standard Income

- Disability Living Allowance and Personal Independence Payments are disregarded.
- Support Component for Employment and Support Allowance is disregarded.
- Child Benefit, child maintenance and child-care costs are disregarded.
- Carers Allowance disregarded.
- £75 income disregard where the applicant or partner receives a disability benefit.
- War pensions, war disablement pensions and Armed Forces Independence Payments are disregarded.
- Standard Earnings disregards if the applicant and/or partner is in full or parttime employment some of the earnings is discounted and a standard income disregard is applied. The amount disregarded depends on personal circumstances (£5, £10, £20 & £25).
- Minimum set income for self-employed after one year's trading, based on the national minimum wage, for the age group, multiplied by a set number of hours, depending on circumstances.

Teignbridge

# Income bands and level of discount set for financial year ending 31 March 2026

Level of Discount	Single	Couple	Single and 1 Child	Single and 2+ Children	Couple and 1 Child	Couple and 2+ Children
100%	£0.00-£94	£0.00-£94	£0.00-£181	£0.00-£270	£0.00-£181	£0.00-£270
75%	£94.01-£181	£94.01-£181	£181.01-£270	£270.01-£360	£181.01-£270	£270.01-£360
50%	£181.01-£270	£181.01- £270	£270.01-£360	£360.01-£449	£270.01-£360	£360.01-£449
25%	£270.01-£360	£270.01- £360	£360.01-£449	£449.01-£539	£360.01-£449	£449.01-£539
0%	£360.01+	£360.01+	£449.01+	£539.01+	£449.01+	£539.01+

### **Key features**

### **All Cases**

- Savings limit at £6,000.
- No deductions made for any non-dependents living in the household.

### **Passported Benefit Income**

 Passported refers to households that are in receipt of Employment and Support Allowance (Income Related), Job Seekers Allowance (Income Based) or Income Support receive the maximum discount, which is currently set at 100% of the Council Tax liability.

### **Universal Credit Income**

No information is available on how Universal Credit income is taken into account in the calculation.

### **Standard Income**

- Disability Living Allowance and Personal Independence Payments are disregarded.
- Support Component for Employment and Support Allowance is disregarded.
- Child Benefit, child maintenance and child-care costs are disregarded.
- Carers Allowance disregarded

- War pensions, war disablement pensions and Armed Forces Independence Payments are disregarded.
- Flat rate £25 earnings disregard for those that are working.
- Minimum set income for self-employed after one year's trading, based on the national minimum wage, for the age group, multiplied by a set number of hours, depending on circumstances.

### **South Hams/West Devon**

## Income bands and level of discount set for financial year ending 31 March 2026

Level of Discount	Single	Couple	With 1 Child	With 2+ Children
85%				
	£0.00-£100	£0.00-£145	£0.00-£225	£0.00-£360
80%				
	£100.01-£137	£145.01-£185	£225.01-£287	£360.01-£391
50%				£391.01-£442
	£137.01-£197	£185.01-£245	£287.01-£347	
25%				
	£197.01-£251	£245.01-£299	£347.01-£401	£442-£485

### **Key features**

### All Cases

- Savings limit at £6,000.
- No deductions made for any non-dependents living in the household.
- Restriction to the equivalent Council Tax property band D for households that occupy a property in bands E to H.

### **Passported Benefit Income**

 Passported refers to households that are in receipt of Employment and Support Allowance (Income Related), Job Seekers Allowance (Income Based) or Income Support receive the maximum discount, which is currently set at 85% of the Council Tax liability.

### **Universal Credit Income**

- Housing Element disregarded
- Limited Work Capability disregarded

 Standard Earnings disregards – if the applicant and/or partner is in full or parttime employment some of the earnings is discounted and a standard income disregard is applied. The amount disregarded depends on personal circumstances (£5, £10, £20 & £25).

### **Standard Income**

- Disability Living Allowance and Personal Independence Payments are disregarded.
- Support Component for Employment and Support Allowance is disregarded.
- Child Benefit and child maintenance are disregarded.
- Standard childcare cost are applied, up to £175 for one child and £300 for two or more.
- Carers Allowance disregarded
- War pensions, war disablement pensions and Armed Forces Independence Payments are disregarded.
- Flat rate £25 earnings disregard for those that are working.

## **Universal Credit Glossary of Terms**



**Universal Credit** - Universal Credit is a means tested single benefit payment for working-age people who are looking for work or on a low income. It was introduced in 2013 to simplify welfare payments, replacing six "legacy" benefits and tax credits into one single monthly payment:

- Housing Benefit;
- Income-Related Employment and Support Allowance;
- Income-Based Job Seekers Allowance;
- Child Tax Credit:
- Working Tax Credit;
- Income Support.

**Standard Allowance** – the set amount, depending on age and personal status.

### 2025/26 Rates

Personal Circumstances	<b>Monthly Amount</b>
Single and under 25	£316.98
Single and 25 and over	£400.14
Living with partner and both under 25	£497.55
Living with partner and one or both over 25	£628.10

**Housing Element** – the amount that's paid to help households that have a rent liability.

For tenants that rent from a private landlord the amount is based on the Local Housing Allowance rate for the South Devon area. The amount paid is determined by age and household composition.

For tenants that rent from a housing association (social landlord), the payment is based on the actual rent.

**Carer Allowance** – this is added to the maximum amount of Universal Credit where the applicant has regular and substantial caring responsibilities. This means that the person meets the entitlement conditions for carer's allowance including caring for at least 35 hours a week. It also includes a person who would be entitled to carer's allowance, but their earnings are too high. There is no requirement to actually claim carer's allowance.

**Limited Work Capability** - the amount paid if the applicant has a limited capability for work and has a work-related activity.

Work-related activities include:

- · phoning work coach
- creating and maintaining an online profile
- · improving job seeking skills
- registering with an employment agency
- searching for jobs
- applying for jobs
- obtaining references
- taking part in training courses

**Child Element** – this is included where the applicant is responsible for a child or qualifying young person and live with them. The child element continues until the first September following the 16th birthday, or if in full-time non-advanced education or approved training, until the first September after the 19th birthday.

There are two separate rates for the child element, one for the first or only child and then a reduced rate for second and subsequent children. From 6 April 2017, the higher first child amount is only available for a child or qualifying young person is born before 6 April 2017.

From 6 April 2017 the child element is subject to the two-child limit policy. The current rules limit the child element to two children. The general rule is that third and subsequent children born on or after 6 April 2017 will only qualify if an exception applies to them. For children born before 6 April 2017, a child element will be included.

**Disabled Child Element** – in addition to the child element, the disabled child element is paid where a child or children have a disability. There are two rates, that are dependent on the type of disability benefits that are in payment.

**Transitional Protection** – for households that move from legacy benefits to Universal Credit by DWP under the formal managed migration exercise will receive transitional protection where they have no change of circumstances and their new UC award, at the point they are moved, is lower than their former legacy benefits.

**Work Allowance (Earned Income)** – the amount households with children and/or with limited capability for work are allowed to earn before Universal Credit is reduced. This amount is increased annually in line with inflation (September's CPI).

If a housing element is included in the Universal Credit payment, the household will receive a lower work allowance. This is also the case for households entitled to Universal Credit and also receives housing benefit for temporary accommodation.

### 2025/26 Rates

Household Circumstances	Monthly Rate
Housing element included	£411.00
Housing element not included	£684.00

**Taper (Earned Income)** - The taper is the rate at which maximum Universal Credit is reduced by earnings. Maximum Universal Credit is reduced by 55 per cent of net earnings above the work allowance. For households that are not eligible for a Work Allowance, the maximum Universal Credit is reduced by 55 per cent of the net earnings.

**Disregard (Earned Income)** – this is applied if the applicant and/or partner is in full or part-time employment.

## 2025/26 Rates

Household Circumstances	Weekly Rate	Monthly Rate
Single	£5.00	£21.67
Single Parent	£25.00	£108.33
Couple	£10.00	£43.33
Disability	£20.00	£86.67





# **Equality Impact Assessment**

Directorate: Finance

Service Area: Revenue and Benefits

Name of policy being assessed: Council Tax Support

Version: Draft Scheme

Date Completed: 8 September 2025

Signed off by: Malcolm Coe - Director of Finance

#### 1. Overview

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have "due regard" to equality. This includes taking proactive steps to promote equality, eliminate discrimination, harassment and, victimisation. It also requires us to advance equality of opportunity and foster good relations between people who share a "protected characteristic" and people who do not.

Having "due regard" means taking active steps to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These are the protected characteristics:

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

As a council, we also treat care experience as a protected characteristic and consider the impacts of our decisions on the Armed Forces Community as required by the Armed Forces Act.

# 2. Background

Council Tax Support is an income related discount scheme that helps vulnerable residents and those on low incomes pay their Council Tax bill. The initial working age scheme was developed through extensive consultation and introduced in April 2013, as a replacement for Council Tax Benefit.

As part of the introduction, the Government:

- a) Placed the duty to create a local scheme for Working Age applicants with billing authorities:
- Reduced initial funding by the equivalent of ten per cent from the levels paid through benefit subsidy to authorities under the previous Council Tax Benefit scheme; and
- c) Prescribed that persons of Pension age would be dealt with under regulations set by Central Government and not the authorities' local scheme.

The current Council Tax Support scheme administered by the Council is therefore divided into two schemes, with pension age applicants receiving support under the rules prescribed by Central Government, and the scheme for working age applicants being determined solely by the local authority.

Pension age households, subject to income and savings, can receive up to 100% support towards their Council Tax. The Council has no power to change the level of support provided to pensioners and therefore any changes to the level of Council Tax Support can only be made to the working age scheme.

There is a legislative requirement for local authorities to consider whether to review or replace the working age scheme each financial year.

Following a number of changes to the initial scheme, an income banded scheme was introduced in April 2024, followed by some minor changes in April 2025.

The proposed change for April 2026 has been assessed to ensure that due regard has been given to the Public Sector Equality Duty as enshrined in the Equality Act 2010.

## 3. How is the decision relevant to the three aims of the Public Sector Equality Duty?

We have identified households who are most likely to be affected by the introduction of the proposed scheme change and compared those to the make-up of our overall customer base to identify any specific groups of people that may be disproportionately affected.

# 4. What are the proposed changes?

We are reviewing our Council Tax Support scheme for 2026/27 and currently consulting on increasing financial support for single parent households by aligning the income bands that allocate Council Tax Support discounts for single parents with couples that have children.

The proposed change will align:

- The income band for a single parent with one child with the income band for a couple with one child.
- The income band for a single parent with two or more children with the income band for a couple with two or more children.

This proposal will potentially affect 1,644 households, which is **15.65%** of both working and pension age households that receive Council Tax Support in Torbay.

For the majority of households receiving Council Tax Support, which is 8,862 households (84.35%), this proposal will have no impact.

Case studies have been provided to illustrate how the proposed change will affect single parent households, at Appendix A.

The current Council Tax Support scheme for pension age households is not affected by the proposed change and is therefore outside of the scope of this consultation.

# 5. What data and supporting information have been used to assess this change?

All household data has been taken from Torbay Council's Revenue and Benefits processing system and the supporting application form.

We have also sourced information from:

- Office of National Statistics (ONS)
- UK Parliament (House of Commons Library)
- Joseph Rowntree Foundation (UK Poverty 2025: The essential guide to understanding poverty in the UK)
- Scope (Disability Price Tag 2025: statistical summary)

# 6. Engagement and consultation

After consultation, we will decide whether to proceed with the proposed change. Should it not go ahead, the current scheme will remain in place in accordance with the legislation.

A full public consultation will be undertaken from 24 September 2025 and closing on 4 November 2025.

An updated Equality Impact Assessment will be provided after the public consultation results analysis have been completed.

## **Protected Characteristic: Age**

# **Pension Age**

In the ONS, 2021 census 27 per cent of Torbay residents are aged 65 and older.

In Torbay pensioners represent 26.7% of the population (ONS, 2021 census).

A report published in July 2025 by the Work and Pensions Committee of the House of Commons highlights that in 2023/24, 1.9 million, or 16% of people of pension age are living in relative poverty, after housing costs (below 60% of median income). This is mainly due to the increase in the cost of living and low take up of Pension Credit.

In many areas of the country, local authorities, third sector and community organisations are working together to engage and provide pension age households with the support they need.

5,082 pension age households receive Council Tax Support, which is 48.37% of the total Council Tax Support caseload.

# Proposed Scheme Change

For pension age households the amount of Council Tax Support will continue to be calculated under the nationally prescribed scheme and therefore the proposed change to the working age scheme will have no impact.

# **Working Age**

According to ONS, 2021 census.

18 per cent of Torbay residents are under 18 years old.

55 per cent of Torbay residents are aged between 18 to 64 years old. A report published in April 2025 by the House of Commons, shows that in 2023/24, 7.9 million, or 19% of people of working age are living in relative poverty, after housing costs (below 60% of median income). This is mainly due to a drop in household earnings, social security benefits and changing from a working to a workless household.

5,424 working age households receive Council Tax Support, which is 51.63% of the total Council Tax Support caseload.

Around 54% of all working age households receiving Council Tax Support are single people, 30% single parents, 8% couples with children and just over 8% are couples with no children.

## Single People - No Children

There are 2,939 single people receiving Council Tax Support, which represents 54.18% of all working age households.

Women: 1,349 Men: 1,590

# Couples - No Children

There are 423 couples with no children receiving Council Tax Support, which represents 7.8% of all working age households.

# **Single Parents**

A report published in March 2023 by the House of Commons found that 50% of single parent families were receiving income related benefits in 2020/21, compared with 15% of couples with children and a 16% average across all household types.

Single parent families are over-represented among households receiving benefit. Around 15% of UK households are single parent families but a much higher proportion of single parents receive Universal Credit and other benefits.

There are 1,644 single parents receiving Council Tax Support, which represents 30.31% of all working age households.

1,518 or 92.21% of single parent households are women.

The number of households with:

One Child: 789

Two Children or more: 855

# **Couples – With Children**

There are 418 couples with children receiving Council Tax Support, which represents 7.71% of all working age households.

The number of households with:

One Child: 152

Two Children or more: 266

# Proposed Scheme Change

# Single People – No Children

The proposed change does not specifically affect this group.

# Couples - No Children

The proposed change does not specifically affect this group.

# **Single Parents**

The proposed change will provide additional financial support to some households within our community.

It will have a positive impact on those households that currently receive less than the maximum discount from April 2026.

The table below shows the number of cases, by household type, that will have an increase in the level of discount Case studies have been provided to illustrate how the proposed change will affect single parent households, at Appendix A.

Household Type	Number of Households
Single Parent - One Child	174
Single Parent - Two Children or More	272
Total	446

It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2026.

The table below shows the number of households that will remain unchanged as they currently receive the maximum level of discount.

Household Type	Number of Households
Single Parent - One Child	615
Single Parent - Two Children or More	583
Total	1,198

# **Couples – With Children**

The proposed change does not affect this group, as it aligns the income bands for single parents with one child with the income band for a couple with one child and single parents with two or more children with couples with two or more children.

# **Protected Characteristic: Disability**

In the ONS, 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. A person is considered disabled if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

**Physical or Mental Disability** – this includes a wide range of conditions, such as hearing loss, visual impairments, mobility difficulties, mental health conditions (e.g., depression, anxiety), learning disabilities, and long-term health conditions like diabetes or heart disease.

**Substantial Effect** – the term 'substantial' refers to the level of effect the impairment has on the individual's daily life, highlighting the significant impact it can have on carrying out everyday tasks.

**Long-Term** – the effects of the impairment are considered long-term if they have lasted or are expected to last for at least twelve months or for the rest of the individual's life. This aspect of the definition acknowledges the enduring nature of many disabilities and their impact on the entire life of an individual.

People with disabilities are more likely to be living in poverty than nondisabled people. According to recent data published by the think tank Joseph Rowntree Foundation, the poverty rate for disabled people was 30%, 10 percentage points above those who are not disabled. The difference is even more significant for working-age adults: disabled working-age adults are almost twice as likely to live in poverty than those who are not (35% and 18% respectively).

Research published by disability equality charity Scope reported on the extra costs faced by disabled adults and families with disabled children. The latest findings show that disabled households need an additional £1,095 per month to have the same standard of living as non-disabled households. These costs include essential goods and services like medical equipment, therapies, higher energy bills, increased travel and specialised care.

Relevant disability benefits are disregarded in the calculation of Council Tax Support, thereby protecting those with specific long-term conditions who fall within this group - further details are available at Appendix B and C.

# Proposed Scheme Change

The proposed change will affect those households that currently receive less than the maximum discount from April 2026.

The table below shows the number of cases, by household type, that will have an increase in the level of discount.

Household Type	Number of Households
Single Parent - One Child	14
Single Parent - Two Children or More	29
Total	43

It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2026.

The table below shows the number of households that will remain unchanged as they currently receive the maximum level of discount.

Household Type	Number of Households
Single Parent - One Child	288
Single Parent - Two Children or More	242
Total	530

# Protected Characteristic: Sex In the ONS, 2021 The Council Tax Support scheme will not treat people of different census 51.3% of genders any differently. Torbay's population are Based on current data there is a higher percentage of working age female and women receiving Council Tax Support 3,667 (67.6%) when compared 48.7% are male to their representation in the Torbay population 71,493 (51.31%), as they tend to be the primary care givers. **Council Tax Support** Working Age: 5,424 Women:3,667 Furthermore, 1,518 (92.34%) of working age single parents are women Men: 1,757 compared to 126 men (7.66%). Single People - No Children There are 1,349 single women receiving Council Tax Support, which represents 25% of all working age households. 1,590 single men receive Council Tax Support, which represents 29% of all working age households. **Couples - No Children** There are 423 couples with no children receiving Council Tax Support, which represents 8% of all working age households. Single parents There are 1,644 single parents receiving Council Tax Support and the majority (1,518) are women, which represents 28% of all working age households. 126 single parents are men, which represents 2% of all working age households. **Couples – With Children** There are 418 couples with children receiving Council Tax Support, which represents 8% of all working age households.

# Proposed Scheme Change

The proposed change will have a positive impact on women as they represent the majority of all single parents receiving Council Tax Support.

The proposed change will affect those households that currently receive less than the maximum discount from April 2026.

The table below shows the number of cases, by household type, that will have an increase in the level of discount.

Household Type	Women	Men	Total
Single Parent - One Child	162 (93.1%)	12 (6.9%)	174
Single Parent - Two Children or More	260 (95.6%)	12 (4.4%)	272
Total	422 (94.6%)	24 (5.4%)	446

It will also have a positive impact, where applicable, on some households that may apply for Council Tax Support from 1 April 2026.

The table below shows the number of households that will remain unchanged as they currently receive the maximum level of discount.

Household Type	Wo	men		Men	Total
Single Parent - One Child	538	(87.5%)	77	(12.5%)	615
Single Parent - Two Children or More	556	(95.4%)	27	(4.6%)	583
Total	1,094	(91.3%)	104	(8.7%)	1,198

#### **Local Protected Characteristic: Carers**

In the ONS, 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.

The definition of unpaid caring responsibilities is someone who gives help or support to anyone who has long-term physical or mental ill-health conditions, illness or problems related to old age. It does not include any activities as part of paid employment and the help can be within or outside the carer's household (ONS, 2021 census).

The Council is required to consider the needs of households with caring responsibilities within its proposed scheme. It is recognised that households with caring responsibilities can affect people's ability to pursue paid work.

Financially, carers may face difficulties and their income may be affected by their caring role.

# **Proposed Scheme** Change

The proposed change will have a positive impact on some single parent households that have caring responsibilities and currently receive less than the maximum discount from April 2026.

The table below shows the number of cases, by household type, that will have an increase in the level of discount.

Household Type	Number of Households
Single Parent - One Child	20
Single Parent - Two Children or More	86
Total	106

It will also have a positive impact, where applicable, on some single parent households that may apply for Council Tax Support from 1 April 2026.

The table below shows the number of households that will remain unchanged as they currently receive the maximum level of discount.

Household Type	Number of Households
Single Parent - One Child	91
Single Parent - Two Children or More	118
Total	209

# According to ONS, over the Protected Characteristic: Pregnancy and Maternity Existing data on applicants receiving provide any insights on pregnant wo

According to ONS, over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South-West (58.4).

Existing data on applicants receiving Council Tax Support does not provide any insights on pregnant women, those on maternity leave or those women who have given birth within the last 26 weeks.

# Proposed Scheme Change

The proposed change will have a positive impact on some single parent households expecting their first or second child. Following the birth of the first or second child, the household composition will change, resulting in a revised level of discount that will be applied as appropriate.

Under the current and proposed scheme change, no additional support is provided for households with three or more children. This is concurrent with other welfare schemes and has been part of previous means tested scheme since April 2017 and the current income banded scheme since April 2024.

As we have an exceptional hardship fund then those requiring additional support can access this fund.

Protected Characteristic: Gender Reassignment			
Data and Insight	Negative Impact & Mitigating Actions	Neutral Impact	
In the ONS, 2021 census, 0.4% of Torbay residents answered that their gender identity was not the same as registered at birth.  This proportion is similar to the Southwest and is lower than England.  The Government estimates that between 0.3 to 0.75 per cent of the UK population have a different gender to the one assigned to them at birth – for further information please refer to link https://assets. publishing.service.gov .uk/government/ uploads/system/ uploads/attachment_ data/file/721642/GEO- LGBT-factsheet.pdf	Not applicable.	The eligibility criteria is neutral in relation to gender reassignment, as it does not expressly include, exclude or otherwise identify any particular group.  All awards are therefore neutral in that they are available equally to all applicants.	

Protected Characteristic: Marriage and Civil Partnership			
Data and Insight	Negative Impact & Mitigating Actions	Neutral Impact	
According to ONS, 2021 census, 44.2% of Torbay residents aged 16 or over, were married or in a registered civil partnership.  We are unable to distinguish between married and unmarried couples receiving Council Tax Support, however 15.5% are couples.	Not applicable	Couples who are married or who have entered into a civil partnership are treated the same as an unmarried couple by the proposal.  All awards are therefore neutral in that they are available equally to all applicants.	

Protected Characteristic: Race		
Data and Insight	Negative Impact & Mitigating Actions	Neutral Impact
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.  Recent research has shown that across the UK people from minoritised backgrounds are disproportionately affected by financial hardship.  We have no equivalent data explicitly for Torbay.	Not applicable	The eligibility criteria is neutral in relation to race, as it does not expressly include, exclude or otherwise identify any particular group.  All awards are therefore neutral in that they are available equally to all applicants irrespective of race.

Protected Characteristic: Religion or Belief			
Data and Ins	ight	Negative Impact & Mitigating Actions	Neutral Impact
50.5% of Tork residents stat they have a re the ONS, 202 – for further d below:	ed that eligion in 1 census	Not applicable	The eligibility criteria is neutral in relation to religion or belief, as it does not expressly include, exclude or otherwise identify any particular group.  All awards are therefore neutral in that
Christian	48.5%		they are available equally to all applicants irrespective of race.
Buddhist	0.4%		
Hindu	0.2%		
Jewish	0.1%		
Muslim	0.6%		
Sikh	0.0%		
Other	0.7%		
No religion	43.2%		

Protected Characteristic: Sexual Orientation		
Data and Insight	Negative Impact & Mitigating Actions	Neutral Impact
In the ONS, 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.	Not applicable	The eligibility criteria is neutral in relation to sexual orientation, as it does not expressly include, exclude or otherwise identify any particular group.  There is no evidence to suggest the changes will disproportionately disadvantage claimants with this characteristic.

Armed forces (including serving personnel, families and veterans)		
Data and Insight	Negative Impact & Mitigating Actions	Neutral Impact
According to ONS, 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.  In 2023 the council resigned the Armed Forces Covenant to reaffirm Torbay Council's commitment to support HM Armed Forces and to recognise and remember the sacrifices made by members of the Armed Forces Community.  The current scheme continues to disregard military payments for veterans - further details are available at Appendix B.	Not applicable	There is no evidence to suggest this proposal will disadvantage households with this characteristic.  The eligibility criteria is neutral in relation to the armed forces community, as it does not expressly include, exclude or otherwise identify any particular group.

Socio-economic impacts (Including impact on child poverty issues and deprivation)	The proposed change will have a positive impact on the amount of Council Tax Support awarded for some single parent households affected from 1 April 2026.  It will also have a positive impact, where applicable, on some single parent households that may apply for Council Tax Support from 1 April 2026.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	There are links between unemployment and poorer mental health, such as stigma, isolation, loss of self-worth and the material consequences of a reduced income.  Unemployed individuals, particularly the long-term unemployed, have a higher risk of poor mental health compared with those in employment.
Human Rights	In accordance with Article 8 of the Human Rights Act the Council Tax Support scheme supports the right to respect private and family life, the home and correspondence.
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.	The proposed change will have a positive impact on some single parent households.

# **Council Tax Support Case Studies**

# Single Parent with One Child

Single parent, age 22 with one child, age 1.

Rents a two-bedroom property from social landlord.

Employed, receives Universal Credit (includes Housing Element) and Child Benefit.

Total Weekly Income (including Housing Element): £389.28.

Net Weekly Income for calculating Council Tax Support: £216.56.

Property Band A

Annual Charge: £1,169.92

#### **Current Scheme**

Level of Discount	Single and One Child
75%	In receipt of a passported benefit
75%	£0 to £179.00
55%	£179.01 to £220.00
40%	£220.01 to £261.00
20%	£261.01 to £302.00
0%	£302.01+

Council Tax to pay, after discount (55%) £10.12 per week.

**Proposed Change** 

Level of Discount	Single and One Child and Couple with One Child
75%	In receipt of a passported benefit
75%	£0 to £234.00
55%	£234.01 to £275.00
40%	£275.01 to £316.00
20%	£316.01 to £356.00
0%	£356.01+

Council Tax to pay, after proposed scheme change, £5.62 per week.

## Single Parent with One Child

Single parent, age 32 with one child, age 5.

Rents a two-bedroom property from a private landlord.

Employed, receives Universal Credit (includes Housing Element, based on the two-bedroom Local Housing Allowance rate) and Child Benefit.

Total Weekly Income (including Housing Element): £457.21.

Net Weekly Income for calculating Council Tax Support: £250.39.

Property Band A

Annual Charge: £1,169.92

#### **Current Scheme**

Level of Discount	Single and One Child
75%	In receipt of a passported benefit
75%	£0 to £179.00
55%	£179.01 to £220.00
40%	£220.01 to £261.00
20%	£261.01 to £302.00
0%	£302.01+

Council Tax to pay, after discount (40%) £13.50 per week.

**Proposed Change** 

Level of Discount	Single and One Child and Couple with One Child
75%	In receipt of a passported benefit
75%	£0 to £234.00
55%	£234.01 to £275.00
40%	£275.01 to £316.00
20%	£316.01 to £356.00
0%	£356.01+

Council Tax to pay, after proposed scheme change, £10.12 per week.

# Single Parent with One Child

Single parent, age 53 with one child, age 16.

Owner occupier

Receives Universal Credit and Child Benefit

Total Weekly Income: £539.21.

Net Weekly Income for calculating Council Tax Support: £296.57.

Property Band D

Annual Charge: £1,754.88

#### **Current Scheme**

Level of Discount	Single and One Child
75%	In receipt of a passported benefit
75%	£0 to £179.00
55%	£179.01 to £220.00
40%	£220.01 to £261.00
20%	£261.01 to £302.00
0%	£302.01+

Council Tax to pay, after discount (20%) £27.00 per week.

**Proposed Change** 

Level of Discount	Single and One Child and Couple with One Child
75%	In receipt of a passported benefit
75%	£0 to £234.00
55%	£234.01 to £275.00
40%	£275.01 to £316.00
20%	£316.01 to £356.00
0%	£356.01+

Council Tax to pay, after proposed scheme change, £20.25 per week.

# Single Parent with One Child

Single parent, age 26 with one child, age 4.

Rents a two-bedroom property from a social landlord.

Receives Universal Credit (includes Housing Element) and Child Benefit.

Total Weekly Income (including Housing Element): £288.83.

Net Weekly Income for calculating Council Tax Support: £157.24.

Property Band B

Annual Charge: £1,364.91

#### **Current Scheme**

Level of Discount	Single and One Child
75%	In receipt of a passported benefit
75%	£0 to £179.00
55%	£179.01 to £220.00
40%	£220.01 to £261.00
20%	£261.01 to £302.00
0%	£302.01+

Council Tax to pay, after discount (75%) £6.56 per week.

**Proposed Change** 

Level of Discount	Single and One Child and Couple with One Child			
75%	In receipt of a passported benefit			
75%	£0 to £234.00			
55%	£234.01 to £275.00			
40%	£275.01 to £316.00			
20%	£316.01 to £356.00			
0%	£356.01+			

Council Tax to pay, after proposed scheme change, £6.56 per week.

Single parent, age 35 with three children, age 12, 9 and 6

Rents a three-bedroom property from a private landlord.

Employed, receives Universal Credit (includes Housing Element, based on the three-bedroom Local Housing Allowance rate) and Child Benefit.

Total Weekly Income: £697.73.

Net Weekly Income for calculating Council Tax Support: £372.57.

Property Band B

Annual Charge: £1,364.91

#### **Current Scheme**

Level of Discount	Single with Two or More Children
75%	In receipt of a passported benefit
75%	£0 to £261.00
55%	£261.01 to £302.00
40%	£302.01 to £342.00
20%	£342.01 to £383.00
0%	£383.01+

Council Tax to pay, after discount (20%) £21.00 per week.

**Proposed Change** 

· · · · · · · · · · · · · · · · · · ·				
Level of Discount	Single with Two or More Children and Couple with Two or More Children			
75%	In receipt of a passported benefit			
75%	£0 to £316.00			
55%	£316.01 to £356.00			
40%	£356.01 to £397.00			
20%	£397.01 to £438.00			
0%	£438.01+			

Council Tax to pay, after proposed scheme change, £15.75 per week.

Single parent, age 44 with two children, age 14, and 12

Rents a three-bedroom property from a private landlord.

Employed, receives Universal Credit (includes Housing Element, based on the three-bedroom Local Housing Allowance rate) and Child Benefit.

Total Weekly Income: £685.38.

Net Weekly Income for calculating Council Tax Support: £341.45.

Property Band C

Annual Charge: £1,559.90

# **Current Scheme**

Level of Discount	Single with Two or More Children		
75%	In receipt of a passported benefit		
75%	£0 to £261.00		
55%	£261.01 to £302.00		
40%	£302.01 to £342.00		
20%	£342.01 to £383.00		
0%	£383.01+		

Council Tax to pay, after discount (40%) £18.00 per week.

**Proposed Change** 

<u> </u>			
Level of Discount	Single with Two or More Children and Couple with Two or More Children		
75%	In receipt of a passported benefit		
75%	£0 to £316.00		
55%	£316.01 to £356.00		
40%	£356.01 to £397.00		
20%	£397.01 to £438.00		
0%	£438.01+		

Council Tax to pay, after proposed scheme change, £13.50 per week.

Single parent, age 35 with two children, age 13 and 9

Rents a two-bedroom property from a private landlord.

Employed, receives Universal Credit (includes Housing Element, based on the two-bedroom Local Housing Allowance rate) and Child Benefit.

Total Weekly Income: £528.84.

Net Weekly Income for calculating Council Tax Support: £269.71.

Property Band B

Annual Charge: £1,364.91

#### **Current Scheme**

Level of Discount	Single with Two or More Children		
75%	In receipt of a passported benefit		
75%	£0 to £261.00		
55%	£261.01 to £302.00		
40%	£302.01 to £342.00		
20%	£342.01 to £383.00		
0%	£383.01+		

Council Tax to pay, after discount (55%) £11.81 per week.

**Proposed Change** 

1 1 0 p 0 0 0 0 0 1 0 1 1 1 1 1 1 1 1 1			
Level of Discount	Single with Two or More Children and Couple with Two or More Children		
75%	In receipt of a passported benefit		
75%	£0 to £316.00		
55%	£316.01 to £356.00		
40%	£356.01 to £397.00		
20%	£397.01 to £438.00		
0%	£438.01+		

Council Tax to pay, after proposed scheme change, £6.56 per week.

Single parent, age 39 with two children, age 16 and 6.

Rents a two-bedroom property from a private landlord.

Employed, receives Universal Credit (includes Housing Element, based on the two-bedroom Local Housing Allowance rate) and Child Benefit.

Total Weekly Income: £426.05.

Net Weekly Income for calculating Council Tax Support: £234.16.

Property Band C

Annual Charge: £1,559.90

#### **Current Scheme**

Level of Discount	Single with Two or More Children
75%	In receipt of a passported benefit
75%	£0 to £261.00
55%	£261.01 to £302.00
40%	£302.01 to £342.00
20%	£342.01 to £383.00
0%	£383.01+

Council Tax to pay, after discount (75%) £7.50 per week.

**Proposed Change** 

1 1 0 p 0 0 0 0 0 1 0 1 1 1 1 1 1 1 1 1			
Level of Discount	Single with Two or More Children and Couple with Two or More Children		
75%	In receipt of a passported benefit		
75%	£0 to £316.00		
55%	£316.01 to £356.00		
40%	£356.01 to £397.00		
20%	£397.01 to £438.00		
0%	£438.01+		

Council Tax to pay, after proposed scheme change, £7.50 per week.

# Income bands and level of discount set for financial year ending 31 March 2026

Level of Discount	Single	Couple	Single and 1 Child	Single and 2+ Children	Couple and 1 Child	Couple and 2+ Children
75%	£0-£104	£0-£152	£0-£179	£0-£261	£0-£234	£0-£316
55%	£104.01-£135	£152.01-£193	£179.01-£220	£261.01-£302	£234.01-£275	£316.01-£356
40%	£135.01-£165	£193.01-£233	£220.01-£261	£302.01-£342	£275.01-£316	£356.01-£397
20%	£165.01-£196	£233.01-£274	£261.01-£302	£342.01-£383	£316.01-£356	£397.01-£438
0%	£196.01+	£274.01+	£302.01+	£383.01+	£356.01+	£438.01+

# **Key features**

#### All Cases

- Savings limit at £6,000.
- No deductions made for any non-dependents living in the household.

# **Passported Benefit Income**

 Passported refers to households that are in receipt of Employment and Support Allowance (Income Related), Job Seekers Allowance (Income Based) or Income Support receive the maximum discount, which is currently set at 75% of the Council Tax liability.

# **Universal Credit Income**

- Housing Element disregarded.
- Carer Allowance disregarded.
- Limited Work Capability disregarded.
- Disabled Child Element disregarded.
- Transitional Protection disregarded.
- Standard Earnings disregards if the applicant and/or partner is in full or part-time employment some of the earnings is discounted and a standard income disregard is applied. The amount disregarded depends on personal circumstances (£5, £10, £20 & £25).

For further information on Universal Credit income, see Appendix C.

#### Standard Income

- Disability Living Allowance and Personal Independence Payments are disregarded.
- Support Component for Employment and Support Allowance is disregarded.
- Child Benefit, child maintenance and child-care costs are disregarded.
- Carers Allowance disregarded.
- £75 income disregard where the applicant or partner receives a disability benefit.
- Standard Earnings disregards if the applicant and/or partner is in full or part-time employment some of the earnings is discounted and a standard income disregard is applied. The amount disregarded depends on personal circumstances (£5, £10, £20 & £25).
- Minimum set income for self-employed after one year's trading, based on the national minimum wage, for the age group, multiplied by a set number of hours, depending on circumstances.

## **Military Payments**

War disablement pensions are paid to those who have been disabled or injured, either from their service or from wartime conditions. War widow's pensions are paid where a husband, wife or civil partner have died as a result of them serving in the armed forces.

# War Disablement Pensions – The war disablement pensions prescribed are:

- 1. Any retied pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (earnings and Pensions) Act 2003;
- 2. Any retied pay or pension payable to a member of the armed of the Crown in respect of a disablement which is attributable to service, under:
  - 1. An Order in Council made under section 3 of the Naval and marine Pay and Pensions Act 1865
  - 2. The Army Pensions Warrant 1977
  - 3. The Army Pensions (armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010
  - 4. Any order or regulations made under section 2 of the Air Force (constitution) Act 1917
  - 5. Any order or regulations made under section 4 of the Reserve Forces Act 1996
  - 6. Any instrument amending or replacing any of the instruments referred to above or any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown; and
  - 7. A payment made under article 14(1)(b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005

# **War Widow's Pensions** – The war widow's pension prescribed are:

- Any pension or allowance payable to a widow, widower or surviving civil partner under an
  instrument specified in section 639(2) of the Income Tax (earnings and Pensions) Act 2003
  in respect of the death or disablement of any person;
- A pension payable, to a widow, widower or surviving civil partner of a member of the armed forces of the Crown in respect of death, which is attributable to service, under;
- 1. An Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865
- 2. The Army Pensions Warrant 1977
- 3. The Army Pensions (armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010
- 4. Any order or regulations made under section 2 of the Air Force (constitution) Act 1917
- 5. Any order or regulations made under section 4 of the Reserve Forces Act 1996
- Any instrument amending or replacing any of the above or any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown; and
- 7. A payment made under article 21(1)(a) of the Armed Forces and Reserve Forces (compensation Scheme) Order 2005;
- 8. A payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs

In accordance with Section 13A 1A of the Local Government Finance Act 1992, the working age scheme ignores (fully disregards) income from War Widows (Widowers), War Disablement Scheme and the Armed Forces Compensation Scheme when calculating a Council Tax Support discount.

**Universal Credit** - Universal Credit is a means tested single benefit payment for working-age people who are looking for work or on a low income. It was introduced in 2013 to simplify welfare payments, replacing six "legacy" benefits and tax credits into one single monthly payment:

- Housing Benefit;
- Income-Related Employment and Support Allowance;
- Income-Based Job Seekers Allowance;
- Child Tax Credit;
- Working Tax Credit;
- Income Support.

**Standard Allowance** – the set amount, depending on age and personal status. **2025/26 Rates** 

Personal Circumstances	Monthly Amount
Single and under 25	£316.98
Single and 25 and over	£400.14
Living with partner and both under 25	£497.55
Living with partner and one or both over 25	£628.10

**Housing Element** – the amount that's paid to help households that have a rent liability.

For tenants that rent from a private landlord the amount is based on the Local Housing Allowance rate for the South Devon area. The amount paid is determined by age and household composition.

For tenants that rent from a housing association (social landlord), the payment is based on the actual rent.

**Carer Allowance** – this is added to the maximum amount of Universal Credit where the applicant has regular and substantial caring responsibilities. This means that the person meets the entitlement conditions for carer's allowance including caring for at least 35 hours a week. It also includes a person who would be entitled to carer's allowance, but their earnings are too high. There is no requirement to actually claim carer's allowance.

**Limited Work Capability** - the amount paid if the applicant has a limited capability for work and has a work-related activity.

Work-related activities include:

- phoning work coach
- · creating and maintaining an online profile
- · improving job seeking skills
- registering with an employment agency
- searching for jobs
- · applying for jobs
- obtaining references
- taking part in training courses

**Child Element** – this is included where the applicant is responsible for a child or qualifying young person and live with them. The child element continues until the first September following the 16th birthday, or if in full-time non-advanced education or approved training, until the first September after the 19th birthday.

There are two separate rates for the child element, one for the first or only child and then a reduced rate for second and subsequent children. From 6 April 2017, the higher first child amount is only available for a child or qualifying young person is born before 6 April 2017.

From 6 April 2017 the child element is subject to the two-child limit policy. The current rules limit the child element to two children. The general rule is that third and subsequent children born on or after 6 April 2017 will only qualify if an exception applies to them. For children born before 6 April 2017, a child element will be included.

**Disabled Child Element** – in addition to the child element, the disabled child element is paid where a child or children have a disability. There are two rates, that are dependent on the type of disability benefits that are in payment.

**Transitional Protection** – for households that move from legacy benefits to Universal Credit by DWP under the formal managed migration exercise will receive transitional protection where they have no change of circumstances and their new UC award, at the point they are moved, is lower than their former legacy benefits.

**Work Allowance (Earned Income)** – the amount households with children and/or with limited capability for work are allowed to earn before Universal Credit is reduced. This amount is increased annually in line with inflation (September's CPI).

If a housing element is included in the Universal Credit payment, the household will receive a lower work allowance. This is also the case for households entitled to Universal Credit and also receives housing benefit for temporary accommodation.

## 2025/26 Rates

Household Circumstances	Monthly Rate
Housing element included	£411.00
Housing element not included	£684.00

**Taper (Earned Income)** - The taper is the rate at which maximum Universal Credit is reduced by earnings. Maximum Universal Credit is reduced by 55 per cent of net earnings above the work allowance. For households that are not eligible for a Work Allowance, the maximum Universal Credit is reduced by 55 per cent of the net earnings.

**Disregard (Earned Income)** – this is applied if the applicant and/or partner is in full or part-time employment.

# 2025/26 Rates

Household Circumstances	Weekly Rate	Monthly Rate
Single	£5.00	£21.67
Single Parent	£25.00	£108.33
Couple	£10.00	£43.33
Disability	£20.00	£86.67



# Council Tax Support Scheme 2026/27 Consultation Report

# Contents

Executive summary	2
Why the consultation was needed	2
Number of responses received	3
Summary table of responses for Council Tax Support Scheme	3
Summary of Free text responses	4
Introduction	5
Methodology	5
Consultation responses	5
Respondent demographics	8

# **Executive Summary**

From 25 September 2025 to 4 November 2025 a consultation was held on the Council Tax Support Scheme for 2026/27.

The consultation was promoted via postal surveys, an online survey, press, social media, through e-newsletters such as One Torbay, emails to stakeholder groups, local events, and paper copies in libraries.

In total there were 269 survey responses to the consultation, with more respondents supporting the proposal than not. The main proposal was to increase the level of support to some single parent families who currently receive less that the maximum levels of support, where children are at risk to higher levels of poverty, by aligning the income bands that allocate Council Tax Support discounts for single parents with couples that have children. In addition to the survey responses, there were email responses to the consultation from the Office of the Police and Crime Commissioner for Devon and Cornwall and the Isles of Scilly, and Devon and Somerset Fire and Rescue Service.

A recommendation will be made at Full Council on 18 November about the proposed scheme with a final decision at Full Council in December which, if approved, would be implemented from April 2026.

# Why the consultation was needed

The Council Tax Support scheme helps households on a low-income with financial assistance to help pay their Council Tax bill. We review this scheme every year.

We are proposing to make one change to our working age scheme from April 2026 and encourage anyone that receives a Council Tax Support discount, or if you have a view on it, to respond to this consultation on how the proposed change could affect you.

The proposed change will only affect working age applicants as the pension age scheme is set nationally by central Government.

In this consultation, we were proposing to increase the level of support to some single parent families who currently receive less that the maximum levels of support, where children are at risk to higher levels of poverty, by aligning the income bands that allocate Council Tax Support discounts for single parents with couples that have children. By making this change it will help to alleviate the cumulative effects of welfare cuts and rising household costs.

# Proposal One

Currently, single parent households that do not receive the maximum 75% discount, receives less discount, when comparing income bands with couples with children.

The table below shows the current income bands for single parents and couples with children for financial year ending 31 March 2026.

Level of discount	Single and 1 child	Single and 2 children or more	Couple and 1 child	Couple and 2 children or more
To receive a 75% discount	£0 - £179	£0 - £261	£0 - £234	£0 - £316

To receive a 55% discount	£179.01 - £220	£261.01 - £302	£234.01 - £275	£316.01 - £356
To receive a 40% discount	£220.01 - £261	£302.01 - £342	£275.01 - £316	£356.01 - £397
To receive a 20% discount	£261.01 - £302	£342.01 - £383	£316.01 - £356	£397.01 - £438
0% discount	£301.01 or more	£383.01 or more	£356.01 or more	£438.01 or more

To support single parent households we are proposing to align:

The income band for a single parent with one child with the income band for a couple with one child.

The income band for a single parent with two or more children with the income band for a couple with two or more children.

The aligned income bands would come into effect from 1 April 2026 for single parent households receiving Council Tax Support on 31 March 2026 and for all new applications.

This change will increase the level of support for working age single parent households that are currently not receiving the maximum 75% discount.

# Proposal Two

The second proposal in the consultation was 'make no changes to the current scheme.'

# Number of responses received

In total there were 269 survey responses, with the vast majority of these coming back from the paper surveys that were sent out with a covering letter.

In addition to the survey responses, the Council received email responses from the Office of the Police and Crime Commissioner for Devon and Cornwall and the Isles of Scilly and Devon and Somerset Fire and Rescue Service, both of which were in support of the proposed changes. Both organisations are preceptors, funded in part by Council Tax precepts.

# Summary Table of results for Council Tax Support Scheme

Below is a summary of the responses to the ten proposals in the consultation with the numbers for each answer and percentages in brackets.

Q No.	Question	Strongly agree	Agree	Don't know	Disagree	Strongly disagree
5	Do you agree with aligning the income bands for single parents with couples who have children?	101 (38%)	90 (34%)	25 (9%)	24 (9%)	24 (9%)

	67 (27%)
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# Summary of Free text responses

The final question was a Freetext box for people to add any additional comments. In total, out of the 269 surveys completed, 41 respondents chose to add comments into the freetext box.

The largest number of comments relating to an individual theme (13) said that single parents needed more support. However, the second largest number of comments on an individual theme (5) said they felt single parents already got too much support.

Examples of these contrasting comments include:

"Single parents are at a distinct disadvantage and children suffer as a result. Any measures to help even the playing field must be taken and prescribed."

"These people get far too much already and some are not spending the money on the right things some don't even work when they could."

# Introduction

From 25 September to 4 November 2025, a consultation was held on proposed changes to the Council Tax Support Scheme for 2026/7.

The scheme helps people on low incomes to pay their council tax and is funded by the council.

The initial scheme was introduced in April 2013, when the Government ended Council Tax Benefit and councils were made responsible for their own schemes. Further changes were made over a two-year period from 2017/18, but have remained largely unchanged since then.

We are proposing to make one change to our working age scheme from April 2026 and encourage anyone that receives a Council Tax Support discount, or if you have a view on it, to respond to this consultation on how the proposed change could affect you.

The proposed change will only affect working age applicants as the pension age scheme is set nationally by central Government.

In this consultation, we were proposing to increase the level of support to some single parent families who currently receive less that the maximum levels of support, where children are at risk to higher levels of poverty, by aligning the income bands that allocate Council Tax Support discounts for single parents with couples that have children. By making this change it will help to alleviate the cumulative effects of welfare cuts and rising household costs.

### **Proposal One**

Currently, single parent households that do not receive the maximum 75% discount, receives less discount, when comparing income bands with couples with children.

The table below shows the current income bands for single parents and couples with children for financial year ending 31 March 2026.

Level of discount	Single and 1 child	Single and 2 children or more	<u>.</u>	Couple and 2 children or more
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To receive a 75% discount	£0 - £179	£0 - £261	£0 - £234	£0 - £316
To receive a 55% discount	£179.01 - £220	£261.01 - £302	£234.01 - £275	£316.01 - £356
To receive a 40% discount	£220.01 - £261	£302.01 - £342	£275.01 - £316	£356.01 - £397
To receive a 20% discount	£261.01 - £302	£342.01 - £383	£316.01 - £356	£397.01 - £438
0% discount	£301.01 or more	£383.01 or more	£356.01 or more	£438.01 or more

To support single parent households we are proposing to align:

The income band for a single parent with one child with the income band for a couple with one child.

The income band for a single parent with two or more children with the income band for a couple with two or more children.

The aligned income bands would come into effect from 1 April 2026 for single parent households receiving Council Tax Support on 31 March 2026 and for all new applications.

This change will increase the level of support for working age single parent households that are currently not receiving the maximum 75% discount.

# Proposal Two

The second proposal in the consultation was 'make no changes to the current scheme.'

# Methodology

The consultation was launched on 25 September with an online survey on the Council's Your Say Torbay website and this was promoted initially via a range of channels including a Members Briefing e-newsletter for all Councillors, press release to all local media and our wider PR distribution list which includes Community Partnerships, key partners such as the NHS and police and many more.

Postal surveys were sent to 4,000 households with 2,000 going to a random sample of people receiving Council Tax Support, and a further 2,000 sent to a random sample of residents who are not currently receiving Council Tax Support.

Paper copies of the surveys were also available at the Council's Residents' Satisfaction Survey roadshow events, of which there were ten, at a number of locations across Torbay and there were also paper copies available in local libraries, and the reception area of Torquay Town Hall.

The survey was also promoted via the Council's One Torbay residents e-newsletter, Staff News, and on Facebook, NextDoor, Instagram and LinkedIn.

There were 41 unique views of the main Consultation webpage on the corporate Torbay Council website, and 61 unique views of the press release webpage on the News page of our website.

# Consultation responses

In total, taking into account online and paper surveys, there were 269 responses to the consultation.

Although the online survey was promoted in a number of places for example our website, social media, press release and newsletters, nearly all of the completed surveys came back via the mail out we did to households. There was also a QR code for the online survey included on the front of the paper surveys, but nearly everyone chose to complete the paper survey and return it in the pre-paid envelope that was included within the letter and mail out.

In addition to the survey responses, the Council received email responses from the Office of the Police and Crime Commissioner for Devon and Cornwall and the Isles of Scilly, and Devon and Somerset Fire and Rescue Service, both of which were in support of the proposed changes. Both organisations are preceptors, funded in part by Council Tax precepts. Below are their responses:

Andrew Furbear, Head of Finance/Treasurer to the Authority at Devon and Somerset Fire and Rescue Service: "On behalf of Devon & Somerset Fire & Rescue Service, I am happy to support the proposed changes."

Nicola Allen, Treasurer for the Office of the Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly: "As a major preceptor we have reviewed the proposed changes relating primarily to single parent households and can confirm our support for the change. Although this will reduce the income to policing it is important that we support those most vulnerable in our communities."

# Responses to individual survey questions

As mentioned above, there were just two main questions in the survey, one about whether we should align income bands for single parents with couples who have children, and the other was about whether we should just keep things the same as they are.

The rest of the questions in the survey were a freetext box and our standard demographic questions.

Question: Proposal One

Currently, single parent households that do not receive the maximum 75% discount, receives less discount, when comparing income bands with couples with children.

The table below shows the current income bands for single parents and couples with children for financial year ending 31 March 2026.

Level of discount	Single and 1 child	Single and 2 children or more	Couple and 1 child	Couple and 2 children or more
To receive a 75% discount	£0 - £179	£0 - £261	£0 - £234	£0 - £316
To receive a 55% discount	£179.01 - £220	£261.01 - £302	£234.01 - £275	£316.01 - £356
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To receive a 20% discount	£261.01 - £302	£342.01 - £383	£316.01 - £356	£397.01 - £438
0% discount	£301.01 or more	£383.01 or more	£356.01 or more	£438.01 or more

To support single parent households we are proposing to align:

The income band for a single parent with one child with the income band for a couple with one child.

The income band for a single parent with two or more children with the income band for a couple with two or more children.

The aligned income bands would come into effect from 1 April 2026 for single parent households receiving Council Tax Support on 31 March 2026 and for all new applications.

This change will increase the level of support for working age single parent households that are currently not receiving the maximum 75% discount.

Question 5: Do you agree with aligning income bands for single parents with couples that have children?

More people agreed or strongly agreed with this proposal than not, with 191 respondents saying they either agreed or strongly agreed and 48 respondents saying they either disagreed or strongly disagreed. There were also 25 respondents who replied 'Don't know' to this question.

	Strongly agree	Agree	Don't know	Disagree	Strongly disagree
Number	101	90	25	24	24
Percentage	(38%)	(34%)	(9%)	(9%)	(9%)

Question 6: Proposal Two – make no changes to the current scheme.

More people either disagreed or strongly disagreed with the proposal to make no changes to the current scheme, with 134 respondents saying they either disagreed or strongly disagreed with this.

There were 68 respondents who said they either agreed or strongly agreed with this proposal, while 49 respondents replied that they don't know.

	Strongly agree	Agree	Don't know	Disagree	Strongly disagree
Number	34	34	49	67	67
Percentage	14%	14%	20%	27%	27%

Question 7: Thank you for completing this consultation. Your views are very important to us. If you have any further comments or feedback that you would like to make regarding the proposals for the 2026/2027 Council Tax Support scheme, please enter these in the freetext box below.

This question was a freetext box to allow respondents to add any additional comments they may have about Council Tax and the proposals being consulted on. In total out of the 269 surveys completed, there were 41 freetext comments. There were a number of themes that came out of the comments, below is a summary table of the themes.

Theme	Number of comments	Theme	Number of comments
There should be more help for disabled people	3	Higher tax bands should pay more	1
More help is needed for domestic abuse victims	1	More help is needed for single parents	13
Single parents already get too much help	5	We should not be giving more discounts, it's too expensive.	3
The discount is vital and welcome	3	There should be more help for people on low incomes	3
Child Support should also be assessed	2	People may take advantage of the system, claiming they are single parents falsely.	2
Carers need more help	1	More help is needed for all struggling parenst	2

The highest number of comments in an individual theme, 13, were saying that single parents needed more support. Individual comments included:

"Single parents are at a distinct disadvantage and children suffer as a result. Any measures to help even the playing field must be taken and prescribed."

"It is important that single mums get as much support as possible. They have to pay the full rent for their accommodation, just as with a couple."

"If anything, single parent households should receive more support."

However, the second highest number of comments on an individual theme, 5, said they felt that single parents already got too much support. Here are some of the comments:

"These people get far too much already and some are not spending the money on the right things some don't even work when they could."

"Children are a choice, if you can't afford to have them, don't have them."

# Respondent demographics

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

Female	Male	In another way	Prefer not to say
146	112	0	6

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

0-15	16-24	25-34	35-44	45-54	55-64	65-74	75 plus
1	1	9	21	32	74	55	66

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

White	Mixed ethnicity	Asian or Asian British	Black or British	Chinese	Other ethnic group
256	1	1	1	0	3

# Employment Status - Tick one only

The breakdown of the 420 shows that the largest group of respondents to the survey (130) were retired – many of these would be from the random sample. Then the next largest group, 103, was temporary sick, then roughly a quarter (100) of respondents were in some sort of work, whether full time, part time or self-employed

Working full- time in Torbay	Working full- time elsewhere in Devon	Working part- time elsewhere in Devon	Self- employed – full - or part- time	Student	Working part time in Torbay
30	9	5	13	0	27
Temporary Sick	Long-Term Sick	Retired	Unemployed	Looking after family/home	Other
4	35	113	9	16	2

Question 17: Do you consider yourself to be disabled in any way? Tick one only

Yes	No
94	162

# Question 18: If you answered "Yes", please tell us how it affects you. Tick as many as apply

It affects my mobility	It affects my vision	It affects my hearing	It affects me in another way
54	3	7	28

Page	81	



#### **Record of Decisions**

# **Budget Monitoring – Revenue and Capital Outturn 2025/26 Quarter 2**

#### **Decision Taker**

Cabinet on 18 November 2025.

#### Decision

That Cabinet recommends to Council:

That the revisions to the Capital Investment Plan, as set out in Appendix 1 to the submitted report, be approved.

#### Reason for the Decision

To ensure the Council operates in a prudent manner and works to maintain a balanced budget.

### **Implementation**

The recommendation of the Cabinet will be considered at the Council meeting on 11 December 2025.

#### Information

The Budget Monitoring Revenue and Capital Outturn 2025/26 report set out a high-level budget summary of the Council's revenue and capital position for the financial year 2025/26, reviewing budgets and considering year-end forecasts. These forecasts were based on the levels of spend and financial information at the end of guarter 2, up to 30 September 2025.

At the meeting, Councillor Tyerman proposed and Councillor David Thomas seconded a motion that was agreed unanimously by the Cabinet, as set out above.

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

There were no alternative options considered.

Is this a Key Decision?

No

Does the call-in procedure apply?

Nο

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

None

### **Published**

21 Novem	ber 2025		
Signed:		Date:	
	Leader of Torbay Council on behalf of the Cabinet		



Meeting: Cabinet/Council Date: 18 November/11 December 2025

Wards affected: All Wards

Report Title: Budget Monitoring – Revenue and Capital Outturn 2025/26 Quarter 2

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

Cabinet Member Contact Details: Councillor Alan Tyerman, Cabinet Member for Finance

alan.tyerman@torbay.gov.uk

Supporting Officer Contact Details: Ian Rowswell, Deputy Director of Finance,

ian.rowswell@torbay.gov.uk,

# 1. Purpose and Introduction

- 1.1. This report provides a high-level budget summary of the Council's revenue and capital position for the financial year 2025/26, reviewing budgets and considering year-end forecasts. These forecasts are based on the levels of spend and financial information at the end of quarter 2 (Q2), up to 30 September 2025.
- 1.2. The Council is currently projecting an overspend of £1.223m by the end of the year, an increase of £238k on the position projected at quarter 1 (Q1). The report highlights the areas where material variances are being projected, the reasons for them and mitigating action being taken.
- 1.3. An updated forward looking Capital Investment Plan was included within the 2025/26 budget papers. An updated Plan is shown as Appendix 1 and highlights a total revised capital budget of £101.756m for the period up to 2027/28 and a revised budget for £79.730m for 2025/26.

### 2. Recommendations

#### **Recommendations for Cabinet**

2.1. That the Cabinet notes the forecasted revenue outturn position and amendments made to the published 2025/26 Capital Investment Plan.

### **Recommendations for Council**

2.2. That Council approves the revisions to the Capital Investment Plan, as set out in Appendix 1 to the submitted report.

### 3. 2025/26 Budget Summary – as at 30 September 2025

- 3.1. The Council are currently projecting an overspend of £1.223m for the end of 2025/26.
- 3.2. The table below provides a summary across Council Service Directorates.

	Budget	Projected Outturn	Variance
Service	£m	£m	£m
Adults and Community Services	49.282	49.148	-0.134
Children's Services	46.026	47.611	1.585
Corporate Services	15.397	15.894	0.497
Financial Services	12.356	11.606	-0.750
Investment Portfolio	-4.134	-4.134	0.000
Pride in Place Services	28.560	28.585	0.025
Public Health Services	0.016	0.016	0.000
Revenue sub-total	147.503	148.726	1.223
Sources of Finance	147.503	147.503	0.000
Revenue Over/ (Under) spend	0.000	1.223	1.223

- 3.3. The two areas where significant overspends are being forecast are Children's Social Care Placements and Legal Services, which total almost £2.5m. These will be mentioned in more detail later in the report. Whilst the projected outturn for legal services has reduced since Q1, the projected overspend on Children's Placements has increased significantly from £442k to £2.087m. Underspends across other budgets have helped to reduce the impact on the projected outturn position and limit the increase from Q1 to £238k.
- 3.4. Robust financial management and control continues to be required from all services across the Council in order to mitigate current and emerging spending pressures to ultimately achieve a breakeven position by the year end.

- 3.5. Financial Sustainability Plans are being maintained by each Director, which are overseen collectively by the Chief Executive and Directors in respect of the following key risk areas. These will continue to be reviewed and updated:
  - Adult Social Care Transformation programme
  - Adult Social Care Market management
  - Children's Social Care placements
  - Home to School Transport
  - Children's Locality Model and oversight of Safety Valve
  - Prevention and Relief of homelessness
  - Legal Services staffing and agency costs
  - Revenue and Benefits (Council Tax and NNDR collection rates)
  - Events
  - Management of Heritage Assets (Cockington, Oldway, Torre Abbey and Pavilion)
  - Optimisation of Council Assets
  - Planning, Building Control and Land Charges income targets
  - Council Use of Artificial intelligence and Overarching Plan (being developed)
- 3.6. Action taken in respect of these plans will continue to have a positive impact, mitigating current costs or pressures that otherwise would emerge and help to reduce any projected overspends, where forecast.
- 3.7. The Dedicated Schools Budget, and particularly the Higher Needs Block, is not currently shown within the table above. Spend continues to be monitored as part of the Safety Valve agreement in order to facilitate the write-off of accumulated deficits of over £16m. Achieving the targets outlined and agreed within the Safety Valve Plan continues to be challenging with an overspend on the DSG budgets of £1.588m now being forecast for 2025/26. A summary of the position is shown in para 3.18.

# **Service Budgets**

3.8. The table below summarises the most material variances (over circa £100k), which are explained further within the service sections of the report.

Service	Current Budget £m	Projected Outturn £m	Outturn Variance £m
Children's – Section 17 costs	0.580	0.700	0.120
Children's - Social care placements (excl. UASC)	23.559	25.646	2.087
Children's – Staff costs (including agency)	22.228	21.824	(0.404)
Corporate – Legal Services	2.085	2.490	0.405
Finance – Investments and borrowing	18.572	17.822	-0.750
Place – Torre Abbey	0.416	0.541	0.125
Place - Highways – road closure income	(0.130)	(0.230)	-0.100
Place – Concessionary Fares	3.656	3.536	-0.120
Place – Waste Disposal	5.019	5.219	0.200
Place – Car Parking	(5.985)	(6.435)	(0.450)
Place - SWISCO			0.300
Total of variances over £100k			1.413

(Note: Other variances under £100k are not highlighted within this table hence totals will differ from overall variance mentioned above)

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

- 3.9. Overall Adults and Community Services are forecasting an underspend of **(£0.134m)**. No material variances are being reported and a small number of underspends are being forecast across Community services including, environmental protection, housing standards and safer communities, due to vacancies and timing of recruitment.
- 3.10. Within Adult Social Care the majority of spend is against a fixed price financial arrangement (contract) for the delivery of services provided by the Integrated Care Organisation (ICO) and no variances are being reported.
- 3.11. In previous years we have experienced overspends and pressures within our Housing Options Service relating to increasing costs for homelessness prevention and the provision of Temporary Accommodation. A combination of increases in the 2024/25 and 2025/26 budget, alongside management actions and the purchase of our own properties has resulted in no significant overspends being projected so far in this year. A Financial Sustainability Plan remains in place, which will continue to be monitored closely.

#### Children's Services

3.12. Overall Children's Services are forecasting an overspend at Q1 of £1.585m. The table below highlights the material variances.

Service	Budget £m	Projected Outturn £m	Variance £m
Section 17	0.580	0.700	0.120
Social care placements (excl. UASC)	23.59	25.646	2.087
Staff costs (including agency)	22.228	21.824	(0.404)
Learning Academy Training	0.167	0.110	(0.057)
Special Guardianship, adoption and residence order allowances	2.829	2.774	(0.055)
Adopt South West service – Inter agency fees	0.688	0.618	(0.070)
Other variances	-	-	(0.036)
Forecast Outturn Position	•	-	1.585

- 3.13. Expenditure relating to support for children in need under Section 17 of the Children Act 1989 is forecast to exceed budget by £120k. This is due to ongoing increases in demand, particularly in areas such as housing support, to ensure the Council meets its duty to safeguard children and promote their welfare.
- 3.14. The Service is currently projecting an overspend of £2.087m across budgets for children social care placements. There is a national sufficiency issue in respect of placements, affecting both fostering and residential children's homes. This challenge is further compounded by the requirement for post-16 placements to be Ofsted registered. These factors are causing significant disruptions in the market, with private providers substantially increasing their costs.
- 3.15. In practical terms, this means that for each available placement, there are a large number of local authority referrals. Despite receiving expressions of interest and attending matching meetings, providers often select children who are easier to place, leaving our more complex children, who may have dis-regulation issues or Deprivation of Liberty Safeguards (DoLS), struggling to find suitable placements. As a result, we are increasingly relying on unregulated provision, which is not only on the rise nationally but also comes at a significantly higher cost, sometimes reaching up to £30,000 per week.
- 3.16. We continue to work diligently to manage these pressures and limit any adverse impact on our budget. Our financial sustainability plan remains in place as we strive to navigate these challenging circumstances.
- 3.17. An underspend of **(£404k)** is currently being forecast in relation to our budgets for Staffing (including agency). This is due to the new staffing structure being implemented

- from 1st September 25, where there are vacant posts which are yet to be filled. Also reducing the use of agency staff where possible to cover vacancies
- 3.18. Outside of Local Authority funded activities, the schools' higher needs block in the Dedicated Schools Grant (DSG) remains under financial pressure from continual referrals for assessment for higher needs support for children.
- 3.19. The Council is part of the Department for Education (DfE) Safety Valve programme, which supports councils in achieving future financial sustainability in this area. If the council continues to deliver on its recovery plan and achieve a balanced higher needs budget, all of the historic DSG deficit will be written off, through additional funding by DfE.
- 3.20. Torbay Council has already received £8.777m from the DfE in response to its recovery plan, without which the DSG cumulative deficit is forecast to be £16.057m at the end of 25/26. It is critical that the Council continues to deliver on its recovery plan and the Service continues to work with Schools, robustly monitoring the position. We are currently projecting an overspend on the DSG budgets in 2025/26 totaling £1.588m, with further breakdown shown below:

	Over / (Under)
	Spend
Budget Area	£m
Special School / High Needs in-year adjustments	0.175
EHCP- In-year adjustments for Primary & Secondary Schools	0.150
Health contributions towards EHCP costs	0.150
South Devon College placements	0.75
Independent Special School Placements	0.648
Recoupment between other Local Authorities for our pupils in their provision	0.090
and vice versa	
Education Other than at School - Bespoke Packages / Alternative Provision /	0.808
SEND Direct Payments	
Education element of Joint Funded Cared for Children Placements	(0.057)
Staff costs in-year vacancy savings	(0.076)
Medical Tuition Service - Contract Refund and savings from service coming	(0.350)
back in-house from Sept 25	
Vulnerable Children - including, Hospital Tuition & EAL	(0.034)
Other DSG	0.009
Total Overspend	1.588

# **Corporate Services**

3.21. Overall Corporate Services are forecasting an overspend of £497k. The table below highlights the material variances of which the Legal Services budget is projecting an overspend of £405k. The service continues to experience financial challenges despite significant budget increases in recent years to reflect increasing demand and difficulties in recruiting permanent staff. This is a national issue across the public sector, with

difficulties competing with the salaries paid by other organisations, particularly within the private sector. Market factors have been reviewed to improve recruitment, but high demand levels mean vacancies and absences have been covered by agency staff and consequently spend levels have remained high. This figure has reduced by £138k since Q1 and a financial sustainability plan remains in place for this area.

### **Financial Services**

- 3.22. An underspend of <u>(£750k)</u> is projected across our Treasury Management budgets, mainly as a result of increased interest rates being secured, meaning the Council has earned higher levels of interest on its cash investments than budgeted. We also have a saving on interest payable by the Council on the amounts borrowed as a result of managing borrowing requirements.
- 3.23. As part of setting the 2025/26 budget, some central contingencies were held, as in previous years. These are mainly linked to pay/inflation and other risk areas, to be released to fund identified cost pressures within services. These transfers have a net nil impact across the Council.

### **Investment Portfolio**

- 3.24. The Council's Investment Portfolio is forecast to provide a net revenue contribution, after the use of the investment property reserve, to cover lost rent, holding costs of vacant premises and landlord's works.
- 3.25. The Council's investment portfolio continues to contribute £4.1m towards Council activity, in line with the budget, whilst also maintaining its Investment Fund Reserve to offset future pressures as and when they arise.

### **Pride of Place**

3.26. Overall Pride of Place services are projecting an overspend of £0.025m. The table below highlights the material variances.

Service	Budget £m	Projected Outturn £m	Variance £m
Torre Abbey	0.416	0.541	0.125
Highways – road closure income	(0.130)	(0.230)	(0.100)
Concessionary Fares	3.656	3.536	(0.120)
Bus subsidies	0.220	0.315	0.095
Waste Disposal	5.019	5.219	0.200
Car Parking	(5.985)	(6.435)	(0.450)

Forecast Outturn Position	-	-	0.025
Other variances	ı	ı	(0.025)
SWSICO			0.300

- 3.27. The budgets for Torre Abbey are forecast to overspend by £125k by the year end. This pressure also emerged last year and is due to income levels being below budget for a number of areas, including the café and weddings. A Financial Sustainability Plan is being finalised to cover this area and identify actions that can be taken to manage spend, optimise income and reduce the overspend.
- 3.28. An underspend of (£100k) is projected on the Highways budget, mainly as a result of income from road closures continuing to exceed the budget.
- 3.29. The Concessionary fares budget is forecast to underspend by (£120k) this year. The costs linked to the number of users are expected to be lower than estimated within the budget.
- 3.30. A over spend of £95k is forecast within our bus subsidy budget in order to continue operating agreed routes. This is based on estimated increases in the subsidies provided to suppliers exceeding those budgeted.
- 3.31. The Waste Disposal budget is forecast to overspend by £200k. Waste volumes, (tonnages), are higher than predicted at this point in the financial year and costs are likely to exceed budget by year end.
- 3.32. The Car Parking budget is forecast to underspend by £450k. This is due to forecast income at year end projected to exceed budgeted income targets both from off street car parks and enforcement. The warm weather during the summer months had a positive impact with increased demand for off street car parks in particular.
- 3.33. An overspend of £300k is being projected for SWISCO, which relates to agency & insurance costs exceeding budget plus the projected level of enforcement income being much lower than budgeted.

### **Public Health**

3.34. Public Health is reporting a balanced position within its ring-fenced grant.

### 4. Collection Fund

- 4.1. Collection rates in 2025/26 do not have any impact on the current financial year with the Collection Fund equalisation reserve being maintained to manage any impact of shortfalls. No draw down was required in 2024/25 and a surplus was transferred into this reserve pending a further review around risk and appropriate reserve levels.
- 4.2. In-year income collection rates for 2025/26 are expected to be in line with budgeted levels.

# 5. Wholly Owned Companies

- 5.1. As highlighted above SWISCo is experiencing a number of financial pressures relating to operational delivery throughout 2025/26. The previous report provided for an additional loan to support a phased replacement of an ageing fleet of vehicles, to mitigate the additional costs associated with increased repairs and maintenance costs and associated hire costs. However, other pressures remain and SWISCO have experienced increased insurance costs this year as well as agency staff costs that are much higher than budgeted due to the need to cover for various sickness and other absence.
- 5.2. SWISCO are also projecting a significant shortfall in enforcement income compared with the annual budget. An approach that focuses much more on education and community engagement rather than issuing penalty notices is working well but having an impact on the level of income collected.
- 5.3. TEDC staff returned into Council management in April 2024 and assets and contracts transferred at different times throughout the last year, with some further transfers of assets planned as soon as legally possible. Consequently, it is still necessary for the company to be in existence, however we do not anticipate any material impact on the Council's accounts.
- 5.4. More detailed financial reporting about the Council's wholly owned Companies forms part of the Councils Statement of Accounts.

# 6. Capital

- 6.1. The 2025/26 Capital Plan budget of £32.606m was approved in February 2025 as part of the annual budget setting process. The budget papers included an updated forward looking capital programme, estimating the spend over the next 3-years (2025/26-2027/28).
- 6.2. The 2025/26 Capital Plan budget increased to £52.239m to incorporate reviews that took place at the monthly Capital and Growth Board meetings during quarter 1.
- 6.3. It is now recommended that the budget is increased by a further £27.491m to £79.730m, which reflects the latest position within capital projects and the reviews undertaken by the Capital and Growth Board during quarter 2. Details of the budget revisions are included in Appendix 1 and are summarised below.
- 6.4. The majority of the increases for the period relate to underspends on 2024/25 project budgets with other changes being in respect of recommended funding increases.

	20		
Project Name	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's
Schools Capital Programme	4,521	1,902	6,423
Projects under Feasibility and Development	14,408	12,307	26,715
Economic Development / Regeneration	577	(220)	357
Housing Development / Investment	11,099	5,863	16,962
Environment / Climate Capital Investment	5,524	407	5,932
Transport Capital Investment	6,767	7,166	13,934
Coastal Defence / Flood alleviation	7,893	(86)	7,806
Sports, Leisure and Culture	184	0	184
Schools Closed Projects	765	1	766
Other Closed Projects	499	150	649
Total	52,238	27,491	79,730

The table below highlights the changes and provides a reconciliation from the approved budget to the revised budget.

Project Name	Amount	Comments
Revised Budget 2025/26	£52,239,000	Approved in September 2025
Additions to the Capital Plan		
Schools Capital Programme	£1,902,000	£0.840m – Higher needs Capital Fund - Department for Education Higher Capital Allocation for 2025/26 of £1.405m and part of the grant funding subsequently allocated to Mayfield College Relocation Project (see below).  £0.077m – Devolved Formula Capital - Department for Education Grant allocation 2025/26  £0.490m – Childrens Home - Remodel a proportion of an existing Council asset, to create a dedicated residential provision for children with multiple complex needs  £0.495m – Mayfield College Relocation - Relocation from Occombe House, Paignton to MyPlace, Paignton  Source of Funding: External Grants
Union Square Development	£1,771,000	Budget increase as per the outline business case presented to the September C&GB meeting, the business case paper sought approval for the project to proceed through to its final stage of development.  Source of Funding: Town Deal Grant
Strand Redevelopment	£1,498,000	Budget approval to fund land acquisitions to enable the scheme to progress.  Source of Funding: Town Deal Grant
Oldway Mansion	£2,792,000	Budget increase as per Full Business case to commit the Levelling Up Partnership funding grant. Works primarily in respect of structure of the building.  Source of Funding: Levelling Up Partnership Grant

2025/26 Quarter 2 Revised Budget	£79,730,000	
Various Project Budgets	£100,900	Funding Source: Various
2025/26 Other Budget Adjustments		
Clennon Valley Walking & Cycling Route	£345,000	Torbay Leisure Centre & Velopark close to Goodrington Sands, inland towards the residential areas to the west, the South Devon College campus and adjacent employment areas Source of Funding: S106 Funding and Integrated Transport Grant
Transport Capital Investment	£6,961,000	Additional in year allocations in respect of:  Zero Emissions Bus Grant - Funding to help deliver a complete depot and fleet transformation to electric vehicles for Stagecoach.  Bus Improvement Plans – Grant funding added progress the implementation of the 2025/26 Bus Service Improvement plan  Source of Funding: Central Government Grant  New scheme to create a shared, mile-long path from
Tor Hill House Roof replacement and Solar Panels	£450,000	New scheme – to replace roof on operational building, including the addition of solar panels.  Source of Funding: Climate grants and reserves
Affordable Housing – Acquisition of land	£306,000	Acquisition of Land for the Delivery of Affordable Homes as per Cabinet report approved on 19 August 2025.  Source of Funding: Ringfenced Housing Revenue Reserve
Affordable Housing – Midvale Road	£774,000	Turnkey acquisitions for social housing as per Cabinet report approved on 19 August 2025 and part of the approved Accommodation Repurposing Programme  Source of Funding: Homes England Grant, Accommodation Repurposing Programme grant, Prudential Borrowing
Affordable Housing – Aria Heights	£2,916,100	Turnkey acquisitions for social housing as per Cabinet report approved on 19 August 2025 and part of the approved Accommodation Repurposing Programme  Source of Funding: Homes England Grant, Accommodation Repurposing Programme grant, Prudential Borrowing
Affordable Housing – Local Authority Housing Fund 3 (4 Units)	£1,360,000	Acquisition of four properties to deliver Local Authority Housing as approved by council on 24 July 2025.  Source of Funding: Local Authority Housing Fund R3, Revenue Contribution to scheme, Prudential Borrowing
Torbay Technology Park	£6,315,000	Please refer to Appendix 2 for project information.  Source of Funding: Levelling Up Fund 3 Grant

- 6.5. In addition, further projects will be moved from feasibility and development to fully approved projects throughout the period on completion and approval of robust business cases. The business cases for these projects are reviewed by the Capital and Growth Board who recommend projects and funding for approval by Council.
- 6.6. The level of cost inflation on construction contracts remains high and along with supply chain issues have impacted on the "pace" of spend and capital expenditure for the year being less than forecast. The balance on unspent capital budgets will be transferred into future years. After discussion with project managers, £6.989m of the 2025/26 additional budget has been reprofiled to future years. The breakdown is detailed below:
  - Schools Capital Programme £1.900m
  - Projects under feasibility and Development £1.914m
  - Transport Capital Investment £3.175m
- 6.7. The range of capital projects demonstrates the breadth and scale of the capital programme projects affecting services including highways, schools, housing and regeneration.

### 7. Risks & Sensitivity

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

Risk	Impact	Mitigation
Financial sustainability and write-off of the DSG Deficit, given increasing spending challenges.	High	The Service continues to work closely with its schools and robustly manages and reports on its recovery plan approved with the Department for Education's Safety Valve programme.
Adult Social Care funding is not sufficient to meet forecast costs	High	A new five-year contract has been agreed from April 2025 and the Director of Adult Social Care continues to work closely with Health Trust colleagues and our third-party transformation partners on a range of intervention activity and savings plans, in collaboration with the Trust.
Price increases from high inflation rates continue to have an impact on both revenue and capital costs.	Medium	The 2025/26 base budget included a higher than usual allowance for inflationary pressures and appropriate contingencies/reserves are held for revenue and capital.
The "cost of living" economic impact on the Council's residents from higher fuel and utility costs is likely to impact on both demand for council	Medium	The Council will continue to mitigate where possible the impact on council services and support/signpost residents to support.  The Council will continue to administer payments under both the Household Support Fund and

services and may result in reduced income from Council Tax.		Council Tax Rebates, whilst also monitoring collection rates.
Unable to recruit staff and need to use agency staff.	High	Work continues to identify solutions to these challenges which seem to be on a national scale. Legal services staff continues to be a challenging area and the Financial Sustainability Plan will continue to be updated and reviewed.
Delivery of financial sustainability plans	Medium	Plans will be monitored at Directors' meetings to assess progress and potential risks/issues and opportunities.
Investment Property Income changes	High	The Investment Board will continue to review future leases and mange any potential break clause implications – maintaining appropriate balances within the Investment Reserve
Voids in commercial properties and sites held pending development incur costs in excess of budget.	High	The 25/26 budget allocated £300k to help establish a reserve that can be used to offset unplanned costs.
Demands on the Council Repairs and Maintenance (R&M) budgets exceed funding available.	High	The R&M budget was increased by £200k in 24/25 and a further £400k in 25/26.
Temporary Accommodation – increasing demand and cost pressures within the local housing market.	Medium	Budgets have been increased over recent years and robust monitoring will continue, including assessing the impact from directly procuring and properties to increase the stability of accommodation options available to the Housing Options team

# **Appendices**

Appendix 1 – Capital Plan summary as at Q2 2025/26 Appendix 2 - Capital Plan addition - Torbay Technology Park



# **Appendix 1 - 2025/26 - Quarter 2**

	2		Revised 4-Year Plan				
Project Name	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	Total for Plan Period £000's
Schools Capital Programme	4,521	1,902	6,423	6,422	1,692	1,400	9,514
Projects under Feasibility and Development	14,408	12,307	26,715	20,755	6,379	979	28,113
Economic Development / Regeneration	577	(220)	357	357	0	0	357
Housing Development / Investment	11,099	5,863	16,962	16,962	1,000	1,000	18,962
Environment / Climate Capital Investment	5,524	407	5,932	5,930	0	0	5,930
Transport Capital Investment	6,767	7,166	13,934	13,934	3,284	3,121	20,339
Coastal Defence / Flood alleviation	7,893	(86)	7,806	7,807	6,900	2,233	16,940
Sports, Leisure and Culture	184	0	184	184	0	0	184
Schools Closed Projects	765	1	766	766	0	0	766
Other Closed Projects	499	150	649	649	0	0	649
Tote	52,238	27,491	79,730	73,768	19,255	8,733	101,756

# **Capital Plan Detail**

# **Schools Capital Programme**

	2	2025/26 Budget			Revised 4-Year Plan			
Project Name	Approved Budget	Q2 Budget Revisions	Revised Budget	2025/26 Total Revised Budget	2026/27	2027/28	Total for Plan Period	
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	
Capital Repairs and Maintenance	716	0	716	716	200	200	1,116	
Education Review Projects	1,328	(200)	1,128	1,128	660	368	2,156	
High Needs Capital Provision	1,891	270	2,161	2,161	750	750	3,661	
Devolved Formula Capital	36	77	113	113			113	
Foster Homes Adaptations	81	0	81	81	82	82	245	
Childcare Expansion	180	0	180	180			180	
White Rock Primary Defects	0	200	200	200			200	
YM <b>©</b> A	152	0	152	152			152	
Sharwell School Salix	44	0	44	44			44	
Mayteld College Relocation	93	495	588	588			588	
Family Time Relocation	0	200	200	200			200	
Childrens Home	0	490	490	490			490	
The NEST at South Devon College	0	370	370	370			370	
Total	4,521	1,902	6,423	6,422	1,692	1,400	9,514	

# **Schools Closed Projects**

	2	Revised 4-Year Plan					
Project Name	Approved Budget	Q2 Budget Revisions	Revised Budget	2025/26 Total Revised Budget	2026/27	2027/28	Total for Plan Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Paignton Academy STEPS Relocation	281	0	281	281			281
Acorn Centre (Youth Investment Fund)	42	0	42	42			42
Mayfield Expansion	0	0	0	0			0
PCSA Expansion	(2)	1	(0)	(0)			(0)
St Cuthbert Mayne Expansion	427	0	427	427			427
St Cuthbert Mayne Phase 2	17	0	17	17			17
Total	765	1	766	766	0	0	766

# **Projects under Feasibility and Development**

	2	2025/26 Budget Revised 4-Year Plan					
Project Name	Approved Budget	Q2 Budget Revisions	Revised Budget	2025/26 Total Revised Budget	2026/27	2027/28	Total for Plan Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Crossways, Paignton - Regeneration	782	371	1,154	1,154			1,154
Extra Care Housing (Torre Marine)	0	0	0	0			0
Edginswell Railway Station	49	0	49	49			49
Union Square Acquisition & Development (Town Deal)	2,192	1,771	3,963	3,963			3,963
Strand Redevelopment	548	1,498	2,047	2,047			2,047
Torquay Town Deal - Pavilion	1,296	0	1,296	1,296			1,296
Torbay Road Paignton (High Streets Funding)	136	9	145	145			145
Station Square (High Streets Funding)	1,271	0	1,271	1,271	1,000	398	2,669
Victoria Centre (Paignton) (FHSF)	1,959	(412)	1,547	1,547			1,547
Oldmay Mansion - phase 1 of Master-Plan	4,718	2,762	7,480	1,520	5,379	581	7,480
Brixham Square Public Realm (part of LUP £20m)	822	(75)	747	747			747
BrixNam Central Car Park (part of LUP £20m)	245	69	314	314			314
Torbay Tech Park (Part of LUF £20m)	1	6,315	6,316	6,316			6,316
Brixham Port Infrastructure (Part of LUF £20m)	383	0	383	383			383
Foxhole Play & Ecology Hub	(25)	0	(25)	(25)			(25)
Edginswell Business Park - Unit 3	30	0	30	30			30
Total	14,408	12,307	26,718	20,755	6,379	979	28,113

# **Economic Development / Regeneration**

	2	025/26 Budget					
Project Name	Approved Budget	Q2 Budget Revisions	Revised Budget	2025/26 Total Revised Budget	2026/27	2027/28	Total for Plan Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Paignton Picture House (High Streets Funding)	575	(220)	355	355			355
Small Projects - UK Shared Prosperity Fund	2	0	2	2			2
Total	577	(220)	357	357	0	0	357

# **Housing Development / Investment**

	2	2025/26 Budget Revised 4-Year Plan			Revised 4-Year Plan			
Project Name	Approved Budget	Q2 Budget Revisions	Revised Budget	2025/26 Total Revised Budget	2026/27	2027/28	Total for Plan Period	
D	£000's	£000's	£000's	£000's	£000's	£000's	£000's	
Disapled Facilities Grants	913	187	1,100	1,100	1,000	1,000	3,100	
Colaion St Mary Land Disposal	415	0	415	415			415	
St Kilda's, Brixham - Affordable Housing	3,960	0	3,960	3,960			3,960	
Hotels to Homes - Scheme 1 (Brampton Court)	2,712	0	2,712	2,712			2,712	
Hotels to Homes - Scheme 2 (Seabury Hotel)	3,100	320	3,420	3,420			3,420	
Local Authority Housing Fund - 4 Housing Units	0	1,360	1,360	1,360			1,360	
Affordable Housing - Aria Heights	0	2,916	2,916	2,916			2,916	
Affordable Housing - Midvale Road	0	774	774	774			774	
Affordable Housing - Acquisition of Land	0	306	306	306			306	
Total	11,099	5,863	16,962	16,962	1,000	1,000	18,962	

# **Environment / Climate Capital Investment**

	2	Revised 4-Year Plan					
Project Name	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	Total for Plan Period £000's
SWISCO Loan - Vehicle & Equipment Replacement	3,368		3,368			2000	3,368
Tor Park Road Site Improvements	985	0	985	985			985
Grant Payment to SWISCO, Food Waste Collection Grant	(100)	100	0	0			0
Car Park Investment	151	0	151	151			151
Climate Change Initiatives	461	(143)	319	319			319
Green Waste Bins	(17)	0	(17)	(17)			(17)
Solar Farm, Brokenbury (EGF)	51	0	51	51			51
Solar Farm, Nightingale Park (EGF)	194	0	194	194			194
Paignton Library Heat Decarbonisation	430	0	430	430			430
Tormill House Roof and Solar Panels	0	450	450	450			450
Total	5,524	407	5,932	5,930	0	0	5,930

# **Transport Capital Investment**

	2025/26 Budget				Revised 4	d 4-Year Plan				
Project Name	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	Total for Plan Period £000's			
Transport Highways Structural Maintenance	3,140	341	3,482	3,482	2,050	2,050	7,582			
Transport Integrated Transport Schemes	2,596	(181)	2,415	2,415	1,071	1,071	4,557			
Transport - Torquay Gateway Road Improvements	364	0	364	364			364			
Transport - Western Corridor	450	0	450	450	163		613			
Shiphay Lane (Active Travel Fund)	197	0	197	197			197			
Zero Emission Buses Grant	0	5,525	5,525	5,525			5,525			
Bus Improvement Plans	0	1,136	1,136	1,136			1,136			
Clennon Valley Wallking & Cycling Route	0	345	345	345			345			
Babbacombe Beach Road	19	0	19	19			19			
Total	6,767	7,166	13,934	13,934	3,284	3,121	20,339			

# **Coastal Defence / Flood alleviation**

	2		Revised 4	4-Year Plan			
Project Name	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	Total for Plan Period £000's
Flood Alleviation - Monksbridge	40	0	40	40			40
Paignton Coastal Defence Scheme	7,435	(29)	7,406	7,406	6,900	2,233	16,539
Flood Alleviation - Torquay	198	(62)	136	136			136
Paignton Flood Alleviation	121	(14)	107	107			107
Brixham Flood Alleviation	41	19	60	60			60
Collaton St Mary Flood Alleviation	58	0	58	58			58
Total	7,893	(86)	7,807	7,807	6,900	2,233	16,940

# **Sports, Leisure and Culture**

P	2		Revised 4-Year Plan				
Project Name	Approved Budget £000's	Q2 Budget Revisions £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	Total for Plan Period £000's
Haldon & Princess Pier	78	0	78	78			78
Torre Valley North Sports Facilities	6	0	6	6			6
Armada Park Refurbishment	(8)	0	(8)	(8)			(8)
Torre Abbey Renovation - Phase 3	108	0	108	108			108
Total	184	0	184	184	0	0	184

# **Closed Projects**

	2		Revised 4	-Year Plan			
Project Name	Approved Budget	Q2 Budget Revisions	Revised Budget	2025/26 Total Revised Budget	2026/27	2027/28	Total for Plan Period
The Pines (TCCT)	<b>£000's</b> 75	£000's	£000's	£000's	£000's	£000's	£000's
Maidencombe Beach CP (TCCT)	45	0	45				45
Claylands Redevelopment	20	0	20	20			20
Edginswell Business Park Unit 1	65	0	65	65			65
Edginswell Enabling Works (LEP GBF)	1	0	1	1			1
Harbour View Hotel Development	58	0	58	58			58
Temporary Accommodation	2	0	2	2			2
RICC Improvements - Backlog Repairs	24	0	24	24			24
Torre Abbey Gatehouse/SW Wing	132	0	132	132			132
Flood Alleviation - Cockington	(9)	0	(9)	(9)			(9)
Tor Hill House Lighting Upgrade	66	0	66	66			66
Tor∰ay Strand Public Realm (Town Deal Funding)	(25)	150	125	125			125
Torquay Town Deal - Core Area Public Realm	45	0	45	45			45
Total	499	150	649	649	0	0	649

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 9 Appendix 3

Document is Restricted



# Agenda Item 10

#### **Record of Decisions**

### **Corporate Parenting Strategy**

### **Decision Taker**

Cabinet on 02 December 2025.

### **Decision**

- that the Director of Corporate Services be requested to update the Council's Equality Impact Assessment Templates to include care experience under the list of protected characteristics in line with the Inclusion Strategy for Torbay for 2025-2030; and
- that the amendment to the Terms of Reference for the Corporate Parenting Board, to include the Leader of the Council and the Senior Corporate Parenting Lead (as a contributing attendee) to its membership, be approved. This change demonstrates the Council's strengthened commitment to delivering the objectives of the Corporate Parenting Strategy.

That Cabinet recommends to Council:

3. that the Corporate Parenting Strategy 2026-2028 set out at Appendix 1 to the submitted report be approved.

### **Reason for the Decision**

The current Corporate Parenting Strategy expires on the 31 December 2025. In its revised form the Strategy will:

- place cared for and care experienced children and young people at the heart of everything the Council does;
- emphasise the need for Torbay to be an efficient and enabling Council;
- strengthen the working together and partnership arrangements of the Council to the benefit of the Council's cared for and care experienced children and young people.

Furthermore, adding care experience as a protected characteristic within the Council's Equality Impact Assessments would ensure that the Council considered how it could support care experience young people as part of its decision making processes in the same way the Council treats other people with protected characteristics.

### **Implementation**

The decision in respect of 1. and 2. above will come into force and may be implemented on 11 December 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny). The decision in respect of 3. above will be considered at the Council meeting on 11 December 2025.

#### Information

The Corporate Parenting Strategy was a statutory requirement to ensure that our cared for and care experienced children, and young people were central to the responsibilities of the whole Council and where applicable, the Council's partners. The proposed Strategy built on previous

versions and represented the Council's unrelenting intention to fulfil its role to the highest standard thereby ensuring that our children and young people receive the best possible support.

The 2026-2028 Strategy strengthens considerably;

- the contributions and participation of children and young people in the processes that affect them:
- the status of the Corporate Parenting Function and its Board by the active inclusion of the Leader of the Council and a membership that is acutely focused upon the achievement of its strategic objectives;
- the accountability of the Council and the Corporate Parenting Board through the post of Corporate Parenting Lead (Cared For and Care Experienced Children and Young People), who will sit on the Corporate Parenting Board as a contributing participant to primarily inject the views and experiences of children and young people and support, monitor and challenge the progress of the strategy; and
- the role and function of the six key work strands, each led by a Councillor supported by a nominated officer, that were designed to ensure that the Strategy translates into effective practices that positively help our children and young people.

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

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

The option to undertake a straightforward update was immediately rejected in favour of significantly strengthening and improving the current strategy by:

- placing children and young people firmly at the heart of all that the Council does as Corporate Parents;
- seeking ways to enable the most effective contribution and participation of children and young people into every aspect of the strategy;
- learning from the best. To this end, all local authority areas judged through inspection to have outstanding services in this area were either contacted directly or involved in a literature review of their Ofsted reports and other publicly available information. The findings of these exploratory exercises were used to inform the consultation and the direct communication with children and young people, and
- strengthening governance arrangements.

The preparatory consultation left no doubt that while the previous Strategy was an improvement upon what had preceded it, significant further improvement was required to set plans to achieve outcomes for children and young people that were directly relevant to and improved their lived experiences. For these plans to be successful, trusting relationships between children and young people, the Council and its partners were required which were firmly located on a shared understanding of the plan's solid foundations which made explicit how needs would be met.

### Is this a Key Decision?

Yes

### Does the call-in procedure apply?

Yes

Standards Committee)	ensations issued by the
None	
Published	
3 December 2025	
Signed:	Date:
Leader of Torbay Council on behalf of the Cabinet	





Meeting: Cabinet and Council Date: 2 December and 11 December 2025

Wards affected: All

Report Title: Corporate Parenting Strategy 2026-2028

When does the decision need to be implemented?

This document will be presented to Full Council for approval on 11 December 2025 and following approval will be implemented from 1<sup>st</sup> January 2026.

**Cabinet Member Contact Details:** Councillor Nick Bye, Lead Cabinet Member for Childrens Services

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

# 1. Purpose of Report

- 1.1. The Corporate Parenting Strategy is a statutory requirement to ensure that our cared for and care experienced children, and young people are central to the responsibilities of the whole council and where applicable, the council's partners. The proposed strategy builds on previous versions and represents the Council's unrelenting intention to fulfil its role to the highest standard thereby ensuring that our children and young people receive the best possible support.
- 1.2. The 2026-2028 Strategy strengthens considerably;
  - the contributions and participation of children and young people in the processes that affect them
  - the status of the Corporate Parenting Function and its Board by the active inclusion of the Leader of the Council and a membership that is acutely focused upon the achievement of its strategic objectives
  - the accountability of the council and the Corporate Parenting Board through the post
    of Corporate Parenting Lead (Cared For and Care Experienced Children and Young
    People), who will sit on the Corporate Parenting Board as a contributing participant to
    primarily inject the views and experiences of children and young people and support,
    monitor and challenge the progress of the strategy

- the role and function of the six key work strands, each led by a Councillor supported by a nominated officer, that are designed to ensure that the strategy translates into effective practices that positively help our children and young people.
- 1.3 The Council has recognised care experience as a protected characteristic through its Inclusion Strategy for Torbay for 2025-2030 but has not formally adopted this as part of its Equality Impact Assessments used to inform decisions. This report seeks to address that.

## 2. Reason for Proposal and its benefits

- 2.1. The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by stating clearly how cared for and care experienced children and young people will benefit from the revised and strengthened strategy which is entirely consistent with the principles of a *Child Friendly Torbay*.
- 2.2. The reasons for the proposal, and need for the decision reflects the need for a revised strategy to replace the previous version that expires on the 31 December 2025. In its revised form the strategy will
  - place cared for and care experienced children and young people at the heart of everything we do
  - emphasise the need for Torbay to be an efficient and enabling council
  - strengthen the working together and partnership arrangements of the Council to the benefit of our cared for and care experienced children and young people.
- 2.3 Adding care experience as a protected characteristic within our Equality Impact Assessments will ensure that we consider how we can support care experience young people as part of our decision making processes in the same way we treat other people with protected characteristics.

# 3. Recommendation(s) / Proposed Decision

#### Recommendations to Cabinet:

- 3.1 That the Director of Corporate Services be requested to update the Council's Equality Impact Assessment Templates to include care experience under the list of protected characteristics in line with the Inclusion Strategy for Torbay for 2025-2030.
- 3.2 To approve the amendment to the Terms of Reference for the Corporate Parenting Board, to include the Leader of the Council and the Senior Corporate Parenting Lead (as a contributing attendee) to its membership. This change demonstrates the Council's strengthened commitment to delivering the objectives of the Corporate Parenting Strategy.

### That Cabinet recommends to Council:

3.3 That the Corporate Parenting Strategy 2026-2028 set out at Appendix 1 to the submitted report be approved. Page 116

### **Appendices**

- Appendix 1: The draft Corporate Parenting Strategy 2026-2028
- Appendix 2: The outcomes of the public consultation.

Appendix 3: The statutory frameworks relating to cared for and care experienced children and young people.

## 4. Background Documents

- Record of Decision Notice of Motion Show Us You Care.pdf
- Agenda for Council on Thursday, 15 May 2025, 5.30 pm
- Torbay Inclusion Strategy 2025/30 Torbay Council

# **Supporting Information**

### 5. Introduction

- 5.1 The current version of the Corporate Parenting Strategy expires on 31 December 2025, and because of its statutory status the Council is required to replace it. In its revised form the strategy and the Corporate Parenting Board fulfils its legal duties.
- 5.2 The current strategy (2026-2028) enacts the Council's Pledge to children and young people by focussing upon;
  - positively supporting them throughout their young lives,
  - · assuring their care arrangements,
  - help to enable them to benefit from education and training,
  - promoting their health and the adoption of healthy lifestyles,
  - · helping young people achieve independence, and
  - ensuring young people have good quality accommodation in which they can 'put down roots' and live independently and successfully.
- 5.3 Children and young people have clearly told the Council that they believe that these priorities remain relevant to the revised strategy, but they need to be strengthened and shaped by their contributions.
- 5.4 The Council is committed to supporting care experience young people and has implemented a number of changes including the following:

Since 2018, the Council has determined to use its discretionary powers under Section 13A(1)(c) and Section 15A(7)eofths Local Government Finance Act 1992 to

define the following individuals as a class of liable persons that will receive a discount from their Council Tax:

- would have been in the care of Torbay Council (being "looked after") for at least 13 weeks since the age of 14 and in care on their 16<sup>th</sup> birthday;
- is resident in Torbay; and
- under 25 years old.
- 5.5 The discount awarded is 100% of the share of the Care Leaver's liability after any other statutory or local discounts has been deducted.
- At the Cabinet meeting held on 21 March 2023 the Cabinet unanimously approved 5.6 supporting the campaign to make care experience a protected characteristic. On 15 May 2025 the Council unanimously adopted the Inclusion Strategy for Torbay for 2025-2030 which states:

"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."

- 5.7 Whilst the Council is unable to change the Equality Act, it has chosen locally to recognise care experience as a protected characteristic due to the importance of everyone who is a part of Torbay Council being a corporate parent and us wanting to do all we can to support our care experience young people as though they were our own children. This approach has been taken by over 90 local authorities across the Country, in response to the Independent Review of Children's Social Care (2022), which recommended care experience become a protected characteristic, but this was not adopted by the Government.
- 5.8 To ensure that this is embedded in our work it is proposed to include care experience under the list of protected characteristics within our Equality Impact Assessments which form part of the Council's decision-making and governance processes.

#### Options under consideration 6.

- 6.1 The option to undertake a straightforward update was immediately rejected in favour of significantly strengthening and improving the current strategy by;
  - placing children and young people firmly at the heart of all that we do as Corporate Parents,
  - seeking ways to enable the most effective contribution and participation of children and young people into every aspect of the strategy,
  - learning from the best. To this end, all local authority areas judged through inspection to have outstanding services in this area were either contacted directly or involved in a literature review of their Ofsted reports and other publicly available information. The Page 118

- findings of these exploratory exercises were used to inform the consultation and the direct communication with children and young people, and
- strengthening governance arrangements.
- 6.2 The preparatory consultation left no doubt that while the previous strategy was an improvement upon what had preceded it, significant further improvement was required to set plans to achieve outcomes for children and young people that are directly relevant to and improve their lived experiences. For these plans to be successful, trusting relationships between children and young people, the Council and its partners are required which are firmly located on a shared understanding of the plan's solid foundations which make explicit how needs will be met.
- 6.3 The six strands of the plan, each designed to tackle the fundamental issues that children and young people need to negotiate are governed by an outcome-specific mission statement supported by focused action plans.

It was concluded that:

- a simple roll forward of the current strategy was not viable as it failed to meet the ambition of the council to enable cared for and care experienced young people to become successful, happy, safe and contented young adults.
- progressive plans to achieve the Corporate Parenting Board's aspirations for children and young people requires a governance structure that has authority and the ability to engage the partnership in decisions that enable ambitions to be achieved while ensuring that children and young people's wishes and feelings are at the heart of the process.
   The revised membership of the Corporate Parenting Board reflects this intent.

# 7. Financial Opportunities and Implications

7.1. Not to include care experience as a protected characteristic. This option is not recommended as it does not recognise the Council's adopted approach and will not make this part of the Equality Impact Assessment and formal decision making processes.

# 8. Legal Implications

8.1. This proposal fully complies with legislative requirements and has factored into its thinking the principles behind the Children's Wellbeing and Schools Bill which is in the report stage as it progresses through Parliament. A full list of statute and guidance can be found at Appendix 3.

# 9. Engagement and Consultation

- 9.1. At the Cabinet Meeting held on the 16<sup>th</sup> September 2025 it was agreed that authority be delegated to the Director of Children's Services to launch a public consultation 'when appropriate' to inform the development of the new Corporate Parenting Strategy.
- 9.2. As such an online survey was carried out from October 13th to November 7<sup>th</sup> 2025 the results from this survey can be found apparentix ovo.

9.3. In summary the Corporate Parenting Strategy consultation found broad support for the strategy's direction, especially its focus on participation, education, and wellbeing. Respondents recommended clearer, measurable goals—particularly in education—and stronger multi-agency collaboration. The "Contract of Trust" was generally understood, and feedback emphasized the need for accountability and keeping young people's voices central.

## 10. Procurement Implications

10.1 There are no procurement implications

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

11.1. Nothing in the proposed Corporate Parenting Strategy undermines the Council's protection of Torbay and its commitment to tackle climate change.

### 12. Associated Risks

- 12.1. The Council would be in breach of its statutory duty to Cared For and Care Experienced children and young people if it failed to revise and implement a Corporate Parenting Strategy 2026-2028 following the expiry of the current strategy in December 2025.
- 12.2. Adding care experience as a protected characteristic is a local choice and does not change the Equality Act legislation. There is a risk that the Council could be challenged if it does not follow its policies regarding this local choice.

# 13. 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 Page 121	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	The Corporate Parenting Strategy recognizes the diverse needs of children and young people in care and care leavers across all age groups. The strategy is informed by demographic data and direct consultation with children and young people of different ages. It commits to providing age-appropriate support, ensuring that the voices of all age groups are heard and acted upon, and that transitions—such as moving into care, changing placements, or leaving care—are managed sensitively and effectively. The strategy will be regularly reviewed to ensure that no group is disadvantaged due to age, and that support is tailored to the evolving needs of children and young people as they grow and develop. Ongoing engagement and data monitoring will ensure that the	Ongoing engagement and data monitoring via the development of action plans will ensure that the impact on all age groups is understood, addressed and evaluated.	Corporate Parenting Board – Timescales TBA.

		impact on all age groups is understood and addressed.		
Carers Page 122	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.	Carers (including foster carers, kinship carers, and adoptive parents) are vital to the success of the Corporate Parenting Strategy. The strategy recognizes the diverse needs of carers and commits to supporting them through accessible information, training, and involvement in decision-making. Consultation with carers has informed the strategy's priorities, and ongoing engagement will ensure their voices continue to shape service delivery. The strategy aims to advance equality of opportunity for all carers, including those from minority groups, and to mitigate any potential negative impacts by providing targeted support and regular review. Monitoring arrangements will ensure that the impact on carers is assessed and addressed throughout the life of the strategy.	Ongoing engagement and data monitoring via the development of action plans will ensure that the impact on all carers is , addressed and evaluated.	Corporate Parenting Board – Timescales TBA.
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 Differential Impact		

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 Phaternity	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 their ethnicity as white. This is a higher proportion than the	No Differential Impact

	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 Differential Impact	
Sex	51.3% of Torbay's population are female and 48.7% are male	No Differential Impact	
Pagexual orientation 0 12	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 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, 5.9 per cent of the population have previously served in the UK armed forces.	No Differential Impact	
Additional considerat	ions		

Socio-economic impacts (Including impacts on child poverty and deprivation)

The Corporate Parenting Strategy aims to address the socio economic challenges faced by cared for and care experienced children and young people in Torbay. By providing targeted support and services, the strategy seeks to mitigate the effects of child poverty and deprivation, ensuring that all children and young people have the opportunity to achieve positive outcomes. This includes access to education, healthcare, and other essential services that contribute to their overall well-being and development.

The strategy will also focus on improving the socio-economic conditions of families and communities, recognising that a supportive environment is crucial for the success of children and young people. By working collaboratively with partners in education, police, health services, and the community and voluntary sector, the strategy aims to create a holistic approach to addressing socio-economic disparities and promoting social inclusion. Furthermore, the strategy will include measures to monitor and evaluate the impact of these initiatives, ensuring that they are effective in reducing child poverty and deprivation. This will involve collecting and analysing

To mitigate the socio economic impacts related to the Corporate Parenting Strategy, several targeted actions and interventions can be implemented. These activities aim to address the challenges faced by cared for and care experienced children and young people in Torbay, ensuring they have the opportunity to achieve positive outcomes:

promoting inclusive practices across all areas of the strategy is essential. This involves working collaboratively with partners in education, police, health services, and the community and voluntary sector to create a holistic approach to addressing socio-economic disparities and

The Children's Services department will be responsible for implementing the mitigation activities outlined. The timeframe for implementation will align with the overall timeline for the development and execution of the Corporate Parenting Strategy action plans.

	education and acce	rey indicators, such as hal attainment, health outcomes, ss to services, to identify areas wement and make necessary nts.	promoting social inclusion. By fostering a supportive environment, we can improve the socio-economic conditions of families and communities, which is crucial for the success of children and young people	
Page 126			The ongoing monitoring and evaluation of the impact of the initiatives within the final strategy will be vital. This will include collecting and analysing data on key indicators such as	
			educational attainment, health outcomes, and access to services. By identifying areas for improvement and making necessary adjustments, we can ensure that the initiatives are effective in	
			reducing child poverty and deprivation. This will be undertaken via	

			the development of an action plan.	
Public Health impacts (Including impacts on the general health of the population of Torbay)		By committing to this Strategy, Torbay will be committing to the supporting all of our cared for children and care experienced young people in order to meet their needs, and to achieve their best outcomes; by doing this, we will have a significant, positive impact on the longer term health outcomes for cared for children and care experienced young people	As above	As above
Human Rights impacts Ge 127		Links to the Convention on the Rights of the Child: This consultation honour the rights of cared for and care experienced children and young people in terms of participation and non discrimination.	As above	As above
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.	This Strategy is a fundamental part of Torbay's Child Friendly commitment.	As above	As above

# 14. Cumulative Council Impact

14.1 The cumulative impact on the Council for implementing the Corporate Parenting Strategy is multifaceted and significant. This strategy aims to enhance the Council's role as a supportive, responsive, considerate, and sensitive corporate parent. By doing so, it will positively influence the lives of cared for and care experienced children and young people in Torbay.

## 15. Cumulative Community Impacts

15.1. The cumulative community impact of the Corporate Parenting Strategy will be far-reaching - the strategy will foster a supportive environment by working collaboratively with partners in education, police, health services, and the community and voluntary sector. This holistic approach will help to promote social inclusion, reduce socio-economic disparities, and ensure that all children and young people have the opportunity to achieve positive outcomes.



# Corporate Parenting Strategy 2026 – 2028

A contract of trust

**TORBAY COUNCIL** 

# Contents

1.	Foreword2
2.	Corporate Parenting Vision3
3.	Introduction4
4.	The Statutory Context6
5.	Principles and Priorities7
	Corporate Parenting Principles7
	Priorities8
	Priority 1: We will work with you8
	Priority 2: We will ensure your living arrangement (placement) is safe and meets your needs8
	Priority 3: We will support you to fulfil your potential9
	Priority 4: We will ensure that your physical, emotional, mental health needs are met .9
	Priority 5: You will be supported to develop into an independent, confident and responsible adult10
6.	Governance11
7.	Talking to us

### 1. Foreword

We are passionate and absolutely committed to wanting Torbay and its residents to thrive. Central to this vision is making sure that everyone can play their part in supporting Torbay's children and young people and making Torbay 'child friendly.'

We are so proud of our children and young people, and we are committed to do all we can to support them to benefit from the many opportunities that the Bay has to offer. In all we do, we want our children to feel personally supported, safe and benefiting from the advice and practical encouragements that will enable them to become successful young adults equipped to take their place in the world. We want them to have a collective voice so that we can understand and respond to their issues, priorities, stresses and successes.

We are committed to being the best parents by caring deeply for our children and young people and ensuring that our promises made in The Pledge as it is set out below are known and understood by our children, young people and our workforce and, most importantly, are fulfilled.

### The Pledge:

We, as your corporate parents, pledge to support, empower, and respect you. This pledge is built on your voices, your experiences, and your aspirations. It reflects our commitment to listen, act, and stand beside you—always.

- 1. Respect and Empowerment
- We will treat you as individuals, not labels.
- We will listen to you, involve you in decisions, and explain things clearly.
- We will respect your privacy and ensure you are not singled out or bullied.
- 2. Health and Wellbeing
- We will support your physical and mental health through regular check-ups and access to services.
- We will help you develop a Personal Health Plan tailored to your needs and choices.
- We will celebrate your achievements and support your resilience and self-worth.
- 3. Education and Learning
- We will help you stay in your preferred school or college and explain any changes.
- We will develop a Personal Education Plan to help you succeed.
- We will support your learning journey with encouragement and understanding.

- 4. Relationships and Identity
- We will support your relationships with family, friends, and siblings.
- We will plan visits and family time around your preferences.
- We will help you build a strong sense of identity and belonging.
- 5. Independence and Future Opportunities
- We will guide you as you grow, offering support when needed and space when wanted.
- We will help you develop life skills and access opportunities in education, employment, and training until at least age 21 and where applicable up to 25 years.
- We will celebrate your talents and support your goals.
- 6. Participation and Voice
- We will ensure your voice is heard in all decisions that affect you.
- We will work with you individually or through groups like the Children in Care Council.
- We will review this pledge annually to ensure it reflects your evolving needs and priorities.

This pledge was shaped through consultation with cared for children and care experienced adults in Torbay. It reflects real experiences and is aligned with restorative practice values and inclusive language.

The content of the Pledge has strongly informed this strategy, and we will ensure that its spirit and intent is carried forward into how we work and engage with Torbay's cared for and care experienced children and young people.

We would additionally like to take this opportunity to thank our incredibly dedicated foster carers and staff for the commitment they demonstrate to our cared for and care experienced children and young people every single day. We are committed to being great corporate parents, to ensure that each of our children and young people has every opportunity to live happy and fulfilling lives.

The Corporate Parenting Board

# 2. Corporate Parenting Vision

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

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

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

We are committed to being an effective, caring and ambitious corporate parent and we will work effectively with our partners such as health, education, the police and the voluntary sector to show this through:

- our positive and unconditional support,
- our engagement, communication and collaboration with cared for and care experienced children and young people,
- our openness to challenge and our sense of accountability to cared for and care experienced children and young people,
- our focus,
- our language, and
- our actions.

We will ensure that our cared for and care experienced children and young people are at the heart of all that we do and receive the same standard of care that any good parent would provide to protect and support them to benefit from a range of good and enjoyable experiences and to cope with the dangers and risks of everyday life. We will celebrate and share in their experiences and achievements, no matter how big or small, and we will remain ambitious for them and will work hard to support them in reaching their full potential. We will do everything we can to make sure that our cared for and care experienced children and young people are set up for life. Equally importantly, and at every step along the way we will talk frequently with our children and young people, we will respect and understand them and wherever it is possible and right to do so, we will act upon their views and wishes. We will make sure we tell them what we have done even when like in all families, we may not always be in full agreement. We will give our cared for and care experienced children and young people the ability to influence and importantly to challenge the Corporate Parent so that they can be sure that we will do everything in our power to ensure this strategy works for them and helps them achieve their goals and improve their lives.

We want Torbay to be a 'Child Friendly' place, a place that champions our cared for and care experienced children and young people and where they can grow and thrive and live happily and safely.

# 3. Introduction

This strategy is more than words on a series of pages. It represents the Council's responsibilities and accountabilities to each of its cared for and care experienced children and young people. It forms a 'Contract of Trust' with those for whom it has a relationship bound in statute and moral obligation. It reflects a solemn determination to ensure that the intent of this important strategy translates to timely and positive action that enables each cared for and care experienced child and young person to have their needs met and their aspirations encouraged while being supported to live happily, safely and securely. It is the expectation of this strategy that each child and young person will actively participate in discussion and debate with their workers and understand and

contribute to the decisions that are made which affect their lives. Through these personal connections confidence and ultimately trust will flourish and grow, and the children and young people will experience positive relationships that they can constructively use to navigate the challenges that will face them.

"I want my say in decisions".

- Cared for young person

"Being a care leaver faces you up to not having a family around you like most of your mates. It is hard and lonely sometimes."

- Care experienced young person

"Don't just talk to us. Hear what we have to say and understand what it means"

- Cared for young person, specific consultation session

The image contained within this introduction, is a photograph/illustration submitted by one of our care experienced young people. It symbolises powerfully the many diverse hands of friendship and support required by each cared for and care experienced child and young person as they grow into their communities with the support of the professionals with whom they form relationships.



So, what precisely is corporate parenting? It is a term enshrined in statute that incorporates all of the responsibilities that we have as a Council to ensure that our cared for and care experienced children and young people are provided with the best possible care and protection. This is about more than just keeping children and young people safe. It is about every department of the Council and each of our partners working towards the common purpose set out in our objectives to enhance every aspect of their lives and by working with each child and young person ensuring that they are equipped with the right support to achieve their dreams. It needs to be said that our children and young people who participated in the consultation process do not like the term *corporate parent* but

said they were prepared to accept it as it is used in law, but they want to work together to consider the term they would like us to use in our internal discussions.

This Corporate Parenting Strategy outlines our aspirations to become the kind of corporate parent Torbay wants to be and how the Council will work alongside its partners, including education, police and health services, to achieve this ambition. It requires everyone, from officers to elected Members to GPs and to teachers, not only to recognise their role as corporate parents but also to understand how they work together to achieve the very best outcomes for each cared for and care experienced child and young person. The effectiveness of the strategy will properly be judged against this exacting standard.

The detail of the strategy sets out the commitment of our wider partnership to these objectives, and achieving our ambitions through strong strategic, corporate and political leadership and meaningful performance management. We will maintain an absolute commitment to the ongoing engagement and involvement of children and young people in the development and implementation of our strategy and associated action plans, and effective collaborative working with our partners across Torbay. The mission statements and priorities set out within this strategy reflect not only the Pledge and the local and national priorities for cared for children and care experienced young people, but also the priorities that have been developed as a direct result of our engagement and consultation with children and young people.

Each mission statement and priority has elected Member support and is delivered through the work of the Corporate Parenting Strands that are defined within the Corporate Parenting Board governance structure. The Strategy also demonstrates how the Corporate Parenting Board is held accountable for the delivery of the action plans underpinning our comprehensive corporate parenting principles and priorities, including by direct contact with children and young people and through their dedicated representative, the Senior Corporate Parenting Lead (Cared For and Care Experienced Children and Young People). This is a new post created as part of this strategy development to ensure that the voices of our cared for and care experienced children and young people are heard and understood in each of the service development, practice delivery and Corporate Parenting Board accountability processes.

Cared for and care experienced children and young people also receive services as part of this strategy that are partly or wholly delivered by partners. It is therefore an expectation that the governance arrangements relevant to those organisations and individuals working with the children and young people will ensure proper scrutiny and liaise where appropriate with the Corporate Parenting Board.

# 4. The Statutory Context

### Legal Duties

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

Provided with accommodation for a continuous period for more than 24 hours,

- Subject to a care order,
- Subject to a placement order.

When a child or young person becomes cared for, the Council becomes their Corporate Parent. In February 2018, the Department for Education published Statutory Guidance for Local Authorities and outlined the key principles of Corporate Parenting and the statutory responsibility that **all** elected Members and council officers have in terms of the wellbeing of cared for and care experienced children and young people.

We are also the corporate parent for those young people who are care experienced. The Children (Leaving Care) Act 2000 outlines the legal definition in terms of who qualifies as a care experienced young person. Specifically, this is defined as a young person aged sixteen or above who has been cared for by the local authority for a relevant period of time since their fourteenth birthday, and for those who have been cared for on or after their sixteenth birthday for a period of time. The expectations in terms of the services and support that local authorities must offer is contained within the Children (Leaving Care) Act 2000, the Care Leavers (England) Regulations 2010 and the Children and Social Work Act 2017. The Council continues to provide support to care experienced young people until they are 25 under the extended duties contained within the Children and Social Work Act 2017.

This strategy lays a responsibility upon elected members, senior officers and all staff across the Council to share a common vision, a conscious sense of collective responsibility and a demonstrable commitment to work collaboratively with our cared for and care experienced children and young people. These qualities will enable the desire to develop and deliver a range of quality services to our children and young people to come a reality.

# 5. Principles and Priorities

# **Corporate Parenting Principles**

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

On behalf of our cared for and care experienced children and young people, we will always:

- act in their best interests and promote their physical and mental health and wellbeing,
- actively encourage our children and young people to express their views, wishes and feelings,
- demonstrably seek to fully understand and take account of their views, wishes and feelings by working in accordance with the Council's restorative principles,
- in collaboration with the children and young people, help them gain access to, and make the best use of, services provided by us and our partners to meet their needs,
- promote high aspirations and seek to secure the best outcomes for them.
- ensure that they are safe and have stability in their home lives, relationships, education and work,
- prepare them for a successful transition to young adulthood and secure independent living.

### **Priorities**

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

Set out below are the Priorities that reflect the spirit of the relevant parts of the Pledge that we have we made to our children and young people. They will be used to develop outcome-focused action plans that will specifically state what will be done, by whom and by when so that all involved will know how the priorities will be delivered in practice.

### Priority 1: We will work with you

"Come when you say you will, don't cancel on us and get to really know us"-Cared for young person.

**Mission Statement:** Every cared for and care experienced child and young person will have a positive, respectful and trusting relationship with a worker with whom they have regular contact and derive benefit from shared communication, advice and guidance and support.

**Child Friendly Mission Statement:** You will have a worker who you see often, who listens to you, helps you, and treats you with kindness and respect. You can talk to them about anything, and they will give you advice, support, and be there for you when you need them

- We will come when we say we will, we will be prepared for our meeting, and we will listen to you and understand what you are saying.
- Your views will always be given priority, and we will be honest about what we can do and what is not possible.
- We will explain your rights and entitlements using language that is easily understood.
- We will use Language that Cares.
- We will respect your privacy and do everything we can to ensure that you are not singled out or bullied at school, college, or in any other setting.
- We will use our training to be thoughtful and understanding about the challenges you face.
- We will celebrate your achievements with you in the ways that you would like.

# Priority 2: We will ensure your living arrangement (placement) is safe and meets your needs

"Unless our homes are good enough for you to live in, they are not good enough for us"-Care experienced young person.

**Mission Statement:** Every cared for and care experienced child and young person will benefit from a safe and secure living arrangement that enables each child and young person to grow physically and psychologically with support from carers and professionals while enjoying positive contacts with their families whenever this is possible.

**Child Friendly Mission Statement:** You will have a safe and comfortable place to live, where people look after you and help you grow. The adults who care for you will support you and make sure you feel happy and secure. Whenever possible, you'll also be able to keep in touch with your family and the people who are important to you.

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

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

"What has happened to us makes education, training and work hard for us. Be patient and help others to be patient with us too" Cared for young person.

**Mission Statement:** We will work tirelessly in conjunction with our education colleagues to ensure that every cared for or care experienced child and young person benefits from their full entitlement to education and training with no avoidable gaps and are supported in every way to achieve their best.

**Child Friendly Mission Statement:** Together with your teachers and lecturers we will do everything we can to help you learn and do well at school, college, or in training. We'll make sure you don't miss out on any chances to learn, and we'll support you in every way so you can achieve your goals and be the best you can be.

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

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

"Follow through on health issues to make sure we get what we need." Care experienced young person.

**Mission Statement:** Every cared for and care experienced child and young person will benefit from a relentless focus on ensuring that their physical, emotional and mental health needs are met without delay by the appropriate specialists wherever they may live.

**Child Friendly Mission Statement:** Together with our colleagues in health we will make sure you get the help you need to feel healthy and happy, both in your body and your feelings. If you need to see a doctor, nurse, or someone to talk to, we will help you get support quickly, no matter where you live.

- We will work together to help to support your sense of well-being and personal identity.
- We will develop with you a plan (called a Personal Health Plan) to support you to be healthy
  and make informed good choices about your lifestyle to keep you emotionally, mentally and
  physically fit and well.
- We will support you to access regular health and dental checks and help you make any appointments or access treatment you may need without avoidable delay.

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

"Don't dump us into independence and expect us to survive. We need lots of help even if we say we don't. Be there for us" Cared for young person.

**Mission Statement:** We will work tirelessly to ensure that each cared for and care experienced child and young person participates fully in planning and the work undertaken to support them to make the transition to becoming a secure, safe, confident and happy young adult equipped with the necessary life skills for success.

**Child Friendly Mission Statement:** We will help you be part of making plans for your future, so you can become a confident, happy, and independent adult. We'll support you to learn the skills you need for life and make sure you feel safe and ready for what comes next.

- We will support and work with you so that you build an understanding that challenges and uncertainty are part of life and growth, and help you develop skills and strategies for dealing with them.
- We will work with you to ensure you have support and advice, so that you become confident
  and skilled in making good choices and less likely to take worrying risks or be open to
  exploitation by others.
- We will work with you to develop the life skills we all need to achieve your goals and have the best opportunities for the future.

# Priority 6: We will support you to secure good quality housing that you can call home and put down roots.

"All we ask for is somewhere decent to live so we can move on in life" Care experienced young person.

**Mission Statement**: We will ensure that each cared for or care experienced young person is prioritised and supported to secure without avoidable delay safe, stable and sustainable accommodation that is suitable for their assessed needs.

**Child Friendly Mission Statement:** We will make sure you have a safe and stable place to live that suits what you need. If you need to move, we'll help you find a good home as quickly as possible, so you feel settled and supported

- We will work to secure a range of suitable accommodation to meet the needs of our cared for and care experienced young people.
- We will continue to support young people with rent guarantees.

- We will consider how young people can be further prioritised for social housing.
- We will work relentlessly to prevent any young person from becoming intentionally homeless.
- We will continue to support the Council's established 'staying put' arrangements with fostering families when it is right for the young person.

In respect of all of these priorities and pledges, we will actively engage and consult with our children and young people, in taking forward the corporate parenting principles outlined above. We will make sure that we take what we learn from children and young people and embed this rich material in the partnership workforce development and training framework, to make sure that we as corporate parents share this learning.

### Restorative Practice

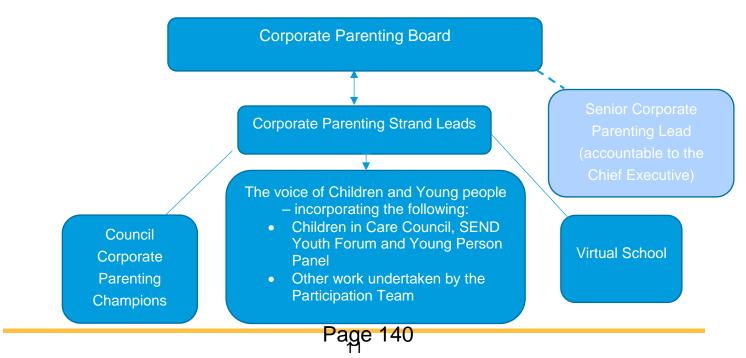
Torbay is committed to working with children and families in a restorative way. What this means is that we will value and place importance on the relationships we build with children, young people and families and always treat them with respect and dignity.

To Torbay's cared for and care experienced children and young people, we pledge that we will always try to work with you, as opposed to making decisions about you without involving you, or doing things for you without involving you. This means regularly seeking your views and reflecting these views in all assessments, plans or other forms of communication written with and about you.

### 6. Governance

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

As this strategy makes clear corporate parenting is the responsibly of the Council as a whole and of its partners. The diagram below illustrates how the various elements combine to ensure that the accountable Corporate Parenting Board has a clear line of sight to the work being carried out with cared for and care experienced children and young people.



### **Corporate Parenting Board**

The three key principles govern the work of the Board are (1) 'small is beautiful' reflecting the importance of keeping the Board as small as possible to maximise its effectiveness and efficiency and (2) a commitment to focusing upon the needs of cared for and care experienced children and young people and (3) capturing the voices of children that are critical to informing and assisting in evaluation of the strategy's development, effectiveness and progress.

**Membership:** The membership of the Board will comprise politicians, senior professional from partner agencies and a representative of the foster care association. Children and young people are represented by the dedicated full time, care experienced officer, the Corporate Parenting Lead who works across the partnership to gather views and to advocate on behalf of children and young people while performing a key role in ensuring that the Board delivers the strategy and its associated action plans. They will attend all meetings but will be an active participant to support the Board, rather than a member.

**Purpose of meeting:** To review the progress of the strategy and its action plans, and to monitor the progress of the associated action log. It therefore provides critical operational oversight and professional challenge to those responsible for Corporate Parenting activities. Reports to the meeting are documented using a template which requires the author to explicitly state which priorities of the strategic plan, strand priority action plans or requirements of the Pledge apply. Minutes of every meeting are produced in child and young person friendly ways and distributed to all Board members. Bi-annually, overall progress is reported to Cabinet and to Children's Overview and Scrutiny. A publicly available annual report is produced, similarly adapted to child-friendly form. accompanied by a revised strand priority action plans if amendment is required. The annual report will also be presented to Cabinet.

**Meeting frequency and support:** Every 2 months forming a key element within the Council's Constitution. It will take place at a suitable venue and will be supported corporately by Governance Support.

### **Corporate Parenting Strand Leads**

In line with the priorities outlined above, we have established five Corporate Parenting Strand Leads: Emotional Health and Wellbeing, Participation and UASC, Housing, Education and Employment & Fostering. Each Strand Lead is led by an elected Member who is a member of the Corporate Parenting Board, who each have their own job description. The Strand Lead's meetings also include Lead Officer support and key officers and partner representatives. Strand Leads take their strategic direction from the Corporate Parenting Board and the associated mission statements in respect of their area of focus. They monitor and evaluate the operational implementation of strand priorities, and use the meeting to scrutinise and explore relevant performance data and information, identifying barriers to progress before feeding the information into their reports to the Strategic Board and if necessary into proposed amendments to the strand priority action plans.

#### **Virtual School**

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

We absolutely believe it is crucial and right that every cared for and care experienced child and young person (including those in custody) has a full and enrichening education. We know that a failure to do so will have avoidable life affecting impacts for the children and young people concerned. Educational attainment and progress for our children is subject to regular and rigorous review to determine the effectiveness of the arrangements put in place for them via their Personal Education Plan and where necessary we will use all available resources in support of learner's right to have the education that they deserve. The Virtual School also produces an annual report for the consideration of the Governing Body, Corporate Parent Members Group and Full Council that will contain a detailed analysis of educational progress, development and barriers to progress, and recommendations to achieve further improvement for children and young people.

### The Corporate Parenting Lead

It is the Council's belief that cared for and care experienced young people deserve and will benefit from a dedicated support professional who because of their personal lived experiences will have the ability to understand and work closely and alongside children and young people. Advocating for their voices will be an important function together with a key role to actively hold the Council to account for its delivery of the strategy and its priority action plans. Sitting at Corporate Parenting Board meetings will mean that for the first time children's and young people's voices will be expressed and heard at every meeting and decisions will always be made taking into account the views and experiences of cared for and care experienced children and young people. When it is appropriate, the Corporate Parenting Lead will support children and young people to attend Board meetings to enable direct participation in debate and discussion.

### **Council Corporate Parenting Champions**

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

The established aims of this group are:

- To become an authority who thinks first about our corporate parent role and ensures that it is fully embedded in all we do as an authority.
- To provide a corporate parenting offer for our children.
- To provide a corporate parenting offer for foster families.

 To raise awareness of the Council's corporate parenting responsibilities and to lead or encourage action in furtherance of those responsibilities.

### **Children and Young People's Panel**

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

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

### **Participation Officers**

Torbay's Participation Officers endeavour to support and promote positive participation with children, young people and parent/carers, and going forward will work collaboratively and dynamically with the Senior Corporate Parenting Lead (Cared for and Care Experienced Children and Young People). They will obtain the views and lived experiences of children and young people and enter into discussion, debate and consultation about all aspects of the plan to ensure that the Corporate Parenting Strategy is effective as possible in terms of reach and impact. Together they will be a force to enable children and young people's voices to be heard and understood by the corporate parents and will work relentlessly to hold to account the Corporate Parenting Board members for delivering the Corporate Parenting Strategy, its mission statements and priorities.

# 7. Talking to us

The Corporate Parenting Strategy has emphasized how we value and see as crucial communication with children and young people. We believe that learning from their experiences and understanding their views and opinions are the richest sources of information to support policy and service development and service delivery to the highest standards.

We have emphasized throughout this strategy how we will work closely with children and young people and take their experiences of care and leaving care very seriously, whether this has been something positive or something which has been more difficult for them to manage. We will learn from those experiences and use them to make the strategy and services better. However, we recognize that although we benefit greatly from communicating directly, we do not reach all children and young people. We are committed to doing so and a key task of the Senior Corporate Parenting

Lead (Cared For and Care Experienced Children and Young People) will be to develop ways to involve those who have not yet been spoken with to include them in the processes in ways in which they feel comfortable. In doing so, we expect that social workers, Personal Advisors, carers, teachers, support workers and Independent Reviewing Officers will be enlisted to help, advise and play an active part. The broadest understanding of children and young people will help the corporate parents grow and develop in line with what children and young people say.

#### **Corporate Parenting Strategy - Consultation**

An online survey was carried out from October 13th to November 7th, accessible via the Council's consultation page on its website. The survey was promoted through the Participation team for distribution to children and young people and shared directly with key partner agencies—including Health, Police, Schools, and the voluntary and community sector (VCS). Additionally, fostering families received the survey, and it was circulated to children's services staff through the Director of Children's Services newsletter.

Feedback was gathered both through the online consultation and via direct email submissions. All feedback received has been incorporated into the results presented below.

In addition to the above two consultation meetings took place with cared for and care experienced children and the outcomes of these meetings directly affected the drafting of the strategy.

Here are the key insights from the aggregated responses:

- The strategy is widely seen as reflecting what children and young people need, with
  most respondents rating it as 'Mostly' or 'Yes, definitely.' However, there is a strong
  call for clearer, measurable ambitions—especially in education, with suggestions for
  specific targets and strengthened partnerships with schools.
- The most valued elements of the strategy are 'Participation and voice,' 'Education and learning,' and 'Health and wellbeing,' each highlighted by nearly all respondents. This underscores the importance of inclusion, educational outcomes, and holistic support.
- Recurring suggestions for improvement include: enhancing multi-agency collaboration (especially between education, health, and social care), increasing transparency and accountability (such as through clearer governance and feedback mechanisms), and making the strategy more accessible and actionable for both professionals and young people.
- Most respondents feel they understand the main aims of the Corporate Parenting Strategy either 'Quite well' or 'Very well', and the majority believe the strategy mostly reflects what children and young people need.
- The concept of the "Contract of Trust" is generally seen as clear and meaningful, but a few respondents are less certain.
- The most common themes in suggestions for improvement are: increasing accountability, ensuring the voices of young people are central, and strengthening the focus on education as well as highlighting the importance of multi-agency collaboration for delivering the strategy, especially around physical and mental health priorities to reflect shared responsibility and oversight.

These insights highlight the importance of clear accountability, meaningful participation of young people, and a strong educational focus in the strategy.

The following presents a summary of the responses to the quantitative questions:

1. Are you responding as a:





3. How well do you understand the main aims of the Corporate Parenting Strategy?





4. Do you feel the strategy reflects what children and young people need from their corporate parents?





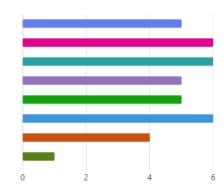
5. The strategy talks about a "Contract of Trust." Do you feel this is clear and meaningful?





6. Which parts of the strategy do you think are most important? (Tick all that apply)

<ul> <li>Respect and empowerment</li> </ul>	5
<ul> <li>Health and wellbeing</li> </ul>	6
<ul> <li>Education and learning</li> </ul>	6
<ul> <li>Relationships and identity</li> </ul>	5
<ul> <li>Independence and future opportunities</li> </ul>	5
<ul> <li>Participation and voice</li> </ul>	6
<ul> <li>Safe and suitable housing</li> </ul>	4
Other (please specify)	1





# **APPENDIX 3: Corporate Parenting-Legislation and relevant departmental advice and statutory guidance**

Corporate parenting refers to the responsibilities of local authorities and other service providers to ensure that looked-after children and care leavers (cared for and care experienced children & young people) receive secure, nurturing and positive experiences.

This concept is outlined in the Children and Social Work Act 2017, which emphases the role of local authorities in supporting these children. The implementation of the legislation is supported by a range of advice and statutory guidance as set out below:

- Care planning, placement and case review guidance: https://www.gov.uk/government/publications/children-act-1989-care-planning placement-and-case-review
- Planning transition to adulthood for care leavers: https://www.gov.uk/government/publications/children-act-1989-transition-to adulthood-for-care-leavers
- Roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services:

https://www.gov.uk/government/publications/directors-of-childrens-services-roles and-responsibilities

- Promoting the health and well-being of looked-after children: <a href="https://www.gov.uk/government/publications/promoting-the-health-and-wellbeing of-looked-after-children--2">https://www.gov.uk/government/publications/promoting-the-health-and-wellbeing of-looked-after-children--2</a>
- Promoting the education of looked-after children: https://www.gov.uk/government/publications/promoting-the-education-of-looked after-children
- Care Leaver Strategy: a cross departmental strategy for young people leaving care: https://www.gov.uk/government/publications/keep-on-caring-supporting young-people-from-care-to-independence
- Working together to safeguard children: https://www.gov.uk/government/publications/working-together-to-safeguard children--2



#### **Record of Decisions**

### **Licensing Act 2003, Licensing Policy (Statement of Principles)**

#### **Decision Taker**

Cabinet on 18 November 2025.

#### **Decision**

That Cabinet recommends to Council:

That the Licensing Act Statement of Principles (Licensing Policy) 2026 to 2031, as set out in Appendix 2 to the submitted report be adopted with effect from 7 January 2026.

#### Reason for the Decision

The Council has a statutory obligation as prescribed under Section 5 (1) Licensing Act 2003, which requires that the Licensing Authority publish a statement and review and re-publish the same, at least every 5 years.

#### **Implementation**

The recommendations of the Cabinet will be considered at the Council meeting on 11 December 2025.

#### Information

The Licensing Act 2003 required Torbay Council, under its role as Licensing Authority, to review and publish a 'Statement of Principles' (the Licensing Policy), every five years. The Statement of Principles outlined how the Council would administer applications and regulate licensable activities. It also specified under what circumstances applications may be successful and the measures necessary to promote the licensing objectives.

The Licensing Policy was subject to public consultation from 18 July to 29 August 2025, with minor changes having been made to the Policy following the feedback.

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

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

There are no other options available, as the review of the Licensing Policy is a statutory requirement under the Licensing Act 2003.

#### Is this a Key Decision?

Yes

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

No

Standards Committee)	ensations issued by the
None	
Published	
21 November 2025	
Signed:	Date:
Leader of Torbay Council on behalf of the Cabinet	



**Meeting:** Cabinet/Council **Date:** 18 November 2025/11 December 2025

Wards affected: All

Report Title: Licensing Act 2003 – Proposed Licensing Statement of Principles (Licensing Policy)

2026 - 2031

When does the decision need to be implemented? 07 January 2026

Cabinet Member Contact Details: Councillor Hayley Tranter, Hayley.tranter@torbay.gov.uk

**Director Contact Details:** Anna Coles, Director of Adults and Community Services; Tara Harris, Divisional Director, Community and Customer Services

#### Purpose of Report 1.

1.1 The Licensing Act 2003 requires Torbay Council, under its role as Licensing Authority, to review and publish a 'Statement of Principles' (the Licensing Policy), every five years. The Statement of Principles outlines how the Council will administer applications and regulate licensable activities. It also specifies under what circumstances applications may be successful and the measures necessary to promote the licensing objectives.

#### Reason for Proposal and its benefits 2.

- 2.1 The proposal is made in order to meet the statutory requirement, as prescribed under section 5 of the Licensing Act 2003, which requires the Licensing Authority to prepare and publish a statement of its Licensing Policy at least every five years.
  - The Authority has reviewed its current Policy and has prepared a draft 'Licensing Statement of Principles (Licensing Policy) 2026-31' which went out for public consultation for six weeks from 18 July to 29 August 2025. The responses in Appendix 1 have been considered and the Policy has been updated and is attached as **Appendix 2** to this report.
- 2.2 The Statement ensures clarity as to how the Council will fulfil its role as the Licensing Authority and provides guidance to businesses and the public. This Statement assists businesses to function safely and within the law. It therefore helps to promote two of the Corporate Plan priorities, namely community and people, and economic growth.

**Community and People** – The policy will allow for effective control of alcohol supply, which will assist in reducing alcohol harm and thereby reduce inequality. Whilst alcohol misuse affects individuals from all sections of society, those from the most disadvantaged communities experience the highest burden of harm. Page 153

**Economic Growth** – The policy aims to assist in the delivery of a safer, more vibrant Torbay. This in turn should attract more visitors to Torbay and also support an increase in the numbers of citizens of Torbay who will utilise the social, cultural and sporting offers available. Opportunities for increased levels of employment should follow. A safe and vibrant leisure economy will allow Torbay to be positively marketed attractive destination both nationally and internationally.

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

3.1 That Cabinet recommends to Council:

That the Licensing Act Statement of Principles (Licensing Policy) 2026 to 2031, as set out in Appendix 2 to the submitted report be adopted with effect from 7 January 2026.

### **Appendices**

Appendix 1: Responses from the consultation

Appendix 2: Proposed Licensing Act Statement of Principles (Licensing Policy) 2026 to 2031

### **Background Documents**

- 1. Current Licensing Policy 2021 2026 Licensing Statement of Principles Torbay Council
- 2. Licensing Act 2003 Licensing Act 2003
- 3. Revised Guidance issued under section 182 of the Licensing Act 2003 Revised guidance issued under section 182 of the Licensing Act 2003 (February 2025) (accessible version) GOV.UK

## **Supporting Information**

### 1. Introduction

- 1.1 Torbay Council has a statutory responsibility under Section 5 of the Licensing Act 2003 (the Act) to review, consult and to re-publish its Licensing Statement of Principles (Licensing Policy). The Policy establishes the licensing controls placed on the sale of alcohol, provision of entertainment and the operation of premises for late night refreshment.
- 1.2 Alcohol is an important component of Torbay's economy, particularly within the evening and night-time economy (ENTE). However, the use of alcohol can have a negative impact on individuals, families, local communities, and Torbay as a whole and therefore needs to be carefully managed.
- 1.4 The current process of review, consultation and publication must be completed on or before7 January 2026.
- 1.5 The Licensing Policy has been reviewed alongside the latest version of the section 182 statutory guidance.

The following minor updates have been made:

- Update or remove any out-of-date website links; updates to new legislation and responsible authority contact details.
- Clarification that the Home Office Immigration Enforcement are not a responsible authority for Club Premises Certificates (section 6.11 of the statutory guidance, Appendix 1 of the Policy).
- Reference to the SWaN Charter and Project Nighteye
- Reference to the 'Agent of change principle' whereby existing businesses and facilities should not have unreasonable restrictions place on them as a result of development permitted after they were established (Section 14.66 of the Statutory Guidance, page 41 of the Policy).
- Removal of Mandatory Conditions from the Policy as these are required by the legislation.
- Expansion on safeguarding and an additional section in Appendix 5 with information for licence holders and their employees to help them report matters of concern to the relevant authorities.
- Expansion on illegal drugs and drink and drug spiking (page 15/16).
- Expansion on reducing the strength conditions (page 54).
- Expansion on the section regarding occupancy of licensed premises (page 55)

- An additional Public Nuisance condition between the hours of 23:00 hours and 08:00
  hours to expect total sound containment within the licensed premises to ensure a
  noise nuisance is not caused to local residents (page 57).
- Expansion on the section regarding online alcohol sales and delivery services. This includes amendments to reflect changes in the s.182 guidance for premises providing alcohol delivery services. Persons who run premises providing alcohol delivery services should notify the licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence which now choose to operate such a service in addition to their existing licensable activities, will need to contact the licensing authority so it can advise on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required (page 61 of the Policy).

More detailed sections have been provided in some parts of the policy namely regarding:

- An additional section on 'integrating strategies' has been included in the introduction.
  This includes Public Health, Community Alcohol Partnership, Event Management
  and Safety Advisory Groups, Cumulative Impact Assessment (including updating all
  references to a Special Saturation Policy to CIAs) and Public Spaces Protection
  Orders (page 6-9).
- New applications and full variations (page 19 of Policy)
- Minor Variations (page 19 of Policy)
- Review of premises licence (page 20 of Policy)
- Relevant, Vexatious and frivolous representations (page 22)
- Use of Petitions (page 22)
- TENs (page 22)
- Provisional Statements (page 24)
- Fire Safety (page 30)
- The Terrorism (Protection of Premises) Act 2025 (Martyn's Law) reference to the new Terrorism (Protection of Premises) Act 2025 which aims to keep people safe by enhancing our national security and reducing the risk to the public from terrorism at public venues. It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures (page 31)
- Outdoor Areas and Smoking Areas (page 34)
- Night cafes and Takeaway Premises/Restaurants with delivery services (page 36)
- Fly posting and promotional material (page 37)

## 2. Options under consideration

2.1 There are no other options available, as the review of the Licensing Policy is a statutory requirement under the Licensing Act 2003.

## 3. Financial Opportunities and Implications

3.1 The proposals contained in this report will not commit the Council financially in any regard, other than staff and consultations costs which will be drawn from existing budgetary resources.

### 4. Legal Implications

4.1 None

## 5. Engagement and Consultation

- 5.1 A six-week public consultation exercise was undertaken between 18 July and 29 August 2025 which included writing to the following interested parties:
  - The Chief Officer of Devon and Cornwall Police
  - The Chief Officer of Devon and Somerset Fire and Rescue Service
  - The Director of Public Health
  - Residents and businesses of Torbay
  - Bodies representing businesses
  - Holders of premises licences and club premises certificates
  - Bodies representing existing registered clubs
  - Bodies representing holders of existing premises licences and personal licences
  - Torbay and South Devon NHS Foundation Trust
  - Torbay Council: Children's Services
  - Torbay Council: Planning, Environmental Health and Highways Authorities
  - The Torbay Safer Communities Partnership
  - The Maritime and Coastguard Agency
  - Faith groups via Torbay Interfaith Forum and the Street Pastors
  - Torbay Development Agency
  - English Riviera BID Company
  - Tor Bay Harbour Authority
  - Community Alcohol Partnership
  - Best Bar None Torbay
  - Domestic Abuse and Sexual Violence Partners

The online survey was hosted on the Council's engagement page and website, and copies of the Policy and survey questions were available at the libraries in Torquay, Paignton and Brixham. Social media posts were sent out via Facebook, LinkedIn and Twitter to encourage participation in the consultation.

5.2 Fifteen responses were received in total. Fourteen responses were received to the online consultation; nine of these were from members of the public, two were from a local community group representative, one was from the Police Licensing Authority, one was from a solicitor Page 157

- and one from 'other' who did not specify further. One written response was received via email. The responses are attached in Appendix 1.
- 5.3 The Statutory Licensing Committee considered the Licensing Statement of Principles (Licensing Policy) at its meeting on 24 July 2025 and recommended to Cabinet to approve its adoption, subject to Cabinet considering any other consultation responses.
- 5.4 Minor changes have been made to the Policy following the feedback. The Police Licensing Department requested an additional paragraph be included on bare knuckle and slap fighting contests. As this had not been considered as part of the original consultation, we are unable to consider this addition to the Policy without a further consultation. As there has only been one application this year regarding bare knuckle boxing and we are not aware of any previous applications, necessitating earlier consideration, we will consider this change as part of our next policy review. In the meantime, the Police, as a Responsible Authority, in considering an application on its own merits may intervene to prevent such an event taking place by objecting to an application based on one or more of the statutory Licensing Objectives. The Licensing Authority can then decide whether the event should go ahead.

### 6. Procurement Implications

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

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

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

### 8. Associated Risks

8.1 The risks associated with agreeing the Licensing Statement of Principles (Licensing Policy) is minimal as it has been reviewed in accordance with the regulatory requirements, which includes full consultation and consideration of any comments that have been received.

The risks are more associated with any failure to review and re-publish the Statement in time, as the effect would be that the Council would have no policy in place, which effectively would prevent lawful discharge of functions under the Licensing Act 2003. This may lead to legal challenge against the Council and financial penalties being incurred.

## 9. Equality Impact Assessment

The Statement of Policy is a review of an existing Policy and therefore there is no change to impact of specific groups. Where there exists any potential for impact, this would generally be through the application process where there is the safeguard that any responsible authority or 'other person' may make representation. The four licensing objectives are also designed to ensure consideration of any impacts.

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
Page 159	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	Some of the proposals may impact on licensing hours, particularly those used by this age group.  The policy is designed to minimise the negative impact of the legal operation of the licensable activities.  A section on Safeguarding has been added, and the Policy recommends businesses adopted the 'Challenge 25' scheme to ensure protection to children and young people.  The promotion of a safe night-time offer will help to protect all users from alcohol related crime and disorder and encourage a wider age range to enjoy a night out in a safe and responsible way.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers. Policy will be formally reviewed every 5 years or sooner if required.

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 requirement for the applicant to pass on any details about whether they are a carer. The council hold no information of any applicants from this group. The policy will grant licences that conform to the requirements of this policy.  Licensed premises must comply with the Equality Act 2010.  Premises should seek to promote accessibility and inclusion. The prevention of crime is one of the	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
		Licensing Objectives. Licensed premises should make reasonable adjustments.		
Disability age 160	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.	There is no requirement for the applicant to pass on any details of medical capacity.  There are no equality restrictions of who can enter licensed premises. The council hold no information of any applicants from this group.  The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of disability.  Licensed premises must comply with the Equality Act 2010.  Premises should seek to promote accessibility and inclusion. The prevention of crime is one of the	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		Licensing Objectives. Licensed premises should make reasonable adjustments.		
Gender reassignment  Page 161	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 are no gender restrictions of who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group.  The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of gender reassignment.  Licensed premises must comply with the Equality Act 2010. The Policy seeks to broaden the appeal of the night-time economy for all and to promote a safe and welcoming offer.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
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 are no equality restrictions of who can apply or hold a licence. The council hold no information of any applicants are from this group. The policy will grant licences to any licenced operators that conform to the requirements of this policy	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		without consideration of marriage or civil partnership.		
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 Southwest (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 are no equality restrictions of who can apply or hold a licence.  The council hold no information of any applicants are from this group. The policy will grant licences to any licenced operators that conform to the requirements of this policy without consideration of pregnancy and maternity.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Pace Ge 162	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the Southwest 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 are no restrictions on who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group. The policy will grant a premise licence to any applicant that conforms to the requirements of this policy without consideration of race.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no requirement for the applicant to pass on any details concerning faith, religion or belief. The council hold no information of any applicants from this	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		group. The policy will grant a premises licence to any applicant who conforms with the requirements of the legislation and this policy without consideration of faith, religion, or belief.		
Sex Page 163	51.3% of Torbay's population are female and 48.7% are male	There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements.  The policy will grant a premises licence to any applicant who conforms with the requirements of the legislation and this policy without consideration of a person's sex.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
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 are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements.  The policy will grant a licence to any applicant who conform with the legislation and requirements of this policy without consideration of sexual orientation.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Veterans	In 2021, 3.8% of residents in England reported that they	There are no restrictions to who can hold a premises licence or can enter licensed	Routine assessment of applications and	Licensing Officers and

	had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	premises providing that they can satisfy any minimum age-restricted requirements.  The policy will grant a licence to any applicant who conforms with the legislation and requirements of this policy.	monitoring to ensure compliance with regulations.	other authorised officers.
Additional considerati	ons			
Socio-economic impacts (Including impacts on child poverty and geprivation)	The proposals are designed to improve public safety and protect local communities from noise and anti-social behaviour.  Some aspects are designed to assist in the reduction of alcohol harm.  The proposals will assist in reducing health inequalities.	The policy seeks to allow licensed premises the legitimate opportunity to undertake licensable activities providing that they are lawful and within their licensing requirements. Licensed premises must also have procedures in place to protect vulnerable persons. There are no other equality restrictions other than to protect children and young persons from age restricted products/activities.	The Local Area Profile will be reviewed regularly with the Director of Public Health.	Licensing Officers and other authorised officers.
Public Health impacts (Including impacts on the general health of the population of Torbay)	The proposals are designed to improve public safety and protect local communities from noise and anti-social behaviour.	The policy seeks to allow licensed premises the legitimate opportunity to undertake licensable activities. There are no equality restrictions of who can be a premises licence holder. Local	The Local Area Profile will be reviewed regularly with the Director of Public Health.	Licensing Officers and other authorised officers.

	Some aspects are designed to assist in the reduction of alcohol harm.  The proposals will assist in reducing health inequalities.	communities have an opportunity to visit these premises if they wish.		
Human Rights impacts	There are no human rights impact with regards to the Licensing Act. The Council ensures it complies with the legislative requirements.	The policy seeks to promote flexibility and fairness to all premises licence holders by balancing the lawful right of charities to collect without undue inconvenience to the general public.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Child Friendly Page	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.	The policy will grant licences where the applicant complies with the legislation and conforms to the requirements of this policy.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

## 10. Cumulative Council Impact

None

## 11. Cumulative Community Impacts

None

### **Appendix 1: Responses from the Consultation**

### Responses from the online form

Fourteen responses were received to the online consultation. Nine of these were from members of the public, two from a local community group, one from the Police Licensing Authority, one from a solicitor and one from 'Other' who did not specify further.

Question 1: Integrated Strategies. Please tell us if you support this new section on Integrated Strategies. This section includes information about other departments and organisations such as Public Health, Community Alcohol Partnership, Event Management and Safety Advisory Groups. It also includes information about Cumulative Impact Assessments and Public Spaces Protection Orders (page 6-9 of document). Do you (please tick one):

	Strongly agree	7
-	Agree	7
_	Neither agree nor disagree	0
9	Disagree	0
	Strongly disagree	0

Question 2:

Please tell us if you support the additional sections on (please tick all that apply):

New applications and full variations (Page 19 of the document)	12	
Minor Variations (Page 20)		
Review of premises licences (Page 20-21)	11	
Relevant, Vexatious and frivolous representations (page 21)	10	
Use of Petitions (page 22)	10	
Temporary Event Notices (TENs) (page 23)		
+Provisional Statements (page 24)	9	
o ire Safety (page 31)	10	

Question 3 Terrorism Protection of Premises Act 2025 (Martyn's Law) – page 32 of the document.

Reference has been made in the Policy to the new Terrorism (Protection of Premises) Act 2025 which aims to keep people safe by enhancing our national security and reducing the risk to the public from terrorism at public venues. This legislation will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

Do you support the inclusion of this information within the policy? (please tick one answer)

Strongly agree	9
Agree	5
Neither agree nor disagree	0
ປ ໝisagree ຜ ຕ	0
Strongly disagree	0

Question 4: Outdoor Areas and Smoking Areas (page 34 of document). This section outlines what is expected within an applicant's operating schedule to ensure any outside areas do not cause a public nuisance. Do you (please tick one answer):

Strongly agree	9
Agree	4
Neither agree nor disagree	1
Disagree	0
Strongly agree	0

Question 5: Night cafes and Takeaway Premises/Restaurants with delivery services (page 38 of document). This section outlines what is expected of applicants to address issues which can cause a public nuisance from a takeaway or delivery service. Do you (tick one):

Strongly agree	9
Agree	4
Neither agree nor disagree	0
Disagree	1
Strongly disagree	0

The one person who disagreed added a comment in the comments section that the work 'consider parking' for third party delivery services was enough. The Policy has been updated to make this clearer – see Question 11 below for the full response.

equired of responsible licence holders when promoting their entertainment. Do you (please tick one):

Strongly agree	9
Agree	5
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

Question 7: Safeguarding children, young people and adults with care and support needs (Appendix 5). This section details how premises licence holders and their employees can report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly as it relates to child exploitation, abuse, modern slavery and human trafficking. Do you (tick one):

Strongly agree	10
Agree	4
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

U

Buestion 8: Illegal drugs and drink and drug spiking (page 15/16 of document). This section explains that special conditions will need be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those may have taken them i.e. zero tolerance drug policies including the appropriate use of searching and amnesty boxes. Do you (tick one):

Strongly agree	12
Agree	2
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

Question 9: Reducing the strength conditions (page 54 of document). This section advises that the Licensing Authority may not approve applications for off sales near to alcohol addiction recovery activities or buildings, or in areas where drinking in public spaces undermines any of the licensing objectives. Do you (please tick one):

Strongly agree	11
Agree	2
Neither agree nor disagree	0
Disagree	1
Strongly disagree	0

The one person who disagreed added a comment in the comments section asking if more can be done on reducing the strength in the CIA to mestrict times on selling within the CIA for example by ruling out early morning sales. Please see Question 11 below for the response.

Question 10: Expansion of the section regarding occupancy of licensed premises (page 55 of document) This section explains when a maximum safe occupancy figure may be requested as a licence condition to prevent crime and disorder and protect public safety. Do you (please tick one):

Strongly agree	10
Agree	3
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0

There was one blank for this question where they had not completed this.

Question 11

Do you have any other comments on the proposed amendments to the Council's Licensing Act 2003 Statement of Principles (Licensing Policy)?

No.	Comments received	Comments from Licensing Authority in response
1	anything that protects people and reduces disruption to thier lives and mental health is a good thing	Thank you for your response.
2. Page 173°.	I appreciate that this consultation doesn't concern the CIA areas but at the next review I consider that The Strand area could be removed as a CIA. The Strand CIA area has significantly improved in terms of all issues since the stag/hen reputation days and now contains much improved premises and a significant "food quarter" developing around Torquay Harbourside and up Torwood Street.	The CIA will be due for consultation in 2026 so that it can be republished in January 2027. The data will be reviewed, and you will be able to comment as part of the consultation process.
3.	The CAP - is listed as Torbay on their website but seems to focus in Paignton due to where its based - can this be expanded to make sure the same provision covers Torquay?	The CAP is currently only in Paignton; however we have asked the Community Alcohol Partnership Regional Advisor if this can be expanded to other areas in Torbay.
	The element of delivery services notes to "consider parking" for 3rd party companies - I dont think that places enough onus on businesses starting to use that service. If they partner with deliveroo for example they need to more	We have replaced the word 'consider' with 'suitable' so that this makes it clear that they must include suitable parking and suitable access for third party delivery companies where the business is undertaking a licensable activity.
	than simply "consider" parking	In a CIA, there is a presumption that the licensing authority will refuse or impose limitations on applications which are likely to add to

	Reducing the strength - this plays directly into the CIA as noted - can more be done with this? i.e can there be a restriction on times on selling within the CIA? i/e rule out early morning sales	the cumulative impact unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives. Restrictions on times are often agreed as part of any negotiation with the responsible authorities or as part of the committee hearing process, to prevent sales at problematic times.
4. Police Licensing  Page 174	Consider adding to the Policy surrounding TEN's as per Manchester statement of principles - Re Boxing events  "The licensing authority considers that it will generally not be appropriate for boxing or other combat sports to be authorised by way of a Temporary Event Notice and would expect a Premises Licence to be applied for to ensure that there is proper scrutiny of such activity by all responsible authorities and that the activity is subject to appropriate conditions and safeguards."  Or similar	We have reviewed this request and unfortunately, as these matters were not raised in the original consultation document, the authority would need to reconsult if we wished to add this into the policy. We will therefore consider this at our next policy review. However, the Police, as a responsible authority, can consider an application on its own merits and may intervene to prevent such an event taking place by objecting to the application based on one or more of the statutory licensing objectives. The Licensing Authority can then decide whether the event should go ahead.
5.	Expand "Public Safety" to Include Safe Transport Home  Critique: The current policy frames public safety mostly in immediate venue terms: crowd control, crime, nuisance. It doesn't consider transport safety risks once people leave licensed premises.  Suggestion: Add a clause requiring applicants (especially for evening/night venues) to outline how they minimize harm related to transport, this could include:	Unfortunately, the Licensing Policy cannot require conditions on the applicant to ensure safe transport home as this is not the premises responsibility. The public need to plan their night out to ensure they can get home safely. The Council work closely with the public transport providers, taxi drivers and the night bus to enable safe transport home. The Council also provides taxi marshals at key ranks. Safer Torbay also review public safety in the Evening and Night-time Economy and link in with CCTV, Parking and other services to ensure areas are well lit and the public feel safe when walking home from the town centres at night.

Support for night-time transport options (bus, shuttle, safe taxi links).

Coordinated share of safety information with local night wardens.

Lighting, signage, or pedestrian routes around the venue.

2. Support the Night Bus Service via Licensing

Critique: The night bus helps, but licensing could do more to promote its use and integration.

Suggestion: Encourage or require licensees to publicise safe transport options, like the night bus, on their premises or websites—think posters, staff training, or digital signage.

3. Set Standards for Venue Access and Drop-Off Zones

Critique: Poorly designed entry/exit points, parking, or pedestrian flows can add risk around licensed premises, especially at night.

Suggestion: Add conditions around safe drop-off/waiting areas, well-lit walkways, and clearly marked pedestrian corridors, especially in busy nightlife zones.

This includes delivering a number of projects aimed at improving safety such as the Safer Travel App and the Safety of Women at Night Charter (SWAN). The Safer Travel App will be launching later in the year; the app is designed to enhance travel safety. It offers real-time alerts, anonymous reporting, links to support organisations and geo-location tools to allow users to share their journey with friends. SWAN has been running for a number of years and has over 100 organisations signed up. SWAN offers practical steps to help businesses improve safety. When businesses, including many licences premises, sign up they have demonstrated a commitment to following the Charter and making Torbay a safer place.

Рафе	4. Safeguard Vulnerable Passengers via Taxi Licensing Support  Critique: Torbay's licensing policy doesn't actively connect with taxi licensing to ensure safe, reliable transport, leaving a gap in night-time support.  Suggestion: Coordinate with taxi licensing to promote higher standards for drivers serving nightlife venues (background checks, training, visibility of safety credentials), or requiring preferential rankings for vetted drivers.	All taxi and private hire drivers in Torbay are required to undertake enhanced DBS checks, DVLA licence checks, safeguarding and disability training, driving standards test and a medical examination before they can be licensed.
<del>1</del> 1.	Let's keep everybody safe	Thank you for your response.
76	Need to keep to the Licensing rules otherwise things will get out of hand and more problems will come about. None of us want to see bad behaviour, anti social behaviour, and loud noise which can cause extream health problems. This needs to be realised before it turns into a horror story.	Thank you for your response.

## One written response was received by email:

No.	Consultation responses	Torbay Council comments
1. Page 177	Torbay Council's Draft Licensing Statement of Principles 2026-2031 outlines a regulatory framework for licensable activities under the Licensing Act 2003, aiming to balance community safety, public health, and Torbay's tourism-driven economy. While the policy seeks to promote the four licensing objectives, its extensive conditions, bureaucratic requirements, and presumptive restrictions risk infringing on individual freedoms and imposing excessive control, bordering on what some might perceive as government and council "enslavement" of businesses, residents, and visitors. This response critiques key provisions, arguing that they undermine personal liberty, stifle economic freedom, and reflect an overbearing state apparatus. Counterarguments are grounded in the principle that individuals and businesses have a fundamental right to be free from unnecessary governmental interference, while acknowledging the council's stated goals.  1. Cumulative Impact Assessment (CIA): Curtailing Economic Freedom  Policy Position: The policy establishes a Cumulative Impact Assessment (CIA) for two areas in Torquay with high levels of alcohol-related crime or public nuisance, creating a presumption against granting new premises licences or variations unless applicants prove no significant negative impact on licensing objectives.  Counterargument: A Threat to Free Enterprise:	The CIA is a separate policy which was consulted on in 2023. The Policy is still in place until January 2027 so cannot be considered as part of this consultation.

- Infringement on Economic Liberty: The CIA's presumption against new licences or variations in designated areas restricts the right of individuals to freely operate businesses. This blanket approach assumes guilt rather than innocence, forcing entrepreneurs to overcome a high evidentiary burden to exercise their right to economic freedom. Such restrictions could be seen as a form of council overreach, stifling innovation and punishing responsible business owners for the actions of a few.
- Disproportionate Control: By prioritizing crime and nuisance prevention over individual autonomy, the policy risks creating a controlled environment where the council dictates market entry. This undermines the free market principles that allow Torbay's tourism economy to thrive, potentially driving investment to less restrictive regions.
- Lack of Individual Consideration: The policy's one-size-fitsall approach fails to respect the unique circumstances of each applicant. A well-managed venue, such as a family-friendly restaurant, could be unfairly blocked, limiting residents' and visitors' freedom to enjoy diverse leisure options. This reflects a paternalistic council mindset that assumes individuals cannot be trusted to operate responsibly without heavy-handed oversight.

Alternative Perspective: The council should prioritize individual liberty by adopting a case-by-case evaluation process, allowing businesses to demonstrate compliance without a presumptive ban. Pre-application consultations could empower applicants to align with licensing objectives voluntarily, reducing the need for coercive restrictions and fostering a freer, more dynamic economy.

2. Public Spaces Protection Orders (PSPOs): Eroding Personal Freedom

The PSPO is separate to the Licensing Policy and is consulted on every three years with the next review due in 2027.

**Policy Position**: The policy supports PSPOs to restrict street drinking and encourages premises to promote table service and seating to deter vertical drinking. Licensees are expected to prevent customers from contributing to anti-social behavior.

### **Counterargument: An Assault on Personal Autonomy:**

- Invasion of Personal Choice: PSPOs, which allow police to confiscate alcohol in public spaces, infringe on individuals' freedom to consume legal substances responsibly. Not all public drinking equates to anti-social behavior, and such measures risk punishing law-abiding citizens—tourists, workers, or residents—exercising their right to personal enjoyment. This blanket approach smacks of state overreach, treating individuals as potential threats rather than free agents.
- Unfair Burden on Licensees: Expecting premises to control
  customer behavior beyond their property boundaries is an
  unreasonable extension of council authority. It effectively
  conscripts businesses into policing roles, eroding their freedom
  to focus on their core operations. This could be viewed as a
  form of "enslavement" to council mandates, diverting resources
  from serving customers to complying with bureaucratic
  demands.
- Potential for Discriminatory Enforcement: PSPOs may disproportionately target marginalized groups, such as lowincome individuals or tourists, who lack access to private spaces for drinking. This selective enforcement undermines equal treatment under the law, a cornerstone of personal freedom, and fosters resentment against council authority.

**Alternative Perspective**: Instead of coercive PSPOs, the council could promote voluntary responsible drinking campaigns, empowering individuals to make informed choices. Businesses should be free to adopt seating or service models that suit their operations, without council mandates dictating their business model. Community-led

initiatives, rather than top-down controls, would respect personal autonomy while addressing anti-social behavior.

# 3. Event Management and Safety Advisory Groups (PSAG/SAG): Bureaucratic Shackles

**Policy Position**: Event organizers must notify PSAG or SAG three months in advance for events requiring a premises licence and six months for events with 5,000+ attendees, with approval confirmed one month prior.

#### **Counterargument: Stifling Freedom of Assembly:**

- Restriction on Spontaneous Expression: The lengthy notice periods for PSAG/SAG approval infringe on the right to freedom of assembly and cultural expression. Community events, protests, or pop-up festivals often arise organically, and rigid timelines could suppress these activities, limiting residents' and visitors' freedom to gather and celebrate Torbay's vibrant culture.
- Excessive Bureaucracy: The requirement for extensive preapproval processes reflects a distrust of individuals' ability to
  organize safe events. This bureaucratic overreach burdens
  small organizers, who may lack the resources to navigate
  complex council requirements, effectively reserving eventhosting privileges for well-funded entities. This is a form of
  regulatory "enslavement" that prioritizes control over creativity.
- Disproportionate Resource Demands: Requiring PSAG/SAG involvement for even moderately sized events places undue strain on council and emergency service resources, diverting them from genuine public safety concerns. This inefficiency undermines the council's claim to serve the public, instead imposing unnecessary hurdles on free citizens.

**Alternative Perspective**: A tiered, risk-based notification system would respect organizers' freedom to host events while ensuring safety. Smaller, low-risk events could face minimal oversight, allowing spontaneous community gatherings to flourish. Clear, accessible

Safety Advisory Groups (SAG) are coordinated by the Local Authority and are made up of representatives from the Police. Fire, SWAST, Highways, Environmental Health, **Emergency Planning and other** relevant bodies. They give advice to organisers to help ensure their events are run safely. We work closely with the Police, Fire and other Local Authorities to ensure all SAG groups are consistent across the southwest. In order for large events to be planned effectively, then the 3-6 months notice period is required so that the event organiser has time to plan for their event and make any changes following the advice from the SAG.

guidance and voluntary consultations would empower organizers without subjecting them to excessive council control.

4. Conditions on Premises Licences: Regulatory Overreach Policy Position: The policy imposes stringent conditions, such as mandatory SIA door supervisors, CCTV, incident logs, and restrictions on high-strength alcohol sales, particularly for late-night or CIA-area premises. It also recommends measures like Challenge 25 and staff training.

#### **Counterargument: Enslavement Through Overregulation:**

- Financial Oppression: The extensive conditions, such as requiring SIA door supervisors or costly CCTV systems, impose significant financial burdens on small businesses, limiting their freedom to operate profitably. This regulatory overreach disproportionately harms independent operators, favoring large corporations and stifling entrepreneurial freedom in Torbay's tourism economy.
- Erosion of Business Autonomy: Mandating specific operational practices, such as staff training within three months or restrictions on alcohol types, strips licensees of their right to manage their businesses as they see fit. This top-down control assumes business owners are incapable of responsible management without council intervention, undermining their autonomy and dignity.
- Questionable Efficacy: Measures like banning high-strength alcohol sales or requiring incident logs may not effectively address crime or disorder, as these issues often stem from broader social factors. Imposing such conditions without clear evidence of their impact is an unjustified restriction on freedom, forcing businesses to comply with arbitrary rules under the quise of public safety.

**Alternative Perspective**: The council should adopt a voluntary, incentive-based approach, offering support (e.g., subsidized training or security consultations) rather than mandatory conditions.

Each application is assessed on its own merit and is sent to all the responsible authorities to consider if the operating schedule is sufficient to promote the four licensing objectives. The suggested conditions included in the Policy are there to assist the applicant when submitting their application. The applicant can tailor their operating schedule to suit their business. The Licensing Authority encourage applicants to contact the responsible authorities before submitting their application so they can address any concerns within their operating schedule.

Businesses should be free to tailor safety measures to their specific needs, with the council intervening only when clear evidence of harm exists. This respects individual liberty while promoting responsible practices.

**5. Protection of Children from Harm: Paternalistic Overreach Policy Position**: The policy emphasizes strict measures to protect children, including age verification policies, Challenge 25, and restrictions on children's access to certain premises or events. It requires DBS checks for staff at under-18 events.

#### **Counterargument: Undermining Family Freedom:**

- Restriction on Family Activities: Limiting children's access to
  premises or events curtails families' freedom to enjoy Torbay's
  cultural and leisure offerings. For example, excluding children
  from venues with regulated entertainment could prevent familyfriendly activities, such as live music or theatre, from
  flourishing. This paternalistic approach assumes parents
  cannot make informed decisions about their children's safety.
- Bureaucratic Burden on Organizers: Requiring DBS checks for staff at under-18 events imposes a significant administrative burden, particularly for community or volunteer-led initiatives. This restricts the freedom of individuals to organize youthfocused events, potentially reducing opportunities for young people to engage in safe, alcohol-free activities.
- Overreach in Safeguarding: While protecting children is crucial, mandating licensees to report suspected child exploitation or modern slavery risks turning businesses into extensions of the state's surveillance apparatus. This erodes personal freedom by compelling private citizens to act as enforcers, diverting them from their primary role of serving customers.

**Alternative Perspective**: The council should trust parents and organizers to prioritize child safety, offering voluntary safeguarding training and resources rather than mandatory requirements. Flexible

The section on the Protection of Children from Harm has not changed from the current Policy and all licensed premises have a duty to promote this licensing objective. The suggested measures are not restrictive and does not limit children's access to family premises. These measures have been reviewed by the Police Licensing and Children's services Department. The safeguarding section has been included to help businesses to report matters of concern.

access policies for family-friendly venues would encourage tourism and community engagement, respecting individual freedoms while ensuring child protection.

# 6. Noise Management and Public Nuisance: Suppressing Free Expression

**Policy Position**: The policy requires stringent noise management plans for premises operating after 23:00, including sound containment and restrictions on outdoor areas. It presumes against late-night operations in residential areas unless mitigation measures are demonstrated.

#### **Counterargument: Curtailing Cultural Freedom:**

- Threat to Night-Time Economy: Strict noise controls and early closing times for premises near residential areas limit the freedom of individuals to enjoy Torbay's night-time economy, a key driver of tourism. Live music venues, for instance, may face closure or restrictions, stifling cultural expression and economic vitality. This reflects a council-driven suppression of free enjoyment under the pretext of nuisance prevention.
- Costly Compliance: Requiring acoustic reports or structural changes (e.g., double glazing) imposes significant costs, infringing on businesses' financial freedom. Small venues may be forced to close, reducing residents' and visitors' access to diverse leisure options and concentrating market power in larger, well-funded establishments.
- Subjective Enforcement: The broad definition of public nuisance (encompassing noise, light, litter, etc.) allows for subjective enforcement, potentially targeting premises based on vague complaints. This risks arbitrary restrictions on individual freedoms, as businesses and patrons face punishment for activities that are not inherently harmful.

All businesses should ensure that any noise within their venue does not escape to prevent noise complaints. After 11pm, the background noise levels drop, and residents should be able to sleep without any disturbance. This is not expensive as the volume of the music can be turned down without any additional expense to the business.

Alternative Perspective: The council should prioritize dialogue and mediation between premises and residents to address noise concerns, rather than imposing rigid controls. Subsidies for noise mitigation or voluntary noise management plans would support businesses while respecting their freedom to operate. Clear, objective noise thresholds would prevent arbitrary enforcement, protecting cultural and economic liberties.

# 7. Integration with Other Regulatory Frameworks: A Web of Control

**Policy Position**: The policy requires alignment with planning, public health, and other strategies, mandating planning permission and coordination with local transport and crime prevention plans.

#### **Counterargument: Enslavement Through Bureaucracy**:

- Regulatory Overlap: Requiring compliance with multiple regulatory regimes (licensing, planning, public health) creates a web of control that restricts individual and business freedoms. This bureaucratic entanglement forces licensees to navigate overlapping rules, diverting time and resources from their core operations and undermining their right to operate freely.
- Potential for Conflict: The mandate for licensing and planning committees to reach a "common agreement" risks delays and inconsistent decisions, as these regimes prioritize different goals. This could trap businesses in a cycle of approvals, eroding their autonomy and subjecting them to council whims.
- Lack of Support: The policy offers little practical assistance for businesses navigating this complex regulatory landscape.
   Small operators, in particular, may feel enslaved by the council's demands, lacking the resources to comply with multiple layers of oversight.

**Alternative Perspective**: The council should streamline regulatory processes, offering a single point of contact to guide businesses through licensing and planning requirements. This would reduce

The Policy mentions all of the areas to encourage the business to consider all aspects as part of their application, however the planning requirements must be dealt with separately in accordance with the legislation.

bureaucratic burdens, empowering individuals and businesses to exercise their freedoms without excessive council interference.

#### **Conclusion: Reclaiming Freedom from Council Control**

Torbay Council's Draft Licensing Statement of Principles 2026-2031, while aimed at promoting safety and order, risks enslaving businesses, residents, and visitors to an overbearing regulatory regime. The policy's stringent conditions, presumptive restrictions, and bureaucratic requirements infringe on fundamental freedoms, including economic liberty, personal autonomy, and cultural expression. By prioritizing control over trust, the council undermines Torbay's vibrant tourism economy and the right of individuals to live and operate freely.

To respect the right to be free, the council should:

- Adopt a risk-based, voluntary approach to licensing conditions, trusting businesses to act responsibly.
- Offer support, such as subsidies for compliance or free training, rather than coercive mandates.
- Streamline bureaucratic processes, reducing the regulatory burden on small businesses and event organizers.
- Prioritize community-led solutions over top-down controls, empowering individuals to address issues like noise or antisocial behavior collaboratively.

By embracing these principles, Torbay Council can promote the licensing objectives without sacrificing the fundamental right to freedom, ensuring a thriving, liberated community that balances safety with individual autonomy. The council must reject the path of regulatory enslavement and trust its citizens to exercise their freedoms responsibly.

We welcome businesses to take a risk-based approach when completing their licensing application and in particular their operating schedule needs to be tailored to their individual business model. We encourage applicants to discuss their application with the responsible authorities so that they can focus on the main concerns within their application without having to include unnecessary conditions.

# Torbay Council's Statement of Principles 2026-2031

**Licensing Act 2003** 

## **Table of Contents**

# Contents

Introduction: Local Summary	4
Integrating Strategies	6
Purpose and Scope of the Statement of Principles (Policy)	10
SECTION 1 - The Guiding Principles that will direct the Council in making Licensing decisions	11
SECTION 2 - Primary considerations when an application is made	17
New applications and full variations	19
Minor variations	19
Review of premises licence	20
Relevant, vexatious and frivolous representations	21
Use of petitions	22
Temporary Event Notices (TEN's)	22
Provisional statements	23
SECTION 3 – The Licensing Objectives	24
THE PREVENTION OF CRIME AND DISORDER	25
PUBLIC SAFETY	30
Fire safety	31
The Terrorism (Protection of Premises) Act 2025	31
THE PREVENTION OF PUBLIC NUISANCE	32
Outdoor Areas and Smoking Areas	34
Night cafes and Takeaway Premises/Restaurants with delivery services	36
Fly posting and promotional material	37
THE PROTECTION OF CHILDREN FROM HARM	37
SECTION 4 – The Licensing Authority's rationale for issuing Premises Licensis to:	
SECTION 5 - The role and influence of Representations:	43
SECTION 6 - The way the Licensing Authority will communicate and enforce requirements	
Appendix 1: Contact Details	
Appendix 2 – Scheme of Delegation	51
Appendix 3: Supplementary Information	53
PREVENTION OF CRIME AND DISORDER	53
Risk assessment for the provision of Security Industry Authority (SIA) door supervisors	53
Register of SIA door supervisors	
· · · · · · · · · · · · · · · · · · ·	

Provision of Incident Log	.53
Reducing the Strength Campaign	.54
PUBLIC SAFETY	.55
Occupancy of Licensed Premises	55
PREVENTION OF PUBLIC NUISANCE	56
General consideration	.56
Temporary Event Notices (TENs)	.59
PROTECTION OF CHILDREN FROM HARM	60
Staff Training	60
Under 18 discos in licensed premises	60
Online alcohol sales and delivery services	61
Appendix 4: Premises type and potential impacts	63
Appendix 5: Safeguarding of children, young people and adults with care and support needs	.66

The 'Licensing Statement of Principles 2026-2031 was ratified and adopted by Full Council on XXXXXXXXX

If you require this document in another format, please email <a href="mailto:licensing@torbay.gov.uk">licensing@torbay.gov.uk</a>.

# Torbay Council's Statement of Principles 2026-2031

## **Introduction: Local Summary**

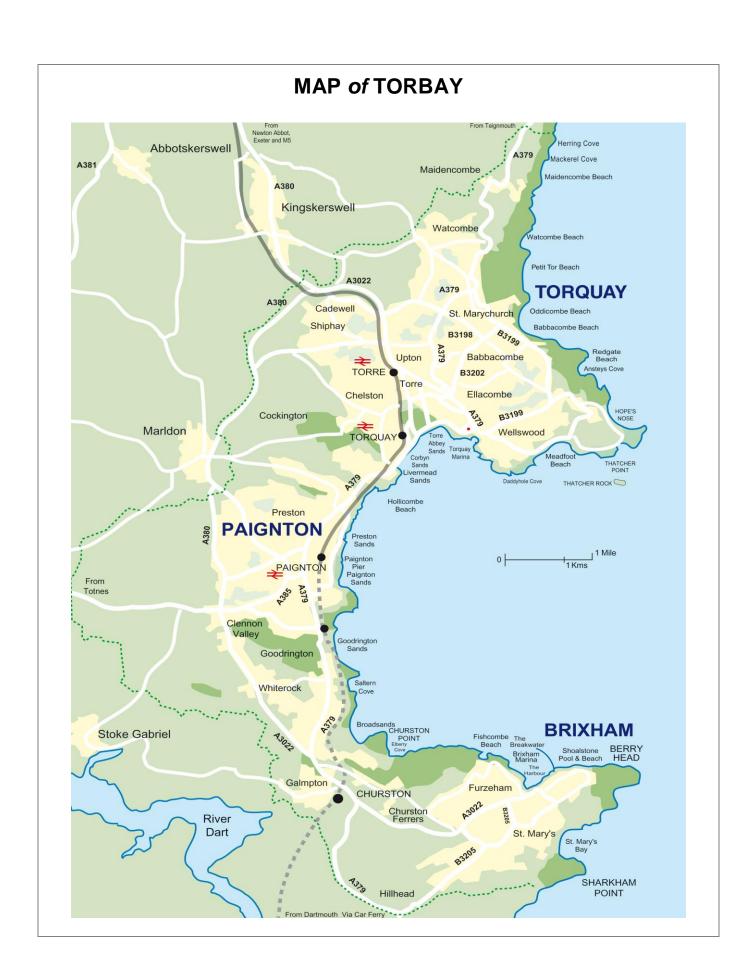
Torbay Council is designated as a 'Licensing Authority' for the purposes of the Licensing Act 2003.

This document is Torbay Council's "Statement of Principles", made under Section 5 of the Licensing Act 2003, and has effect for the period of 7 January 2026 to 6 January 2031.

Torbay, also known as The English Riviera, is a popular, well-established holiday destination situated on the South Devon Coast, on the South West peninsular of England. It has a population of over 139,000. Tourism in Torbay accounts for 920,000 staying visitors plus 3 million day visitors, generating a direct and indirect spend of £412 million per annum. This represents around one third of the areas wealth and also one third of its jobs.

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

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



### **Integrating Strategies**

#### **Public Health**

Torbay Council's Public Health Team are responsible for a wide range of health issues including alcohol and drug misuse services and other lifestyle campaigns to promote better health for all.

Alcohol holds a prominent place in our communities, and where enjoyed safely, it can have a positive role in family and social life, as well as being an important factor in our economy. However, this should not disguise the fact that alcohol can also have a profound negative impact on our communities, whether through visible harms such as alcohol fuelled crime, disorder and street drinking; or in relation to more hidden harms such as alcohol dependence, domestic abuse and child safeguarding issues.

The Public Health Team is a Responsible Authority under the Licensing Act 2003 and works with other organisations that provide the health services.

Torbay's Community Safety Partnership, 'Safer Torbay' brings the Council together with four other statutory agencies and a number of public sector, voluntary, community and private organisations to tackle issues locally.

Safer Torbay's key areas of work include:

- Crime and Anti-social Behaviour
- Problematic Substance Misuse
- Reducing re-offending
- Domestic Abuse
- Sexual Violence
- Stalking
- Exploitation

The Licensing Authority will work with Safer Torbay on these key areas.

#### **Community Alcohol Partnership**

The Licensing Authority supports the alcohol industry in demonstrating their commitment to promoting responsible drinking by seeking to ensure that the sector doesn't entice young people to drink.

A Community Alcohol Partnership (CAP) is a Community Interest Company (CIC) which brings together and supports local partnerships of Councils, Police, retailers, schools, health providers and community groups to reduce alcohol harm among young people, improve their health and wellbeing and enhance their communities.

The Licensing Authority, as part of its membership of the Paignton CAP, actively supports the important work in preventing underage drinking and alcohol harm to young people. Further information on CAP initiatives can be found at <a href="https://www.communityalcoholpartnerships.co.uk">www.communityalcoholpartnerships.co.uk</a>.

#### **Event Management and Safety Advisory Groups**

Torbay Council has a Public Safety Advisory Group (PSAG) and a Sports Ground Safety Advisory Group (SAG) comprising of representatives from the emergency services and other statutory agencies to advise and coordinate the planning for public events in Torbay.

Determining whether or not to refer an event to a PSAG or SAG requires a risk-based approach and the decision will be influenced by considering a combination of:

- Numbers of people attending (at any one time)
- Levels of risk with the event
- Previous history of similar events
- Events of an unusual nature
- Other events planned at the same time that may increase the impact and risk

Organisers of events meeting the above criteria, whether or not a premise licence or temporary event notice is needed, are strongly advised to contact the PSAG or SAG in order to receive sufficient advice to ensure the safe running of an event.

Where a premises licence is needed for an event, the Licensing Authority would expect to see a condition that the PSAG or SAG will be notified at least 3 months in advance. The Licensing Authority will also expect confirmation of approval for the event, one month before it takes place. This is particularly important where the applicant requires a licence that is not limited to a once only event.

Whilst a premises licence could be granted after 28 days of the application being served, applicants should be aware that if representations are received and a hearing is required, a decision may take two months. Applicants should consider this in their planning. Large capacity events will require greater notice period for PSAG and SAG to consider the event management plan. This allows the Police to ensure sufficient cover and the public transport provision to be changed to accommodate the event. At least six months' notice will be expected for events of 5000 people or more.

Further advice and guidance for event organisers can be found in the Purple Guide.

#### **Cumulative Impact Assessment**

In preparing this Policy, the Licensing Authority has taken into account its published Cumulative Impact Assessment (CIA) (2024 – 2027).

In summary, two areas of Torquay have been identified as being subject to high levels of alcohol related crime or public nuisance. Those areas are shown in the CIA which can be found at www.torbay.gov.uk/licensing-statement-of-principles

The effect of this assessment is to create a rebuttable presumption that applications for a new premises licence, club premises certificate or the variation of an existing licence or certificate in those areas will normally be refused where:

- Representations have been received, and it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in these areas, and
- The applicant has been unable to demonstrate that, within their operating schedule, there will be no significant negative cumulative impact on one or more of the licensing objectives.

The CIA does not change how licensing decisions are made but is a strong statement of intent about the Licensing Authority's approach to relevant applications made in these areas. However, the Licensing Authority will always consider each application on its merits.

The CIA is reviewed every three years. Therefore, anyone viewing this policy is directed to the link above to find the most up to date position with regards to the CIA.

#### **Public Spaces Protection Orders**

The Council wishes to discourage drunkenness and to encourage the provision of more seating in premises which serve alcohol for people to sit and enjoy a drink and order food by table service, in place of open bar space which caters for high volume vertical drinking. The effective dispersal of customers both from premises and from the Cumulative Impact Areas is regarded by the Licensing Authority as a key principle of its policy to promote the licensing objectives of the prevention of crime and disorder, public nuisance, and public safety.

<u>Public Spaces Protection Orders</u> (PSPOs) were introduced in Torbay to encourage responsible drinking and to assist in reducing anti-social behaviour associated with street drinking. It provides the Police with the power to require alcohol to be surrendered.

The Licensing Authority recognises the effectiveness of this tool in preventing crime and disorder and tackling anti-social behaviour. Premises are expected to have measures in place to prevent their customers contributing to anti-social behaviour.

PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, the Council must consult with the local Police. Where a Local Authority occupies or manages premises, or where premises are managed on its behalf and it licences that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times. This allows Local Authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

## Purpose and Scope of the Statement of Principles (Policy)

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

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

This sixth Statement is made following consultation with:

- a) The Chief Officer of Devon and Cornwall Police
- b) The Chief Officer of Devon and Somerset Fire and Rescue Service
- c) The Director of Public Health
- d) Residents and businesses of Torbay
- e) Bodies representing businesses
- f) Holders of premises licences and club premises certificates
- g) Bodies representing existing registered clubs
- h) Bodies representing holders of existing premises licences and personal licences
- i) Torbay and South Devon NHS Foundation Trust
- i) Torbay Council: Children's Services
- k) Torbay Council: Planning, Environmental Health and Highways Authorities
- I) The Torbay Safer Communities Partnership
- m) The Maritime and Coastguard Agency
- n) Faith groups via Torbay Interfaith Forum and the Street Pastors
- o) Torbay Development Agency
- p) English Riviera BID Company
- q) Tor Bay Harbour Authority
- r) Community Alcohol Partnership
- s) Best Bar None Torbay
- t) Domestic Abuse and Sexual Violence Partners

The aim of this Policy is to secure the safety and amenity of residential and business communities whilst facilitating a sustainable entertainment and cultural industry. In adopting this Policy, Torbay Council (hereinafter referred to as 'the Council') recognises both the needs of residents and those businesses not covered by the provisions of the Licensing Act 2003 (hereinafter referred to as 'the Act'), to live and operate in a safe and healthy environment and the important role that well run licensed premises play in the local economy and in contributing to vibrancy of the Bay. To

achieve this aim, the Council is committed to working in continued partnership with nominated Responsible Authorities under the Act, local businesses, members of the licensed trade, residents and visitors to the Bay to promote the licensing objectives, as set out in this Policy.

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

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

objectives; they make a positive contribution towards building local communities and supporting cultural development and Torbay's tourism offer. It is also important to appreciate that alcohol does play an important and inherent role within the leisure and entertainment industry.

- 1.5 The Authority equally recognises, however, that negative impacts will occur if good management practices are not followed by licensed premises. These can include anti-social behaviour, nuisance and disturbance caused to local residents, sometimes together with serious crime and disorder problems. Alcohol, in particular, is an important contributing factor to all of these issues. Alcohol-related violence, disorder and rowdiness impacts on our community, public health and the public purse through the demands made upon hospital attendances and admissions; additional policing; additional street cleaning; and the criminal justice system. The Authority does not consider that it is reasonable for local residents and compliant businesses to suffer because of a small number of irresponsible, poorly managed operators.
- 1.6 This Policy, therefore, seeks to provide a necessary balance between providing a platform upon which compliant, well-regulated businesses may operate and contribute towards a successful business and night-time economy, and ensuring that the quality of life of those who live and work in the Bay are protected through our robust licensing procedures. We believe these aims are achievable if all parties concerned work together.
- 1.7 While this Policy sets out a general approach to making licensing decisions, the Authority accords with the provisions in the Act. The Policy does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions, and the Authority will consider each application on its individual merits.
- 1.8 This Policy does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where a provision has been made for them to do so in the Act.
- 1.9 Where an application is made and there are no relevant representations, the application will be granted subject only to conditions reflecting the operating schedule and any mandatory conditions. Where there are relevant representations, the Licensing Authority, will grant the application unless it is necessary to refuse it or to modify it, by imposing a condition(s) in order to promote one or more of the Licensing Objectives. Conditions imposed will be reasonable and proportionate.
- 1.10 In recognition of its responsibilities under Section 17 of the Crime and Disorder Act 1998, and within the strategic aims of the Safer Communities Torbay

- Strategic Assessment, the Authority will work together with businesses, charities and partner agencies to prevent crime and disorder in Torbay.
- 1.11 The Authority recognises its responsibilities to individuals under the European Convention on Human Rights, set out by the Human Rights Act 1998, and its statutory role as a Licensing Authority to fulfil the duties and responsibilities vested in it.
- 1.12 The Authority is also aware of its responsibilities to individuals under the Equality Act 2010, to have regard to the elimination of unlawful discrimination and its duty to promote equality of opportunity regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 1.13 The Authority is committed to achieving good outcomes for children, young people and their families. Children of all ages need to be kept safe from harm and safeguarding is about making sure that they are protected from all kinds of harm, not only physical and sexual but also psychological, emotional and moral harm. Safeguarding is everyone's responsibility. Applicants, licensees, employees in licensed premises, Responsible Authorities, elected members, other local businesses and communities, everyone who has dealings with children, young people and adults with care and support needs - we all have a duty to report matters to concern to the relevant authorities. Where there is an actual or perceived risk of harm, it is important that appropriate steps are taken by the Authority to keep children safe. The Authority will have regard to any such risk when considering applications and seek to promote the Licensing Objectives. In addition, the wider safeguarding context must be considered when prospective and existing applicants submit applications, during the assessment and determination process and ongoing use of the licence/notice. Appendix 5 provides information for licence holders and their employees to help them report to the relevant authorities matters of concern that could relate to the safety of children and vulnerable persons, particularly if it relates to child exploitation and trafficking.
- 1.14 The Authority is aware that effective licensing can only be achieved by recognising the value of collective contributions. The Authority strongly supports inclusivity and partnership working with the Police and other Responsible Authorities, local businesses, performers, local people, professionals involved in child protection and all others who can contribute positively to the successful promotion of the four Licensing Objectives. The Authority encourages membership of local schemes such as NiteNet, Best Bar None, local licensing forums, Pub watch, SWaN Charter, UKPAC and StoreNet and values the contribution such schemes make to the fulfilment of the Licensing Objectives.

1.15 The Authority considers that its decisions can be a key factor in the control of anti-social behaviour. Whilst the Authority will not use licensing conditions to control anti-social behaviour by individuals once they are away from the licensable premises or place and beyond the direct control of the licensee, where there is a causal link between the behaviour complained of and patrons of a licensed premises, it is expected that the Premises Licence Holder will take immediate steps to mitigate such impact within the vicinity of their premises.

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

- 1.16 The Authority will not adopt blanket policies of zoning to fix the trading hours of licensed premises. However, where it is necessary to promote one or more of the Licensing Objectives, the Authority will attach conditions to the premises licence to control a premises' trading hours. Such conditions will be imposed where there is supporting evidence to demonstrate that it is appropriate to do so. Appendix 4 gives examples of the impact that certain types of premises may have on the surrounding area. Where representations are received, the Authority will refer to this Appendix and therefore applicants are encouraged to use this to assist them in understanding the operating hours and the types of conditions they need to cover in their operating schedule.
- 1.17 Premises which are permitted to provide sales of alcohol for consumption off the premises may be subject to conditions that limit trading hours and restrict types and maximum quantities of alcohol where either the premises or the area in which the premises intends to trade, are known to be a focus for disorder and disturbance. A decision to impose such conditions will be subject to a relevant representation being received and where there is supporting evidence to demonstrate that it is appropriate to do so.
- 1.18 In the case of age classifications for films, the Policy of the Authority is to follow the recommendations of the British Board of Film Classification for most purposes, whilst retaining the right to allocate a classification of its own to a particular film or to modify the advisory information proposed for use in connection with that film or the mechanism proposed for communicating that information.
- 1.19 In general, all premises which are the subject of a licensing application should have the benefit of planning permission or be deemed permitted development. Licensing and Planning are separate regimes but consents from both must be in

place to operate legally. The Licensing Authority, as per paragraph 9.45 in the Section 182 Statutory Guidance, requires the two committees and officers to work together to achieve a common agreement. If there is variance between the hours given under a licence and those permitted by the planning permission, the earlier hours will apply.

- 1.20 The Authority's Licensing Committee will receive regular reports on decisions made by Officers under the provisions of the scheme of delegation so that it maintains an overview of the general situation.
- 1.21 The Authority will actively encourage a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays. Premises specifically catering for young people in a safe, alcohol-free environment shall also be encouraged and promoted for the wider cultural benefit of the community in Torbay. Some departments within the Council have obtained licences for specified public open spaces and premises so that the benefit of any licence granted can be conveyed by the licence-holding department to authorised entertainers and performers within the event site. The Authority's Licensing Committee will consider such applications from an entirely neutral standpoint. It will also consider carefully any representation that the licensing regime is adversely affecting the provision of live music and dancing as regulated entertainments in Torbay and will only impose restrictions that are appropriate, proportionate and reasonable as licensing conditions.
- 1.22 The Authority recognises that proper integration with local crime prevention, planning, transport, tourism and cultural strategies is essential to assist in the reduction of public disorder and disturbances. The Authority will ensure that future local transport plans reflect the need to disperse people from town centres swiftly and safely, particularly late at night, so as to avoid concentrations which may produce disorder and disturbance.
- 1.23 The Authority recognises that licensing seeks:
  - a) To control the physical safety of people using a location, however it does not seek to control public health, which is subject to other controls.
  - b) To protect children, includes their protection from moral, psychological and physical harm.
- 1.24 The use of illegal drugs, particularly those which are commonly referred to as a 'recreational drugs' and illegal psychoactive substances can be harmful and, in some cases, contribute to fatalities. Factors that have contributed to deaths from drugs include lack of drinking water, excessive drinking water, an overly

hot environment with inadequate ventilation, or a lack of adequate information about drugs.

The Licensing Authority recognises that drug use in a club/pub environment is not something that is relevant in all licensed premises. However, it is recognised that special conditions will need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them i.e. zero tolerance drug policies including the appropriate use of searching and amnesty boxes.

It is the responsibility of premises to help keep their customers safe from drink and drug spiking, for example by the provision of signage and information to alert customers to the risk of drink spiking, as well as medical and reporting actions needed as soon as an incident is suspected.

The Authority does aim through the licensing process to:

- a) **Prevent** drug dealing in licensed premises.
- b) *Minimise* drug availability and their use.
- c) **Safeguard** all the public attending events by requiring, through imposition of appropriate licence conditions, the provision of a secure and safe environment for such events to take place.
- 1.25 The Authority recommends that all applicants' seeking to supply alcohol should have had regard to, 'The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks'.
- 1.26 While the Authority recognises that clear enforcement protocols for licensing and associated activities are essential, this will be achieved through close partnership working; notably the Police, Fire and through its Public Safety Advisory Group. It also recognises that in most cases, education and the support of businesses is likely to have longer term impact to ensure proper consideration is given to the four Licensing Objectives. It will, however, ensure that resources are targeted at problem and high-risk premises and events, when required.
- 1.27 The Authority will review this Policy, at least once in every five years. The Cumulative Impact Assessment will also be kept under review and considered by the Authority, at least every three years or sooner, if necessary, to ensure that it is still required.

#### SECTION 2 - Primary considerations when an application is made

#### The Licensing Authority will:

- 2.1 Deal with all applications within the statutory timescales.
- 2.2 Where relevant representations are received, consider each application:
  - a) on its own merits,
  - b) in accordance with the Act, any subsequent amendments and supporting Regulations,
  - c) with regard to Guidance issued under Section 182 of the Act,
  - d) under the terms of this Policy.
- 2.3 Expect the applicant to articulate clearly the type of venue they will be operating and to submit an operating schedule that properly addresses the impact their application may have on their neighbours or their surrounding communities, to ensure that each of the relevant Licensing Objectives is promoted. This is particularly relevant in the following circumstances.
  - (i) Crime and disorder arising out of the night-time economy;
  - (ii) Noise from patrons and regulated entertainment where premises are in close proximity to residential properties and have later opening times;
  - (iii) Public safety matters for higher risk activities and one-off events; and
  - (iv) Public safety matters arising out of unmanaged occupancy levels.
     (See Appendix 3 for further information on what to consider in your operating schedule.)
- 2.4 Consider the specific proposals regarding the requested licensing hours. It is important to note that "opening hours", the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.
- 2.5 The Authority supports a continental café culture which makes a positive contribution to the street-scene and to the vitality of shopping and tourist areas bringing life, colour and interest on to the street. The Authority may grant a pavement licence under the Business and Planning Act 2020 for an applicant to use the public highway outside their premises for placing tables and chairs but the use of such an area will be subject to separate application, requirements and conditions. Applicants are reminded that either the proposed area of the public highway is included within their premises licence plan, or the premises licence must authorise off sales, as this is required where the pavement cafe area is not included on their plan. Further information and guidance can be found at www.torbay.gov.uk/pavement-licence

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

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

- \* The Policing and Crime Act 2009 became law in November 2009, amending Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 so as to incorporate 'sexual entertainment venues' as sex establishments governed by the Act as amended. The Authority adopted the legislation in so far as it relates to sexual entertainment venues on the 2 December 2010. Under the Act as amended, premises offering lap dancing, any live sexual performance or display of nudity on more than 11 occasions within a 12-month period, or less than one month since the last performance, will be required to obtain a sexual entertainment venue licence from the Council's Licensing Authority to authorise such activity. The Authority has drawn up a statement of Licensing Policy for Sex Entertainment Venues which was agreed by Licensing Committee on the 17 March 2011. The Policy can be found at <a href="https://www.torbay.gov.uk/sex-establishments">www.torbay.gov.uk/sex-establishments</a>.
- 2.7 Individuals who are applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected.

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

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

#### New applications and full variations

- 2.8 All licensing applications for the grant or variation of a premises licence must be served on the Licensing Authority and on the Responsible Authorities within Torbay. The contact details (current at the time of writing this Policy) for the Responsible Authorities are detailed in Appendix 1. However, applicants are advised to check the specific details in the Home Office S.182 Guidance and the Act to ensure they have complied with the requirements under the Act.
- 2.9 Where an application for the grant of a premises licence or club premises certificate, variation of the same, or a provisional statement, or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to all Responsible Authorities as stipulated in the Act. Where such applications have been submitted electronically, copies of the application will be forwarded to the Responsible Authorities by the Licensing Authority.
- 2.10 Full variations should not be used to 'vary substantially the premises to which the licence relates'.

#### **Minor variations**

- 2.11 An application can be made for a minor variation to premises licences and club premises certificates where the change is considered to have 'no adverse impact' on the promotion of any of the four Licensing Objectives.
- 2.12 Minor variations can be used to:
  - make minor changes to the structure or layout of a premises
  - make small adjustments to the licensing hours
  - remove out of date, irrelevant or unenforceable conditions
  - · add or remove certain licensable activities
  - add volunteered conditions to a premises licence or club premises certificate
- 2.13 Examples of where the minor variation process **cannot** be used include:
  - extending the period for which the licence or certificate has effect
  - specifying, in a premises licence, an individual as the premises supervisor
  - adding the sale by retail or supply of alcohol as an activity authorised by a licence or certificate
  - authorising the sale by retail or supply of alcohol at any time between 23:00 and 07:00 hours

- authorising an increase in the amount of time on any day during which alcohol may be sold by retail or supplied
- varying a licence for a community premises so as to apply the condition that every supply of alcohol under that licence must be made or authorised by the management committee
- substantially varying the premises to which the licence or club premises certificate relates
- 2.14 Under a minor variation the applicant must send the application to the Licensing Authority and must advertise the application on a white notice for a period of ten working days, at the premises, beginning with the day after the application was given to the Authority. The applicant is not required to advertise the variation in a local newspaper or send a copy to Responsible Authorities.
- 2.15 On receipt of a minor variation application, the Licensing Authority will consider the application and consult whichever of the Responsible Authorities it considers appropriate. In deciding on the application, the Licensing Authority will consider any relevant representations received within the statutory time limit (ten working days from the day after the application was received by the licensing authority). The Licensing Authority will either grant the application or refuse it where it considers that the proposed application could impact adversely on any of the four licensing objectives.
- 2.16 There is no right to a hearing under the minor variation process.
- 2.17 If the Licensing Authority fails to determine the application within 15 working days, the application will be treated as being refused and the fee returned. However, in such cases the Licensing Authority and applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application thus avoiding the need for a new application to be submitted.

#### **Review of premises licence**

- 2.18 A Responsible Authority or other persons may at any time call for a review of a premises licence or club premises certificate, where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence or club premises certificate. Examples may be where there has been a breach of licensing conditions, failed test purchases or activities undermine the licensing objectives. The conduct of review hearings is set out in the relevant statutory instruments.
- 2.19 Where the request for review originates from other persons, the Licensing Authority may reject the application if it is considered frivolous, vexatious or repetitious.

- 2.20 In all cases, an application for review must relate to a particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to one or more of the four licensing objectives.
- 2.21 Where a review is brought, the Licensing Authority may take any of the following actions:
  - modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), e.g. by reducing the hours of opening or by requiring door supervisors at particular times
  - exclude a licensable activity from the scope of the licence, e.g. to exclude the performance of live music or playing of recorded music
  - remove the designated premises supervisor, e.g. because they consider that the problems are the result of poor management
  - suspend the licence for a period not exceeding three months
  - revoke the licence
  - take no action
- 2.22 In deciding which of these powers to invoke, this Licensing Authority will seek to establish the cause of the concerns which the application and any relevant representations identify. The remedial action taken should be directed at these causes and should always be an appropriate and proportionate response. For example, the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 2.23 Equally, it may be that poor management is a direct reflection of poor company practice or policy, and the removal of the designated premises supervisor may be an inadequate response to the problems presented.
- 2.24 The Licensing Authority will consider each case on its own merits having regard to the relevant law and guidance.
- 2.25 Where reviews are sought by residents or Responsible Authorities in relation to public nuisance alleged to arise from a licensed premises, the nature of the premises, its track record and length of time it has been providing the activities complained of will all be taken into account in determining the application.

#### Relevant, vexatious and frivolous representations

- 2.26 Officer decisions as to whether representations are relevant, frivolous or vexatious will be made objectively having regard to all the available facts and not on the basis of any political judgment:
  - a frivolous representation can be categorised by a lack of seriousness or concerning very minor issues which would not warrant any steps being taken

- a vexatious representation arises where it is intended to cause aggravation or annoyance to another person or business without any justification (e.g. disputes between rival businesses).
- a representation would only be relevant if it relates to the likely effect on at least one of the licensing objectives, relates to the application under consideration and is received within the relevant timescales.
- 2.27 Where representations are rejected, the Responsible Authority or other persons making that representation will be given a written reason as to why this is the case. Anyone who wishes the decision to be reconsidered should lodge a complaint at <a href="https://www.torbay.gov.uk/complaints">www.torbay.gov.uk/complaints</a>.
- 2.28 In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation.

#### **Use of petitions**

- 2.29 Standard letters of support or objection, and petitions can be submitted in response to an application or review.
- 2.30 Standard letters, with only the signature and address of the sender, will be considered as a petition as they contain no additional individual comment. Standard letters that have additional detail regarding the representation will be considered as a separate representation and will be published separately as part of any Committee report.
- 2.31 Petitions will be published as part of the Committee report, and reference will be made to the number of names supporting the petition. The Council will only correspond with the lead petitioner and will invite that person to the hearing but not all of the signatories on the petition.

## **Temporary Event Notices (TEN's)**

- 2.32 A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours and can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.
- 2.33 A TEN is typically used to:
  - authorise a licensable activity at a premises not currently licensed e.g. selling alcohol at a fete
  - temporarily extend the hours for providing a licensed activity at an existing licensed premises for a specific event
  - provide for licensable activities not authorised by the existing licence.
- 2.34 Where a TEN or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the notice has been sent to the Police and Environmental Health as stipulated in the Act. Where a notice has been

- submitted electronically copies of the notice will be forwarded to the Responsible Authorities by the Local Authority.
- 2.35 The organiser must normally give the Licensing Authority a minimum of 10 clear working days' notice. This does NOT include the date of submission, the date of the event, weekends or bank holidays. In a significant number of cases this time period does not allow sufficient time for the organiser to liaise with the Police or Environmental Health and other relevant bodies to ensure that the event passes off safely with minimum disturbance to local residents. Therefore, the Licensing Authority will normally expect that the notice to be submitted no earlier than 28 days before the planned event. The giving of 28 days' notice allows for reasonable discussions to take place with the Police and Environmental Health.
- 2.36 The Licensing Authority will consider any breach of previous voluntary agreements to be an important matter when considering an objection to a TEN application.
- 2.37 A late TEN may be served between nine and five working days before a proposed event commences. If a late TEN is served with fewer than 5 working days' notice it is deemed invalid and will be rejected. The Licensing Authority has no discretion to accept TENs outside the permitted statutory deadlines. If an objection is received to a late TEN there is no provision for any modification, hearing or adding existing conditions and a Counter Notice will be issued preventing the event from going ahead. There is no right of appeal in respect of late TENs following an objection by the Police or Environmental Health.
- 2.38 The Licensing Authority will actively encourage the organiser to notify other relevant agencies such as the Fire Authority (crowd safety and management) in order to obtain expert advice on how best to minimise the risk of injury and public nuisance.
- 2.39 In addition, whilst under the Act applicants do not have to notify the Planning Authority in respect of a temporary event, they are encouraged to do so to ensure that any relevant planning consent is in place.

#### **Provisional statements**

- 2.40 Where premises are being or are about to be constructed, extended or otherwise altered so that they can be used for licensable activities, those involved with the project or with an interest in it may request some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.
- 2.41 Any person falling within Section 16 of the 2003 Act can apply for a premises licence before new premises are constructed, extended or changed. In those cases, the Licensing Authority would include a date when the licence would

come into effect. However, where the information described below is not available an application for a provisional statement would be required instead:

- · clear plans of the proposed structure
- · the activities to take place
- the time at which such activities will take place
- the proposed hours of opening
- where the applicant wishes the licence to have effect for a limited period, that period
- the steps to be taken to promote the licensing objectives
- where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify
- 2.42 The 2003 Act provides for a person who has an interest in the premises to apply for a "provisional statement". This will not be time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the licensing authority will accept representations when the application for the premises licence is finally made.
- 2.43 Applications for a provisional statement are made in a similar manner to those for new and variation applications as set out above.

#### **SECTION 3 – The Licensing Objectives**

The Act sets out four licensing objectives which the Licensing Authority has a duty to promote when carrying out its licensing function, namely:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Each objective is of equal importance, and these objectives are the only factors that can be considered in determining an application. Any conditions attached to a licence must be appropriate to promote the licensing objectives. If there are no relevant representations, or representations have been withdrawn at or before a hearing, then the application will be granted as applied for, subject to conditions which reflect the operating schedule and any mandatory conditions. Any conditions offered by the applicant within their operating schedule will become conditions on the licence.

Where there is a relevant representation, which has not been withdrawn, the application will proceed to a hearing, following which the Authority may take such steps as are appropriate to promote the Licensing Objectives. In considering the application, the Authority will have regard to the matters set out below. In order to reduce the risk of relevant representations and the cost and delay of a contested hearing, Applicants are strongly recommended to consult with the relevant Responsible Authorities, consider the matters set out below and incorporate them as necessary into their operating schedule.

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

#### THE PREVENTION OF CRIME AND DISORDER

3.1

- a) The adequacy of measures proposed to prevent crime and disorder and the history of any previous relevant enforcement action, particularly in relation to the use of the premises for:
  - (i) the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crime;
  - (ii) the sale and distribution of illegal firearms;
  - (iii) the evasion of copyright in respect of pirated films and music;
  - (iv) the under-age purchase and consumption of alcohol;
  - (v) prostitution or for the sale of unlawful pornography;
  - (vi) use by organised groups of paedophiles to groom children;
  - (vii) the base for the organisation of criminal activity;
  - (viii) the organisation of racist activity or the promotion of racist attacks;
  - (ix) unlawful gambling;
  - (x) the sale of smuggled tobacco and alcohol.
- b) The measures the applicant has taken or proposes to take to: -
  - (i) To prevent the consumption or supply of illegal drugs and psychoactive substances (previously known as 'legal highs'), including a written drugs policy, any entry and search procedures, the demonstration of a positive

commitment to the deployment, when requested by the Police, of the Ion track Itemiser Drug Detection Machine at the premises or event, and in respect of premises selling alcohol after midnight with a capacity of 500 or more, the provision of a drugs box and register.

- (ii) To improve security or public safety, for example by:
  - using CCTV of an evidential standard which is continually monitored with recordings retained for 14 days.
  - undertaking a risk assessment for the employment of appropriate numbers of SIA registered door supervisors for security duties and / or stewards for general public service or management (see Appendix 3 for further information). They shall be visible at all times and locations by wearing high visibility personal arm band identification.
  - keeping and maintaining a daily premises register of SIA registered door stewards (see Appendix 3 for further information)
  - the adoption of a 'safe capacity' necessary for the promotion of public safety or the prevention of disorder on the premises, part of the premises or at an event.
  - setting a maximum bag size policy during ENTE periods and carry out regular random bag searches
  - · providing cloakroom facilities for bag and coat storage
  - random use of metal detectors in premises selling alcohol after midnight with a capacity of 500 or more persons
  - ensure door stewards remain on duty until all customers have left the vicinity to ensure no crime, disorder or public nuisance whilst they are dispersing.
- (iii) To determine that when employing SIA registered door supervisors, licence holders have considered:
  - (a) Recruiting Security Industry Authority(SIA) licensed door supervision staff from a company that is compliant with the requirements set out in the Security Industry Authority Approved Contactor Scheme (visit the SIA website <a href="https://www.sia.homeoffice.gov.uk">www.sia.homeoffice.gov.uk</a> for further information); and
  - (b) What measures will be taken and what procedures are in place for licensees to check the SIA register of licensed door supervisors to ensure their premises and patrons are <u>only</u> protected by door supervisors with an SIA licence. Torbay Council recommends the use of the SIA Company Licence Checker facility (visit the SIA website <u>www.sia.homeoffice.gov.uk</u> for further information).

- (iv) To help prevent the use of glass bottles and drinking glasses being used as weapons and inflicting more serious harm during incidents of disorder, consideration needs to be given to the location and style of the premises/event, the times of opening, as well as features such as outside roof terraces, indoor sporting events, and televised sporting events. The use of plastic/polycarbonate vessels is recommended in late night vertical drinking establishments and to prohibit glass bottles from which it is intended or likely that a person will drink in these premises from 23:00 hours.
- (v) To help facilitate effective communications by means of radio communications, i.e. Storenet and nitenet radios or by other means to enable instant contact with the CCTV Monitoring Room and other licensed premises in a locality, to warn of situations of disorder or potential disorder and to advise other premises of individuals ejected or refused entry to their premises
- (vi) To be able to demonstrate a responsible approach to alcohol sales by ending alcohol sales at a time specified in the application that is some time before the premises themselves are closed, and by not taking part in heavily 'discounted drinking' promotions. At the start of 2010, Parliament approved The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. This attaches mandatory conditions to all premises licences and club premises certificates where alcohol is sold or supplied on the premises.
- (vii) To help reduce the risk of excessive alcohol consumption by providing and promoting reasonably priced soft drinks; and as required as a mandatory condition, to provide free drinking water at all bars. The provision of free potable (safe to drink) water is a mandatory condition.
- (viii) To help reduce the risk of crime and disorder being caused by street drinkers, who are or appear to be alcohol dependant. This may be particularly relevant to premises that are permitted to provide sales of alcohol for consumption off the premises, which are located in areas where concerns about street drinkers have been identified by Responsible Authorities or within the area defined in the Cumulative Impact Assessment. Such premises may be required not to stock or sell high strength or types of cheap ciders, beers or lagers with an abv of more than 6% or to sell single unit items, i.e. cans that are split from an original multi pack or other such packaging.

- (ix) Awareness of drink spiking and participation in anti-drink spiking initiatives.
- (x) Zero tolerance drug policies including the maintenance of an incident log, signage, staff training, appropriate use of searching/amnesty boxes to combat drug crime, an awareness of their venues and possible areas requiring greater monitoring. Businesses are expected to address drug activity by working in partnership with the Police.
- (xi) To help manage the premises safely by the provision of sufficient SIA registered door staff following a detailed risk assessment taking into account the size and layout of the premises. (see Appendix 3 for further information)
- (xii) To determine whether door stewards are to be employed at takeaway premises which provide late night refreshment.
- (xiii) To keep appropriate records, an incident log to record incidents that have occurred on the premises or within the vicinity but linked to the premises, telephone calls, complaints and refusals for entry (see Appendix 3 for further information).
- (xiv) To help to ensure that the Premises Licence Holder or the Designated Premises Supervisor (DPS) takes all reasonable steps to ensure that staff employed at the premises are, trained so that they understand the requirements of both the premises licence/club premises certificate and the broad provisions of the Licensing Act 2003. It is recommended that premises keep detailed training records that are available for inspection by Responsible Authorities.
- (xv) To ensure that all staff in premises selling alcohol after midnight shall be trained and hold, within three months of the commencement of their employment, BIIAB Level 1 Award in Responsible Alcohol Retailing or similar qualification.
- (xvi) To manage appropriately, intoxicated customers, for example by using use a breath box to randomly test and refuse entry to customers where it is believed that they are heavily intoxicated, and to randomly test customers within the premises to ensure that there is no excessive drunkenness.
- (xvii) To prepare a policy to ensure that there is a safe area for leaving drinks when customers leave the premises temporarily, e.g. to smoke.

- (xviii) To ensure that the premises are adequately managed by a suitable person at all times and that whenever the premises are open for the sale of alcohol after midnight, a personal licence holder is on duty.
- (xix) To ensure that the written authorisations of the DPS to all staff are be kept on the premises.
- (xx) To implement a recommendation to support and participate in safety incentives such as 'Ask for Angela campaign' and Project Nighteye (Targeting violence against women and girls in the night time economy).
- (xxi) To sign up to <u>Torbay's Safety of Women at Night Charter (SWaN)</u> to improve the experience of women in Torbay at night, in both the town centres and harbourside area.
- (xxii) To implement a recommendation for premises within designated areas of the Cumulative Impact Assessment to become an accredited venue with Best Bar None.
- (xxiii) To write policies to ensure that all off sales are supplied in sealed containers for premises where there is a Public Space Protection Order, and it is believed that the alcohol will be consumed within that designated area. The policy should include the provision of notices to be clearly displayed where alcohol is sold, advising customers that the area is subject to a Public Space Protection Order.
- (xxiv) To write policies to ensure that where alcohol is supplied by way of a delivery service, all delivery drivers are trained in Challenge 25, No proof no sale and that deliveries are only to be made to a residential address and received by an over 18.
- (xxv) To ensure the even distribution of customers within a premises, to reduce crowding and pinch points which can lead to conflict.
- c) Work to reduce the likelihood of any violence, public disorder or policing problems that may arise if a licence is granted.
- d) Implementing the outcomes of consultations held by the applicant, in respect of their application and submitted operating schedule, with the Police. Including any recommendations made by the Constabulary's Architectural Design Liaison Officer.

#### **PUBLIC SAFETY**

3.2

- a) The adequacy of measures proposed to deal with the promotion of public safety and in particular, the steps taken by, or the proposals of, the applicant to:
  - (i) To assess the risks to the public, staff and others associated with operating the premises or event in accordance with their submitted operating schedule and measures implemented to reduce those risks.
  - (ii) To provide adequate facilities for people or performers with disabilities and to ensure their safety.
  - (iii) To ensure that the number of people, staff and performers, present in the premises or at the event can be safely evacuated in the case of emergency and that adequate access arrangements exist to permit the attendance of emergency vehicles, if required.
  - (iv) To ensure adequate staff training has been undertaken to deal with emergencies. To indicate the frequency that such training will be updated and the method of maintaining staff training records to demonstrate that regular training has taken place.
  - (v) To maintain controlled entry to the premises or event and establish the maximum number of persons who are occupying the premises or event at any time (see Appendix 3 for further information).
  - (vi) To determine what the views are of the Maritime and Coastguard Agency, as the lead Authority with regard to all of the four Licensing Objectives, in the case of an application for a premises licence in respect of a passenger vessel.
- b) The Authority will undertake consultations with the Council's Officer responsible for the enforcement of Health and Safety legislation in respect of the application and the submitted operating schedule. It is the Policy of the Authority to not use its licensing powers to secure compliance with fire safety requirements, which arise from other legislation. However, in circumstances where fire safety inadequacies indicate that the premises pose a risk to the health and safety of those who enter them and where specific fire safety enforcement does not provide a sufficient or sufficiently rapid remedy; the Licensing Authority will take appropriate steps to ensure that the risk is removed.

- c) In preparing an operating schedule for large scale events, which would require a premises licence, the applicant is expected to consider if appropriate the following guidance and publications:
  - (i) The Event Safety Guide (The Purple Guide) <a href="www.thepurpleguide.co.uk">www.thepurpleguide.co.uk</a>
  - (ii) Managing Risks and Risk Assessment at work www.hse.gov.uk/simple-health-safety/risk/index.htm
  - (iii) The Guide to Safety at Sports Grounds, 6<sup>th</sup> edition (The Stationery Office, ISBN 978-1-9164583-0-7 <a href="https://sgsa.org.uk/greenguide-availablenow/">https://sgsa.org.uk/greenguide-availablenow/</a>

## Fire safety

- 3.3 The Licensing Authority is committed to ensuring public safety in licensed premises by working in close partnership with the Fire Authority, subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will consider relevant representations from the Fire Authority concerning the implications relating to fire safety for each individual application/variation for a premises licence and seek to protect the safety of all persons at all licensed premises by ensuring that the requirements of the Fire Authority are met.
- 3.4 In order to avoid the necessity for representations to be made, applicants will be advised where appropriate to consult the Fire Authority and ensure that they have sight of such documentation as may be required in order to allow a reasonable assessment to be made.
- 3.5 The Licensing Authority will consider applying capacity limits where there are valid reasons and where it has been demonstrated that they will promote any of the licensing objectives.

#### The Terrorism (Protection of Premises) Act 2025

3.6 The Terrorism (Protection of Premises) Act 2025, also known as Martyn's law, received Royal Assent on Thursday 3 April 2025. The aim of this new legislation is to improve safety and security at public venues, to help ensure that people are prepared, ready to respond and know what to do in the event of a terrorist attack.

It is expected that the implementation phase will be <u>at least 24 months</u>. This will include the publication of statutory guidance and establishing the regulator

function within the Security Industry Authority (SIA), as well as ensuring there is time for businesses, premises and events to prepare for the legislation coming into force.

There will be a legal requirement on those responsible for certain venues to increase their preparedness for and protection from a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place.

In the meantime, although terrorist attacks are rare, the threat from terrorism is real and increasingly unpredictable and therefore operators should consider the threat and implement appropriate and proportionate mitigation measures to ensure public safety.

Consequently, the Licensing Authority would expect large capacity venues and organisers of large events to consider the following measures:

- A requirement to engage with freely available counter-terrorism advice and training
- A requirement to conduct vulnerability assessments of their operating places and spaces
- A requirement to mitigate the risks created by any vulnerabilities identified
- A requirement to have a counter-terrorism plan
- Ensuring good communication networks with the Police and signing up for local incident alerts
- Ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.

Further information can be found at ww.protectuk.police.uk/martyns-law and www.gov.uk/government/publications/terrorism-protection-of-premises-act-2025-factsheets.

#### THE PREVENTION OF PUBLIC NUISANCE

3.7

- a) The adequacy of measures proposed to deal with the potential for public nuisance and in particular the steps taken by, or proposals of, the applicant to:
  - (i) To prevent noise and vibration escaping from the premises or open-air sites, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.

- (ii) To manage the outside spaces, notably beer gardens, designated smoking areas, car parking areas which are within the direct control of the Premises Licence Holder, to prevent noise from patrons and entertainment creating a public nuisance to nearby neighbours.
- (iii) To prevent disturbance by patrons arriving at or leaving the premises, or in the vicinity of the premises, especially when smoking.
- (iv) To prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises or otherwise manage the queue to prevent disturbance or obstruction.
- (v) To consider the cumulative effect from multiple one-off events giving rise to public nuisance.
- (vi) To ensure that staff leave the premises quietly.
- (vii) To evaluate whether taxis, private hire or other vehicles serving the premises are likely to disturb local residents and/or people staying in nearby holiday accommodation.
- (viii) To evaluate whether routes to or from the premises on foot or by car, or for service or delivery vehicles, pass residential premises and holiday accommodation and if so, the effect this may have on such properties.
- (ix) To prepare, implement and oversee, as appropriate, polices regarding dispersal of customers, queue management, smoking areas and outside spaces.
- (x) To take suitable steps to improve the management of the premises, following any previous or current enforcement action taken.
- (xi) To prevent disturbance from light arising from security devices, floodlighting, advertising lighting or any special effect lighting.
- (xii) To prevent noxious fumes from causing a nuisance to occupants of nearby residential and commercial premises or land.
- (xiii) To determine whether the premises would result in increased refuse storage or disposal problems, or whether additional litter from or in the vicinity of the premises could cumulatively cause public nuisance.
- (xiv) To implement where appropriate, the outcomes of consultations held between the applicant and Torbay Council's Licensing & Public

Protection Team in respect of the application and submitted operating schedule.

b) The Authority advocates working with businesses, with the shared aim of providing a more business friendly and vibrant economy, however, accepts that it equally has a responsibility to its residents. To aid in the process, Appendix 3 gives further advice relating to public nuisance that businesses, new or existing, may wish to consider when making an application or preparing for an event. This should aid both the business and the Authority to ensure there is a common understanding of what is proposed and what the impacts might be. That contained within Appendix 3, should help applicants consider the areas they should address and to formulate their own operating schedule tailored to the type, nature and characteristics of the specific premises and its neighbourhood.

## **Outdoor Areas and Smoking Areas**

- 3.8 Beer gardens, roof terraces, pavements and other outdoor areas serving licensed premises are expected to comply with appropriate conditions to the individual premises to ensure minimal disruption to residents in proximity to the premises.
- 3.9 Where applicants propose to provide seating, tables or other facilities in any outdoor area, whether covered or not, or to permit the use of outdoor areas as smoking areas, applicants will be expected to demonstrate in their operating schedule:
  - a. Detail the location of outside areas to be available for use.
  - b. how the outside areas will be managed to prevent a) noise;b) smell; andc) pavement obstructions, and d) littering.
  - c. the arrangements for clearing, tables and chairs; and
  - d. preventing nuisance from smoke fumes to residents living in close proximity to smoking areas.
  - e. Suitable and sufficient measures will be in place to prevent the escape of noise and other public nuisance from that outdoor area, from the licensed premises or from any of the licensable activities
  - f. Effective management controls and other measures are put in place this will include removal of seating/tables, presence of staff and installation of CCTV to ensure that licensable activities and the use of such areas

by customers or other persons is controlled so as not to adversely impact on nearby residents

- 3.10 Where outside spaces are used for eating, and where children may also be present in the outside space, the Authority expects applicants to provide details as to how smoking areas will be separated from the general use areas of the outside space.
- 3.11 Premises Licence Holders must take into account the needs of patrons with disabilities and comply with the requirements of the Equalities Act 2010.
- 3.12 After 23:00 hours consideration should be given to the impact of patrons using outside smoking areas. The Licensing Authority will normally expect the public use of external areas in the licensee's control to cease at 23:00 hours. Where outside areas will be in use after 23:00 hours additional management controls will need to be considered which may including limiting the number of patrons permitted in the area and the presence of security staff.
- 3.13 Following the implementation of the smoking ban in July 2007, the Licensing Authority recognises that smokers wishing to smoke will have to go outside the licensed premises. They may also want to take alcohol purchased inside for consumption outside. In some cases, smoking will be in garden areas. In others, it may be on other parts of the licensed premises or even the highway.
- 3.14 Members of the public can sometimes feel intimidated and crowds of drinkers or smokers spilling out onto the street may cause obstruction. Safety problems can also be caused with drinkers and smokers moving into the road. Wherever possible, all patrons should be contained within areas that are part of licensed premises, such as beer gardens, terraces or, where a pavement café consent has been granted by the Council for tables and chairs, on the public highway, and consideration should be made for local residents with mobility difficulties.
- 3.15 Where patrons are permitted to take drinks outside the premises the Licensing Authority will expect licensees to take such steps as possible to ensure glasses/bottles and other receptacles are not left outside. Where broken glass may become an issue, this should be included within the management plan of the premises.
- 3.16 The premises may provide some form of shelter for those smoking outside, but these must not be fully or substantially enclosed in accordance with the Health Act 2006. Licensees should be aware of their responsibilities to prevent public nuisance.

- 3.17 Noise is likely to be caused not only from persons outside, but from the licensed premises if doors are continually opened or left open as customers go in and out.
- 3.18 If relevant representations are received, the Licensing Authority may consider conditions restricting the use of outside areas. Such conditions may include the prevention of drinks within the external area, restricting the carrying of any receptacle outside, prohibiting re-entry to premises after customers have left or restrictions on the number of people allowed at any one time in the outside areas and having dedicated staff to monitor the smoking area and take action where necessary.
- 3.19 The Licensing Authority may impose conditions on licences requiring the operators to provide cigarette disposal units in the vicinity of the premises and to carry out regular cleaning of the area as necessary in order to prevent public nuisance.

## Night cafes and Takeaway Premises/Restaurants with delivery services

- 3.20 The Licensing Authority will look to applicants to evidence steps they will take to address these associated issues which can present a public nuisance issue which should include:
  - Provision of bins outside to reduce littering by patrons
  - Evidence of commercial bin waste contract and pest control contract as necessary.
  - Management of outside queues or seating areas after 23:00 hours.
     Where a risk assessment deems it necessary security staff may be needed at busy times of the night or year when business is seasonal
  - Restrictions on the times for deliveries and when bins are emptied
  - Suitable parking and access arrangement for any third-party delivery staff such as Uber Eats or Deliveroo as these can cause considerable public nuisance in terms of parking and noise
- 3.21 Premises open after 23:00 hours supplying hot food or hot drink for consumption on or off the premises can attract large groups of customers, many of whom have already consumed alcohol. The gathering of people around takeaways can lead to additional noise, disturbance and greater amounts of litter and rubbish.
- 3.22 Premises that operate late at night offering alcohol and/or takeaway food can generate concerns about antisocial behaviour and nuisance in the vicinity. It is expected that applicants should address such issues within their operating schedule.

## Fly posting and promotional material

- 3.23 Torbay often faces the widespread problem of illegal and nuisance fly posting and littering from promotional material used to promote bands and events in the area. This can have an impact on the prevention of public nuisance objective and the prevention of crime and disorder objective within the Licensing Act 2003.
- 3.24 Existing legislation seeks to address this problem however, it often proves ineffective in preventing this type of nuisance advertising. Some licence holders leave the advertising of regulated entertainment to events promoters and then use this to argue that they are not responsible for any illegal fly posting that occurs.
- 3.25 The Licensing Authority expects responsible licence holders to ensure the licensed objectives are properly promoted when advertising regulated entertainment on their premises. For this reason, licence holders should outline in their operating schedules the steps to be taken ensure advertising of licensable activities does not cause nuisance or give risk to crime and disorder.
- 3.26 Premises Licence Holders are encouraged to have explicit agreements or contracts with named individuals or companies used to promote events to address the issue of fly posting and littering from promotional material. They should also maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority or Authorised Officer on request. Where appropriate and where consistent with the applicant's operating schedule, the Licensing Authority will impose conditions to this effect when its discretion to do so has been engaged.
- 3.27 Businesses wishing to hand out any free printed material such as newspapers, leaflets, vouchers, business cards, stickers or promotional material in a specific area of Torquay, must also obtain a licence from the Council. Further information can be found at www.torbay.gov.uk//leaflets.

#### THE PROTECTION OF CHILDREN FROM HARM

3.28

a) To consider that adequate measures are proposed to protect children from harm and in particular the steps taken by, or proposals of the applicant to protect children:

- (i) In cases where there have been convictions or Fixed Penalty Notices against staff employed at the premises for serving alcohol to minors, or at premises with a reputation for underage drinking.
- (ii) In premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- (iii) In premises where there is a known association with drug taking or dealing.
- (iv) In premises where there is a strong element of gambling on the premises (e.g. jackpot machines).
- In premises where entertainment or services of an adult or sexual nature are provided.
- (vi) In premises where, in the case of premises giving film exhibitions, the arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself.
- (vii) In premises where children are employed without a work permit issued by Torbay Council.
- b) The steps the applicant has taken or proposes to:
  - (i) Clearly state their intentions to manage the premises so as to protect children from harm.
  - (ii) Limit the hours when children may be present.
  - (iii) Impose age limitations, for those under 18 years, on attendance.
  - (iv) Impose age limitations, for those under 18 years, on employment.
  - (v) Limit or exclude children when "Special Risk Entertainments" are taking place.
  - (vi) Limit access by children to only parts of the premises.
  - (vii) Require the presence of an accompanying adult.

- (viii) Fully exclude persons under 18 years from the premises when any or all licensable activities are taking place.
- (ix) Prevent the service of alcohol to children under eighteen years, except in the limited circumstances allowed for by the law and when satisfied that proof of age has been adequately demonstrated.
- c) The Authority recommends that the only way to verify a young person's proof of age is with reference to their:
  - (i) Passport
  - (ii) Driving licence
  - (iii) Provisional driving licence
  - (iv) Proof of Age Standards Scheme (PASS) card
  - (v) Official Military identity card
- d) The Authority recommends that premises which sell or supply alcohol, adopt the Challenge 25 scheme.
- e) The Authority recommends that premises which sell or supply alcohol should ensure that staff are suitably trained in all aspects of age-related sales and that training is reviewed on a regular basis. The Authority also recommends that records of all staff training are kept for a period of 12 months and made available to a Responsible Authority on reasonable request and that the premises has a written Age Verification Policy, which is also made available to a Responsible Authority on reasonable request. All members of staff must read and sign to confirm their understanding of the Policy, in order to support compliance with the mandatory conditions. A free online toolkit is available to Torbay Licensed premises to assist with staff training and help prevent the illegal sale of age restricted goods. Further information can be found at <a href="https://www.proofofage.org.uk">www.proofofage.org.uk</a>
- f) The Authority supports the installation of ID Scanners in premises open after midnight that may attract underage drinkers.
- g) Clearly stated measures in the case of an emergency for controlling access and egress and ensuring the well-being of children where a regulated entertainment is specially presented for them. The Authority will normally require as a minimum the following arrangements: -
- (i) An adult member of staff to be stationed in the vicinity of each of the exits from any level of the premises, subject to there being a minimum of one member of staff per 50 children or part thereof (subject to (iv) below).

- (ii) No child to be permitted in the front row of any balcony unless accompanied by an adult.
- (iii) No standing to be permitted in any part of the auditorium during the performance.
- (iv) At least one adult member of staff of each gender, when groups of mixed gender are present.
- (v) Clearly stated measures where regulated entertainment is specially presented for under 18's in an existing licensed premises, Torbay Council will normally require as a minimum, the conditions found in Appendix three.
- (vi) Where a regulated entertainment is held specifically targeting children, the steps the applicant proposes to demonstrate that the organisers of the event have ensured that their employees or other persons who will be responsible for supervising children have been submitted to the advanced disclosure mechanism operated by the Disclosure and Barring Service.

## **SECTION 4 – The Licensing Authority's rationale for issuing Premises** Licences is to:

- 4.1 Ensure that conditions are consistent with any operating schedule accompanying the application. Terms or conditions attached to premises licences will focus on matters that are within the control of individual licensees and others granted relevant permissions and will not duplicate requirements normally enforced by other regulatory regimes.
- 4.2 Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) and its vicinity, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation before the development has been completed.
- 4.3 Consider adding stricter conditions, limit hours and in some circumstances refuse types of regulated entertainment at premises in close proximity to residential premises.
- 4.4 Consider refusing or limiting types of regulated entertainment or impose early closing times where applicants have not sufficiently demonstrated how they will protect residential premises in close proximity to their premises, from public nuisance. (See Appendix 3 for further advice and information).
- 4.5 Will include, when necessary, conditions limiting the access of children to licensed premises solely for the prevention of harm to children.
- 4.6 Will add the mandatory conditions, if the premises licence is to authorise the supply of alcohol. The relevant mandatory conditions can be found in Appendix 3.
- 4.7 Will add the mandatory condition where a premises licence is to authorise the exhibition of films and:
  - a) That the admission of children to the exhibition of any film to be restricted in accordance with the age restrictions set by the British Board of Film Classification
  - b) Except in a case where the Authority has determined a classification of its own in relation to a particular film, in which case that classification will be adopted as a mandatory condition.

- 4.8 Will seek to fulfil the Licensing Objectives by ensuring that only conditions relevant to those Objectives are attached to licences and certificates and are tailored to the individual style and characteristics of the premises and events concerned.
- 4.9 Where a representation is received, will seek to promptly set before Licensing Committee or Licensing Sub-Committee those applications that are fully made in accordance with this Policy, the Act and any other relevant regulations or guidance. This will enable the Authority to deal with licensing issues speedily, efficiently and in a cost-effective manner.

## **SECTION 5 - The role and influence of Representations:**

### **The Licensing Authority:**

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

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

#### This includes:

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

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

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

- 6.1 The Authority has a Licensing Committee comprising of at least 10 and no more than 15 Members of the Authority in order to discharge the functions of the Licensing Authority and a Licensing Sub-Committee comprising of any three Members of the Licensing Committee to discharge any function it directs that is exercisable by the Licensing Committee.
- 6.2 A Chairperson of the Licensing Committee will be elected at the first annual meeting of the Authority.
- 6.3 The Authority will ensure that Members and Officers are appropriately trained to carry out their duties under the Act and in accordance with the Authority's constitution. No Member of the Authority shall sit upon the Licensing Committee or Sub-Committee unless they have received appropriate training.
- 6.4 The Licensing Committee recognises the Local Safeguarding Children Board or specified successor organisation as the competent body for the purposes of this Policy with regard to the protection of children from harm.
- 6.5 To adhere to the principles of The Regulators' Code (April 2014), which include:
  - Regulators should carry out their activities in a way that supports those they regulate to comply and grow
  - 2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
  - 3. Regulators should base their regulatory activities on risk
  - 4. Regulators should share information about compliance and risk
  - 5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
  - 6. Regulators should ensure that their approach to their regulatory activities is transparent
- 6.6 To publicise the Terms of Reference set down for its Licensing Committee.
- 6.7 To recognise enforcement as both formal and informal actions including advice, information, monitoring, liaison, training and promotion of good practice and includes:
  - a) Actions instituted by the Licensing Committee
  - b) Actions taken by an Officer of the Authority with the appropriate delegated authority to take such actions

- c) Actions by an authorised Officer of a partner organisation with a statutory responsibility for a licensable Premises or activity.
- 6.8 To work with the Police and other enforcement agencies and to have an information sharing agreement in place.
- 6.9 To work in partnership with relevant agencies to develop effective and documented Protocols and working arrangements which allow for a 'lighter touch' where risks are perceived low, whilst higher risks situations may be specifically targeted in proportion to the risks identified.
- 6.10 To comply with the Code of Practice: <u>Age Restricted Products</u>, <u>published by BIS/BRDO 2014</u>, insofar as it relates to the test purchasing of alcohol by Trading Standards Officers and other agencies.
- 6.11 In so far as it is possible, avoid duplication of requirements with other regulatory agencies.
- 6.12 To recognise the Act as only one of the mechanisms available to regulate the leisure, hospitality and retail economy and to assist in the maintenance of public order in Torbay. Other influences and controls include:
  - a) Planning controls and the recognition that crime and disorder prevention should be designed into new developments.
  - b) The designation of public places where alcohol may not be consumed and the confiscation of alcohol may be enforced.
  - c) Police powers to close down premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise and the powers of Environmental Health Officers to close noisy premises.
  - d) Take enforcement action against personal licence holders who sell alcohol to people who are drunk.
  - e) Powers of the Police, Responsible Authorities or a local resident or business to seek a review of a premises licence or club premises certificate.
  - f) Flexible resourcing of the Authority's CCTV Control Room to maintain optimum use of the CCTV system with its partners in accordance with its Code of Practice for the Operation of Closed-Circuit Television (2007).

- g) Promotion of the NiteNet, Pub Watch/local licensing forums, StoreNet or UKPAC communication systems and where appropriate impose the participation in the NiteNet scheme upon applicants through licence conditions.
- h) Measures taken in partnership with local businesses and others to maintain a clean and safe environment.
- 6.13 Investigate complaints against licensed premises both with respect to the conditions on their premises licence or club premises certificate, but also the broader requirements of the Licensing Act 2003. This includes complaints regarding noise, public safety or child protection that is within its remit.
- 6.14 Licensing fees are set and are due for payment on the anniversary of the licence and are dependent upon the non-domestic rateable value of the premises. This value, which is also used to calculate business rates, can be found through the Valuation Office Agency (VOA) search engine at <a href="https://www.gov.uk/correct-your-business-rates">https://www.gov.uk/correct-your-business-rates</a>. The licence holder is expected to pay the required licence fee when it is due, or the law requires the licence to be suspended until such fees are paid.

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

The Authority would strongly encourage the premises licence holder to contact the Licensing Team to discuss any problems prior to your annual licence fee being due, to enable the Authority to offer help where they can.

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

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

## **Appendix 1: Contact Details**

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

## **Licensing Authority**

Licensing and Public Protection Team Town Hall Castle Circus Torquay TQ1 3DR

Tel: 01803 208025

E-mail: <u>licensing@torbay.gov.uk</u>

## **Responsible Authorities**

Devon and Cornwall Police Licensing Department Launceston Police Station Moorland Road Launceston PL15 7HY

Tel: 01566 770500

E-mail: licensing.team@devonandcornwall.pnn.police.uk

Devon & Somerset Fire and Rescue Service Divisional Headquarters Newton Road Torquay TQ2 7AD

Tel: 01803 653700

E-mail: southfiresafety@dsfire.gov.uk

Torbay Children's Services C/O Town Hall Castle Circus Torquay TQ1 3DR

Tel: 01803 208559

Email: CSCentral@torbay.gov.uk

Director of Public Health

Town Hall Castle Circus Torquay

TQ1 3DR

Tel: 01803 207350

Email: Publichealth@torbay.gov.uk

Licensing and Public Protection Team (Public Nuisance)

Town Hall Castle Circus Torquay TQ1 3DR

Tel: 01803 208025

E-mail: <u>Licensing@torbay.gov.uk</u>

Food & Safety Team Town Hall Castle Circus Torquay TQ1 3DR

Tel: 01803 208025

E-mail: Foodsafety@torbay.gov.uk

Operational Support
Health and Safety Executive
North Quay House
Sutton Harbour
Plymouth
PL4 0RA

Tel: 0300 0031747

E-mail: formsadmin.plymouth@hse.gsi.gov.uk

Planning Department Town Hall Castle Circus Torquay TQ1 3DR

TUSER

Tel: 01803 207801

E-mail: planning@torbay.gov.uk

Heart of the South West Trading Standards Service County Hall Topsham Road Exeter EX2 4QD

Tel: 01392 381381

Email: tsadvice@devon.gov.uk

Home Office (Immigration Enforcement)
IE Licensing Compliance Team (IELCT)
2 Ruskin Square (Floor 6)
Dingwall Road
Croydon
CR20 2WF

Email: IE.licensing.applications@homeoffice.gov.uk

(Home Office Immigration Enforcement is not a responsible authority in relation to club premises certificates).

In relation to vessels, Responsible Authorities also include navigation authorities within the meaning of S. 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated when being used for licensable activities.

Plymouth Marine Office Maritime & Coastguard Agency Suite 5, Endeavour House Oceansgate, Vivid Approach Plymouth PL1 4RW

Tel: 020 390 85245

E-mail: mcaplymouthadmin@mcga.gov.uk

## Appendix 2 – Scheme of Delegation

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

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

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

<sup>\*</sup> Full committee may deal with all Sub-Committee matters.

## **Appendix 3: Supplementary Information**

### PREVENTION OF CRIME AND DISORDER

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

The number and times of required staff would be dependent on the location and style of premises/event. Some areas may warrant the employment of SIA registered door supervisors for longer periods of the evening than other areas. This may be particularly true of nighttime economy areas, which includes the CIA. The number of door supervisors to be employed would need to be determined as a result of a risk assessment carried out by the Premises Licence Holder and/or the Designated Premises Supervisor or required by the Authority. However, it is recommended that two SIA door supervisors are employed for up to the first 100 customers, and thereafter one additional steward is employed for each additional 100 customers. Consideration also needs to be given to the ratio of male and female door supervisors which are appropriate for particular premises/events.

This can, however, be altered, subject to the applicant demonstrating through a suitable and sufficient risk assessment, to the satisfaction of the Responsible Authorities and where necessary, Councillors at a subsequent Licensing Committee hearing, that a different ratio is appropriate. This risk assessment should take into consideration the duties required by the supervisors, the layout of the premises and any key locations/flash points/pinch points within the premises that will require additional supervisors.

## Register of SIA door supervisors

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

## **Provision of Incident Log**

It is strongly recommended that all premises keep an incident log. The premises incident log shall record all calls, whether in person or via alternative communication

(e.g. email, in writing) made to the premises where there is a complaint made by a resident or neighbouring premises of noise nuisance or anti-social behaviour by persons attending or leaving the premises. The incident log shall record the details of the caller, time and date of the call/ visit and the incident referred to along with any action or proposed action/s taken to resolve the issue complained of. The incident log will also record all incidents involving the use of force by staff or SIA registered door supervisors in the refusal of entry to or the ejection of patrons from the premises. The details of any registered SIA registered door supervisors involved in the incident shall be recorded including their badge number. This log should be completed as soon as reasonably possible following an incident.

## **Reducing the Strength Campaign**

The Licensing Authority may not approve applications for off sales near to alcohol addiction recovery activities or buildings, or in areas where drinking in public spaces affects any of the licensing objectives.

Due to crime, disorder and anti-social behaviour issues with known street drinkers within Torbay, the Police introduced a 'Reducing the Strength Campaign' to limit the availability of high strength lagers, beers and ciders in areas where a problem with street drinkers has been identified, but particularly within the CIA. A number of licensed premises with Torquay Town Centre, and other areas where there are specific concerns regarding street drinkers, who are authorised for the sale of alcohol for consumption off the premises, have conditions prohibiting them from selling any beer, cider or lager with an abv of 6% or more and prohibiting the sale of alcohol in single units.

Where applications are granted, additional conditions or limitations such as trading hours may be appropriate. Additional conditions may include:

- No single cans or bottles of be or cider will be sold
- No sale of high strength beers or ciders of 6.0% ABV and above.
- Minimum of two staff to be on duty at times the premises remain open for sale
- Staff must obtain nationally recognised training on responsible alcohol retailing within two months of employment
- High strength beers or ciders will be for sale behind a counter accessed only by staff
- All alcoholic drinks will be clearly labelled or marked with the name of the premises
- The premises will operate a proof of age scheme such as Challenge 25
- Notices will be clearly displayed near to where alcohol is exposed for sale or sold advising customers that the area is subject to a Public Spaces Protection Order (PSPO)

Restrictions on the design and placement of alcohol for sale

All applicants applying for the grant of a premises licence authorising the sale of alcohol for consumption off the premises, should consider including the above requirements within their application, particularly where premises are situated within the CIA, and should consult with the Police Licensing Officer for further advice.

#### **PUBLIC SAFETY**

## **Occupancy of Licensed Premises**

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

There are some occasions where it will be appropriate to place a maximum safe occupancy figure as a licence condition to prevent crime and disorder and protect public safety. It will also be appropriate to limit the occupancy in certain parts of premises. Crowding can arise from inappropriate pedestrian flow patterns caused by poor location of entry and exit doors, dance floors, bars and toilets.

Overcrowding has been found to be linked to lower tolerance, increased frustration and conflict. The consequences of crowding will also depend on other factors such as levels of drunkenness and the extent of server intervention.

It is for the applicant to consider the maximum safe occupancy for each premises. A maximum occupancy figure may be expected as part of the operating schedule for premises that present a high risk, for example:

- Where the licensable area involves two or more floors, including mezzanines
- Where there is an expected capacity of greater than 500
- Premises which may be described as high-volume vertical drinking establishments, including any premises which attracts the fee multiplier
- Premises which have a licence to trade beyond midnight
- Where the use of pyrotechnics is likely
- Any premises within a cumulative impact area

Applicants will wish to consider maximum capacities based on means of escape from fire, toilet facilities, floor space and layout. The lower of these values should be used to set the maximum occupancy.

#### PREVENTION OF PUBLIC NUISANCE

#### General consideration

- Public nuisance is the most common reason for complaints against existing premises and for representations to be made about new and variation applications. It can include low-level nuisance affecting a few people locally, as well as major disturbance.
- 2. The potential for nuisance varies according to the nature of the premises. The Authority will interpret nuisance in its widest sense and takes it to include such issues as noise (from patrons and music, both inside and outside the premises), light, litter, human waste (such as vomit and urine), fly-posting and anti-social behaviour.
- Noise nuisance is the most common problem. It is particularly intrusive at night
  when ambient noise levels are lower and residents are trying to sleep, and so
  it is essential that applicants can demonstrate how they will effectively manage
  public nuisance.
- 4. Where applicants are completing operating schedules, they are expected to have regard to the location of the proposed or actual premises. In particular, consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, older people's accommodation, hospitals, hospices, schools, childcare facilities or places of worship.
- 5. Applicants with access to outdoor spaces, such beer gardens and designated smoking areas, may be asked to provide a written noise management plan if the location of outdoor spaces is adjacent to or in close proximity of residential accommodation or hospitality services, such as hotels and B&Bs. Please refer to the Council's Guidance Notes on Noise Management Plans at www.torbay.gov.uk/new-premises-licence.
- 6. Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Authority will treat each case on its individual merits; however, stricter conditions will generally be considered on premises licences in areas that have denser levels of residential

- accommodation or residential accommodation in close proximity to them. This may include, where appropriate, the Authority considering an earlier terminal hour than that proposed by the applicant.
- 7. Applications for licensed premises located close to residential areas wishing to open beyond 23:00 hours will need to ensure that a high standard of control is included within their operating schedule so that, for example, any entertainment provided by a venue must be to entertain the patrons of that venue and not the wider community. Public nuisance (within the meaning envisaged by the Act) must not result from the operation of any venue.
- 8. Between the hours of 23:00 and 08:00 hours any new premises licence, or variation to a licence with hours beyond 23:00, is expected to include a condition of total sound containment within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents.
- 9. The Authority will presume against the grant of new or variations to premises licences and club premises certificates where there are extensions in operational hours, or the addition or extension of activities (regulated entertainment) that may cause public nuisance, and the applicant cannot demonstrate that they have properly considered the issue of nuisance.
- 10.To demonstrate proper consideration, Applicants are strongly encouraged to engage the services of and obtain appropriate advice from those with the expertise in this field, to explore what if any mitigation measures could be put in place to alleviate the impact of potential nuisance arising from their premises operations.
- 11. There will be an assumption however, that licensed premises in residential areas, or where there is close proximity to residential properties or hospitality services, will only be allowed to undertake licensable activities until 23:00 hours, unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.
- 12. Applicants will be expected to demonstrate in their operating schedule, that nuisance arising from noise, light, smoke odour, litter, ASB, human waste, fly posting, highway/footway disruption, can be minimised or fully mitigated against.

- 13. The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation from the Authority, a Responsible Authority or other person.
- 14. The following suggestions should be considered but will vary according to the intended operations of each premises. The list is not exhaustive and is intended to act as prompt for applicants:
  - Is an acoustic report needed if the application involves live or recorded music and later hours.
  - Can details of the location and types of any schemes designed to attenuate noise from the premises be provided?
  - Can details of any measures to minimise the noise caused by patrons outside the premises be provided?
  - How the noise from the activity can be controlled to prevent noise breakout.
     Some premises simply do not have the structure to contain noise, and it is unlikely that these types of premises can have these noisier activities.
  - Can the noise breakout be controlled by double glazing, noise limiters, large lobby areas, or any other structural change that attenuates the noise.
  - The location and availability of any taxi ranks, bus stops, street pastors, railways stations in relation to the premises which are operational at or just after the terminal hour of the licence.
  - Provide details of the location and management of any outdoor areas within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas.
  - Include details of dispersal policies and consider the role of door supervision and winding down periods.
  - Will you reduce music sound levels and tempo towards the end of the evening.
  - Will lighting be increased towards the end of the evening.
  - Will there be an area for patrons to use whilst waiting for taxis, such as winddown/chill out areas.

- Any use of outside areas such tables and chairs on the highway or smoking areas.
- If the operation of the venue will attract additional litter such as food cartons or publicity flyers what measures will be put in place to deal with this.
- Will there be litter patrols for premises operating as takeaways or providing off-sales.
- 15. If an application is expected to be contentious or noise problems already exist, expert advice should be sought. Applicants are advised to employ a noise consultant before an application is submitted but ideally before signing a lease agreement, if applicable.
- 16. Sound attenuation works can be very costly and applicants should factor in the costs into their budget. It can more expensive and inconvenient if noise breakout is not mitigated at the build stage. The consultant's report should be submitted as part of the application, or a proposed condition that advises that this will be done to the Responsible Authorities' satisfaction before the activity starts.
- 17. If a premises licence is granted for an area that hosts one off events, the Authority and applicant will have regard to the cumulative impact or effect of multiple one-off events and how noise may affect nearby residents and business.
- 18. Many premises already have later operating hours and later activities. This can and does cause significant public nuisance to neighbours and create a significant workload for Responsible Authorities.
- 19. In cases where a premises has benefitted from the deregulation of live and recorded music and the operator creates a nuisance to its neighbours; the Council will seek a review of the premises licence to remove the exemption under the Live Music Act 2012.

## **Temporary Event Notices (TENs)**

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

In the case of events where the event maybe of a significant duration, albeit still under the TEN limit of 499 persons at any one time, the Authority asks applicants to submit an Event Management Plan 3 months before the intended event date, to minimise the likelihood of objections from Responsible Authorities. The content of the Plan should reflect the event size, and in some cases may only need to be based around a Noise Management Plan. Please refer to <a href="Torbay Council's Noise Management Plan">Torbay Council's Noise Management Plan</a> Guidance Note.

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

### PROTECTION OF CHILDREN FROM HARM

## **Staff Training**

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

- Evidence of staff training in relation to age-relate sales
- Evidence of training reviews carried out as and when appropriate
- A refusals register when service of alcohol is declined to those persons unable to provide proof of age.

#### Under 18 discos in licensed premises

Good practice would include the following:

- These events should finish no later than 23.00hrs after which there will be a 30-minute period before the premises re-opens to over 18's
- The Police shall be notified in writing or email at least (minimum) 14 days prior to the proposed event.
- At least 4 SIA door supervisors must be employed throughout the event, which shall include at least 1 female supervisor. All supervisors will have undergone a Criminal Records Bureau check.
- All alcohol will be locked away and/or obscured from view.
- All gaming machines with prizes will be unplugged and locked.

- All promotional material relating to alcohol shall be removed.
- Any person refusing to be searched will be refused entry.
- Metal detectors will be used at random on entry.
- The event will be promoted to ages of 14 years and above.
- International student events shall be restricted to international students only.
- Throughout under 18 events, the Designated Premises Supervisor or Personal Licence Holder must be present.

## Online alcohol sales and delivery services

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

- Age verification at both purchase point and delivery point;
- The safety of delivery drivers at point of delivery;
- Safety of the premises from which orders are taken and sent out for delivery; and
- Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises.

The Authority expects licence applications for delivery services that include the delivery of alcohol to take into account issues relating to reducing public nuisance from to delivery vehicles, ensuring the security of premises and delivery drivers, and protecting children by applying rigorous age appropriate checks at purchase point and at point of delivery.

#### It is expected that:

- All alcohol stored at the premises shall be locked in a secure storage area
- All staff responsible for making alcohol sales shall be trained in the requirements of the Challenge 25 age verification policy and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated. The training should be documented.

- The premises licence holder shall ensure that all employees of any third party engaged in the delivery of alcohol, i.e. couriers, have also been trained by their employers regarding the Challenge 25 policy and this training should be documented.
- A refusals log will be maintained for deliveries and available for inspection on request.
- The Authority would expect operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused and that refusal recorded.
- Alcohol shall be sold in sealed containers only.
- The premises licence holder will ensure that a sticker is applied to all
  consignments of alcohol stating 'Note to Delivery Service: this package
  contains age restricted products. Ensure recipient is over 18' (or similar wording
  to the same effect).
- All deliveries of alcohol shall only be delivered to a premises address with a
  valid postcode and will only be delivered directly to that property. Customers
  must be instructed when placing the order that they will not be able to collect
  the order from the vehicle.
- Full name and address details, including postcode, must be given when placing an order.
- Alcohol can only be delivered to a residential or business address and not to a public place.
- Challenge 25 if the driver considers the recipient of alcohol appears under 25 recognised photographic identification to be requested before any alcohol is handed over.
- At the time the order is placed, a declaration will be required from the person placing the order that that person is over 18 years of age.
- Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. No ID no delivery.
- Minimum age of 18 for delivery drivers
- Delivery will be refused if the driver believes the alcohol is being purchased on behalf of another person aged under 18 years.
- Customers to be reminded on the website that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.
- Measures for minimising noise and disturbance caused by the dispatch of deliveries to be identified in the operating schedule.

## **Appendix 4: Premises type and potential impacts**

Please refer to our 'Pool of Licensing Conditions' for appropriate conditions you should consider including within the operating schedule of your application to mitigate the potential impacts identified below. The pool of conditions can be found at www.torbay.gov.uk/new-premises-licence.

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

		,
	May provided limited entertainment. Premises plan includes dedicated kitchen and food preparation areas.	
Off licences	Alcohol only sold for consumption off the premise.	May attract street drinkers and associated anti-social behaviour in some areas.  Applicants are required to demonstrate how their premises will not contribute to street drinking in the area.  Premises may attract underage purchasers.  Premises may be within PSPO
Takeaways	Provision of takeaway food and soft drinks.  No alcohol but will require a licence for late night refreshment between 2300 and 0500 hrs.	Litter dropped by customers. Cooking smells. May be a place for people to congregate after late night drinking causing noise disturbance. Alcohol related violence and antisocial behaviour. Premises may be within PSPO
Hotels	Provision of overnight accommodation. Alcohol can be available 24/7 to guests staying on premises. May have a function room available for public hire/functions.	Minimal issues in relation to hotel residents. Potential for drunkenness at public hire/functions. Child protection and safety issues may occur.
Other entertainment venues	Alcohol ancillary to other activities such as entertainment – e.g. bowling.	Minimal disturbance from customers leaving. Limited drunkenness. No violence. Potential for music noise.
Theatres	Alcohol ancillary to live theatrical performances.	Minimal disturbance from customers leaving. Drunkenness and violence are unlikely.
Registered Clubs	Only supply alcohol to members or bona fide guests. No DPS needed. May provide entertainment. Function Room available for commercial hire will require TEN.	Minimal disturbance from members leaving. Limited drunkenness. No violence.
Festivals and outdoor events	Not alcohol led but food and alcohol will be available on site. Could attract large numbers of attendees.	Likely disturbance from large numbers attending. Alcohol consumption will exacerbate noise and nuisance issues.

May have to submit Event	Dispersal may be an issue.
Management Plan and Risk	Drug dealing and drug
Assessments to Safety Advisory	consumption likely.
Group.	Drunkenness and violence are
	possible.
	Child protection and safety issues
	may occur.
	Premises may be within PSPO

# Appendix 5: Safeguarding of children, young people and adults with care and support needs

#### Introduction

Set out below is information for licence holders to help them report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly as it relates to child exploitation, abuse, modern slavery and human trafficking.

#### **General Information**

Torbay Council's Licensing Service is helping to tackle child exploitation, abuse, modern slavery and human trafficking by working with key partners, particularly Devon and Cornwall Police, Children and Adult Services within the Council, the Safeguarding Children Board, and the Adults Safeguarding Board. The Boards also work with the Police, children's and adults social care, schools, health services and the youth offending team as well as specialist child exploitation organisations.

Through agencies working together and sharing information, we aim to identify and prevent exploitation, modern slavery, and human trafficking to protect children, young people and adults with care and support needs and disrupt the activities in order to prosecute perpetrators of abuse.

Sharing information with Devon and Cornwall Police and Children's'/Adult Social Care helps to protect children, young people and adults with care and support needs from harm.

## How licence holders can help tackle child exploitation, abuse and modern slavery

Licence holders may become aware of or come into contact with children, young persons and adults with care and support needs, or people who are victims of modern slavery or human trafficking. This may be in hotels, bars and restaurants, late night takeaways, off licences or other licensed premises. Licence holders and staff employed in licensed premises are in an ideal position to help protect people.

Safeguarding children, young people and adults with care and support needs is everyone's business and everyone's responsibility.

#### **Child Exploitation**

Exploitation of children and young people involve exploitation situations, contexts, and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing an activity on them. Violence, coercion, intimidation and sexual activity are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people

can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

Child exploitation is a crime that can affect any child, anytime, anywhere- regardless of their social or ethnic background.

In particular, licence holders and staff in licensed premises should ask themselves the following types of questions:

- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children, young people or adults with care and support needs regularly being dropped off/picked up or collected and taken elsewhere from licensed premises such as a hotel, B&B or late-night takeaway?
- Is a child, young person or adult with care and support needs regularly being brought to a licensed premises such as a hotel or B&B where you work? If so, ask yourself why?

If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with Devon and Cornwall Police (Tel: 101 or if immediate risk 999) and Torbay Multi-agency Safeguarding Hub on Tel: 01803 208100 (Monday to Thursday 09.00-16.30, Friday 09.00-16.00) or the out of hours number on Tel: 0300 4564876. Please email for enquiries and referrals to MASH@torbay.gov.uk.

#### Adults with care and support needs

An adult with care and support needs is someone who is in need of community care services due to disability, age or illness. They may be unable to take care of or protect themselves against significant harm or exploitation.

In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

- Has your customer got any physical signs of abuse or neglect?
- Are they a regular customer? Do you see changes in their behaviour or mood?
- A customer tells you they are having difficulties with someone else
- A customer tells you they have a worry about someone
- A customer tells you they have hurt a person
- · A customer tells you something they have seen or heard
- Do you know something that causes concern about someone else's welfare?
- You see worrying behaviour towards someone

If the answers to any of the questions above gives you even the slightest cause for concern you may need to take urgent action to protect the adult.

Your first priority is with the adult, to make them safe (including reporting to the police if immediate action is required). If you or the person concerned need to raise a concern with Torbay Council to help, please contact 01803 219700 or out of hours 0300 4564876. Please email for enquiries and referrals to torbay.safeguarding@torbay.gov.uk

#### Modern Slavery and human trafficking

Modern slavery is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking.

In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

- Is the victim in possession of a passport, identification, or travel documents?
   Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else?
   Do they allow others to speak for them when spoken to directly?
- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement?
- Is the victim under the impression they are bonded by debt or in a situation of dependence?
- Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?
- Can the victim freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?

Report something suspicious you spot to the Police or other authorities – it could be at licensed premises where you work, where workers seem reticent to engage, not appropriately dressed for their work or increasingly ill fed and unkempt. Or a young person repeatedly being brought to a hotel by another person for short periods of time.

If there is an immediate danger to the suspected victim or if you think that the suspected victim is under 18, inform the police and call 999 as a matter of urgency. For England and Wales, please call the Modern Slavery 24-hour confidential referral helpline on 0800 0121700 anytime of the day or night to refer a victim of trafficking or receive advice. Further information can be found at <a href="https://www.modernslaveryhelpline.org">www.modernslaveryhelpline.org</a>

# Agenda Item 12

#### **Record of Decisions**

# Streetlighting Central Management System and Light Emitting Diode (LED) Upgrade Project

#### **Decision Taker**

Cabinet on 18 November 2025.

#### Decision

- that subject to 2. below, Cabinet approve Option 3 Telensa Central Management System, as set out in Section 7 of the submitted report, with borrowing for the sum of £2,261.870, including 5% contingency for the purchase and hosted service of Telensa Computer Management System, and 3,431 new LED lanterns to upgrade streetlighting in Torbay; and
- 2. that Council be recommended to approve prudential borrowing of £2,261.870 including 5% contingency for the purchase and hosted service of Telensa Computer Management System, and 3,431 new LED lanterns to upgrade streetlighting in Torbay.

#### **Reason for the Decision**

The proposal would enable the Council to fully maximise the potential of its streetlight assets and to use the asset in a different way. Currently they would be viewed as either on or off, the computer management system of Telensa would allow the Council to set lighting levels and roll out dimming regimes. The proposal importantly allows a degree of managing energy cost spikes that currently the Council has no control over, lights can be dimmed or switched off depending on the necessity of the situation to reduce energy costs in times of need.

#### **Implementation**

The decision in respect of 1. above will come into force and may be implemented on 1 December 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny). The decision in respect of 2. above will be considered at the Council meeting on 11 December 2025.

#### Information

The Council's total spend on electricity and gas between April 2024 to March 2025 was £3,304,966. The energy consumption of our streetlighting made up £777,683 of this total, making it the highest energy consuming asset on the Council asset list, and therefore key to explore solutions to reduce the energy consumption and make financial savings. The current service model was the traditional method of lighting which was now very dated.

The Council's current streetlighting system was too slow and costly to make changes to the streetlights. Therefore, the Council needed to introduce innovative technologies that gave the Council the capacity to react to future events and permitted the Council to implement changes that delivered energy savings through proactive actions.

At the meeting Councillor Chris Lewis proposed and Councillor Bye 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

Option 1: A business as usual (BAU) approach for our streetlighting inventory. Under this option, the Council would continue with the current manual streetlighting system and processes. This current system was outdated and limited in its capabilities, particularly in being able to implement energy efficient dimming regimes in both a cost effective and timely manner.

Option 2: To procure and install 3,431 Holophane LED lanterns for the remaining streetlight inventory that have not been upgraded as part of the current streetlighting LED replacement programme. This option would bring the remaining streetlighting inventory up to modern standards in terms of their energy efficiency and could deliver an estimated £151,473 of annual energy savings and 127 tonnes of carbon emissions savings, for a cost of £896,968.

Option 3: Added to all the benefits of option 2, the implementation of the Central Management System solution would provide the Council's Streetlighting Team with the ability to make real time changes to the streetlights and importantly implement a more energy efficient dimming regime in a timely and cost-effective manner. This option would deliver £292,291 of energy savings and save 230 tonnes of carbon emissions, operational savings, create an adaptable system and deliver a range of co-benefits including environmental and health and wellbeing. This was, therefore, the preferred option.

Is this a K	(ey Decision?
No	
Does the	call-in procedure apply?
Yes	
	ons of interest (including details of any relevant dispensations issued by the Committee)
None	
Published	I
21 Novem	ber 2025
Signed:	Date:
J	Leader of Torbay Council on behalf of the Cabinet

## Agenda Item 12 Appendix 1



Meeting: Council Date: 11 December 2025

Wards affected: All

Report Title: Streetlighting CMS and LED Upgrade Project

When does the decision need to be implemented? ASAP

Cabinet Member Contact Details: Adam Billings, Cabinet Member Pride & Place, Transport &

Parking

Director Contact Details: Alan Denby, Director of Pride in Place, alan.denby@torbay.gov.uk

## 1. Purpose of Report

- 1.1. Torbay Council have 14,794 individual streetlights on the public highway, they are currently managed as individual assets which is expensive and time consuming and an outdated practice in comparison to other local authorities. This project seeks approval to proceed with the procurement and installation of Telensa's Central Management System (CMS) and install 3,431 Holophane LED lanterns for our streetlighting inventory. The cost to deliver this project is £2,154,162 of borrowing to fund the delivery of the scheme. Based on the savings from the solution and the repayment of the loan, the estimated payback for the project is 10 years.
- 1.2. Technology and innovation now provide the ability to manage, monitor and control all the streetlights from a single laptop.
- 1.3. The CMS allows a degree of control over energy costs and in particular energy cost spikes that we currently do not have.

## 2. Reason for Proposal and its benefits

- 2.1. The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by reducing the carbon emissions of our streetlights by 230 tonnes a year and also reducing the energy costs by £292,000 a year, whilst allowing the authority to be able to manage lighting levels to suit all the demands and needs on the service.
- 2.2. The reasons for the proposal, and need for the decision are, we can be at the forefront of innovation and technology to assist us to manage and meet our carbon zero goals by 2030.

- 2.3. The roll out will benefit equally all three towns that make up Torbay and allow the innovation to be utilised in every lit street in the bay. The proposal includes the removal of dated lanterns to be replaced with new LED Holophane Lanterns that are more energy efficient and reduce the carbon footprint of our streetlights.
- 2.4. The proposal allows to fully maximise the potential of our streetlight assets and to use the asset in a different way. Currently they would be viewed as either on or off, the computer management system of Telensa allows us to set lighting levels and roll out dimming regimes that will help people sleep better at night. Lighting levels close to our coastline can be reduced to prevent light pollution which affect marine biodiversity.
- 2.5. The proposal importantly allows a degree of managing energy cost spikes that currently we have no control over, lights can be dimmed or switched off depending on the necessity of the situation to reduce energy costs in times of need which keeps a strong grip on finances.
- 2.6. During summer events like the firework displays which attract large crowds onto our seafront areas, the lights can be switched off to enhance the visual experience, alternatively lighting levels can be increased around Torquay United homes games for people to get away safely. Public realm areas at the weekends can have an increase in lighting to assist CCTV and anti-social behaviour. These are a number of examples of benefits that can be delivered.

## 3. Recommendation(s) / Proposed Decision

Revised Officer Recommendation to reflect the borrowing to be fully repaid through the revenue savings (£292,000) generated from the streetlighting budgets over a 10-year period in line with the detailed business case:

3.1. That prudential borrowing for the sum of £2,154,162 over a 10 year period based on a 4.65% interest rate be approved, for the purchase and hosted service of Telensa Computer Management System, and the purchase and upgrade of 3,431 new LED lanterns to upgrade Streetlighting in Torbay.

## 4. Appendices

Appendix 1: Streetlighting CMS and LED Upgrade Full Business Case

Appendix 2: Climate Impact Assessment Report - Streetlighting LED & CMS upgrade project

## 5. Background Documents

Not Applicable.

## **Supporting Information**

### 6. Introduction

- 6.1. The Council's total spend on electricity and gas between April 2024 to March 2025 was £3,304,966. The energy consumption of our streetlighting made up £777,683 of this total, making it the highest energy consuming asset on our Council asset list, and therefore key to explore solutions to reduce the energy consumption and make financial savings. In the 2024/25 financial year, our streetlighting accounted for 504 tonnes of carbon emissions, which makes up 11% of our Council's carbon footprint.
- 6.2. The current service model is the traditional method of lighting which is now very dated. Each existing light is an individual piece of lighting infrastructure fed by a low voltage cable. Each light has a preset lighting output which can be adjusted, which is known as dimming, but it requires the contractor to visit each light and replace the driver. The cost of this attendance and driver replacement is upwards of £120 per unit. Each light fitting has a sensor that detects light changes (dawn/dusk) and switches the light on or off. Maintenance of our lighting is both hands on and very time consuming which carries costs with it. Currently, SWISCo employ contractors to carryout night scouts on twelve preset routes in the bay to see if there are any lights out at night that may need fixing, this costs the council £14,435 annually. The service also relies on members of the public to report faults with specific streetlights, including lights that are on during the daylight hours or day 'burners'.
- 6.3. Our lighting inventory is currently controlled by photoelectric cells that bring the lights on when dusk falls and turn them off at dawn. The current issue for the streetlighting team is when these cells fail, the team experience "day burners", which is where a light doesn't switch off and stays on 24 hours a day, until an issue is raised and a contractor is sent to replace the cell. Depending on access to the column (often on busy main roads) and the current work stack, it can take several weeks for an operative to be able to repair the light. This leads to wasted energy and associated carbon emissions. In 2024, there were 91 day burners raised on the streetlighting system, with the average attendance time to repair these faulty streetlights being 17 days, which leads to a waste of 21.7kwh of electricity and 8.7kg of carbon emissions for one lantern.
- 6.4. As seen in recent years, global events such as the Ukraine war have led to often erratic and fluctuating energy prices in the UK. It has become vital to be able to quickly adapt to these price rises, particularly for our key and high energy consuming assets in order to be more resilient to these external impacts. It is also vital the Council implements innovative solutions that allow them to limit the financial impacts from these events.
- 6.5. Based on the current streetlighting capabilities, to change our streetlighting dimming regimes would mean an operative attending every one of our 14,794 streetlights at a cost of approximately £20 per unit. This would take 147 days to make the desired changes (based

- on the assumption that one operative could attend 50 units a day) and importantly, would cost the Council £295,880.
- 6.6. As this example highlights, our current system is too slow and costly to make changes to our streetlights. Therefore, as a forward-thinking Council, we need to introduce innovative technologies that gives the Council the capacity to react to future events and that permit the Council to implement changes that deliver energy savings through proactive actions.

### 7. Options under consideration

- 7.1. Option 1: A business as usual (BAU) approach for our streetlighting inventory. Under this option, the Council continues with the current streetlighting system and processes which are to manually manage our streetlighting assets. This current system is outdated and limited in its capabilities, particularly in being able to implement energy efficient dimming regimes in both a cost effective and timely manner.
- 7.2. Option 2: To procure and install 3,431 Holophane LED lanterns for the remaining streetlight inventory that have not been upgraded as part of the current streetlighting LED replacement programme. This option would bring the remaining streetlighting inventory up to modern standards in terms of their energy efficiency and can deliver an estimated £151,473 of annual energy savings and 127 tonnes of carbon emissions savings, for a cost of £896,968.
- 7.3. Option 3: Added to all the benefits of option 2, the implementation of the CMS solution will provide our streetlighting team with the ability to make real time changes to our streetlights and importantly implement a more energy efficient dimming regime in a timely and cost-effective manner. This option will deliver £292,291.00 of energy savings and save 230 tonnes of carbon emissions, operational savings, create an adaptable system and deliver a range of co-benefits including environmental and health and wellbeing.

## 8. Financial Opportunities and Implications

8.1. Since the Cabinet meeting it has been clarified that the additional borrowing of £2,154,162 is being requested in order to make energy savings of £292,291 per annum, based on the estimated savings the payback has been forecasted at 10 years. A 4.65% interest rate on the loan has been estimated.

## 9. Legal Implications

9.1. Not Applicable

## 10. Engagement and Consultation

**10.1** The current 10-year Streetlighting Contract is a joint contract between Torbay Council and Devon County Council. After a trial area in Devon with Telensa over the last 2 years, they have had cabinet approval to roll out across Devon, this has been well supported and evidenced by the approval for Devon wide rollout.

## 10.2 Communications & Stakeholder engage 260

#### **Communications plan**

Given the nature of this project and impact on a public service, an extensive communications package will be delivered to ensure that all members of the public are aware and given full details of the CMS and the estimated energy and carbon savings. This includes highlighting the numerous co-benefits that CMS provides such as;

- Reduction in energy bills and carbon emissions
- Reduce the impact of ALAN on our unique biodiversity and landscapes
- Reduced impact on public health
- Reassurance on safety considerations

#### Key messages:

- Torbay will soon benefit from completing the changeover to state-of-the-art new LED street lighting which will not only lower carbon emissions across the Bay but also save money in the long term, saving thousands of pounds over its lifetime.
- The lighting will be centrally controlled and upgrade our remaining streetlights to LED
  Holophane Lanterns and to procure Telensa's Control Management System (CMS). The
  benefit of the lighting being centrally controlled via a laptop is that the brightness can be
  adapted at the touch of a button.
- Better, more modern streetlighting will also help address anti-social behaviour and reduce the impact on biodiversity from artificial streetlighting.
- A key outcome from the project is that the estimated energy savings from the project can be reinvested into our Council budgets to deliver further improvements to our Council infrastructure and services.
- The new lighting innovation is one of several key infrastructure projects to help reduce the Council's carbon emissions as part of our Climate Change Action Plan.

**Audience:** Councillors, residents in Torbay, Climate Partnership partners (Member organisations including private, public and voluntary and community sector), community partnerships, Brixham Town Council, SWISCo, Devon and Cornwall Police, Devon and Cornwall Police and Crime Commissioner.

#### Communications timeline:

- 5 November Business case goes to CAD Cabinet and Directors will receive information about the project.
- 18 November Cabinet this is the point where the project will become public knowledge so we will coincide the main initial publicity at this point. There will be a Members Briefing to all Councillors (email newsletter update), press release sent out to local media, included on the News page on our website, article in One Torbay and Staff News, social media posts across our channels including Facebook, LinkedIn, Next door and Instagram.
- 16 March 2026 Installation of the new lighting follow up opportunity for 'work in progress' photos, video etc for use on social media and in our newsletters.

 16 November 2026 – Go live date – Press release, photo opportunity with Councillors and staff/contractors, article in One Torbay, social media posts, Members Briefing to update Councillors that the project is now live.

### 11. Procurement Implications

- 11.1. A joint-contract procurement was undertaken between Devon County Council (DCC) & Torbay Council in May of 2020. The purpose of this joint-contract was to appoint a supplier to undertake the supply, installation and maintenance of streetlighting apparatus located within the county of Devon, including the Torbay area. The procurement was undertaken as an Open Procedure due to the value of the nature of the works, and a successful contractor was appointed on 1st July 2020. The current contract expiry date is 30th September 2030.
- 11.2. The joint contract included a provision for the replacement of the Central Management System (CMS) via the use of a Contract Option located under Section 16 of the contract. Devon County Council have since used this option to undertake CMS replacements across Devon on multiple occasions.
- 11.3. Torbay Council intend to exercise the same Contract Option to replace the CMS solution currently in place within Devon County Council. This change falls within the scope of PCR 72.(1)(b)(i) where a contract can be modified for additional works, services or supplies, to be carried out by the original contractor, in order to prevent issues arising with regard to interchangeability or interoperability.
- 11.4. Upon exercising the Section 16 Contract Option, Torbay Council will appoint Telensa Central Management System (CMS) to undertake the works as required.

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

- 12.1. This project will provide a significant annual reduction in the Council's energy consumption through the upgrade of our remaining streetlights to more energy efficient LED Holophane lanterns but through the CMS, we can deliver proactive energy efficiency dimming regimes. Through these two solutions, we can make significant annual carbon emissions savings which will support Torbay Councils 2030 Net Zero target.
- 12.2. There is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems. The adaptable programming and control provided by CMS has the potential to allow Torbay to manage our street lighting more sensitively in order to protect our habitats and species. Torbay has the evidence to identify where its most sensitive and important habitats are located. This could be used in conjunction with the CMS solution to allow Torbay Council to adapt the way in which the bay is lit up, whilst being able to respond to its sensitivities and protecting our unique biodiversity, marine ecosystems and landscapes.

12.3. Overall, this project will deliver significant benefits in terms of it tackling climate change based on reducing the Council's energy consumption and carbon emissions whilst also supporting our local terrestrial and marine biodiversity from the effects of ALAN.

#### 13. Associated Risks

13.1. Any delays in getting approval to proceed/fund this project in the 2025/26 financial year will likely cause an increase in costs due to the RPIX price index changing after 1st April 2026, therefore, approval is sought to fund this solution before the start of the 2026/27 financial year.

## 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 Page 264	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	Younger and older people may feel less safe at night. The Office for National Statistics (ONS) found in the Crime Survey for England and Wales 2016, that perceived perception of victimisation varies by age. They found that:  • Those aged 16-24 years tended to underestimate victimisation amongst their age group  • Those ages 25-34 years produced a better estimate of their likelihood of experiencing victimisation  • Individuals 35 years and older tended to overestimate their likelihood of victimisation, when compared to victimisation rate Public perceptions of crime in England and Wales - GOV.UK  For the calendar year 2023, the total number of collisions within Torbay in 2024 were 150 for all types, which was down from 191 for 2023 - Road Casualty Reduction Reports - Torbay Council.  Older people may feel less safe walking in dimly lit areas, particularly in the evenings	Any negative impacts can be quickly remedied through the capabilities of the CMS system. During the early evening and to support the nighttime economy, bespoke lighting regimes can be implemented for town centre areas in particular taxi areas, road crossings and any other areas that require additional lighting. In addition, higher lighting levels can be put in place in areas with high footfall or near care homes, schools and youth centres.	Highways team – SWISCo

		during the winter months. Young people may be more active at night and affected by reduced visibility. However, there is no evidence that the proposed changes would lead to an increase in actual crime, however they may result in an increased fear of crime - Switching off street lights at night does not increase car crashes and crime   UCL News - UCL - University College London		
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 effect anticipated. Should there be any issues raised around equality once the lighting regime is in place, can be quickly remedied through the capabilities of the CMS system.	n/a	
Beisability 265	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.	This group could be potentially negatively impacted in terms of sensory implications with reduced lighting. This could affect people with sensory processing disorder, autism, those that are partially sighted, or blind. Mitigation for these needs include that lighting can be adjusted at short notice to improve the experience of people with disabilities, and feedback from members of the public will be responded to as appropriately.  For vulnerable road users, such as pedestrians, cyclists, motorcyclists, Horse riders, Users of mobility devices, there may an impact in terms of risk from reduced	Any negative impacts or disruptions for those with disabilities within specific streets can be reported to SWISCo who can adjust the streetlighting on a street-by-street basis to accommodate any specific lighting needs. Added to this, the lighting for road crossings, ramps, bus stops and other key accessible routes can have additional lighting to ensure safety of all users	Highways team – SWISCo

		lighting on roads. In terms of road accidents in Torbay, the number of collisions have dropped from 191 in 2023 to 150 in 2024 - Road Casualty Reduction Reports - Torbay Council. This group may have concerns that this will increase their risk of road accidents and collisions from a reduction in lighting particularly on road crossing, ramps and other accessibility routes. However, the proposal to retain lighting, albeit at a reduced level, should help reduce the adverse impacts to some extent.	but can be adapted for those with disabilities to ensure they meet minimum standards for accessibility. To monitor the impacts, complaints and feedback can be monitored to adapt any lighting requirements within specific areas.	
Gender reassignment Page 266	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.	Trans individuals may be disproportionately impacted by this decision as due to their risk of hate crime. They may feel more vulnerable in poorly lit areas due to risk of harassment. There were 151 incidents of hate crime that were gender reassignment orientated in Devon in 2024.  Hate Crime   Annual Equality Report 2024   Devon & Cornwall Police	Any negative impacts can be quickly remedied through the capabilities of the CMS system. As part of the proposed dimming regime, the prioritisation of lighting in known safe spaces and community hubs can be implemented, with community feedback being used to refine lighting where required.	Highways team – SWISCo
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. Should there be any issues raised around equality once the lighting regime is in place, can be	N/a	

		quickly remedied through the capabilities of the CMS system.		
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 anticipated. Should there be any issues raised around equality once the lighting regime is in place, can be quickly remedied through the capabilities of the CMS system.	N/a	
Page 267	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.	People from minoritised ethnic groups may feel less safe at night or fear incidents of discrimination particularly with rising cases of hate crime for refugees and asylum seekers.  Hate crime, England and Wales, year ending March 2024 - GOV.UK  In Torbay in 2024/25, there were 39 reports of hate crime that were race oriented, up 9 from 2023/24. However, from Devon and Cornwall police figures for 2023, of the 2,100 hate crimes reported, over 48% were motivated by race highlighting that this a major issue for the area. Hate crimes motivated by hostility towards race	Any negative impacts from the proposed dimming regime can be quickly remedied through the capabilities of the CMS system. The lighting around places of worship or cultural centres can be provided with bespoke lighting without compromising safety and equality.	Highways team – SWISCo

		<u> </u>		Т
		accounted for the largest proportion, with 1,246 crimes — a 26% increase from the previous year - Hate Crime   Annual Equality Report 2024   Devon & Cornwall Police		
Religion and belief  Page 268	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	In 2024/25, there were 2 reports of religion- oriented hate crimes reported in Torbay. However, from Devon and Cornwall Police figures for 2023, of the 2,100 hate crimes reported, 128 were religion or belief motivated.  Some religious groups may be disproportionately affected by the change in lighting due to cultural practices (e.g., late- night worship). Added to this, some minoritised ethnic communities may fear increased discrimination which has a detrimental impact to their ability to go to places of worship.	Any negative impacts from the proposed dimming regime can be quickly remedied through the capabilities of the CMS system. The lighting around places of worship or cultural centres can be provided with bespoke lighting without compromising safety and equality.	Highways team - SWISCo
Sex	51.3% of Torbay's population are female and 48.7% are male	All groups could potentially be negatively impacted by the dimming of streetlighting due to risk of violence and harassment in particular for women.  In the UK, 74% of all victims of domestic abuse and sexual violence crimes recorded by police in the year ending March 2020 were female. This national picture roughly	There is an unequal chance of impact on women suffering increased harassment and violence as a result of this project. To reduce the potential impact, the streetlighting can be maintained on key	Highways team – SWISCo

		aligns with the figures in Torbay between 2018-21, with 72% of victims being female final-post-consultation-version-with-foreword-210223.pdf	pedestrian routes to provide additional lighting. Gender-based safety audits can be undertaken to get views on where additional lighting is required. In conjunction with this, working with community safety teams and consider lighting near transport hubs such as train stations, bus stops and taxi ranks.	
exual 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.	Potential impact of increased hate crime / violence towards the LGBT+ community In 2024, 17% of reported hate crime in Devon was sexual orientation motivated, with 9 hate crime reports in Torbay during the same period. Hate Crime   Annual Equality Report 2024   Devon & Cornwall Police / Torbay Hate Crimes and Incidents – Q4 2024-25	Any negative impacts can be quickly remedied through the capabilities of the CMS system. As part of the proposed dimming regime, the prioritisation of lighting in known safe spaces and community hubs can be implemented, with community feedback being used to refine lighting where required.	Highways team – SWISCo

Armed Forces Community  Page 270	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.	There may be an impact on those in the Armed forces community who have disabilities and require additional support.	Any negative impacts can be quickly remedied through the capabilities of the CMS system. Any negative impacts or disruptions within specific streets can be reported to SWISCo who can adjust the streetlighting on a street-by-street basis to accommodate the needs of those with disabilities. Added to this, the lighting for road crossings, bus stops and other key areas will have additional lighting to ensure safety of all users but can be adapted for those with disabilities.	Highways team – SWISCo
Additional considerati	ons			
Socio-economic impacts (Including impacts on child poverty and deprivation)		No effect anticipated.	n/a	
Public Health impacts (Including impacts on		Positive Impact – The reduction in lighting pollution has been shown to reduce the	n/a	

tł	ne general health of ne population of orbay)		impact on public health and wellbeing - <u>Light</u> at Night and Disrupted Circadian Rhythms Alter Physiology and Behavior   Integrative and Comparative Biology   Oxford Academic		
+ Page 2/1	Juman Rights impacts		<ul> <li>No effect anticipated. We need to ensure that human rights are protected. In particular, that people have:</li> <li>A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').</li> <li>An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act</li> <li>A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).</li> </ul>	n/a	
C	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 a potential impact of reduced lighting on young people's journeys to school and could impact on their choices about evening activities, which may mean an increase in social isolation for some. Whilst the streetlights will be dimmed, albeit at a reduced level, should help reduce the adverse impacts to some extent.	Any negative impacts can be quickly remedied through the capabilities of the CMS system. The retention of lighting around schools and public spaces, albeit at reduced levels, will mitigate the impact on making these spaces available to young people to access.	Highways team – SWISCo

## 15. Cumulative Council Impact

15.1. There will be no service impact to the current streetlighting maintenance carried out by the contractor as additional resources will be brought in to deliver Telensa alongside normal routine works.

## 16. Cumulative Community Impacts

16.1. There will be minimal impact on the community as the works are delivered via mobile works that have minimal disruption to residents or road users.

## **Streetlighting CMS and LED Upgrade Project**

## **Tier 3 Full Business Case**

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### **Table of Contents**

1	INTRODU	JCTION	3
	1.2 EXEC	POSE OF THIS REPORTCUTIVE SUMMARYIMATED ANNUAL SAVINGS	3
2	STRATEG	GIC CASE	5
		CASE FOR CHANGE	
3	ECONON	/IIC CASE	8
		IONS FOR CONSIDERATION	_
4	COMME	RCIAL CASE	15
	<ul><li>4.2 CON</li><li>4.3 CON</li><li>4.4 CON</li></ul>	CUREMENT OVERVIEW	15 16 16
5	FINANCIA	AL CASE	17
6	<ul> <li>5.2 FUNI</li> <li>5.3 CAPI</li> <li>5.4 ONG</li> <li>5.5 TAX</li> <li>5.6 FINA</li> <li>5.7 REIN</li> <li>MANAGE</li> </ul>	IODUCTION	17181919
	<ul><li>6.2 KEY I</li><li>6.3 BENI</li><li>6.4 RISK</li><li>6.5 COM</li></ul>	MILESTONES	21 22 23
Α	PPENDIX A.	OPTIONS COST SUMMARY	28
Α	PPENDIX B.	RETURN ON INVESTMENT FOR CMS AND LED UPGRADE SOLUTION	29
Α	PPENDIX C.	COSTS BREAKDOWN - TELENSA CENTRAL MANAGEMENT SYSTEM (CMS)	30
Α	PPENDIX D.	COSTS BREAKDOWN FOR HOLOPHANE LED LANTERN UPGRADES	30
Α	PPENDIX E.	PROJECT RISKS	31
Α	PPENDIX F.	EQUALITY IMPACT ASSESSMENT	32
Δ	PPENDIX G	CLIMATE IMPACT ASSESSMENT	36



#### 1 Introduction

#### 1.1 Purpose of this report

This report outlines the proposed project to procure and install Telensa's Central Management System (CMS) and install 3,431 Holophane LED lanterns for our streetlighting inventory.

This business case is seeking

- Approval to proceed with the project using £2,261,870 of borrowing to fund the delivery of the scheme. Based on the savings from the solution and the repayment of the loan, the estimated payback for the project is 12 years.
- Direction on which of the options should be taken in regards to the circa £34k annual costs savings.

#### 1.2 Executive Summary

The preferred option is to procure and install Telensa's CMS and 3,431 LED lanterns for our streetlighting inventory. This option will provide the council with an innovative control management system to enable the council to implement energy saving dimming regimes from a laptop. The upgrade of our remaining streetlights to LED will enable the effective rollout of the CMS solution and replace the remaining photoelectric cells that are no longer available on the market.

The CMS will be implemented on all our residential and main road lights across Torbay to enable a more energy efficient dimming regime to be introduced and to deliver a more capable operational system. This system can deliver significant annual energy and carbon emissions savings, whilst also delivering numerous co-benefits in terms of public health, supports tackling anti-social behaviour and local nature and biodiversity. It will also ensure that the authority has the ability to react to energy price increases. Currently we are unable to reduce our energy consumption without physically attending each lantern and replacing every driver, which is currently inefficient from a cost and time perspective

This business case seeks approval to borrow £2,261,870 (5% contingency included) to fund the delivery of the scheme. Based on the savings from the solution and the repayment of the loan, the estimated payback for the project is 12 years. A 4.5% interest rate has been assumed for the borrowing costs for the project.

Total Cost	Payback	Annual Energy Savings	Annual Repayment Costs	Annual Maintenance Costs	Remaining savings after loan repayments
£2,261,870	12 years (Q3 2038)	£292,291	£233,307	£24,467	Annual remaining Savings: £34,516

**Table 1: Estimated annual savings** 

This business case also seeks a decision on how the financial savings made be used. 3 options are presented:

- 1. The £34,516 savings are reinvested into the SWISCo streetlighting teams budgets to enable them to replace streetlighting columns that are structurally unsound and in need of urgent replacement.
- 2. The estimated energy savings are kept within the councils budgets, this could include establishing a ring fenced fund for other future energy and carbon saving projects/intiatives.
- 3. The entire estimated energy savings (£292,291) are used to repay the loan to reduce the payback period, resulting in a 10-year payback period instead. This option will mean that the loan for the project is repaid at a slightly faster rate and enable the full energy savings to be achieved earlier that currently forecasted.

A joint-contract procurement was undertaken between Devon County Council (DCC) & Torbay Council in May of 2020 to appoint a supplier to undertake the supply, installation and maintenance of streetlighting apparatus located within the county of Devon, including the Torbay area. The successful contractor was appointed on 1st July 2020. The current contract expiry date is 30th September 2030.

The joint contract included a provision for the replacement of the Central Management System (CMS) via the use of a Contract Option located under Section 16 of the contract. Devon County Council have since used this option to undertake CMS replacements across Devon on multiple occasions.

Torbay Council intend to exercise the same Contract Option to replace the CMS solution currently in place within Devon County Council. Upon exercising the Section 16 Contract Option, Torbay Council will appoint Telensa Central Management System (CMS) to undertake the works as required.

Telensa are the market leaders in the UK for street lighting central management systems and are an established supplier. Devon County Council (DCC) have implemented the Telensa CMS on 80,000 streetlights, with remarkable success and have highlighted how the system helps to manage their inventory and achieve savings through dimming12. Our current contractor Enerveo has previous experience of implementing the Telensa equipment and systems, therefore it is a product they have practical experience of installing and managing.

Any delays in getting approval to proceed/fund this project in the 2025/26 financial year will likely cause an increase in costs due to the RPIX price index changing after 1<sup>st</sup> April 2026, therefore, approval is sought to fund this solution before the start of the 2026/27 financial year.



#### 2 Strategic Case

#### 2.1 The case for change

#### 2.1.1 Existing arrangement

The councils total spend on electricity and gas between April 2024 to March 2025 was £3,304,966. The energy consumption of our streetlighting made up £777,683 of this total, making it the highest consumption of electricity on our council asset list, and therefore a key asset to explore solutions to reduce the energy consumption and make financial savings. In the 2024/25 financial year, our streetlighting accounted for 504 tonnes of carbon emissions, which makes up 11% of our councils carbon footprint.

The current service model is the traditional method of lighting which is now very dated. Each existing light is an individual piece of lighting infrastructure fed by a low voltage cable. Each light has a preset lighting output which can be adjusted, which is known as dimming, but it requires the contractor to visit each light and replace the driver. The cost of this attendance and driver replacement is upwards of £120 per unit. Each light fitting has a sensor that detects light changes (dawn/dusk) and switches the light on or off. Maintenance of our lighting is both hands on and very time consuming which carries costs with it. Currently, SWISCo employ contractors to carryout night scouts on twelve preset routes in the bay to see if there are any lights out at night that may need fixing, whilst also relying on members of the public to report faults with specific streetlights, including lights that are on during the daylight hours or day 'burners'.

Our lighting inventory is currently controlled by photoelectric cells that bring the lights on when dusk falls and turn them off at dawn. The current issue for the streetlighting team is when these cells fail, the team experience "day burners", which is where a light doesn't switch off and stays on 24 hours a day, until an issue is raised and a contractor is sent to replace the cell. Depending on access to the column (often on busy main roads) and the current work stack, it can take several weeks for an operative to be able to repair the light. This leads to wasted energy and associated carbon emissions. In 2024, there were 91 day burners raised on the streetlighting system, with the average attendance time to repair these faulty streetlights being 17 days, which leads to a waste of 21.7kwh of electricity and 8.7kg of carbon emissions for one lantern.

The streetlighting team have made significant progress in updating the current inventory with LED bulbs. Over 65% of lanterns have been replaced. Since 2017/18, 1,899,561 kwh of energy and 1,203 tonnes of carbon emissions savings have been made. This is a significant reduction. There remain 3,431 that require Holophane LED lantern upgrades to bring the entire streetlighting inventory up to modern standards. However, past these lantern upgrades, the capabilities of our streetlights are limited in their ability to implement more energy efficient dimming regimes and make significant financial savings for the council.

#### 2.1.2 Business needs – current and future

As seen in recent years, global events such as the Ukraine war have led to often erratic and fluctuating energy prices in the UK. It has become vital to be able to quickly adapt to these price rises, particularly for our key and high energy consuming assets in order to be more resilient to these external impacts.



It is also vital the Council implements innovative solutions that allow them to limit the financial impacts from these events.

Based on the current streetlighting capabilities, to change our streetlighting dimming regimes would mean an operative attending every one of our 14,794 streetlights at a cost of approximately £20 per unit. This would take 147 days to make the desired changes (based on the assumption that one operative could attend 50 units a day) and importantly, would cost the council £295,880.

As this example highlights, our current system is too slow and costly to make changes to our streetlights. Therefore, as a forward-thinking council, we need to introduce innovative technologies that gives the council the capacity to react to future events and that permit the council to implement changes that deliver energy savings through proactive actions.

As seen with other highway authorities such as Devon County Council, Somerset Council, Hampshire County Council are reducing their street lighting costs through extending the time that streetlights are turned off at night and reducing their brightness at certain times. Devon County Council began a 12-month countywide trial to amend the dimming of streetlighting in Devon, utilising Telensa's Computer Management System. Their pilot scheme will apply a dimming regime in residential areas and will run until April 2026. It is estimated to save £300,000 and 225 tonnes of carbon emission savings per annum.

#### 2.1.3 Strategic need

#### 2.1.3.1 Corporate & Community Plan alignment

As outlined in <u>Community and Corporate Plan</u>, Torbay Council's vision and mission is to make the most of our assets in Torbay whilst ensuring that we are an efficient council taking a proactive approach in innovative technology to transform our services. By delivering projects that save on our expenditure to operate our assets, we can reinvest these savings into providing more funding for our core services.

Part of our mission statement is to have a strong grip on finance and reducing the costs of our high-cost services and to deliver efficiencies, for which our streetlighting is our highest energy consuming asset within the council estate. As a council, we have also committed to protecting and enhancing our natural environment within the plan.

Added to this, the priorities in the Community and Corporate Plan commit to continue to tackle Climate Change, and in line with the Council's Environment and Net Zero Policy and Climate Change Net Zero 2030 target, there is a need to bring forward projects that support a reduction in our council carbon emissions. As part of our 2030 Net Zero target, any carbon emissions that we have not reduced in our scopes 1 and 2 (carbon emissions from our streetlighting are in our scope 2), willI need to be offset these emissions which are currently estimated at £75 per tonnes of carbon emissions. However this cost is likely to increase based on the availability of accredited offsetting schemes but also crucially as other local authorities and businesses also seek to offset their residual emissions to reach their Net Zero targets.

The Council has committed to exploring the opportunity to upgrade our streetlighting to deliver more energy efficient assets and to capture the potential carbon savings outlined within the <u>Council's Climate Change Action Plan 2024-26</u>. The energy consumed by our streetlighting makes up 11% of our outlined within the <u>Council's Change Action Plan 2024-26</u>.

current Council carbon footprint in 2024/25 (504 tC02e), which makes it a significant area to focus on to enable the council to achieve its Net Zero 2030 target.

#### 2.2 Objectives

The key objectives of this project are outlined below;

- The installation of 14,794 CMS telecells for each streetlight in Torbay
- Installation of 3,431 Holophane LED lanterns
- Installation of 14 Telensa base stations across Torbay
- Deliver a control management system that improves the operation and maintenance of our streetlighting assets across Torbay whilst enabling the council to implement for energy efficient dimming regimes
- Deliver £292,291 per annum of energy cost savings on the council's energy bill
- Save £14,435 per annum from no longer requiring a night scouting car
- Acheive an annual 230 tonnes reduction of carbon emissions from the reduction in energy usage and from the upgrade to LED lanterns



#### 3 Economic Case

#### 3.1 Options for consideration

#### 3.1.1 Option 1 – Business as usual

#### 3.1.1.1 Description

Option 1 is a business as usual (BAU) approach for our streetlighting inventory. Under this option, the council continues with the current streetlighting system and processes which are to manually manage our streetlighting assets. This current system is outdated and limited in its capabilities, particularly in being able to implement energy efficient dimming regimes in both a cost effective and timely manner.

#### 3.1.1.2 Advantages

- No borrowing requirements
- No resource requirement to implement the project
- No disruption to install the new systems.

#### 3.1.1.3 Disadvantages

By taking no action to improve the operations of our streetlighting assets, the council will be continue to be at risk to future energy price rises and unable to implement energy efficient dimming regime in a speedy manner, meaning the council will be financially imapcted by any increase in prices.

This option would aslo mean we miss our council 2030 Net Zero target and have to finance the offsetting costs for any residual emissions from our streetlighting, which if based on the current estimated costs of offsetting per tonnes of carbon, will cost the council £37,800 per annum to offset just our streetlighting carbon emissions.

Alongisde missing the potential to make £292,291 energy savings, the ability to make changes to the current dimming regime are limited and require TC current contractors Enerveo to visit each individual streetlight and make manual changes. This process must be done at cost and is often more costly than the savings made from introducing the dimming regime.

Will have to continue with the current inefficient and costly process of sending out contractors to respond to 'day burners' or other faults with individual streetlights whilst also having to contine with the night time scouting process.

#### 3.1.1.4 Conclusion

A BAU approach won't meet the objectives of this project to deliver significant energy and carbon savings whilst also increasing the resilience of the council to future energy prices rises. It will also maintain the costly process of sending out contractors to undertake night time scouting and having to respond to day burners and other faults that are reported.

#### 3.1.2 Option 2 – Installation of only the Holophane LED Lanterns

#### 3.1.2.1 Description

Option 2 is to procure and install 3,431 Holophane LED lanterns for the remaining streetlight inventory that have not been upgraded as part of the current streetlighting LED replacement programme. This option would bring the remaining streetlighting inventory up to modern standards in terms of their



energy efficiency and can deliver an estimated £151,473 of annual energy savings and 127 tonnes of carbon emissions savings, for a cost of £896,968.

#### 3.1.2.2 Advantages

This option will bring the remaining streetlights in our inventory up to modern standards and complete the upgrade of all our streetlights to Holophane LED Lanterns. This will increase the overall efficiency of our streetlights and provide £151,473 of annual energy and 127 tonnes of carbon emissions savings per annum.

#### 3.1.2.3 Disadvantages

Whilst this option will increase the overall energy efficiency of our streetlighting, it will not provide an innovative solution to enable the council to actively manage our streetlighting assets and implement more energy efficient dimming regimes. As highlighted in the strategic case, the council needs to explore solutions that improve the resilience of our streetlighting assets to energy price rises but also enable a more efficient system that can implement changes at pace. Importantly, this option will only deliver £151,473 of annual savings compared with the potential £292,291 of annual energy savings and other co-benefits as outlined in option 3.

Added to this, the process of sending out contractors to undertake night time scouting will have to continue and over the payback period for this option, would cost us £170,332 in total to maintain this process.

This option will also miss the oppurtunity to maximise the savings from introducing a innovative management system that can implement a more energy efficient dimming regime remotely.

#### 3.1.2.4 Conclusion

Whilst upgrading our remaining streetlights with LED lanterns will deliver good energy and carbon savings but crucially it will not provide our streetlighting team with a system that is able to quikcly adapt our energy consumption or implement more energy efficient dimming regimes, where more significant energy savings can be made. Added to this, the current inefficient process of relying on night scouting and contractors to respond to day burners and other faults will have to continue at cost to the council.

# 3.1.3 Option 3 – Installation of the Holophane LED lanterns, Central Management System and a new energy efficient dimming regime

#### 3.1.3.1 Description

Option 3 is the procurement and delivery of:

- 1) Telensa's Central Management System,
- 2) Upgrade of 3,431 streetlights to Holophane LED lanterns &
- 3) The implementation of a new dimming regime (see table 1 below).

This option can deliver £292,291 of annual energy savings and 230 tonnes of carbon emissions savings.

As outlined in option 2, currently there are 3,431 streetlights that have photoelectric cells, which are now out of date and can not be replaced unless they are upgraded with LED lanterns. In order to enable the rollout of the CMS, these streetlights will need to be upgrade to LED's. In combination with

the CMS and a new proposed dimming regime (see table 1 below), this will bring our entire streetlighting inventory up to modern standards of energy efficiency.

The Telensa CMS would be implemented through 14,794 Nodes being installed on our streetlights, which will replace the photoelectronic cell on the top of the lantern. These nodes will be linked to and communicate with 14 base stations that will be strategically installed to allow for maximum coverage across Torbay. The Nodes will then feedback into the CMS which will be accessible from a laptop and the inventory can be monitored in real time through remote access.

Through the CMS, each streetlight can be managed collectively or individually, but importantly, a dimming regime can be implemented from a laptop rather than through a manual visit, saving on time and costs. Therefore, this option also includes a new dimming regime (see table 1 below). It is proposed that the council increases dimming on main roads from 20:00 – 00:00 to 50% (from 77%) from 00:00 – 05:00. Increased dimming is also proposed in residential areas from 00:00- 5:00am to 30% (from 50%). It is through the proposed changes to our dimming regime that the significant energy savings (and carbon emissions) can be made. This gives the council the ability to make these changes remotely and in real time. Please note – The proposed dimming regime is based on a conservative approach and additional energy savings can be found through making adjustments that can be trialled once the system is implemented.

Table 2: Current and proposed dimming regime;

Current Dimming Regime								
Residential	Dusk – 22:00 = 100%	22:00 – 00:30 = Dim to 70%	00:30 - 06:00 = Dim to 50%	N/a	06:00 – Dawn = 100%			
Main Road	Dusk – 00:30 = 100%	N/a	00:30 – 06:00 = Dim to 77%	N/a	06:00 – Dawn = 100%			
Proposed Dimming Regime								
Residential	Dusk – 19:00 = 100%	19:00 – 20:00 = Dim to 70%	20:00 – 00:00 = Dim to 50%	00:00 – 05:00 = Dim to 30%	05:00 – Dawn = 100%			
Main Road	Dusk – 20:00 = 100%	20:00 – 00:00 = Dim to 70%	00:00 – 05:00 = Dim to 50%	N/a	05:00 – Dawn = 100%			

(Note – 100% means no dimming)

#### 3.1.3.2 Advantages

This option has all the advantages of option 2. In addition, through the CMS and dimming regime, in total, this option will deliver annually £292,291 of energy savings and save 230 tonnes of carbon emissions.

#### Resilience to energy price rises

In addtion, the CMS can provide the council with the ability to react to unexpected energy price rises or other external events in a timely and efficient manner. The council can reduce energy consumption to almost zero at the click of a button from a laptop, rather than having to send contractors to manually dim every streetlight. Added to the value of CMS, smart metering capabilities within the system can be used to move away from estimated bills, to check their accuracy and to measure the impact of energy saving initiatives.

#### **Operational Flexibility**

The CMS solution, gives the council the ability to raise or lower the lighting levels to meet the bespoke requirements of events such as the Air Show, The Electric Bay Festival, The Bay of Lights. The added value of the CMS gives the council the ability to deliver bespoke lighting requirements depending on the event, an example of this is on match days for Torquay United which has an attendance of up to 5,000 fans. The lighting levels around the ground can be raised at full time to support safe travel away from the ground and the surrounding areas.

This capability also enables us to be able to react to unplanned events, such as for police emergencies, neighbourhood evacuation, missing persons and route diversion to an accident. Emergency services will have the ability to request lighting levels be raised through contacting our streetlighting team. CMS can also deliver granular level changes to the lighting levels in neighbourhoods that are crime hotspots or in areas where residents have complaints on the current light levels within their streets.

#### Remote performance management and fault detection

The CMS will provide real-time data on the health and performance of individual lanterns, with faults such as lamp or driver failures being detected automatically. This also means that there is no "down time" between the light becoming faulty and for a repair job being raised on the streetlighting system or waiting for a member of the public to notify SWISCo.

#### Removal of nighttime scouting services

Added to the financial case for the CMS and LED upgrades, is the removal of the current night scouting car patrolling around the bay to identify faults. Currently, a scout car goes out on average six nights a month. By installing the CMS there is no longer the need for this process. The council will annually save £14,435 and approximately 2 tonnes of carbon emissions.

#### **Ecological and Public Health benefits**

There is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems3. The adaptable programming and control provided by the Telensa System has the potential to allow Torbay to manage street lighting more sensitively in order to protect our habitats and species.

ALAN, produced by any human-made source, can propagate into the marine environment causing light pollution — an excess of light that disrupts the natural patterns of wildlife, contributes to rising carbon dioxide levels, harms human health, and obscures the stars. Light pollution threatens ocean ecosystems by disrupting natural light-driven cycles that regulate marine life.



The proliferation of short-wavelength, blue-toned white lights since the advent of energy-efficient light-emitting diodes (LEDs) in the early 2000s has compounded this issue. This type of light is strong enough to penetrate deep into coastal waters, reaching more than 40 metres beneath the surface in areas with clear water and high intensity illumination. As well as impacting the marine environment, ALAN can harm human health (with links to cancer, diabetes and sleep disorders), interfere with bird migration and lead to the death of night flying birds, as well as being a key driver of insect decline.

Alongside our rare terrestrial and marine life, parts of Torbay are within the South Devon National Landscape. The impact of light pollution and skyglow can be seen across the National Landscape. Devon County Council have taken a pro-active approach to managing street lighting within the National Landscape.

There is an increasing urgency for better management of ALAN globally. Torbay has the evidence to identify where its most sensitive and important habitats are located. This could be used in conjunction with the Telensa system to allow Torbay Council to adapt the way in which the bay is lit up, whilst being able to respond to its sensitivities and protecting our unique biodiversity and landscapes. For example, where there is a particular area of importance to the bats at Berry Head, the lighting regime nearby could be adapted to attempt to reduce its disruptive impacts. Currently this is not possible due to the limiations of our streetlightings capbilities and the dimming regime it can implement.

#### Timescales to deliver

The CMS and LED upgrades can be installed within six to eight months (a conservative estimate currently) which provides the ability begin making the repayments of the proposed borrowing costs.

#### **Experienced Contractor**

Torbay Councils contractor Enerveo has gained practical experience in the installation of the CMS Nodes through the installation of the Telensa CMS solution for Devon County Councils streetlights with over 80,000 units installed across their inventory.

#### Future proofing the system

To future proof this solution, an Escrow clause has been negotiated with Telensa for a fixed fee of £2,000 per annum, the council would secure the intellectual rights to the Telensa CMS network, which is stored on the cloud and will be available to Torbay Council if Telensa were to cease operating. This clause provides a safeguard to our investment into this solution and in maintaining the potential energy and carbon savings available from this technology.

#### **Guarantee on the CMS nodes and Base Stations**

The guarantee on the 8 base station and the 14,794 CMS nodes is 10 years, which futeur proof any nodes that fail and need replacing during this time. The life cycle for the CMS nodes is estimated between 15 - 20 years, which provides future proofs the proposal.

#### Additional streetlight innovations post-CMS implementation

This business case is outlining the justification for the implementation of CMS, however due to the capabilities of CMS, there are follow up systems the council can implement to make additional energy and carbon savings. Traffic adaptive lighting can be implemented to dim the lighting on highways and main roads based on low traffic levels. Utilising real time traffic data and through a radar-based sensor



to detect the level of traffic, lighting will adjust to changes in the level of traffic. Following the successful implementation of the CMS solution, the viability of this option can be assessed.

#### 3.1.3.3 Disadvantages

Whilst the option makes significant energy and carbon savings, further actions will be required to make our streetlighting assets completely net zero carbon emissions. The decarbonisation of the national energy system will support a gradual reduction in the carbon emissions of the electricity the council uses within both our streetlighting and council estate. However, this will be staggered as more renewable and low carbon energy sources enter the energy systems portfolio. New technologies and solution can be explored to further reduce the cost and carbon emissions of our streetlighting inventory such as solar and wind powered electrical generation on streetlights. This technology utilises renewable energy generation to power individual streetlights, reducing the capital costs to install and revenue maintenance and operating costs whilst reducing carbon emissions from onsite generation.

#### 3.1.3.4 Conclusion

Added to all the benefits of option 2, the implementation of the CMS solution will provide our streetlighting team with the ability to make real time changes to our streetlights and importantly implement a more energy efficient dimming regime in a timely and cost effective manner. This option will deliver greater annual energy and carbon savings through the proposed dimming regime that the CMS can implement quickly once installed. Added to energy and carbon savings are the co-benefits of public health and safety and reducing the impact on our local nature and biodiversity.

The capabilities of the CMS system will also provide the streetlighting team with the ability to make granular changes from a laptop rather than the current process of contractors visiting individual streetlights, which is costly and takes time. This eliminates the current inefficiencies of the current streetlight operations whilst accelerating the cost, carbon and sustainability benefits. Added to this, through fault alerts being raised on the system, a more cost effective maintenace and repair programme will be possible and reduce the downtime of faulty lights.

#### 3.2 Preferred option

The preferred option is Option 3 the CMS solution with LED upgrades and dimming regime. This option has all the advantages of option 2. In addition, through the CMS and dimming regime, it will deliver annually £292,291 of energy savings and save 230 tonnes of carbon emissions, operational savings, create an adaptable system and deliver a range of co-benefits including environmental and health and wellbeing.

This option costs £2,154,162 but will deliver a return on investment within 12 years (See appendix A for additional breakdown of the cash flow and cost savings) and make significant savings on the council's highest energy consuming asset.

There is an argument for funding Option 2 to install only the LED upgrades and then explore the delivery of the CMS solution later. However, this would be a missed opportunity to make more significant energy savings now for only an additional year in ROI (see payback in options table appendices 1), whilst also not providing a management system that will give us flexibility to operate

these assets on a granular scale. Added to drawbacks, are the potential added cost of retrospectively returning to the 3,431 streetlights that had been upgraded with LED lanterns.



#### 4 Commercial Case

#### 4.1 Procurement overview

#### 4.1.1 Procurement undertaken

A joint-contract procurement was undertaken between Devon County Council (DCC) & Torbay Council in May of 2020. The purpose of this joint-contract was to appoint a supplier to undertake the supply, installation and maintenance of streetlighting apparatus located within the county of Devon, including the Torbay area. The procurement was undertaken as an Open Procedure due to the value of the nature of the works, and a successful contractor was appointed on 1st July 2020. The current contract expiry date is 30th September 2030.

The joint contract included a provision for the replacement of the Central Management System (CMS) via the use of a Contract Option located under Section 16 of the contract. Devon County Council have since used this option to undertake CMS replacements across Devon on multiple occasions.

Torbay Council intend to exercise the same Contract Option to replace the CMS solution currently in place within Devon County Council. This change falls within the scope of PCR 72.(1)(b)(i) where a contract can be modified for additional works, services or supplies, to be carried out by the original contractor, in order to prevent issues arising with regard to interchangeability or interoperability.

#### 4.1.2 Preferred contractor / supplier

Upon exercising the Section 16 Contract Option, Torbay Council will appoint Telensa Central Management System (CMS) to undertake the works as required.

Telensa are the market leaders in the UK for street lighting central management systems and are an established supplier. Devon County Council (DCC) have implemented the Telensa CMS on 80,000 streetlights, with remarkable success and have highlighted how the system helps to manage their inventory and achieve savings through dimming45. Our current contractor Enerveo has previous experience of implementing the Telensa equipment and systems, therefore it is a product they have practical experience of installing and managing. As mentioned earlier, Devon County Council have already rolled out a CMS across the county, therefore by aligning our systems with those operated by DCC will future proof Torbay if future restructures or amalgamations materialise. Added to this, DCC have also agreed to run a trial on our lanterns to assess their compatibility with the Telensa Nodes and communication with their system.

#### 4.2 Contract value

Contract value (with ESCROW) = £18,901 per annum (subject to RPIX).

#### Inclusions;

 Ongoing Support Services & Training, CMS Software Maintenance, CMS Software Operation, CMS Software Hosting, Network Maintenance, Network Operation Support, Network Operation Support.

<sup>&</sup>lt;sup>4</sup> Devon street lights to be dimmed to save millions - BBC News

<sup>&</sup>lt;sup>5</sup> Streetlight dimming trial will cut carbon and costs - News

#### **Exclusions**;

- Incorrectly configured or operated hardware or software, overload of system capacities, any
  failure by the Customer to comply with any of its duties or obligations set out in the
  agreement, maintenance which makes any of the core services of the PLANet application
  inoperable, unusable or cause any outages.
- Direct or indirect interactions with systems that are not part of the core services of the Solution and for which the Customer is responsible. Changes to the Solution by the Customer that have not been undertaken or authorised by the Supplier.
- Governmental or regulatory restrictions; exchange rulings, court or tribunal orders or other human intervention. Any other circumstances or matters other than matters for which the Supplier is responsible pursuant to this Agreement.

#### 4.3 Contract Overview

A contract change notice will be completed in order to make the changes mentioned above to the joint-contract.

As the project implementation developes, a change request to our Laser Energy contract will be made to ensure that the energy savings from this project are communicated and materialise as we scale up the implementation of the CMS.

#### 4.4 Contract management

From the point of approval, Enerveo will manage the call off of stock and installation programme of the Nodes and Basestations. This will be closely monitored by the streetlighting team who will liaise regularly with Enerveo to ensure that targets are being met. Future maintenance and related works will be issued to Enerveo by the SWISCo streetlighting team. SWISCo will manage the contract with both Telensa and Enerveo on behalf of Torbay Council.



### 5 Financial case

#### 5.1 Introduction

The financial case for this project is outlined in this section and the request for approval to borrow the funding needed to deliver the preferred option. Included within the total borrowing costs is a 5% contingency (£107,708) to cover any increase in costs, however given the Telensa CMS is an off the shelf package and the prices to install the LED and CMS nodes have been fixed with the contractor Enerveo, these costs are not expected to change. A 4.5% interest rate has been assumed for the cost of borrowing and to estimate the payback period.

### 5.2 Funding

Funding Stream	Amount	Budget Holder	Spent /Committed	Remaining
Prudential Borrowing	£2,261,870	Malcolm Coe	£0.00	£0.00
Totals	£2,261,870		£0.00	£0.00

Table 3 - Funding streams

### 5.3 Capital Costs (Non-Recurrent)

Description	% Fee	Value	Comments
Holophane LED	40%	£896,968	Cost of purchasing and installing 3,431
lantern upgrades			Holophane LED lanterns. Installation
			undertaken by Enerveo.
Telensa CMS	55%	£1,257,194	Cost to purchase and deliver the Telensa CMS
Solution			solution. Enerveo will manage the call off of
			stock and installation of the CMS nodes.
Main Contract		£2,154,162	Expected overall contract costs.
(Enerveo)			
Contingency	5%	£107,708	A 5% contingency has been put based on the
			costs to deliver the solution. The Telensa CMS
			is an off the shelf package and therefore a set
			cost. However, the costs to install the CMS
			nodes and the LED bulbs have been costed by
			Enerveo based on 2025/26 RIPX figures and
			would change if approval is delayed until the
			2026/27 financial year.
Risk budget	0%	£0	No budget has been put in place for any risks
			for this project.
Total	100%	£2,261,870	

Table 4 - Capital Costs



### 5.4 Ongoing costs (Recurring commitment)

Description	Value	Comments
Telensa Operating	- £16,901	The ongoing operating cost for access to the Telensa
Cost (Annual)		management system.
Cost of Power	- £5,095	Annual energy costs of Telensa telecells.
Telecells (Annual)		
Cost of Power	- £471	Annual energy costs of the Telensa Base stations.
Base stations		
(Annual)		
ESCROW clause	- £2,000	Annual cost to maintain the contract clause for Torbay
(Annual)		Council to have access to the technology and systems that
		supports Telensa's CMS network, which is stored on the
		cloud and will be available to Torbay Council if Telensa were
		to cease operating.
Maintenance	- £20 per	Any Nodes or base stations that may become inoperable
	faulty	will be send back to Telensa and replaced free of charge
	unit.	under the warranty. There would be a minimal cost of
		approx. £20 for the contractor to attend site.
Resource costs	- £0	All management of the CMS will be carried out "in-house"
		by Tom Pennicott (Street Lighting Engineer) and the Street
		Lighting Technician. Any updating of the system by the
		Contractor will be covered as part of the contract and no
		extra cost will be incurred.
Borrowing /	- £233,307	The borrowing costs and payback period have been based
Repayment		on an assumed 4.5% interest rate.
Income / Savings	£292,291	Subject to approval, any savings that may come back into
	Savings	the street lighting budget will be added to the major works
		budget and will facilitate the replacement of columns that
		are structurally unsound or End of Life.
Removal of	£14,435	The removal of the current night scouting car patrolling
contractor	savings	around the bay to identify faults. By installing the CMS there
nighttime		is no longer the need for this process. This a saving from a
scouting		current contract and
Total balance	£48,951	

**Table 5 – Ongoing Costs** 

### 5.5 Tax considerations

The project has been reviewed against any tax considerations that may be

- This is a Torbay Council (TC) initiative and there is no involvement with the Devon and Torbay Combined County Authority.
- The streetlight works only relate to Torbay Council streetlighting infrastructure on TC highways.
- The works will be fully funded by borrowing there is no expectation of grant funding.
- TC will procure the works and can reclaim VAT charged on the works to the extent that usual VAT rules apply, which includes the requirement for a valid VAT invoice addressed to TC.



### 5.6 Financial summary

Approved Budget (£)	Expenditure to date	Forecast to complete	Total	Remaining (Contingency)
Funding subject to approval of the business case.	£0.00	£2,154,162	£2,154,162	£107,708

Table 6 - Overall project Budget

### 5.7 Reinvestment of Energy Savings

Based on the proposed payback period of 12 years for the project and the annual repayment costs of £233,307 during this period, an estimated figure of £34,516 annually left over from the proposed energy savings (see table 7 below for reference). This section outlines two options for how these savings can be reinvested.

Options	Total Cost	Payback	Annual Energy Savings (Pre- Borrowing repayments)	Annual Repayment Costs	Annual Maintenance Costs	Remaining savings after loan repayments
CMS, LED Upgrade & Dimming regime	£2,154,162	12 years (Q3 2038)	£292,291	£233,307	£24,467	Annual remaining Savings: £34,516

Table 7: Estimated annual savings after the cost of annual loan repayments and maintenance costs

# 5.7.1 Option 1: The energy savings are invested into the streetlighting budgets to fund the replacement of columns that are structurally unsound.

Torbay's street lighting inventory is deteriorating each year due to the budget not being able to support enough column replacements. As of last year, it was calculated that it would cost over £4m to bring our inventory stock up to standard and replace all our units that are beyond their design life of 25 years, with some columns being up to 60 years old. Additional funds to support our annual budget would allow for much needed investment in our lighting infrastructure. SWISCo are beginning to implement much needed structural testing in Torbay to identify columns that are in the worst condition. KIWA have been tasked with testing all of our 8m and 10m columns that are over 10 years old. They have recently finished the Torquay route which consisted of 1,079 columns in total, with the results from these surveys outlined below;

- 677 class 1 = Re-test within 5 years
- 309 class 2 = Re-test within 3 years
- 57 class 3 = Re-test within 2 years
- 14 class 4 = Schedule for removal/replacement.
- 22 class 5 = Immediate removal or make safe the unit.

Following these surveys, the 22 units that were identified as class 5 have been removed whilst those identified as class 4 have been flagged as scheduled for urgent replacement. To complete the replacement of these 36 columns will cost upwards of £60,000. This is before the streetlight columns in Paignton and Brixham have been tested and before surveys begin to structurally test the remaining 12,500 residential units in Torbay that require maintenance. An extra £34,516 per year coming into the street lighting budget would allow us to replace an extra 20 columns a year, which is a significant figure given the current and growing constraints that the department faces.

### 5.7.2 Option 2: The energy savings are kept by the Council

The council keeps the estimated energy savings to invest into other services as it sees fit. For example, the Council could choose to use the annual £34,516 savings to create a recycling fund. This would invest in financially attractive energy and carbon saving projects. The financial savings made would then be recycled back into this fund to invest in new financially attractive energy and carbon saving projects. This would create an annual budget for energy and carbon saving projects. Currently any energy / carbon projects have been reliant on one-off budgets.

### 5.7.3 Option 3: The energy savings repay the loan and reduce the payback period

The entire estimated energy savings (£292,291) are used to repay the loan to reduce the payback period, resulting in a 10-year payback period instead. This option will mean that the loan for the project is repaid at a slightly faster rate and enable the full energy savings to be achieved earlier that currently forecasted.



### 6 Management case

#### 6.1 Governance

### 6.1.1 Governance arrangements

As this project is seeking endorsement from the Capital Growth Board to borrow the required funding to deliver this project and will therefore have oversight to the project's successful delivery. The project board outlined below will project manage and oversee the delivery of the project. For reporting, the SWISCo streetlighting team will report and escalate any issues to the climate initiative board.

The SWISCo streetlighting team will manage the day-to-day implementation of the project through managing Enerveo as the contractors to deliver the LED and Telensa Nodes installation.

### 6.1.2 Project Board

The following people have been identified who will be critical to ensuring the delivery of the project:

Table 8 - Project Board

Name	Title	Project Role / Area of Expertise	
Matt Reeks	SWISCo – Managing Director	Project Sponsor	
lan Jones	Head of Highways	Senior Responsible Officer	
Guy Redfern	Service Manager – Highways	Project Management	
Tom Pennicott	Streetlighting Engineer	Operational Delivery	
Alex Carter	Climate Strategy and Project Officer	Strategic oversight	
Andrew Sherry	Principal Accountant	Financial oversight and scrutiny	
Ryan Guy	Procurement & Contracts Officer	Procurement	
Chris Gomm	Streetlighting Engineer & Comms/Engagement Officer	Communications	
Tom Pennicott	Streetlighting Engineer	Contract manager	

### 6.2 Key milestones

Below are the indicative key milestones for the project;

Activity	Start	End	Comments
Climate CGB approval	21/08/25	21/08/25	Climate CGB gives approval of the business case and to take forward to CGB.
CGB Approval	01/10/25	01/10/25	The CGB gives approval of the business case and to take forward to full council for the approval to borrow the required funding to deliver the project.
CAD	05/11/25	05/11/25	CAD approval to take the business case forward to Cabinet.
Cabinet approval	18/11/25	18/11/25	Cabinet approval of the business case and to borrow the required funding.
Full Council Approval	11/12/25	11/12/25	Full council approval of the business case and to borrow the required funding.
Contract Instruction	15/12/25	15/12/25	Upon exercising the Section 16 Contract Option, Torbay Council will appoint Telensa Central Management System (CMS) to undertake the works as required.
Project preparation and setup	15/12/25	13/03/26	Enerveo begin project preparation for getting additional onsite gangs ready, office resources in place and update systems.  Whilst also ordering the Telensa nodes and LED lanterns in tranches ready for installation,
Installation of Telensa base stations.	16/03/26	27/04/26	Installation of 14 base station in predesignated areas within the bay prior to the rollout of the CMS nodes and lantern replacement.
Installation of Telensa nodes for all streetlights.	16/03/26	09/11/26	Between 6-8 months to install the Telensa nodes (This is a conservative timescale currently and the expectation is that this could be delivered at an accelerated rate).
Installation of Holophane LED Lanterns to 3,431 streetlights.	16/03/26	09/11/26	As part of the rollout of the CMS nodes, for the 3,431 streetlights will have Holophane LED lanterns fitted.
Go Live Date	16/11/26	16/11/26	The installation of all LED's and CMS nodes are complete and the Telensa network is available to begin implementing the proposed dimming regimes.
Project Delivered	27/11/26	27/11/26	Project is complete.

**Table 9 - Key Milestones** 

### 6.3 Benefits delivery

Benefits for this scheme will be measured via the below key performance indicators:

1. Achieve the estimated £292,291 annual energy savings. Upon completion of the project, this will be measured every six months through the streetlighting energy data and the councils Laser Energy data by the streetlighting team.

- 2. Achieve the Estimated annual carbon savings of 230 tCO2e. Upon completion of the project, this will be measured every six months through the councils Laser Energy data by the climate Change team.
- 3. Operational cost savings from a reduction in night scout patrols and fault call outs by contractors. Upon completion of the project, this contractor service will cease, and the savings will be guaranteed.
- 4. Enables the flexible and remote management of our entire streetlighting inventory from one laptop.
- 5. Provides the opportunity for supplementary dimming regimes to be piloted that can deliver additional energy and carbon savings.
- 6. Provides the opportunities to implement supplementary streetlighting technologies that provide additional operational capabilities and energy savings.
- 7. Reduced impact on marine biodiversity and nature from artificial streetlighting.
- 8. Reduce the number of public complaints about the brightness of streetlights in residential areas. The streetlighting team currently receive complaints data monthly. Upon completion of the project, this data can be reviewed by the streetlighting team to assess the number and frequency of complaints monthly.
- 9. Future proofs our streetlighting assets pending local government restructure.

### 6.4 Risk management

Risks will be reviewed and managed using a standard risk matrix. The initial risks identified and their mitigations at this stage have been provided in E.

### 6.5 Communications & Stakeholder engagement

### 6.5.1 Communications plan.

Given the nature of this project and impact on a public service, an extensive communications package will need to be delivered to ensure that all members of the public are aware and given full details of the CMS and the estimated energy and carbon savings. This includes highlighting the numerous cobenefits that CMS provides such as;

- Annual reductions in energy consumption and carbon emissions
- Reduce the impact of ALAN on our unique biodiversity and landscapes in the Bay
- Reduce the impact on public health
- Reassurance on safety considerations

### 6.5.2 Objectives

The aim of this campaign is:

- to inform residents, councillors and wider stakeholders in Torbay to ensure they are aware of the new street lighting scheme and know the benefits of the new system.
- To promote Torbay's wider work to improve energy and cost efficiency and support the councils targets to tackle Climate Change.
- Maximise positive publicity opportunities throughout the process from decision making to implementation of the new lighting system.

#### 6.5.3 Audience

We will target the following groups to provide feedback:

- Deputy Leader Councillor Chris Lewis (Cabinet lead for Climate Change)
- Councillors
- local residents in Torbay
- Climate Partnership partners (Member organisations including private, public and voluntary and community sector)
- community partnerships
- Brixham Town Council
- SWISCo
- Devon and Cornwall Police
- Devon and Cornwall Police and Crime Commissioner.

### 6.5.4 Strategy

### 6.5.5 What is the messaging?

- Torbay will benefit from its entire street lighting inventory being upgraded to state-of-the-art LED which will significantly improve the energy efficiency of our streetlights and lower our council carbon emissions but, importantly also save money in the long term, saving thousands of pounds over its lifetime.
- Our entire street lighting inventory will be centrally controlled by Telensa's Control Management System (CMS). This system will enable the council to control the brightness of individual streetlights via a laptop and be able to adapt the brightness at the touch of a button.
- Better, more modern streetlighting will also help address anti-social behaviour and reduce the impact on our biodiversity across the Bay from artificial streetlighting.
- A key outcome from the project is that the estimated energy savings from the project can be reinvested into our council budgets to deliver further improvements to our council infrastructure and services.
- The new lighting is one of a number of key infrastructure projects to help reduce the Council's carbon emissions as part of our Climate Change Action Plan.

Note: these are all the proactive key messages to promote the positive benefits of the scheme; we will also need 'reactive' lines to take if asked by media/public etc about things like brightness / dimming of the lights, e.g:

The new scheme allows us to vary the brightness of the lights across the Bay at the touch of a laptop button, whereas before we have always had to change the brightness of individual lights. Therefore, if a resident or other stakeholder contacts us with any concerns about a light being dim or needing adjusting, we can do this very quickly and easily.

### 6.5.6 What are we going to do?

• 5 November - Business case goes to CAD — Cabinet and Directors will receive information about the project.

- 18 November Cabinet this is the point where the project will become public knowledge so we will coincide the main initial publicity at this point. There will be a Members Briefing to all Councillors (email newsletter update), press release sent out to local media, included on the News page on our website, article in One Torbay and Staff News, social media posts across our channels including Facebook, LinkedIn, Nextdoor and Instagram.
- 16 March 2026 Installation of the new lighting follow up opportunity for 'work in progress' photos, video etc for use on social media and in our newsletters.
- 16 November 2026 Go live date Press release, photo opportunity with councillors and staff/contractors, article in One Torbay, social media posts, Members Briefing to update councillors that the project is now live.

#### 6.5.7 What channels will we use?

- Initial decision: Members Briefing to all Councillors (email newsletter update)
- press release sent out to local media, included on the News page on our website
- article in One Torbay and Staff News
- social media posts across our channels including Facebook, LinkedIn, Nextdoor and Instagram.
- Later milestones: Installation of the new lighting follow up opportunity for 'work in progress' photos, video etc for use on social media and in our newsletters.
- Go live date Press release, photo opportunity with councillors and staff/contractors, article
  in One Torbay, social media posts, Members Briefing to update councillors that the project is
  now live.

### 6.5.8 Implementation

When	What	Who		
13 Oct	Draft comms plan and business case goes to CAD? (check)	Chris Gomm		
5 November	wember  Business case goes to CAD – Cabinet and Directors will receive information about the project.			
18 November	18 November Cabinet – this is the point where the project will become public knowledge so we will coincide the main initial publicity at this point.			
18 November	Members Briefing to all Councillors (email newsletter update),	Chris Gomm		
18 November press release sent out to local media, included or News page on our website		Chris Gomm		
18 November article in One Torbay and Staff News		Chris Gomm		
18 November	, and the second			
16 March 2026	Installation of the new lighting – follow up opportunity for 'work in progress' photos, video etc for use on social media and in our newsletters.	Chris Gomm		
16 November 2026	Project go live date – Press release, photo opportunity with councillors and staff/contractors, article in One Torbay, social media posts, Members Briefing to update councillors that the project is now live.	Chris Gomm		

### 6.5.9 Scoring/Evaluation

INPUTS	OUTPUTS	OUTTAKES	OUTCOMES
(This is the work	(What is delivered	(responses to content	(What is the result you
you do before or	and audience	- what qualitatives	want? How will you
during the	reached)	can be measured i.e.	

campaign planning).		no. of consultations completed, no. of webpage hits, press coverage)	know the campaign has been a success?)
Communications planning	Facebook and Twitter posts	Reach on our corporate social media channels	Supporting Torbay Council's Climate Change Action Plan
Insight	Press releases	including Facebook and Twitter (shares,	Energy efficiency, cost
Audience segmentation	Internal communications	likes, retweets).	savings in long term
Researching channels and	messages GovDelivery	Conversion rate / click-throughs from our social media	Public awareness of new lighting scheme
opportunities	bulletins – Öne Torbay, Staff	channels through to corporate website.	Enhancing the council's reputation and
Liaising with communications leads in partner organisations.	News etc  Partner organisations	Feedback and sentiment from followers on our	credentials as energy efficient and using state of the art technology
Graphic design for social media	sharing our messages and engaging with the	Facebook and Twitter channels.	
posts and other channels	Review via their own channels.	Press coverage	
Drafting content		Increase in subscribers to e.g. One Torbay etc	
		Increase in the number of people doing what? e.g enquiring about becoming a foster carer	

### 6.6 Equality Impact Assessment

The Council has a public sector duty under the Equality Act 2010 to have 'due regard' to advancing equality of opportunity between those persons who share a relevant protected characteristic and persons who do not share it. The Act also seeks to eliminate discrimination, harassment and victimisation. It is important that you carefully and thoroughly consider the different potential impacts that the decision being taken may have on people who share protected characteristics. The dimming regime aligns with Torbay Council's sustainability goals but must be implemented with care to avoid exacerbating inequalities. Through inclusive engagement, smart technology, and targeted mitigation, the Council can ensure the project supports both environmental and community wellbeing.

An Equality Impact Assessment (EIA) has been carried out and can be found in Appendix F. A summary of the equality impact assessment for the project;

 Age – Older people may feel less safe walking in dimly lit areas, particularly in the evenings during the winter months. Young people may be more active at night and affected by reduced

visibility. However, there is no evidence that the proposed changes would lead to an increase in actual crime, however they may result in an increased fear of crime.

- Disability This group could be potentially negatively impacted in terms of sensory implications with reduced or no lighting. This could affect people with sensory processing disorder, autism, those that are partially sighted, or blind. Mitigation for these needs include that lighting can be adjusted at short notice to improve the experience of disabled people, and feedback from members of the public will be responded to as appropriately.
- Gender Reassignment LGBTQ+ individuals may feel more vulnerable in poorly lit areas due
  to risk of harassment. As part of the proposed dimming regime, the prioritisation of lighting
  in known safe spaces and community hubs can be implemented, with community feedback
  being used to refine lighting where required.
- Religion Some religious groups may be disproportionately affected due to cultural practices (e.g., late-night worship). Added to this, some minorities may fear increased discrimination which has a detrimental impact to their ability to go to places of worship. The lighting around places of worship or cultural centres can be provided with bespoke lighting without compromising safety and equality.
- Race People from minoritise ethnic groups may feel less safe at night or fear incidents of
  discrimination particularly with rising cases of hate crime for refugees and asylum seekers.
  The lighting around places of worship or cultural centres can be provided with bespoke
  lighting without compromising safety and equality.
- Sex All groups could potentially be negatively impacted by the dimming of streetlighting due
  to risk of violence and harassment in particular on women. To reduce the potential impact,
  the streetlighting can be maintained on key pedestrian routes and transport hubs such as train
  stations, bus stops and taxi ranks.
- Sexual Orientation Potential impact of increased hate crime / violence towards those who
  identified their sexuality as either lesbian, gay, bisexual or other terms. As part of the
  proposed dimming regime, the prioritisation of lighting in known safe spaces and community
  hubs can be implemented, with community feedback being used to refine lighting where
  required.

As part of the ongoing mitigation activities, the following actions will be undertaken following the implementation of the CMS;

- Regular review of complaints and feedback;
- Adjust lighting schedules based on seasonal changes; &
- Ongoing engagement with affected communities



### Appendix A. Options cost summary

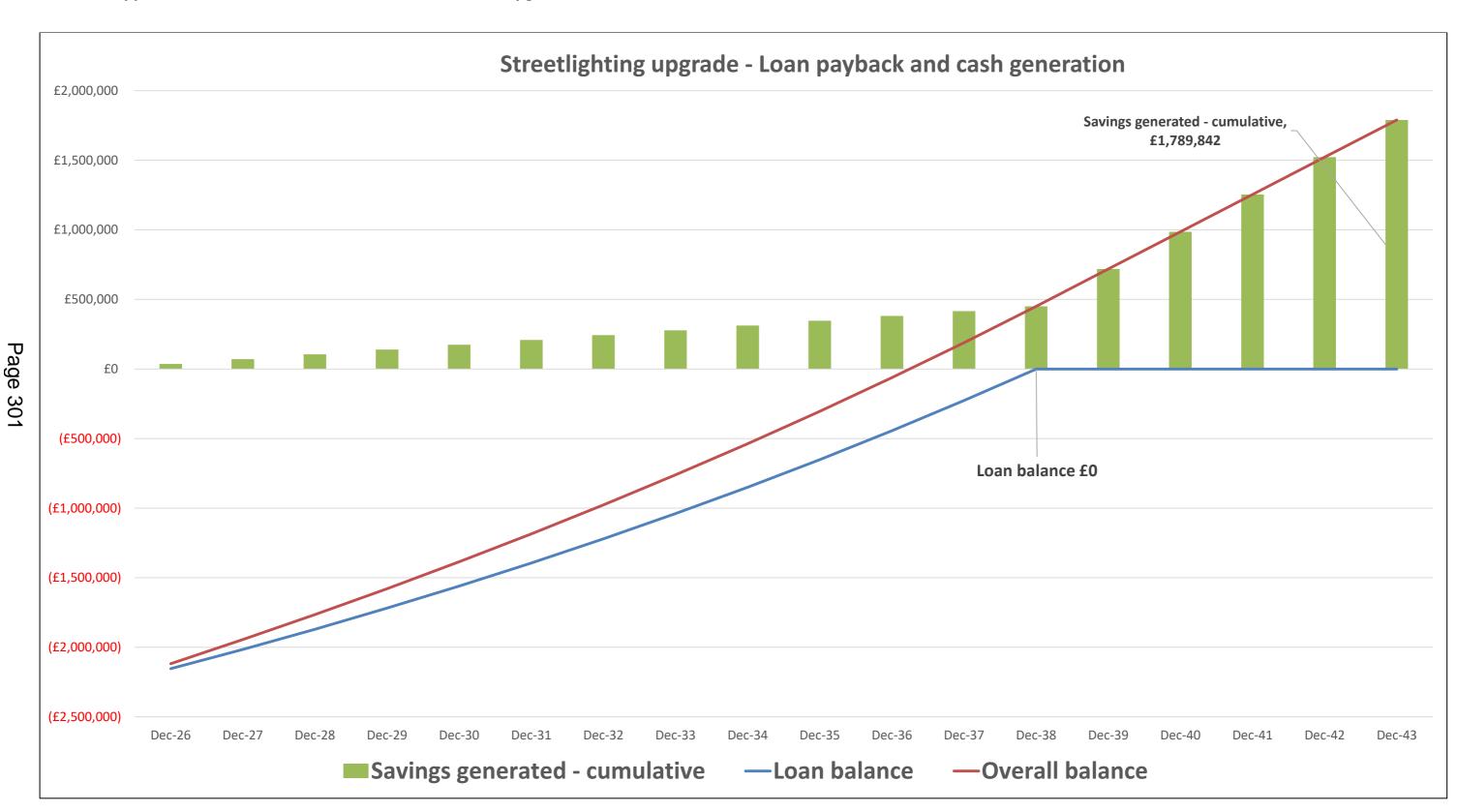
The below table outlines the options being assessed and their indicative costs, however it's a key point to note that the payback in years is without the cost to borrow the required funding and the interest rates which are applied therefore impacting on the payback of this project based on the potential financial savings.

Table 10 - Option Cost Summary

	Options	Description of option	Total costs install	Annual maintenance p/annum	Energy Savings (£) p/annum	Energy Savings (Kwh) p/ annum	Carbon Saving (tCO2e) p/ annum	Co-benefits
	Option 1	Business As Usual (BAU)	£0	£0	£0	0	0	N/A
<b>J</b>	Option 2	Installation of only the LED lanterns.	LED Lanterns = £896,968  Total Cost = £896,968	£0 (10 Year warranty on the LED bulbs)  Scout Car investigations = £14,435  Total annual costs = £14,435	LED Lanterns = £165,908  Total energy savings (minus annual maintenance costs) = £151,473	LED Lanterns = 572,098 kwh per annum  Total Kwh savings = 572,098 kwh per annum	LED Lanterns = 127 tCO2e  Total carbon savings = 127 tCO2e per annum	Significant energy and tCO2e savings.
	Option 3	Installation of the LED lanterns and the CMS solution which will enable a more energy efficient dimming programme to be implemented. Also allows for further dimming regimes to be trialled and deliver further energy savings.	CMS Nodes = £1,210,726  LED Lanterns = £896,968  Total Cost = £2,154,162	Telensa Operating Cost = £16,901  Escrow = £2,000  Cost of Power Telecells = £5,095  Cost of Power Base Stations = £471  Total annual costs = £24,467	LED Lanterns = £165,908  Dimming = £150,850  Savings from scout car investigations = £14,435  Total energy savings (minus annual maintenance costs) = £292,291	LED Lanterns = 572,098 kwh per annum  Dimming = 460,035 kwh per annum  Total Kwh savings = 1,032,133 kwh per annum	LED Lanterns = 127 tCO2e  Dimming =103 tCO2e  Total carbon savings = 230 tCO2e per annum	Significantly improved streetlighting system, which enables flexible dimming regimes to be implemented whilst delivering energy savings. Operational cost savings from a reduction in scout car investigating faults. Significant tCO2e savings. Biodiversity and nature benefits. Public Health benefits.



Appendix B. Return on Investment for CMS and LED upgrade solution





### Appendix C. Costs breakdown - Telensa Central Management System (CMS)

Item;	Cost;
Supply of 14 x Telensa Base stations @ £5676 each =	£79,464
Supply of 6830 x Telensa Node (Conduit) @ £72 each =	£491,760
Supply of 4241 x Telensa Node (NEMA) @ £68.40 each =	£330,030
Telensa Operating Cost x 1 @ £16,901 per annum (subject to RPIX)	£22,497
Installation of 14 x Telensa Basetations @ £106.54 =	£1,493
Installation of 4767 x Telensa Node (Conduit) @ £35.04 (5m & 6m columns) =	£167,036
Installation of 4463 x Telensa Node (NEMA) @ £15.57 (5m & 6m columns) =	£69,489
Installation of 2133 x Telensa Node (Conduit) @£43.80 (8m & 10m columns) =	£93,425
ESCROW =	£2,000
Total Cost:	£1,257,194

### Appendix D. Costs Breakdown for Holophane LED Lantern Upgrades

Item;	Cost;
<ul> <li>3,431 Holophane LED Lanterns to install on;</li> <li>Main Road units: 742</li> <li>Residential units: 2,689</li> </ul>	£896,968
Total Cost:	£896,968

### **Appendix E. Project Risks**

R	Risk D	Risk Description	Impact Description	Likelihood	Impact	Level of Risk Scoring	Type of Risk	Risk Owner	How will the risk be managed and/or mitigated?
1		Project doesn't receive approval to borrow the required amount of funding to deliver the project.	The FBC and the approval to borrow the funding isn't received which means that the project can't be take forward to deliver.	2	4	8	Funding	AC/GR/TP	Development of the business case to highlight the significant energy & carbon savings plus = the operational, public health & nature/biodiversity benefits.
2		Installation of the CMS/ new lanterns impacts the day-to-day operations of the streetlighting	There is a disruption or impact on the residential and main roads as a result of the installation of the CMS nodes and LED lanterns.	1	4	4	Physical installation of the CMS nodes and LED lanterns	TP / GR	The works will be conducted in the day to avoid disruption to streetlighting operations. Installation of the solution will look to avoid busy periods on main roads to limit the impact to traffic. The Enerveo teams have experience in installation of the CMS Nodes and LED bulbs.
3		Any detrimental impact to public health and safety from the proposed dimming regime that is implemented for our streetlights.	Members of the public are adversely impacted by the dimming of streetlights on main roads and in residential areas.	2	3	6	Public Health and Safety	TP/GR	Where there are areas of public disorder or anti-social behaviour, the streetlights in these areas can raise their illumination to help support police, security and emergency services.
4		Any delays in getting approval to proceed/fund this project in the 2025/26 financial year will likely cause an increase in costs due to the RPIX price index changing after April 2026.	The costs of delivering and installing the solution will likely increase due to the RPIX price index change that will occur from April 1 <sup>st</sup> 2026.	3	4	12	Costs / Delays	IJ/GR	Aim to present the business case and receive approval to borrow he necessary funding prior to the end of the 25/26 financial year.
5		The public aren't communicated with extensively about the project and the proposed dimming regime that is proposed to be implemented on residential and main roads	Members of the public aren't made aware of the proposed dimming of streetlights and there is confusion or concern when they notice a change in the brightness of streetlights.	2	3	6	Public Awareness	GR/TP/CG	Once the CMS nodes are installed, a trial pilot can be undertaken to assess if the public notices any changes to the lighting levels in residential or main road areas.



### **Appendix F. 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	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	Younger and older people may feel less safe at night. The Office for National Statistics (ONS) found in the Crime Survey for England and Wales 2016, that perceived perception of victimisation varies by age. They found that:  • Those aged 16-24 years tended to underestimate victimisation amongst their age group  • Those ages 25-34 years produced a better estimate of their likelihood of experiencing victimisation  • Individuals 35 years and older tended to overestimate their likelihood of victimisation, when compared to victimisation rate Public perceptions of crime in England and Wales - GOV.UK  For the calendar year 2023, the total number of collisions within Torbay in 2024 were 150 for all types, which was down from 191 for 2023 - Road Casualty Reduction Reports - Torbay Council.  Older people may feel less safe walking in dimly lit areas, particularly in the evenings during the winter months. Young people may be more active at night and affected by reduced visibility. However, there is no evidence that the proposed changes would lead to an increase in actual crime, however they may result in an increased fear of crime - Switching off street lights at night does not increase car crashes and crime   UCL News - UCL - University College London	Any negative impacts can be quickly remedied through the capabilities of the CMS system. During the early evening and to support the nighttime economy, bespoke lighting regimes can be implemented for town centre areas in particular taxi areas, road crossings and any other areas that require additional lighting. In addition, higher lighting levels can be put in place in areas with high footfall or near care homes, schools and youth centres.	Highways team – SWISCo
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 effect anticipated. Should there be any issues raised around equality once the lighting regime is in place, can be quickly remedied through the capabilities of the CMS system.	n/a	
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.	This group could be potentially negatively impacted in terms of sensory implications with reduced lighting. This could affect people with sensory processing disorder, autism, those that are partially sighted, or blind. Mitigation for these needs include that lighting can be adjusted at short notice to improve the experience of people with disabilities, and feedback from members of the public will be responded to as appropriately.  For vulnerable road users, such as pedestrians, cyclists, motorcyclists, Horse riders, <u>Users of mobility devices</u> , there may an impact in terms of risk from reduced lighting on roads. In terms of road accidents in Torbay, the number of collisions have dropped from 191 in 2023 to 150 in 2024 - <u>Road Casualty Reduction Reports - Torbay Council</u> . This group may have concerns that this will increase their risk of road accidents and collisions from a reduction in lighting particularly on road crossing, ramps and other accessibility routes. However, the proposal to retain lighting, albeit at a reduced level, should help	Any negative impacts or disruptions for those with disabilities within specific streets can be reported to SWISCo who can adjust the streetlighting on a street-by-street basis to accommodate any specific lighting needs. Added to this, the lighting for road crossings, ramps, bus stops and other key accessible routes can have additional lighting to ensure safety of all users but can be adapted for those with disabilities to ensure they meet minimum standards for accessibility. To monitor the impacts, complaints and feedback can be monitored to adapt any lighting requirements within specific areas.	Highways team – SWISCo



		reduce the adverse impacts to some extent.		
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.	Trans individuals may be disproportionately impacted by this decision as due to their risk of hate crime. They may feel more vulnerable in poorly lit areas due to risk of harassment. There were 151 incidents of hate crime that were gender reassignment orientated in Devon in 2024. Hate Crime   Annual Equality Report 2024   Devon & Cornwall Police	Any negative impacts can be quickly remedied through the capabilities of the CMS system. As part of the proposed dimming regime, the prioritisation of lighting in known safe spaces and community hubs can be implemented, with community feedback being used to refine lighting where required.	Highways team – SWISCo
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. Should there be any issues raised around equality once the lighting regime is in place, can be quickly remedied through the capabilities of the CMS system.	N/a	
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 anticipated. Should there be any issues raised around equality once the lighting regime is in place, can be quickly remedied through the capabilities of the CMS system.	N/a	
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.	People from minoritised ethnic groups may feel less safe at night or fear incidents of discrimination particularly with rising cases of hate crime for refugees and asylum seekers. Hate crime, England and Wales, year ending March 2024 - GOV.UK  In Torbay in 2024/25, there were 39 reports of hate crime that were race oriented, up 9 from 2023/24. However, from Devon and Cornwall police figures for 2023, of the 2,100 hate crimes reported, over 48% were motivated by race highlighting that this a major issue for the area. Hate crimes motivated by hostility towards race accounted for the largest proportion, with 1,246 crimes — a 26% increase from the previous year - Hate Crime   Annual Equality Report 2024   Devon & Cornwall Police	Any negative impacts from the proposed dimming regime can be quickly remedied through the capabilities of the CMS system. The lighting around places of worship or cultural centres can be provided with bespoke lighting without compromising safety and equality.	Highways team – SWISCo
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	In 2024/25, there were 2 reports of religion-oriented hate crimes reported in Torbay. However, from Devon and Cornwall Police figures for 2023, of the 2,100 hate crimes reported, 128 were religion or belief motivated.  Some religious groups may be disproportionately affected by the change in lighting due to cultural practices (e.g., late-night worship). Added to this, some minoritised ethnic communities may fear increased discrimination which has a detrimental impact to their ability to go to places of worship.	Any negative impacts from the proposed dimming regime can be quickly remedied through the capabilities of the CMS system. The lighting around places of worship or cultural centres can be provided with bespoke lighting without compromising safety and equality.	Highways team – SWISCo
Sex	51.3% of Torbay's population are female and 48.7% are male	All groups could potentially be negatively impacted by the dimming of streetlighting due to risk of violence and harassment in particular for women.	There is an unequal chance of impact on women suffering increased harassment and violence as a result of this project. To reduce the potential impact, the streetlighting can be	Highways team – SWISCo

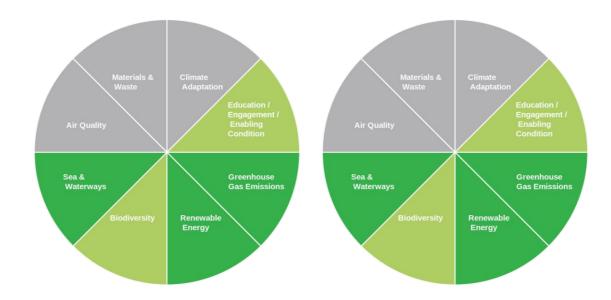


		In the UK, 74% of all victims of domestic abuse and sexual violence crimes recorded by police in the year ending March 2020 were female. This national picture roughly aligns with the figures in Torbay between 2018-21, with 72% of victims being female final-post-consultation-version-with-foreword-210223.pdf	maintained on key pedestrian routes to provide additional lighting. Genderbased safety audits can be undertaken to get views on where additional lighting is required. In conjunction with this, working with community safety teams and consider lighting near transport hubs such as train stations, bus stops and taxi ranks.	
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.	Potential impact of increased hate crime / violence towards the LGBT+ community In 2024, 17% of reported hate crime in Devon was sexual orientation motivated, with 9 hate crime reports in Torbay during the same period. Hate Crime   Annual Equality Report 2024   Devon & Cornwall Police / Torbay Hate Crimes and Incidents – Q4 2024-25	Any negative impacts can be quickly remedied through the capabilities of the CMS system. As part of the proposed dimming regime, the prioritisation of lighting in known safe spaces and community hubs can be implemented, with community feedback being used to refine lighting where required.	Highways team – SWISCo
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.	There may be an impact on those in the Armed forces community who have disabilities and require additional support.	Any negative impacts can be quickly remedied through the capabilities of the CMS system. Any negative impacts or disruptions within specific streets can be reported to SWISCo who can adjust the streetlighting on a street-by-street basis to accommodate the needs of those with disabilities. Added to this, the lighting for road crossings, bus stops and other key areas will have additional lighting to ensure safety of all users but can be adapted for those with disabilities.	Highways team – SWISCo
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		No effect anticipated.	n/a	
Public Health impacts (Including impacts on the general health of the population of Torbay)		Positive Impact – The reduction in lighting pollution has been shown to reduce the impact on public health and wellbeing - Light at Night and Disrupted Circadian Rhythms Alter Physiology and Behavior   Integrative and Comparative Biology   Oxford Academic	n/a	
Human Rights impacts		<ul> <li>No effect anticipated. We need to ensure that human rights are protected. In particular, that people have:</li> <li>A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').</li> <li>An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act</li> </ul>	n/a	



		A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).		
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 a potential impact of reduced lighting on young people's journeys to school and could impact on their choices about evening activities, which may mean an increase in social isolation for some. Whilst the streetlights will be dimmed, albeit at a reduced level, should help reduce the adverse impacts to some extent.	Any negative impacts can be quickly remedied through the capabilities of the CMS system. The retention of lighting around schools and public spaces, albeit at reduced levels, will mitigate the impact on making these spaces available to young people to access.	Highways team – SWISCo





### **Appendix G. Climate Impact Assessment**

### **Streetlighting LED & CMS upgrade project Climate Impact Assessment**

**Before Mitigations** 

After Mitigations

### Section 1 – Assessment Summary

### **Project Summary:**

This project seeks to upgrade our remaining streetlights to LED Holopahane

Lanterns and to procure Telensa's Control Management Sytem (CMS). The CMS will be implemented through 14,794 Nodes being installed on our streetlights, which will replace the photoelectronic cell on the top of the lantern. The CMS will be implemented on all our residential and main road lights across Torbay to enable a more energy efficient dimming regime to be introduced and to deliver a more capable operational system. This system can deliver significant annual energy and carbon emissions savings, whilst also delivering numerous co-benefits in terms of public health, supports tackling anti-social behaviour and local nature and biodiversity.

### **Assessment Final Summary:**



Overall, this project will have a positive impact due to the focus of this project to make annual energy and carbon savings through improving the energy efficiency of our street lights. Added to this are the benefits to the reduced impact on our local biodiversity, nature and marine life from a reduction in ALAN lighting.

**Total Score Before Mitigations: -8** 

**Total Score After Mitigations: -8** 

**Estimate Scheme Cost:** £2,261,870

Overall Mitigation Budget: £

### Section 2 – Assessment Overview

**Assessment ID: CIA162** 

Page 309

**Assessment Author:** Alex Carter

Is this a Capital Project: False Project Category: Other; Streetlighting Project Subcategory:

**Project Directorate / Service Area:** Transport & highways

### Section 3 – Greenhouse Gas Emissions Details

**Greenhouse Gas Emissions Score: -2** 

**Greenhouse Gas Emissions Score Justification:** Through the upgrade of the old lanterns to to LED Holophane Lanterns, an estimated annual carbon emission saving of 127 tonnes can be made. Whilst through the implementation of the proposed dimming regime that the CMS can provide, an additional 103 tonnes of carbon emission savings per annum can be saved. Additional carbon emission savings can be explored through additional dimming regimes once the CMS is implemented.

**Greenhouse Gas Emissions Score Mitigated:** False **Greenhouse Gas Emissions Constraints:** 

**Greenhouse Gas Emissions Revised Score:** 

**Greenhouse Gas Emissions Revised Score Justification:** 

**Greenhouse Gas Emissions Mitigation Budget:** 

### Section 4 – Renewable Energy Details

**Renewable Energy Score: -2** 

Renewable Energy Score Justification: The implementation of this project will lead to significant energy reductions from the energy efficiency of the LED lanterns and from the capability of the CMS to implement more energy efficient dimming regimes. The ultimate benefit is that both of these proposal will reduce the energy consumed and the carbon emissions of our streetlighting inventory.

Renewable Energy Score Mitigated: False Renewable Energy Constraints:

**Renewable Energy Revised Score:** 

**Renewable Energy Revised Score Justification:** 

**Renewable Energy Mitigation Budget:** 

### Section 5 - Biodiversity Details

**Biodiversity Score: -1** 

Biodiversity Score Justification: There is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems. The adaptable programming and control provided by the Telensa System has the potential to allow Torbay to manage street lighting more sensitively in order to protect our habitats and species. Torbay has the evidence to identify where its most sensitive and important habitats are located. This could be used in conjunction with the Telensa system to allow Torbay Council to adapt the way in which the bay is lit up, whilst being able to respond to its sensitivities and protecting our unique biodiversity and landscapes. For example, where there is a particular area of importance to the bats at Berry Head, the lighting regime nearby could be adapted to attempt to reduce its disruptive impacts. Currently this is not possible due to the limitations of our streetlightings capabilities and the dimming regime it can implement.

**Biodiversity Score Mitigated:** False **Biodiversity Constraints:** 

**Biodiversity Revised Score:** 

**Biodiversity Revised Score Justification:** 

**Biodiversity Mitigation Budget:** 

### Section 6 – Sea & Waterways Details

Sea & Waterways Score: -2

**Sea & Waterways Score Justification:** There is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems. The adaptable programming and control provided by the Telensa System has the potential to allow Torbay to manage street lighting more sensitively in order to protect our habitats and species. ALAN, produced by any human-made source, can propagate into the marine environment causing light pollution

- an excess of light that disrupts the natural patterns of wildlife, contributes to rising carbon dioxide levels, harms human health, and obscures the stars. Light pollution threatens ocean ecosystems by disrupting natural light-driven cycles that regulate marine life.

Sea & Waterways Score Mitigated: False Sea & Waterways Constraints:



**Sea & Waterways Revised Score:** 

**Sea & Waterways Revised Score Justification:** 

Sea & Waterways Mitigation Budget:

### Section 7 – Air Quality Details

Air Quality Score: 0

Air Quality Score Justification: No impact or changes from the installation of the LED's or the CMS solution. Air Quality Score Mitigated: False Air Quality Constraints:

**Air Quality Revised Score:** 

Air Quality Revised Score Justification:

**Air Quality Mitigation Budget:** 

### Section 8 - Materials & Waste Details

Materials & Waste Score: 0

Materials & Waste Score Justification: The replacement of the old lanterns to LED Holophane lanterns will create waste as a result. However, the life cycle of the LED lights are 15 years whilst the CMS nodes lifespan is between 15-20 years, which will limit the replacement of faulty equipment and reduce the waste created.

Materials & Waste Score Mitigated: False Materials & Waste Constraints:

**Materials & Waste Revised Score:** 

**Materials & Waste Revised Score Justification:** 

**Materials & Waste Mitigation Budget:** 

### **Section 9 – Climate Adaptation Details**

**Climate Adaptation Score:** 0

Climate Adaptation Score Justification: The CMS capabilities enables the council to adjust the streetlighting across Torbay to react to any weather events.

**Climate Adaptation Score Mitigated:** False **Climate Adaptation Constraints:** 

**Climate Adaptation Revised Score:** 

**Climate Adaptation Revised Score Justification:** 



### **Climate Adaptation Mitigation Budget:**

### Section 10 – Education / Engagement / Enabling Details

Education / Engagement / Enabling Condition Score: -1

**Education / Engagement / Enabling Condition Score Justification:** This project will highlight the efforts being taken by the council to increase the energy efficiency of our streetlighting and reduce wasted energy whilst supporting our target to become net zero by 2030 as a council and the 2050 target for Torbay. As part of the communications for this project, we will be able to communicate the climate emergency, energy efficiency and the nature/biodiversity benefits.

**Education / Engagement / Enabling Condition Score Mitigated:** False **Education / Engagement / Enabling Constraints:** 

**Education / Engagement / Enabling Condition Revised Score:** 

**Education / Engagement / Enabling Condition Revised Score Justification:** 

**Education / Engagement / Enabling Mitigation Budget:** 

### Protecting our naturally inspiring Bay and tackling Climate Change Impact Assessment Tool

Our Community and Corporate Plan commits us to continue to address the Climate Emergency so as to create a sustainable future. It also commits us to protect and enhance our natural environment.

To make sure we play our part protecting and enhancing the naturally inspiring Torbay, and to help tackle climate change, all new projects/plans/policies need to understand their impacts on the environment and must adhere to the Council's <a href="Environment and Carbon Neutral Policy">Environment and Carbon Neutral Policy</a>.

To help you think about this, please fill in this impact assessment tool below.

It is designed to help you think about possible impacts your new project/plan/policy may have. It is also designed to get you to start thinking about actions to reduce any negative impacts identified. These need to be built into any plans going forward.

Once you have completed the Impact Assessment, a summary of this should be included in section 7 - Protecting our naturally inspiring Bay and tackling Climate Change of your Cabinet/Council Decision Report. Please outline positive impacts and any activity that will be taken to reduce any identified negative impacts.

help officers fill in the assessment there is a guide available <u>here</u>. For more guidance please contact Jacqui Warren – Principal Climate tonergency Officer jacqui.warren@torbay.gov.uk

### **UN** Sustainable Development Goals

This tool will also help the Council to work towards the <u>Sustainable Development Goals (SDGs)</u>. These have been designed to be a "blueprint to achieve a better and more sustainable future for all".

Environmental and carbon theme and key question	Data and insight	(including any adverse impacts)		Responsible department and timeframe for implementing mitigation activities
impact levels of Greenhouse Gases (GHG) emissions?  13 CLIMATE ACTION  D  Q  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  Q  D  D	Torbay emitted 466,000 tonnes of Greenhouse Gases (GHG) in 2021 (including Carbon Dioxide and Methane).  Just under 60% of these emissions come from our heating and powering our homes and businesses. 28% comes from how we travel.  GHG emissions are not falling fast enough to meet local, national and international net zero emission targets.	annually because of the installation of the LED upgrades and the CMS. These carbon savings can be increased further once the CMS is implemented through developing more energy efficient dimming regimes and further technology upgrades to our streetlighting.		Streetlighting Team
Energy and Renewable ener	gy			
proposal have on the total amount of energy needed? And can renewable energy be generated?	In Torbay 39% of GHG emissions come from heating homes and buildings and 19% comes from the electricity we use. We generate only 2% of our energy needs locally from renewable energy sources. These emissions are not		The implementation of a more energy efficient dimming regime is the key activity of this project, which will make significant annual energy savings, however further reductions can be made	
	reducing quickly enough, and		through the	



in line with local/national targets.

implementation of additional dimming regimes.

### Protecting nature and Biodiversity

How will this proposal impact plants and animals?

5 LIFE ON LAND

CLIMATE

Biodiversity is in serious decline and nature is in need of recovery. Our government is committed to protecting and conserving a minimum of 30% of land and sea for biodiversity must achieve a Biodiversity Net Gain of 10%. Our geological qualities also need protection. Torbay is also an UNESCO Global Geopark.

There is a growing body of evidence that N/A shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems. The adaptable by 2030. All new development programming and control provided by the Telensa System has the potential to allow Torbay to manage street lighting more sensitively in order to protect our habitats and species. Torbay has the evidence to identify where its most sensitive and important habitats are located. This could be used in conjunction with the Telensa system to allow Torbay Council to adapt the way in which the bay is lit up, whilst being able to respond to its sensitivities and protecting our unique biodiversity and landscapes. For example, where there is

		a particular area of importance to the bats at Berry Head, the lighting regime nearby could be adapted to attempt to reduce its disruptive impacts. Currently this is not possible due to the limitations of our streetlighting's capabilities and the dimming regime it can implement.		
Seas and waterways				
Waterways  14 LIFE BELOW WATER  33 CLIMATE ACTION	to UNESCO Global Geopark	There is a growing body of evidence that shows how Artificial Light At Night (ALAN) can have negative impacts on the health of both terrestrial and marine ecosystems. The adaptable programming and control provided by the Telensa System has the potential to allow Torbay to manage street lighting more sensitively in order to protect our habitats and species. ALAN, produced by any human-made source, can propagate into the marine environment causing light pollution  – an excess of light that disrupts the natural patterns of wildlife, contributes to rising carbon dioxide levels, harms human health, and obscures the stars. Light pollution threatens ocean ecosystems by disrupting natural light-driven cycles that regulate marine life.		
Sustainable Materials and V		http://www.com/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/architectures/a		014/100
ensure resources are being	A lot of things we buy, commission or build can have an negative impact on the		plan will be implemented	SWISCo Streetlighting Team

bought and disposed of in the most sustainable way?  12 RESPONSIBLE CONSUMPTION AND PRODUCTION  13 CLIMATE ACTION	waste	CMS nodes lifespan is between 15-20 years, which will limit the replacement of	created by this project and to ensure all material, where possible, are recycled or disposed of properly.	
Sustainable Transport				
transport (bus, train, car share, electric vehicles (EV) / others)?	28% of Torbay's GHG emissions come from our transport sector. These emissions are not falling quick enough to meet local and national targets.	No impact.	N/A	
11 SUSTAINABLE CITIES AND COMMUNITIES				

13 CLIMATE ACTION				
Adapting to a changing clim	nate			
How will the proposal	Our climate is already	The CMS capabilities enable the council	N/A	
impact our ability to	changing and we need to	to adjust the streetlighting across Torbay		
withstand future climate	make sure we are prepared	to react to any adverse weather events		
change impacts, such as	for this.	that may occur.		
heat waves, cold, drought,				
flooding, and water				
shortages				
13 CLIMATE ACTION				

Once you have completed the above assessment, a summary should be included in section 7 - Protecting our naturally inspiring Bay and tackling Climate Change of your Cabinet/Council Decision Report. Please outline positive impacts and any activity that will be taken to reduce any identified negative impacts.

To help officers fill in the assessment there is a guide available <u>here</u>. For more guidance please contact Jacqui Warren – Principal Climate Emergency Officer <u>jacqui.warren@torbay.gov.uk</u>

#### **Record of Decisions**

### Torbay Waste Transfer Station and Household Waste Recycling Centre - Paignton

### **Decision Taker**

Cabinet on 18 November 2025.

#### Decision

- that delegated authority be given to the Chief Executive to continue negotiations with the land owners of the site as edged red in Appendix 1, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Pride in Place, Transport and Parking and Section 151 Officer on any Heads of Terms to enable the development of Waste Facilities for Torbay Council and associated statutory and nonstatutory waste and recycling operations;
- 2. that, having taken into account the options to acquire the land, in the event that the land is not secured by negotiations, the making of the Compulsory Purchase Order (CPO) for the site be approved under section 226(1)(a) of the Town and Country Planning Act 1990, as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment, The Chief Executive be given delegated authority to give effect to this decision, including:
  - (a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the CPO by the Secretary of State:
  - (b) to carry out any surveys on the Order Land and enter as may be required to deliver the proposed development by CPO(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;
  - (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the CPO(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and
  - (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.

That, subject to 1. and 2. above, Cabinet recommends the Council:

3. that Council delegate to the Chief Finance Officer the approval of the expenditure of monies (including by prudential borrowing if necessary) required to cover the acquisition of the land to enable the development of Waste Facilities for Torbay Council and associated statutory and non-statutory waste and recycling operations Street identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the development of waste facilities, which demonstrates how the monies are to be used, and how any prudential borrowing (if necessary) is to be repaid.

### Reason for the Decision

Investment in a new or significantly upgraded facility was essential to ensure regulatory compliance, public safety, financial sustainability, and alignment with future waste management strategies.

### **Implementation**

The decision in respect of 1. and 2. will come into force and may be implemented on 1 December 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny). The decision in respect of 3. will be considered at the Council meeting on 11 December 2025.

#### Information

The current site could not achieve full compliance without substantial capital investment. Upcoming requirements driven by simpler recycling, Extended Producer Responsibility (EPR), flexible plastics, persistent organic pollutants (POPs), food collections for both household and businesses and other central government directives demand additional space that simply cannot be accommodated within the existing footprint the Household Waste Recycling Centre (HWRC) at Tor Park Road.

In addition, the Tor Park Road facility had received multiple Compliance Assessment Report (CAR) notices from the Environment Agency (EA) due to longstanding non-compliance issues. In response, the Council has implemented several remedial measures following discussions with the EA. Whilst these actions had provided the EA with a degree of assurance, they were temporary solutions. The site remained fundamentally non-compliant, and long-term resolution would require significant investment and structural changes.

Incrementally developing the adjacent site in a redundant quarry would allow a phased build out and relocation with the minimum impact on current operations. Every effort would be made to conclude the acquisition of the site by negotiation, but the success of the negotiation process for the acquisition of the land was not guaranteed and therefore a backstop position of a Compulsory Purchase Order (CPO) was needed to ensure that the land and properties could be acquired.

At the meeting Councillor Tyerman proposed and Councillor Jackie Thomas 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

Operational appraisal modelling identified the extent of land required for redevelopment, and acquisition by negotiation was being pursued. However not pursuing acquisition via CPO if necessary, could result in the Environment Agency issuing further noncompliance notices and eventually fines and hence non-delivery of the preferred scheme was discounted.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes		
	ons of interest (including details of any relevant dispersions)	ensations issued by the
None		
Published	d .	
21 Novem	ber 2025	
Signed:		Date:
J	Leader of Torbay Council on behalf of the Cabinet	





Meeting: Cabinet/Council Date: 18 November 2025 11 December 2025

Wards affected: Collaton St Mary - All Wards

Report Title: Torbay Waste Transfer Station and Household Waste Recycling Centre - Paignton

When does the decision need to be implemented? December 2025

**Cabinet Member Contact Details:** Councillor Adam Billings, Cabinet Member for Pride in Place, Transport and Parking, adam.billings@torbay.gov.uk

**Director Contact Details:** Alan Denby, Director of Pride in Place, alan.denby@torbay.gov.uk/Matt Reeks, Divisional Director Operations/SWISCO Managing Director, matt.reeks@torbay.gov.uk

### 1. Purpose of Report

1.1 This report sets out the required action by Council to enable commencement of preparations for a possible Compulsory Purchase Order (CPO) process for the delivery of a relocated Waste Transfer Station and Household Waste Recycling Centre (HWRC) on land adjacent to the existing operation.

### 2. Reason for Proposal and its benefits

- 2.1 The current site cannot achieve full compliance without substantial capital investment. Upcoming requirements driven by Simpler Recycling, Extended Producer Responsibility (EPR), flexible plastics, Persistent Organic Pollutants (POPs), Food collections for both household and businesses and other central government directives demand additional space that simply cannot be accommodated within the existing footprint.
- 2.2 Recycling is now central to national and local strategies, and the industry is moving toward a circular economy—prioritising reuse and repair before recycling. This shift will require greater operational flexibility and capacity, which the current site cannot provide. Space is already at a premium, leaving no room for future-proofing.
- 2.3 From a traffic management perspective, the current layout presents significant health and safety risks due to the interaction of vehicles and pedestrians. The existing Household Waste Recycling Centre (HWRC) design does not meet best practice standards, and the

- use of raised platforms and steps for waste disposal further increases the risk of accidents and injuries.
- 2.4 Financially, the inability to separate recyclables from black bag waste in significant numbers at the HWRC results in higher disposal costs to MVV, which directly impacts Torbay Council's budget. Implementing a system to extract recyclables from residual waste would reduce costs and improve compliance with recycling targets.
- 2.5 Investment in a new or significantly upgraded facility is essential to ensure regulatory compliance, public safety, financial sustainability, and alignment with future waste management strategies.
- 2.6 The Tor Park Road facility has received multiple Compliance Assessment Report (CAR) notices from the Environment Agency (EA) due to longstanding non-compliance issues. In response, we have implemented several remedial measures following discussions with the EA, including:
  - MMA Flexible Surface Repairs: Regular maintenance of the Transfer Station's concrete floor to prevent water ingress. These repairs are required frequently due to heavy vehicle traffic.
  - Concrete Replacement: Full replacement of severely damaged sections of concrete in both the Transfer Station and the glass bay.
  - Drainage Improvements: Installation of drainage systems around the food collection point, baler, and wheel wash area at the Transfer Station exit.
  - Bird Control Measures: Netting installed across the Transfer Station, MRF food and glass areas, and the HWRC to address seagull activity, a concern repeatedly raised by the EA due to the open nature of the Transfer Station.

While these actions have provided the EA with a degree of assurance, they are temporary solutions. The site remains fundamentally non-compliant, and long-term resolution will require significant investment and structural changes.

- 2.6 Incrementally developing the adjacent site in a redundant quarry would allow a phased build out and relocation with the minimum impact on current operations.
- 2.7 The project is currently being worked up to Strategic Outline Case which will be presented to CGB and Cabinet in mid 2026 but the limited land options and the cost of working up design proposals for several sites require a more immediate decision to acquire land.
- 2.8 Every effort will be made to conclude the acquisition of the site by negotiation, but the success of the negotiation process for the acquisition of the land is not guaranteed and therefore a backstop position of a Compulsory Purchase Order (CPO) is needed to ensure that the land and properties can be acquired.
- 2.9 The CPO process is a long process and therefore must be commenced soon to ensure that it can be completed and implemented to meet the redevelopment programme for Torbay's main recycling and waste facilities.
- 2.10 An acquiring authority (such as the Council) can pass a resolution providing approval in for the making of a CPO, with its subsequent implementation delegated to officers should it ultimately be necessary to use the same. Such a resolution allows officers to progress the actions needed to enable the CPO to be made and provides the authority to enable the CPO to be made subject to a further resolution passed shortly before the CPO is made to confirm the precise extent of the land and rights sought and to approve the Order documents such as the Statement of Reasons.

2.11 The reason for the decision is to ensure the Council retains the option to purchase the land so that abortive costs are not incurred in developing a scheme for the land only to find the land is not available. There is no requirement on the Council to exercise this option and purchase the land should further work identify reasons not to go through with the purchase.

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

- 3.1 Recommendations to Cabinet:
- (i) that delegated authority be given to the Chief Executive to continue negotiations with the land owners of the site as edged red in Appendix 1 to the submitted report, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Pride in Place, Transport and Parking and Section 151 Officer on any Heads of Terms to enable the development of Waste Facilities for Torbay Council and associated statutory and non-statutory waste and recycling operations;
- (ii) that, having taken into account the options to acquire the land, in the event that the land is not secured by negotiations, the making of the Compulsory Purchase Order (CPO) for the site be approved under section 226(1)(a) of the Town and Country Planning Act 1990, as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment, The Chief Executive be given delegated authority to give effect to this decision, including:
  - (a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the CPO by the Secretary of State;
  - (b) to carry out any surveys on the Order Land and enter as may be required to deliver the proposed development by CPO(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;
  - (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the CPO(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and
  - (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.

That, subject to (i) and (ii) above, Cabinet recommends the Council:

that Council delegate to the Chief Finance Officer the approval of the expenditure of monies (including by prudential borrowing if necessary) required to cover the acquisition of the land to enable the development of Waste Facilities 825 orbay Council and associated statutory

and non-statutory waste and recycling operations identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the development of waste facilities, which demonstrates how the monies are to be used, and how any prudential borrowing (if necessary) is to be repaid.

### **Appendices**

Appendix 1 – Plan of the extent of the development site

### **Background Documents**

None

#### 1. Introduction

- 1.1 The existing Waste Operations facilities are sup-optimal and can not continue to provide the statutory service required by legislation.
- 1.2 Change is required to ensure regulatory compliance and reduce unit cost of disposal through increases in income and processing efficiency.

### 2. Options under consideration

- 2.1 The option to acquire the identified land necessary for the redevelopment by negotiation is being pursued.
- 2.2 Operational appraisal modelling have determined the extent of land necessary to develop.
- 2.3 Not pursuing acquisition via CPO if necessary, could result in the EA issuing further noncompliance notices and eventually fines and hence non-delivery of the preferred scheme.

### 3. Financial Opportunities and Implications

- 3.1 The Director of Finance has released project development funding and will factor in the medium and longer term capital funding necessary to deliver a phased development in the Medium Term Financial Plan (MTFP).
- 3.2 The cost of the land acquisition will be initially funded from cash flow and subsequently capitalised into long-term borrowing to cover the overall capital cost of the project.
- 3.3 The current estimated value of the land at existing use is circa £1m this will be evidenced and verified by a red book valuation which will be used to calculate a CPU value that will be offered by negotiation to the current landowner prior to starting a CPO process to acquire the land.

### 4. Legal Implications

- 4.1 The use of CPO powers is a common mechanism used by Local Authorities to acquire land for Regeneration and Redevelopment. It requires a prescribed process set out by MHCLG to followed before a CPO order can be made.
- 4.2 Torbay Councils legal team are actively engaged in both the current acquisition by negotiation and the development of a potential CPO order should it be ultimately required.

### 5. Engagement and Consultation

- 5.1 The prescribed process for CPO requires extensive formal and informal consultation to be undertaken and documented with affected parties and stakeholders.
- 5.2 If we proceed with a CPO order it will require full details of correspondence and consultation.

### 6. Procurement Implications

6.1 There is no specific procurement activity required in a CPO process.

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

7.1 If the CPO is required it will follow chronologically after planning consent is obtained for the proposed development. The planning process will take into consideration all extant and emerging Council Policies associated the proposed development and report on them.

### 8. Associated Risks

- 8.1 The CPO process is well defined but complex and therefore the procedural risks are moderate. However as property rights are impacted there is significant risk of both legal challenges to the process and financial compensation to both parties directly affected and from third parties, this is normal and provision has been made in the project budget for the likely costs of compensation.
- 8.2 The risk of not making a decision would be to prolong the development process and create uncertainty on the Councils ability to deliver the scheme.

## 9. 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 Page 329	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	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 as the area within the CPO is unused green space.	None	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 as the area within the CPO is unused green space.  The project aims to improve or maintain the current standard of provision in the urban realm.	None	Not applicable

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 adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
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 as the area within the CPO is unused green space.	None	Not applicable
Pregnancy and maternity Page 330	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 as the area within the CPO is unused green space.	None	Not applicable
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	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable

		·	1	,
	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 as the area within the CPO is unused green space.	None	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Sexual orientation  Page	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 as the area within the CPO is unused green space.	None	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, 5.9 per cent of the population have previously served in the UK armed forces.	No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Additional considerati	ons			
Socio-economic impacts (Including impacts on child		No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable

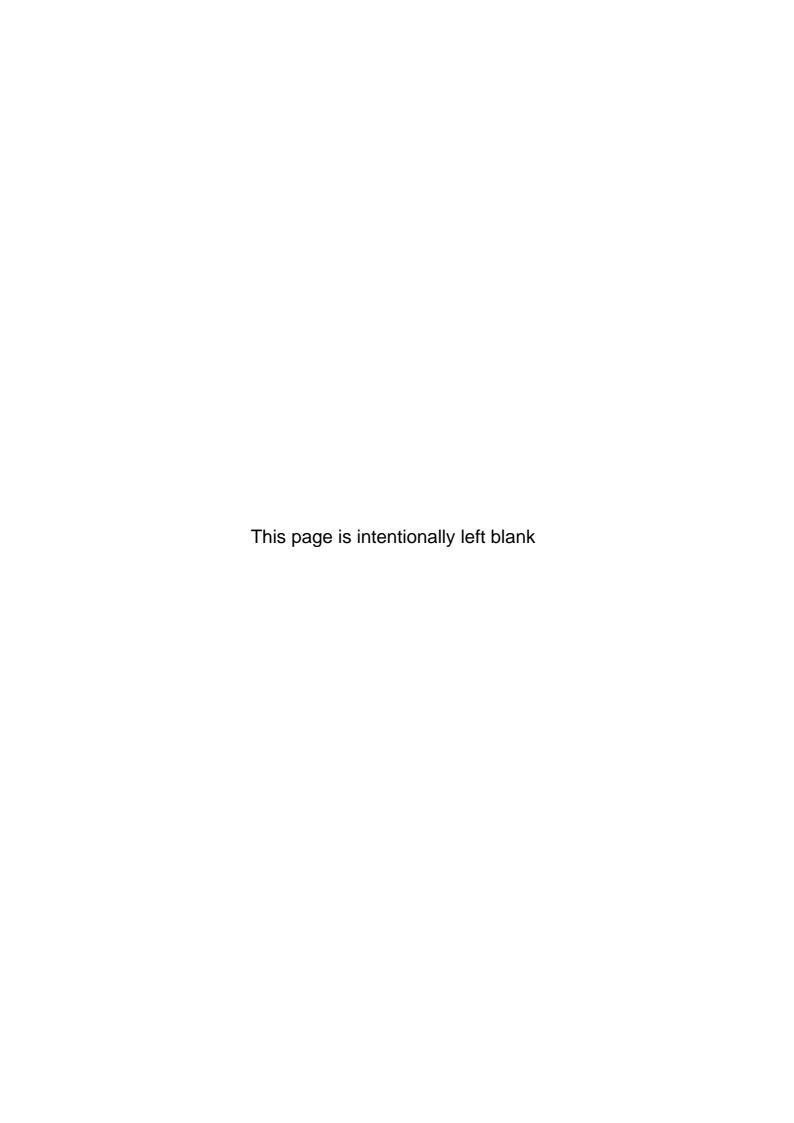
poverty and deprivation)				
Public Health impacts (Including impacts on the general health of the population of Torbay)		No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Human Rights impacts		No adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable
Child Friendly  Page 332	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 adverse impacts are anticipated as the area within the CPO is unused green space.	None	Not applicable

## 10. Cumulative Council Impact

10.1 None

## 11. Cumulative Community Impacts

11.1 None





Quarry Site for acquisition

Existing Waste Facticity -

## Appendix 1

**Meeting:** Audit Committee/Council **Date:** 29 October 2025/11 December 2025

Wards affected: All wards in Torbay

Report Title: Treasury Management Mid – Year Review 2025/26

When does the decision need to be implemented? Immediate

Cabinet Member Contact Details: Councillor Alan Tyerman, alan.tyerman@torbay.gov.uk

**Director/Divisional Director Contact Details:** Malcolm Coe, Director of Finance, malcolm.coe@torbay.gov.uk and Paul Matravers, Head of Corporate Finance, paul.matravers@torbay.gov.uk

### 1. Purpose of Report

- 1.1 This report provides Members with a review of Treasury Management activities during the first part of 2025/26. The Treasury function aims to support the provision of all Council services through management of the Council's cash flow and debt and investment operations.
- 1.2 The report has been prepared based on performance and data at 30th September 2025.
- 1.3 The key points in the Treasury Management review are as follows:
  - Bank Rate reduced from 4.50% to 4.25% in May 2025, followed by a further reduction to 4.00% in August 2025.
  - No new borrowing has been undertaken and internal resources used to fund capital expenditure.
  - Further strategic investments in long term bonds to provide budgetary surety over the medium term
  - All decisions have complied fully with adopted principles and the Council's approved Treasury Management Strategy.

### 2. Reason for Proposal and its benefits

2.1 The preparation of a mid-year review on the performance of the treasury management function forms part of the minimum formal reporting arrangements required by the CIPFA Code of Practice for Treasury Management.

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

3.1 That audit committee note the update on Treasury Management performance for the half year to 30 September 2025 and agrees to submit the update to Full Council.

#### Council:

3.2 That the Treasury Management decisions made during the half year to 30 September 2025 as detailed in this report be noted.

### **Appendices**

Appendix 1: Economic Commentary

Appendix 2: Non-Treasury Management Investments

Appendix 3: Borrowing and Investment Portfolio at 30th September 2025

### **Background Documents**

Treasury Management Strategy 2526.pdf

#### 1. Introduction

- 1.1 In February 2019 the Council adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which requires the Council to approve treasury management semi-annual and annual reports.
- 1.2 The Treasury Management strategy for 2025/26 was approved at a meeting on 25th February 2025. The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Council's treasury management strategy.
- 1.3 Treasury Management decisions and strategies have been made in consultation with the Council's advisors, Arlingclose Ltd.

### 2. Economic Commentary

- 2.1 The significant economic events impacting the Treasury Management strategy during the year were:
  - UK headline consumer price inflation (CPI) increased over the period, rising from 2.6% in March to 3.8% in August, still well above the Bank of England's 2% target.
  - The Monetary Policy Committee cut Bank rate from 4.5% to 4.25% in May and to 4.00% in August.
- 2.2 A full economic commentary covering the first quarter 2025/26 by Arlingclose Ltd is provided at Appendix 1 to this report.
- 2.3 Arlingclose's key observations for the remainder of 2025/26 are set out below:
  - The MPC's sensitivity to higher inflation is partly offsetting the effect of the weak economic environment on Bank Rate expectations. However, we continue to forecast one more 0.25% rate cut in Q4 2025 to 3.75%, while recognising that uncertainty over the timing of this move has increased.
  - While downside risks to our forecasts remain, the Committee's stance argues
    against further downward moves in our central forecast for Bank Rate at this time.
    We expect the UK Budget to be an inflection point that may materially change the
    interest rate outlook.
  - Long-term gilt yields remain elevated for various reasons, both domestic and international. These issues may not be resolved quickly, but the UK Budget will be a key market driver.

### 3. Local Context

3.1 On 31st March 2025, the Council had net borrowing of £287m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31st March
	2025
	Actual
	£m
Total Capital Financing Requirement (CFR)	437
Less: Other debt liabilities	(14)
Borrowing CFR	423
Financed by:	
External borrowing	351
Internal borrowing	72
Total	423
Internal Resources for investment: Less: Balance Sheet Resources	
(useable reserves, working capital and other cash backed item)	(136)
Total Treasury Management Investments	(136)
Net Treasury Management Position	
External Borrowing	423
Investments	(136)
Net Total	287

NB because of the Capitalisation Policy, changes are only made to the CFR at year end, so it isn't possible to update this schedule mid-year.

3.2 The treasury management position (nominal values) on 30<sup>th</sup> September 2025 and the change over the six months is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.25 Balance £m	Movement £m	30.9.25 Balance £m	30.9.25 Rate %
Long-term borrowing	346	0	346	2.97
Short-term borrowing	5	(5)	0	0
Total borrowing	351	(5)	346	2.97
Long-term investments	(25)	(0)	(25)	4.75
Short-term investments	(38)	(14)	(52)	4.47
Cash and cash equivalents	(1)	(2)	(3)	
Total investments	(64)	(16)	(80)	4.51

### 4. Borrowing

- 4.1 Gilt yields have increased over the period amid concerns about inflation, the UK government's fiscal position and general economic uncertainty. The PWLB certainty rate for 10-year maturity loans was 5.38% at the beginning of the period and 5.53% at the end. The lowest available 10-year maturity certainty rate was 5.17% and the highest was 5.62%. Rates for 20-year maturity loans ranged from 5.71% to 6.30% during the period, and 50-year maturity loans from 5.46% to 6.14%. The cost of short-term borrowing from other local authorities has been similar to Base Rate during the period at 4.0% to 4.5%.
- 4.2 As outlined in the Treasury Management Strategy, the Council's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should long-term plans change being a secondary objective. The Council's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio.
- 4.3 No new borrowing was undertaken while a £5m existing loan has matured without replacement.
- 4.4 The Council will continue to monitor, with the support of its Treasury advisor's, any alternative borrowing options.
- 4.5 Outstanding loans on 30th September 2025 are summarised in Table 3 below.

Table 3: Borrowing Position

	31.3.25 Balance £m	Net Movement £m	30.9.25 Balance £m	30.9.25 Weighted Average Rate %	30.9.25 Weighted Average Maturity (years)
Public Works Loan Board Banks (LOBO) Banks (fixed term)	341.0 5.0 5.0	(6.0) - -	335.0 5.0 5.0	2.97 4.39 4.70	25 54 50
Total borrowing	351.0	(6.0)	345.0	4.22	43

- 4.6 LOBO loans: The Council continues to hold £5m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Council has the option to either accept the new rate or to repay the loan at no additional cost. The lender option does not commence until 2028.
- 4.7 Private Finance Initiative debt balance outstanding stood at £14m on 30<sup>th</sup> September 2025, taking total debt to £359m.

### 5. Treasury Investment Activity

- 5.1 The CIPFA TM Code defines treasury management investments as those which arise from the Council's cash flows or treasury risk management activity that ultimately represents balances which need to be invested until the cash is required for use in the course of business.
- 5.2 The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year investment balances ranged between £64m and £80m due to timing differences between income and expenditure. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	31.3.25 Balance £m	Net Movement £m	30.9.25 Balance £m	30.9.25 Income Return %	30.9.25 Weighted Average Maturity days
Banks & Building Societies	1.1	2.0	3.1	3.25	1
Government Bonds	2.0	-	2.0	4.50	5,418
Local Authorities	42.0	(10.0)	32.0	4.32	323
Corporate Bonds	13.5	-	13.5	4.28	1,416
Money Market Funds Other Pooled Funds:	1.0	23.6	24.6	4.03	1
- Property fund	4.4	-	4.4	4.86	-
Total Investments	64	15.6	79.6	4.73	

- 5.3 Both the CIPFA Code and government guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.
- 5.4 Bank Rate reduced from 4.50% to 4.25% in May 2025, followed by a further reduction to 4.00% in August 2025.
- Investments into longer term bonds were made in 2024/25 as part of the strategy of diversifying the portfolio. A further £10 million was placed in these instruments at yields of 4.118%, 4.551% and 4.802% providing budgetary security through returns beyond the medium term.
- 5.6 Cash levels were boosted at the start of the year by capital grant monies and the collection of Council tax and National Non-Domestic Rates which have collection profiles weighted towards the beginning of the year. After consideration of the effect on strategic cash flows and forecast reductions to interest rates, a number of deposits were made through the period, with other Local Authorities, to lock in rates before they fell. Rates obtained from these transactions ranged from 3.95% to 5.15%. Otherwise, investments were kept short-dated to provide liquidity in anticipation of significant 3<sup>rd</sup>-quarter expenditure on approved housing schemes, and these short-term funds were invested with the government DMADF facility, in Money Market Funds and other Local Authority deposits.
- 5.7 The progression of risk and return metrics are shown in the extracts from Arlingclose's quarterly investment benchmarking exercise in Table 5 below.

Table 5: Investment Benchmarking – Treasury investments managed in-house

	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (days)	Rate of Return %
30.06.2025	4.06	AA-	30%	1,022	4.79%
30.09.2025	3.95	AA-	37%	1,119	4.40%
Similar LAs	4.55	A+	62%	95	4.69%
All LAs	4.54	A+	62%	11	4.47%

- 5.8 The benchmarking results reflect the Council's appetite for low-risk counterparties which may impact the overall level of return. The high average maturity period is driven by the move into longer dated bond investments. Details behind the benchmarking results suggest that other LA's use pooled funds for their strategic investments; these may be providing a higher return currently but are more volatile than the fixed return of bonds and may be subject to revenue impacts from potential changes to accounting regulations in the near future.
- 5.9 **Externally Managed Pooled Funds**: £5m of the Council's investments is held in an externally managed strategic pooled property fund where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability.
- 5.10 Statutory override: Further to consultations in April 2023 and December 2024 MHCLG wrote to finance directors in England in February 2025 regarding the statutory override on accounting for gains and losses in pooled investment funds. On the assumption that when published regulations follow this policy announcement, the statutory override will be extended up until the 1st April 2029 for investments already in place before 1st April 2024. The override will not apply to any new investments taken out on or after 1st April 2024.
- 5.11 The Council has reserves available to mitigate the impact of the statutory override not being extended after 1st April 2029. The Council's investment which is impacted by the override is the £5m investment in the CCLA Property Fund. This investment was made before 1st April 2024 meaning it falls within the parameters of the extension of the override to 1st April 2029.6.

### 6. Non-Treasury Investment.

- 6.1 The definition of investments in the Treasury Management Code now covers all the financial assets of the Council as well as other non-financial assets which the Council holds primarily for financial return. Investments that do not meet the definition of treasury management investments (i.e. management of surplus cash) are categorised as either for service purposes (made explicitly to further service objectives) and/or for commercial purposes (made primarily for financial return).
- 6.2 A full list of the Council's non-treasury investments is presented at Appendix 2.

## 7. Impact of Treasury Performance on the Revenue Budget

7.1 The net revenue budget for treasury management is projected to be underspent as a result of reduced external borrowing expectations and the rise in investment returns, as shown in table 6 below.

As at 30 <sup>th</sup> September 2025	Budget 2025/26 To September 2025	Projected Outturn 2025/26 To September 2025	Variation
	£m	£m	£m
Investment Income	(0.9)	(1.0)	(0.1)
Interest Paid on Borrowing	6.7	6	(0.7)
Net Position (Interest)	5.8	5	(8.0)
Minimum Revenue Provision	3.5	3.5	(0.0)
Amortisation of discount on repaid loans	0	(0.1)	(0.1)
Net Position (Other)	3.5	3.4	(0.1)
Net Position Overall	9.3	8.4	(0.9)

### 8. Compliance

The Chief Finance Officer reports that all treasury management activities undertaken during the period complied fully with the principles in the TM Code and the Council's approved Treasury Management Strategy. Compliance with specific limits is demonstrated in tables 7 and 8 below.

Table 7: Debt Limits

	2025/26 Maximum	30.9.25 Actual	2025/26 Operational Boundary	2025/26 Authorised Limit	Complied? Yes/No
Borrowing	£350m	£345m	£430m	£480m	Yes
PFI & Finance Leases	£14m	£14m	£20m	£20m	Yes
Total Debt	£364m	£359m	£450m	£500m	Yes

Table 8: Investment Limits

	Maximum in period	30.9.25 Actual	2025/26 Limit	Complied? Yes/No
Any single organisation, except the UK Government	£10m	£10m	£15m	Yes
UK Central Government	£0m	£0m	Unlimited	Yes
Money Market Funds	£37m	£25m	Unlimited	Yes

**Treasury Management Indicators:** The Council measures and manages its exposures to treasury management risks using the following indicators.

**Security:** The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating/credit score of its investment portfolio. The credit score is calculated by applying a value to each investment (AAA=1, AA+=2, .... A=6 etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	30.9.25 Actual	2025/26 Target	Complied?
Portfolio average credit rating (score)	AA- (4)	A (6)	Yes

**Liquidity**: The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling one-month period, without additional borrowing.

	30.9.25 Actual	2025/26 Target	Complied?
Total cash available within one month	£27m	£10m	Yes

**Interest rate exposures**: This indicator is set to control the Council's exposure to interest rate risk.

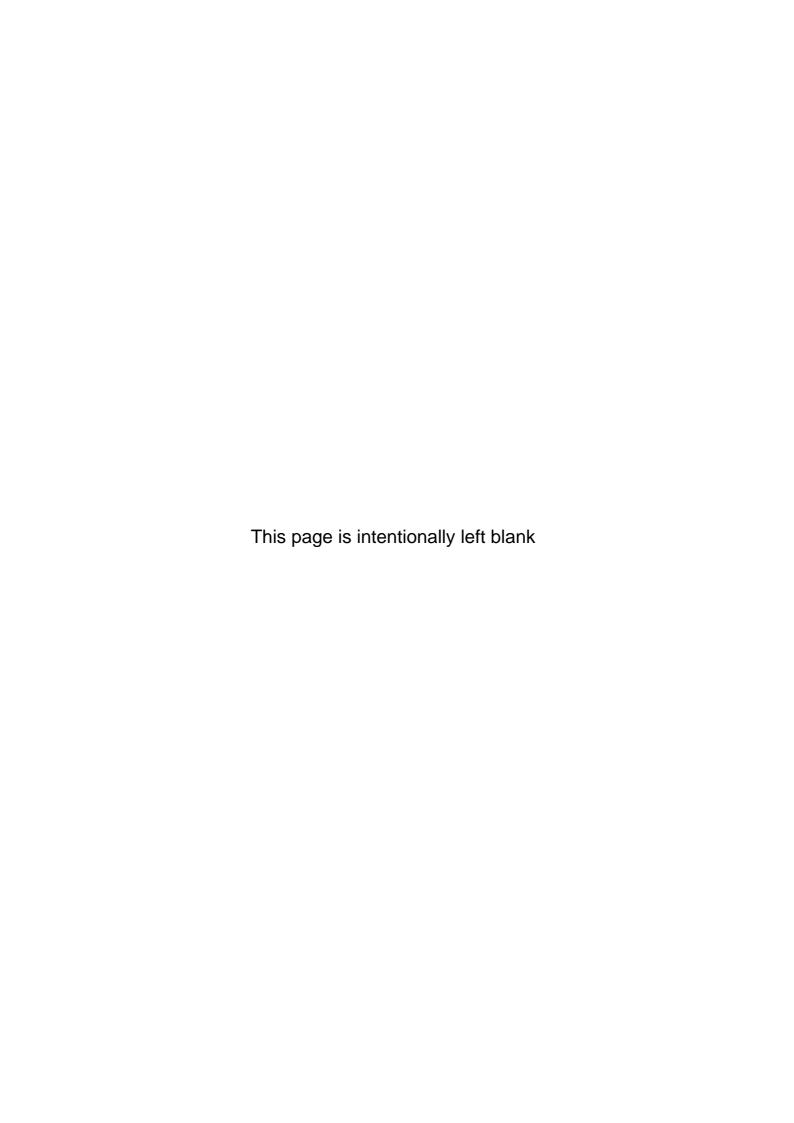
The Council's debt portfolio is virtually all at fixed rate and therefore has no exposure to fluctuations in interest rates. As such no specific limits are proposed on interest rate exposure but any new borrowing will be restricted to a maximum 30% of the total portfolio exposed to variable interest rate. No new borrowing has been undertaken during the first part of the year.

**Maturity structure of borrowing:** This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of borrowing will be:

Refinancing rate risk indicator	30.9.25 Actual	Upper limit	Lower limit	Complied?
Under 12 months	0%	10%	0%	Yes
12 months and within 24 months	0%	15%	0%	Yes
24 months and within 5 years	6%	30%	0%	Yes
5 years and within 10 years	11%	40%	10%	Yes
10 years and within 20 years	18%	50%	10%	Yes
20 years and within 30 years	19%	50%	10%	Yes
30 years and within 40 years	28%	50%	10%	Yes
40 years and above	18%	50%	0%	Yes

**Principal Sums Invested for Periods Longer than a year:** The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments.

	2024/25	2025/26	2026/27
Actual principal invested beyond year end	£15m	£15m	£15m
Limit on principal invested beyond year end	£40m	£40m	£40m
Complied?	Yes	Yes	Yes



#### **External Context**

**Economic background:** The first quarter was dominated by the fallout from the US trade tariffs and their impact on equity and bond markets. The second quarter, still rife with uncertainty, saw equity markets making gains and a divergence in US and UK government bond yields, which had been moving relatively closely together.

From late June, amid a UK backdrop of economic uncertainty, concerns around the government's fiscal position and speculation around the autumn Budget, yields on medium and longer term gilts pushed higher, including the 30-year which hit its highest level for almost 30 years.

UK headline annual consumer price inflation (CPI) increased over the period, rising from 2.6% in March to 3.8% in August, still well above the Bank of England's 2% target. Core inflation also rose, from 3.4% to 3.6% over the same period, albeit the August reading was down % from 3.8% the previous month. Services inflation also fell from July to August, to 4.7% from 5.0%.

The UK economy expanded by 0.7% in the first quarter of the calendar year and by 0.3% in the second quarter. In the final version of the Q2 2025 GDP report, annual growth was revised upwards to 1.4% y/y. However, monthly figures showed zero growth in July, in line with expectations, indicating a sluggish start to Q3.

Labour market data continued to soften throughout the period, with the unemployment rate rising and earnings growth easing, but probably not to an extent that would make the more hawkish MPC members comfortable with further rate cuts. In addition, the employment rate rose while the economic inactivity rate and number of vacancies fell.

The BoE's Monetary Policy Committee (MPC) cut Bank Rate from 4.5% to 4.25% in May and to 4.0% in August after an unprecedented second round of voting. The final 5-4 vote was for a 25bps cut, with the minority wanting no change. In September, seven MPC members voted to hold rates while two preferred a 25bps cut. The Committee's views still differ on whether the upside risks from inflation expectations and wage setting outweigh downside risks from weaker demand and growth.

The August BoE Monetary Policy Report highlighted that after peaking in Q3 2025, inflation is projected to fall back to target by mid-2027, helped by increasing spare capacity in the economy and the ongoing effects from past tighter policy rates. GDP is expected to remain weak in the near-term while over the medium term outlook will be influenced by domestic and global developments.

Arlingclose, the authority's treasury adviser, maintained its central view that Bank Rate would be cut further as the BoE focused on weak GDP growth more than higher inflation. One more cut is currently expected during 2025/26, taking Bank Rate to 3.75%. The risks to the forecast are balanced in the near-term but weighted to the downside further out as weak consumer sentiment and business confidence and investment continue to constrain growth. There is also considerable uncertainty around the autumn Budget and the impact this will have on the outlook.

Against a backdrop of uncertain US trade policy and pressure from President Trump, the US Federal Reserve held interest rates steady for most of the period, before cutting the Fed Funds Rate to 4.00%-4.25% in September. Fed policymakers also published their new economic projections at the same time. These pointed to a 0.50% lower Fed Funds Rate by the end of 2025 and 0.25% lower in 2026, alongside GDP growth of 1.6% in 2025, inflation of 3%, and an unemployment rate of 4.5%.

The European Central Bank cut rates in June, reducing its main refinancing rate from 2.25% to 2.0%, before keeping it on hold through to the end of the period. New ECB projections predicted inflation

averaging 2.1% in 2025, before falling below target in 2026, alongside improving GDP growth, for which the risks are deemed more balanced and the disinflationary process over.

**Financial markets:** After the sharp declines seen early in the period, sentiment in financial markets improved, but risky assets have generally remained volatile. Early in the period bond yields fell, but ongoing uncertainty, particularly in the UK, has seen medium and longer yields rise with bond investors requiring an increasingly higher return against the perceived elevated risk of UK plc. Since the sell-off in April, equity markets have gained back the previous declines, with investors continuing to remain bullish in the face of ongoing uncertainty.

Over the period, the 10-year UK benchmark gilt yield started at 4.65% and ended at 4.70%. However, these six months saw significant volatility with the 10-year yield hitting a low of 4.45% and a high of 4.82%. It was a broadly similar picture for the 20-year gilt which started at 5.18% and ended at 5.39% with a low and high of 5.10% and 5.55% respectively. The Sterling Overnight Rate (SONIA) averaged 4.19% over the six months to 30<sup>th</sup> September.

**Credit review:** Arlingclose maintained its recommended maximum unsecured duration limit on the majority of the banks on its counterparty list at 6 months. The other banks remain on 100 days.

Early in the period, Fitch upgraded NatWest Group and related entities to AA- from A+ and placed Clydesdale Bank's long-term A- rating on Rating Watch Positive. While Moody's downgraded the long term rating on the United States sovereign to Aa1 in May and also affirmed OP Corporate's rating at Aa3.

Then in the second quarter, Fitch upgraded Clydesdale Bank and also HSBC, downgraded Lancashire CC and Close Brothers while Moody's upgraded Transport for London, Allied Irish Banks, Bank of Ireland and Toronto-Dominion Bank.

After spiking in early April following the US trade tariff announcements, UK credit default swap prices have since generally trended downwards and ended the period at levels broadly in line with those in the first quarter of the calendar year and throughout most of 2024.

European banks' CDS prices has followed a fairly similar pattern to the UK, as have Singaporean and Australian lenders while Canadian bank CDS prices remain modestly elevated compared to earlier in 2025 and in 2024.

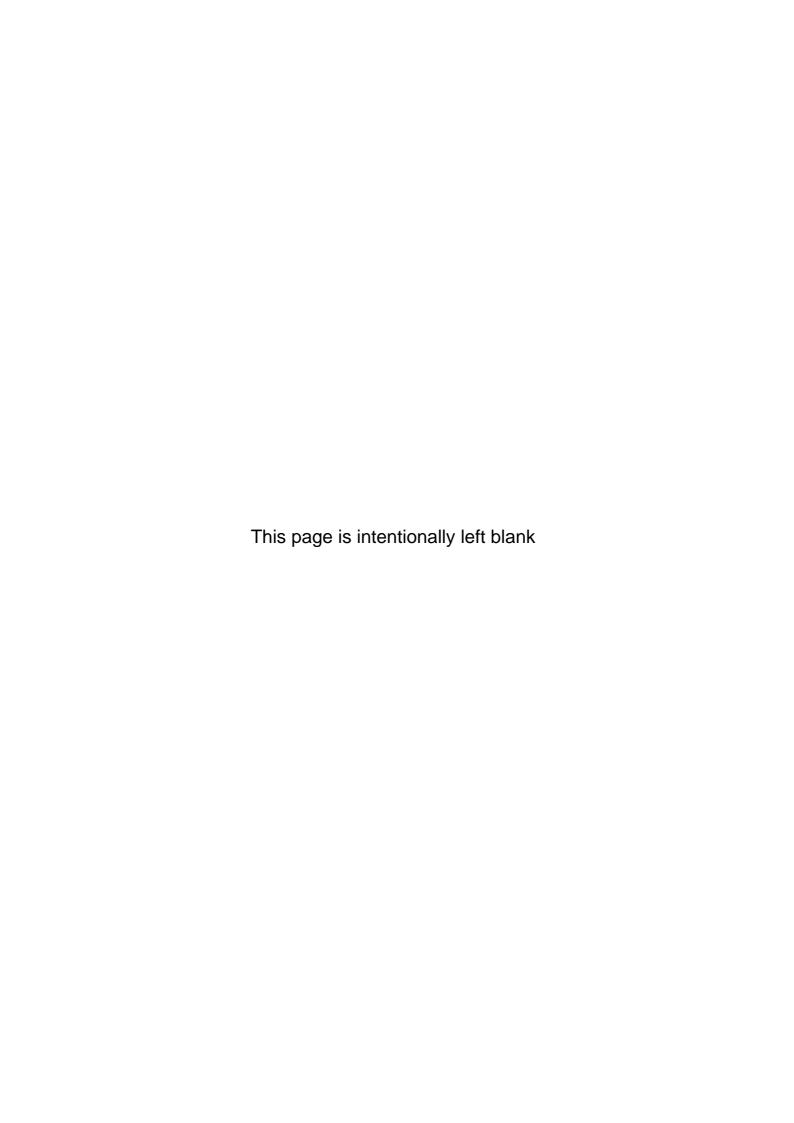
Overall, at the end of the period CDS prices for all banks on Arlingclose's counterparty list remained within limits deemed satisfactory for maintaining credit advice at current durations.

Financial market volatility is expected to remain a feature, at least in the near term and, credit default swap levels will be monitored for signs of ongoing credit stress. As ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remain under constant review.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 14 Appendix 2

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# Agenda Item 14 Appendix 3

Appendix 3

#### Borrowing and Investment Portfolio at 31st March 2024

#### **Long Term Borrowing**

Name	Principal £	Interest Rate	Start Date	Maturity Date
Barclays Bank PLC (NRFB)	5,000,000	4.700%	24/09/2004	24/09/2074
Dexia Credit Local	5,000,000	4.395%	05/11/2008	07/11/2078
Public Works Loan Board	1,560,207	1.420%	08/08/2002	08/03/2027
Public Works Loan Board	3,000,000	4.875%	10/08/2009	15/04/2027
Public Works Loan Board	1,190,477	2.160%	22/02/2017	15/05/2027
Public Works Loan Board	266,591	2.260%	02/12/2002	30/09/2027
Public Works Loan Board	4,000,000	4.010%	24/11/2017	31/03/2028
Public Works Loan Board	5,000,000	1.530%	06/10/2017	15/09/2028
Public Works Loan Board	5,000,000	2.360%	13/10/2009	15/06/2029
Public Works Loan Board	5,000,000	1.520%	17/09/2019	31/03/2030
Public Works Loan Board	5,000,000	2.430%	21/07/2017	30/09/2030
Public Works Loan Board	5,000,000	2.400%	23/09/2019	31/03/2031
Public Works Loan Board	5,000,000	4.250%	03/02/2020	30/09/2031
Public Works Loan Board	5,000,000	4.250%	26/07/2017	30/09/2031
Public Works Loan Board	5,000,000	4.750%	24/08/2009	24/08/2032
Public Works Loan Board	410,581	2.510%	21/11/2005	21/09/2032
Public Works Loan Board	207,974	4.750%	11/03/2004	11/09/2033
Public Works Loan Board	5,000,000	4.950%	24/11/2017	30/09/2033
Public Works Loan Board	410,581	4.400%	01/04/2004	01/03/2034
Public Works Loan Board	410,581	4.500%	08/07/2004	08/03/2034
Public Works Loan Board	2,000,000	2.320%	19/07/2006	15/11/2034
Public Works Loan Board	2,000,000	2.380%	27/11/2007	15/01/2035
Public Works Loan Board	2,000,000	4.450%	25/03/2019	31/03/2036
Public Works Loan Board	3,000,000	4.350%	12/03/2019	31/03/2036
Public Works Loan Board	2,000,000	4.400%	14/07/2006	14/08/2036
Public Works Loan Board	4,000,000	4.430%	19/07/2006	15/11/2036
Public Works Loan Board	2,337,000	4.400%	02/08/2006	15/05/2037
Public Works Loan Board	410,582	4.150%	21/01/2008	21/09/2037
Public Works Loan Board	2,000,000	2.280%	11/08/2006	15/12/2037
Public Works Loan Board	3,000,000	4.420%	03/11/2006	15/06/2038
Public Works Loan Board	3,000,000	1.860%	30/05/2019	31/03/2039
Public Works Loan Board	2,000,000	2.410%	24/01/2008	15/03/2040
Public Works Loan Board	5,000,000	4.420%	23/09/2019	31/03/2040
Public Works Loan Board	2,000,000	2.420%	25/03/2019	31/03/2040
Public Works Loan Board	2,000,000	4.300%	07/01/2008	15/03/2041
Public Works Loan Board	2,000,000	4.100%	25/03/2019	31/03/2041
Public Works Loan Board	410,581	4.100%	13/04/2006	13/09/2041
Public Works Loan Board	2,000,000	2.290%	28/09/2006	15/12/2041
Public Works Loan Board	2,000,000	4.350%	03/11/2006	15/12/2041
Public Works Loan Board	2,980,393	2.240%	26/07/2017	30/09/2042
Public Works Loan Board	4,000,000	4.350%	25/01/2007	15/10/2042
Public Works Loan Board	5,000,000	4.150%	11/03/2020	31/03/2043

Public Works Loan Board Public Works Loan Board	4,000,000 5,000,000	4.100% 2.140%	02/03/2007 08/07/2019	15/07/2043 31/03/2044
Name	Principal £	Interest Rate	Start Date	Maturity Date
Public Works Loan Board	3,000,000	4.480%	10/08/2009	15/04/2044
Public Works Loan Board	2,000,000	2.350%	27/03/2019	31/03/2045
Public Works Loan Board	3,000,000	4.150%	13/12/2005	14/02/2046
Public Works Loan Board	2,000,000	2.350%	27/03/2019	31/03/2046
Public Works Loan Board	5,000,000	2.540%	10/07/2018	31/03/2047
Public Works Loan Board	410,581	4.200%	23/05/2006	30/09/2047
Public Works Loan Board	5,000,000	2.520%	05/06/2018	15/01/2048
Public Works Loan Board	3,000,000	4.450%	31/01/2007	15/03/2048
Public Works Loan Board	6,000,000	2.610%	24/11/2017	31/03/2049
Public Works Loan Board	4,000,000	4.300%	08/03/2007	15/07/2049
Public Works Loan Board	5,000,000	1.720%	05/09/2019	31/03/2050
Public Works Loan Board	2,000,000	4.300%	08/03/2007	15/07/2050
Public Works Loan Board	2,000,000	4.050%	23/12/2005	14/02/2051
Public Works Loan Board	410,581	4.100%	19/12/2005	19/03/2051
Public Works Loan Board Public Works Loan Board	5,000,000	2.210%	11/03/2020	31/03/2051 19/09/2051
Public Works Loan Board	615,872 410,581	4.200% 4.050%	19/09/2006 29/09/2006	29/09/2051
Public Works Loan Board	410,581	4.000%	31/08/2006	30/09/2051
Public Works Loan Board	410,581	4.400%	28/04/2006	30/09/2051
Public Works Loan Board	4,000,000	4.100%	07/12/2006	15/01/2052
Public Works Loan Board	1,231,744	4.250%	16/01/2007	16/03/2052
Public Works Loan Board	2,000,000	4.500%	20/08/2007	15/09/2052
Public Works Loan Board	5,000,000	2.530%	24/11/2017	31/03/2053
Public Works Loan Board	1,231,744	4.400%	29/06/2006	29/09/2053
Public Works Loan Board	5,000,000	1.950%	17/09/2019	31/03/2054
Public Works Loan Board	410,581	4.500%	11/04/2007	11/09/2054
Public Works Loan Board	410,581	3.900%	11/01/2006	11/03/2055
Public Works Loan Board	5,000,000	2.760%	03/02/2020	31/03/2055
Public Works Loan Board	410,581	4.150%	13/12/2005	13/09/2055
Public Works Loan Board	205,291	4.250%	19/07/2006	19/09/2055
Public Works Loan Board	615,872	4.250%	25/08/2006	25/09/2055
Public Works Loan Board	5,000,000	1.810%	23/09/2019	31/03/2056
Public Works Loan Board	8,000,000	2.570%	16/11/2017	31/03/2057
Public Works Loan Board	5,000,000	1.850%	16/09/2019	31/03/2058
Public Works Loan Board	4,000,000	2.550%	16/11/2017	31/03/2058
Public Works Loan Board	3,000,000	4.380%	10/09/2008	15/04/2058
Public Works Loan Board	6,000,000	2.900%	06/12/2019	31/03/2059
Public Works Loan Board	5,000,000	2.580%	25/09/2017	15/11/2059
Public Works Loan Board	5,000,000	2.500%	19/10/2017	15/12/2059
Public Works Loan Board	5,000,000	2.500%	19/10/2017	15/12/2060
Public Works Loan Board	5,000,000	2.370%	15/08/2017	31/03/2061
Public Works Loan Board	5,000,000	2.540%	22/02/2017	15/05/2061
Public Works Loan Board	6,000,000	2.510%	16/11/2017	31/03/2062
Public Works Loan Board	5,000,000	2.480%	28/02/2017	15/05/2062

	Public Works Loan Board	2,000,000	2.540%	26/09/2017	15/11/2062
	Public Works Loan Board	2,000,000	2.360%	26/02/2019	31/03/2063
	Public Works Loan Board	5,000,000	2.350%	12/04/2017	15/05/2063
	Public Works Loan Board	5,000,000	1.900%	13/08/2019	31/03/2064
	Name	Principal £	Interest Rate	Start Date	Maturity Date
	Public Works Loan Board	5,000,000	2.270%	19/04/2017	15/06/2064
	Public Works Loan Board	3,000,000	2.520%	27/09/2017	15/11/2064
	Public Works Loan Board	6,000,000	2.490%	16/11/2017	31/03/2065
	Public Works Loan Board	5,000,000	2.280%	26/06/2017	15/08/2065
	Public Works Loan Board	2,000,000	2.520%	27/09/2017	15/11/2065
	Public Works Loan Board	3,000,000	2.370%	21/02/2019	31/03/2066
	Public Works Loan Board	6,000,000	2.490%	16/11/2017	30/09/2066
	Public Works Loan Board	5,000,000	2.440%	26/07/2017	30/09/2066
	Public Works Loan Board	5,000,000	2.500%	06/10/2017	15/09/2067
	Public Works Loan Board	5,000,000	2.150%	06/06/2019	31/03/2068
	Public Works Loan Board	4,000,000	2.250%	28/05/2019	31/03/2068
	Public Works Loan Board	5,000,000	1.740%	23/09/2019	31/03/2069
	Public Works Loan Board	5,000,000	1.730%	19/08/2019	31/03/2069
		345,780,724			
Long Tern	n Investments	B		0	
	Name	Principal £	Interest Rate	Start Date	Maturity Date
	European Investment Bank	3,000,000	4.439%	20/03/2024	15/04/2039
	BNG Bank INV	2,000,000	4.284%	20/03/2024	15/05/2024
	European Investment Bank	5,000,000	4.500%	03/06/2024	07/03/2044
	International Bank for Reconstruction & Development	3,000,000	5.750%	18/07/2024	07/06/2032
	European Investment Bank	2,000,000	4.500%	18/07/2024	07/03/2044
	Borough of Kingston Upon Hull	5,000,000	4.600%	06/11/2024	08/11/2027
	CCLA Property Fund	5,000,000	5.027%	n/a	n/a
		25,000,000			
Short Ter	m Investments				
	Name	Principal £	Interest Rate	Start Date	<b>Maturity Date</b>
	Aberdeen City Council	2,000,000	5.150%	06/06/2025	30/06/2026
	Ashford Borough Council	5,000,000	4.300%	11/09/2025	11/06/2026
	Blackpool Council	5,000,000	4.200%	03/06/2025	03/06/2026
	Bournemouth Christchurch & Poole Council	5,000,000	3.950%	19/08/2025	15/01/2026
	Central Bedfordshire Council	5,000,000	4.210%	15/09/2025	15/07/2026
	Gloustershire City Council	5,000,000	4.350%	26/09/2025	25/09/2026
	Goldman Sachs Money Market Fund	950,000	4.433%	n/a	n/a
	CCLA Public Sector Deposit Fund	5,650,000	5.218%	n/a	n/a
	Aviva Investors Money Market Fund	9,000,000	4.568%	n/a	n/a
	Legal & General Money Market fund	9,000,000	4.506%	n/a	n/a
		51,600,000			
Cash & C	ash Equivilants				
	Name	Principal £	Interest Rate	Start Date	Maturity Date
	National Westminster Bank	3,103,780	3.250%	n/a	n/a
		3,103,780			

