

Monday, 19 September 2022

CABINET

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

Tuesday, 27 September 2022

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Steve Darling (Chairman)

Councillor Carter

Councillor Long

Councillor Cowell

Councillor Morey

Councillor Law

Councillor Stockman

Together Torbay will thrive

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

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

CABINET AGENDA

1. **Apologies**
To receive apologies for absence.
2. **Minutes** (Pages 4 - 25)
To confirm as a correct record the Minutes of the meeting of the Cabinet held on 30 August 2022.
3. **Disclosure of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

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

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Communications**
To receive any communications or announcements from the Leader of the Council.
5. **Urgent Items**
To consider any other items the Chairman decides are urgent.
6. **Matters for Consideration**
7. **Torbay Food Strategy and Partnership** (Pages 26 - 42)
To consider a report that seeks support for Vision and Charter for a “social movement” around Food in Torbay.
8. **Budget Monitoring 2022/23 - April - July 2022 Revenue Outturn Forecast & April to June 2022 Capital Outturn Forecast** (To Follow)
To consider a report that provides a high-level budget summary of the Council’s revenue and capital position for the financial year

2022/23.

9. **Lease Surrender & Renewal - Shoalstone Seawater Pool, Brixham** (Pages 43 - 50)
To consider a report that seeks approval to enter into a new long lease agreement with the existing tenant, which will permit further investment and access to funding to undertake significant and immediate repairs.
10. **Lease Extension renewal - Brixham Rugby Club, Astley Park** (Pages 51 - 57)
To consider a report that seeks approval to enter into a new long lease agreement with the existing tenant which will permit further investment and access to funding.
11. **Herbicide Use in Torbay** (Pages 58 - 67)
To consider a report that set out SWISCo's strategy to minimise use of Glyphosate (herbicide), and the trialling of any practical implications or alternative methods.

Meeting Attendance

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

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

Live Streaming and Hybrid Arrangements

To encourage more people to engage in our public meetings the Council is trialling live streaming our Cabinet 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>.

We are trialling hybrid meeting arrangements to enable officers and Councillors who are not members of the Cabinet to either attend the meeting in person or to attend the meeting remotely via Zoom. Anyone attending the meeting remotely must use their raise hand function when they wish to speak and to declare any interests at the appropriate time. As this is a trial if anyone attending the meeting remotely loses connection the meeting will continue and they will have the option to follow the meeting via the YouTube live stream.

Minutes of the Cabinet

30 August 2022

-: Present :-

Councillor Steve Darling (Chairman)

Councillors Carter, Cowell, Law, Long, Morey and Stockman

(Also in attendance: Councillors Atiya-Alla (virtually), Barnby (virtually), Barrand, Brooks (virtually), Brown, Bye, Douglas-Dunbar, Johns (virtually), Chris Lewis, Mills, David Thomas, Jacqueline Thomas (virtually) and John Thomas (virtually))

371. Minutes

The Minutes of the meeting of the Cabinet held on 12 July 2022 were confirmed as a correct record and signed by the Chairman.

372. Communications

The Cabinet Member for Economic Regeneration, Tourism and Housing, Councillor Long, announced that South West Heritage Trust in conjunction with Exeter University have developed and launched an app which guides people along the South West Heritage Trail, at present the app only covers Torbay but will be expanded further.

The Cabinet Member for Children's Services, Councillor Law, congratulated those that had received their GCSE and A-level results, recognising that this group of young people will have been the first cohort to sit formal examinations since the start of the Covid Pandemic. Initial data suggests that Torbay's pupils have gained broadly similar exam results to those who sat exams pre-pandemic.

The Leader of the Council, Councillor Steve Darling, informed Members that the Council had supported a letter, sent to the Government on behalf of small unitary authorities, that set out the challenges faced in trying to finance capital programmes for which grant funding had been secured but was not enough to meet the costs of the project due to high inflation.

373. Matters for Consideration

The Cabinet considered the following matters, full details of which (including the Cabinet's decisions and recommendations to Council) are set out in the Record of Decisions appended to these Minutes.

374. English Riviera Destination Management Plan Review

- 375. Amendment to Resource and Waste Management Strategy**
- 376. Report of the Torbay Racism Review Panel**
- 377. Fostering Annual Report**
- 378. Local Authority Designated Officer (LADO) Annual Report**
- 379. Leadership and Management Training**
- 380. Cabinet decision to award new contract for the Torbay Joint Community Equipment Service (JCES)**
- 381. Print Services Contract Approval**
- 382. SWISCo Vehicle, Equipment and Building Structure Replacement**
- 383. 2022/23 Target Setting Report - Report of Audit Committee**
- 384. Urgent Decisions taken by the Chief Executive**

The Cabinet noted the report setting out an urgent decision taken by the Chief Executive on behalf of the Cabinet.

Chairman/woman

Record of Decisions

The English Riviera Destination Management Plan (DMP) Review

Decision Taker

Cabinet on 30 August 2022.

Decision

- 1 That the Cabinet recommends to Council that the Destination Management Plan be approved as set out in Appendix 1 to the submitted report; and
- 2 That subject to the above, Cabinet approves the actions set out in the Destination Management Plan (that form an 'action plan') and that implementation of the action plan be monitored and reviewed annually by the Overview and Scrutiny Board.

Reason for the Decision

The Destination Management Plan 2022-2030 sets out the interventions that can help propel the English Riviera forward and ensures there is a planned approach to the recovery and growth of the visitor economy.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 15 September 2022.

Information

The new Destination Management Plan 2022-30 sets out the vision and objectives, markets for growth, destination development, management, delivery model and action plan to take the destination forward.

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

Alternative Options considered and rejected at the time of the decision

An alternative option would be to continue with the existing plan, this option was discounted as the existing plan was no longer appropriate and out of date.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None.

Published

2 September 2022

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Amendment to the Resources and Waste Management Strategy 2020-2023

Decision Taker

Cabinet on 30 August 2022.

Decision

That the Cabinet recommends to Council:

1. That within Action 2 of the approved Resources and Waste Management Strategy 2022-2023:
 - a. The sixth paragraph be deleted; and
 - b. The words “To support any changes to the frequency of residual waste collections” be deleted from the start of the seventh paragraph.
2. That within the Regional Context section of the Strategy:
 - a. The first sentence of the final paragraph be deleted; and
 - b. The start of the second sentence of the final paragraph be amended to read “East Devon District Council found...”.

Reason for the Decision

The reason for the decision is to provide clarity within the Council’s Policy Framework about the future plans for the collection of residual waste.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 15 September 2022.

Information

The Resource and Waste Management Strategy 2020 – 2023 was approved by Council in February 2021. Although the Strategy included a reference to undertaking a trial of a reduction in the frequency of residual waste collections, this was not included within the Action Plan associated with the strategy.

The Council and SWISCo were working hard to increase recycling rates, thereby reducing the amount of residual waste that households generate. However, it was felt that the ongoing inclusion of the potential for this trial could cause a distraction from the important work to improve the levels of household recycling in the Bay.

At the meeting, Councillor Morey proposed and Councillor Steve Darling 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 alternative option would be to make no changes to the Resource and Waste Management

Strategy. However, it is felt that by removing the references to a trial of a reduced frequency of collection of residual waste, the Council was able to provide clarity about its future plans in this regard.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None.

Published

2 September 2022

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Report of the Torbay Racism Review Panel

Decision Taker

Cabinet on 30 August 2022.

Decision

That the Cabinet's response to the Report of the Torbay Racism Review Panel be approved, as published subject to the Cabinet's response to recommendation 1 being amended to:

Cabinet support the principle of this but as there are budgetary implications, this will need to be considered as a part of the budget setting process for 2023/24. In the meantime, the Chief Executive is requested to identify a resource that will be able to progress the development of an action plan. Any consideration of a post will include the possibility of a shared post with ~~health-colleagues~~ **other public sector bodies and/or voluntary organisations**.

Reason for the Decision

To respond to the findings within the report of the Torbay Racism Review Panel.

Implementation

This decision will come into force and may be implemented on 12 September 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Review Panel was established following the awful events that took place in May 2020 in Minneapolis, USA when George Floyd was brutally murdered, and the resulting protests that occurred not only in the USA, but also across the UK. Torbay Council like many organisations and communities reflected on these events and took the decision that it wanted to undertake a meaningful review of racism in the community it serves. The report outlines the interim findings and recommendations of the Torbay Racism Review Panel.

At the meeting, Councillor Steve Darling proposed and Councillor Cowell 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

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None.

Published

2 September 2022

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Fostering Annual Report

Decision Taker

Cabinet on 30 August 2022.

Decision

That the Fostering Annual Report 2021-22 be endorsed and published in accordance with Council's requirements, as set out in Appendix 1.

Reason for the Decision

It was a statutory requirement established by the National Minimum Standards for Fostering for each Local Authority to produce and publish an Annual Report. The Annual Report should be considered in conjunction with the Fostering Service Statement of Purpose, required under the Fostering Services (England) Regulations 2011.

Implementation

This decision will come into force and may be implemented on 12 September 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Fostering Annual Report sets out Torbay's vision for the Fostering Service, its core principles, its key aims, main priorities and actions, the role of the Fostering Service and its various functions.

At the meeting Councillor Law proposed and Councillor Stockman 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

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None.

Published

2 September 2022

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Local Authority Designated Officer (LADO) Annual Report

Decision Taker

Cabinet on 30 August 2022.

Decision

That the Local Authority Designated Officer Annual Report 2021-22 be endorsed and published in accordance with Council's requirements, as set out in Appendix 1.

Reason for the Decision

Whilst there was not a statutory requirement for each Local Authority to produce and publish an Annual Report in respect of the work of the LADO, there was an expectation that one was completed to inform both the local authority and partner agencies of the number and nature of contacts over the period and to identify trends and learning from the data to inform any local action plans.

Implementation

This decision will come into force and may be implemented on 12 September 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The LADO Annual Report provided an overview of allegations referred to the LADO regarding people in a position of trust working or volunteering with children in the Torbay locality.

The Cabinet placed on record their gratitude and sincere thanks to the LADO for the significant improvements that had been made and recognised by Ofsted.

At the meeting Councillor Law proposed and Councillor Cowell 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

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None.

Published

2 September 2022

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Leadership and Management Training

Decision Taker

Cabinet on 30 August 2022.

Decision

That the preferred supplier, as set out in Exempt Appendix 2, be awarded a contract for the delivery of Leadership and Management training from 5 September 2022 until the 4 September 2024. The contract can be renewed for a further 2 years, until September 2026, in 12 month increments.

Reason for the Decision

People management practices and employment legislation change over time and in order for our managers to lead and manage to the best of their ability it was important that their skills and knowledge were invested in and developed. This was beneficial to ensure that employment legislation is adhered to at all times but to also avoid the time and financial costs associated with poor management practices, which can result in complaints to an Employment Tribunal.

Implementation

The decision in respect of the Leadership and Management Training will come into force immediately as the decision maker has decided that any delay likely to be caused by the call-in process would prejudice the Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 25 August 2022.

Information

A full programme of Leadership and Management training has not been in place since April 2020. Prior to this the Council had an external contract in place with a provider to deliver core management and leadership training such as Recruitment and Selection, Managing Equality, Diversity and Inclusion, Performance Management and Leading and Developing Teams.

When the COVID pandemic started, the training was adapted to be delivered online however, the training contract ended shortly after this and there has been no new contract in place to deliver this since.

The Council does not have an in-house training team therefore a core Leadership and Management training package has recently been procured in line with our procurement processes, compliant with the Public Contracts Regulations 2015.

At the meeting Councillor Carter proposed and Councillor Law 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

Torbay Council does not have an in-house training team, therefore, an external service has to be procured to deliver training. The only other alternative was to not provide training to our managers and leaders. To do so risks time and financial costs to the Council as poor

management practices can result in employee relations issues, such as grievances, disciplinaries, absence and attendance issues. There was also a higher risk of complaints to an Employment Tribunal, which would be costly and risk reputational damage to the Council.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

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

None.

Published

2 September 2022

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Cabinet decision to award new contract for the Torbay Joint Community Equipment Service (JCES)

Decision Taker

Cabinet on 30 August 2022.

Decision

1. That, subject to ratification by parallel governance processes in Plymouth City Council and the NHS Devon integrated care board, the contract for (Lot 2 Torbay Community Equipment Service) be awarded to the highest scoring tenderer as set out in Exempt Appendix 1 to the submitted report; and
2. The contract be awarded on Torbay Council Services Terms & Conditions, which were published in the invitation to tender documents.

Reason for the Decision

The Council's existing JCES contract ends in February 2023, and therefore the Council needed to undertake an open and transparent procurement process to ensure a new contract/service was in place from March 2023.

Implementation

This decision will come into force and may be implemented on 12 September 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Community equipment includes complex items such as mattresses, lifting equipment and beds, to small products such as commodes. It helps both family and paid carers (such as domiciliary care workers) to support people with complex physical disabilities in their own home, in a safe and effective manner. It enables the safe delivery of a number of services e.g., providing support with personal care, a return home for someone at the end of life, intermediate care and replacement care. Having community equipment in place was an important element in timely hospital discharge, helping to avoid hospital and residential care admissions, preventing falls and supporting reablement. Equipment was needed to maintain independence and reduce risk of injury, which was seen to increase with age.

There were a number of strategic and operational drivers to review the community equipment service, including the increase in demand on services with Torbay's growing and aging population and the increase in number of young people with complex disabilities reaching adulthood and living in the community. In the future more people with increasingly complex needs are likely to need to be enabled to live in their own homes for a longer period of time.

The new contract in Torbay would be for a jointly commissioned service with the NHS Devon integrated care board, with Torbay Council being the contracting authority on behalf of the commissioning organisations. The proposal was to award a contract for three years (2023 to 2026), with three further one-year extension options of 1+1+1 (potentially to 2029).

At the meeting Councillor Stockman proposed and Councillor Long 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 Care Act 2014 states that “local authorities must provide or arrange services, resources or facilities that maximise independence for those already with such needs, for example, interventions such as rehabilitation/reablement services, e.g., community equipment services and adaptations.” In Torbay (as in Devon and Plymouth) the Council has historically chosen to commission this service via a contract with an external provider, who specialise in the management of this function in terms of the procurement, delivery, maintenance and collection of community equipment and minor adaptations.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None.

Published

2 September 2022

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

Print Services Contract Approval

Decision Taker

Cabinet on 30 August 2022.

Decision

That the preferred supplier be awarded a contract for the delivery of the print services for a fixed five year term from 8 September 2022 until 8 September 2027, with the option to extend for a further two year period at the end of the fixed term, if required, as set out in Exempt Appendix 4.

Reason for the Decision

To ensure the lowest cost to the Council to continue service delivery whilst maintaining flexibility for service demand peaks. Other reasons include safeguarding our reputation as an organisation committed to tackling climate change and exploiting the accelerated digital working opportunities offered by the Covid-19 pandemic.

Implementation

The decision in respect of the Print Services Contract Approval will come into force immediately as the decision maker has decided that any delay likely to be caused by the call-in process would prejudice the Public' and Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 10 August 2022.

Information

Print and Post is a fundamental element of Corporate Services. Through printed media, it enables the Council to stay in touch with residents about the services we deliver and supports revenue collection. By procuring a replacement external supplier with an IT system that will support the new model of outsourcing our reduced print requirements, enables the Council to continue service delivery whilst maintaining flexibility for service demand peaks.

At the meeting Councillor Carter proposed and Councillor Cowell 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

This proposal was the outcome of the Print Services options appraisal, other options were considered and discounted.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

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

None.

Published

2 September 2022

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

SWISCo Vehicle, Equipment and Building Structure Replacement

Decision Taker

Cabinet on 30 August 2022.

Decision

That Cabinet recommends to Council:

1. That a loan for a capital purpose of up to £4m is approved by the Council to fund the replacement of SWISCo vehicles, equipment and building structures over the next three financial years. The loan to be funded from prudential borrowing with SWISCo repaying the loan on an annuity basis over the expected asset life, typically 7 years for a vehicle; and
2. That Council delegate the approval of each drawdown to the Deputy Chief Finance Officer in consultation with the Leader of the Council and Cabinet Member for Finance.

Reason for the Decision

Supporting this loan activity would enable new vehicles and equipment to be purchased by SWISCo when both needed and when best to do so. In addition, over time the premises that SWISCo operate from such as the Waste Transfer Station will need investment in the structure of the buildings.

Implementation

The recommendation of the Cabinet will be considered at the Council meeting on 15 September 2022.

Information

SWISCo inherited most of its vehicles and equipment from TOR2 with the Council purchasing several refuse collection vehicles over the past two years. SWISCo also currently hire several vehicles.

As part of its emerging vehicle replacement strategy SWISCo will need to both replace older vehicles and will also, if financially beneficial, look to purchase vehicles rather than pay hire costs.

It was proposed that a loan for a capital purpose of up to £4m should be made available to SWISCo to fund the replacement of vehicles and equipment over the coming years. The loan would be funded from prudential borrowing with SWISCo repaying the loan on an annuity basis over the expected asset life, typically 7 years for a vehicle.

In addition, the premises that SWISCo operate from such as the Waste Transfer Station also need investment in the buildings to ensure that health and safety, environmental and other legislative requirements are met.

At the meeting Councillor Cowell proposed and Councillor Steve Darling 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

Alternative options were set out in the submitted report.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

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

None.

Published

2 September 2022

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet

Record of Decisions

2022/23 Target Setting Report - Report of the Audit Committee

Decision Taker

Cabinet on 30 August 2022.

Decision

That the Cabinet's response to the 2022/23 Target Setting Report – Report of the Audit Committee be approved, as published.

Reason for the Decision

To respond to the recommendations within the report of the Audit Committee.

Implementation

This decision will come into force and may be implemented on 12 September 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet received the 2022/23 Target Setting Report – Report of the Audit Committee and having considered the recommendations of the Audit Committee, the Cabinet have set out their response.

At the meeting Councillor Steve Darling proposed and Councillor Cowell 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

None.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None.

Published

2 September 2022

Signed: _____
Leader of Torbay Council on behalf of the Cabinet

Date: _____

Meeting: Cabinet **Date:** 27 September 2022

Wards affected: All Torbay wards

Report Title: Torbay Food Strategy and Partnership

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

Cabinet Member Contact Details: Cllr Jackie Stockman, Cabinet Member for Adults and Public Health jackie.stockman@torbay.gov.uk

Director/Divisional Director Contact Details: Joanna Williams, Director of Adult and Community Services joanna.williams@torbay.gov.uk

1. Purpose of Report

- 1.1 This report shares with Cabinet the draft Vision and Charter for a “social movement” around Food in Torbay, which has been co-produced by the Partnership. This report seeks support from Cabinet for the Vision and Charter.
- 1.2 This report makes a set of recommendations, developed by Torbay Sustainable Food Partnership, and seeks a decision by Cabinet to pursue these.

2. Reason for Proposal and its benefits

- 2.1 Since original intentions were set for the Food Partnership, a series of global events have made the need for systemic change even more important; and we are now facing the worst cost of living crisis in decades. This has impacted the poorest disproportionately; and has the potential to push many people beyond poverty into destitution.
- 2.2 Issues with global food and fuel supplies have also highlighted the need to reconsider how we get and use our food, with the need to shorten supply chains. These issues are likely to worsen in the long term as the impact of climate change is felt more keenly. We need to make best use of our assets and resources in Torbay to mitigate these effects; creating an environment that better supports local production.
- 2.3 Therefore, while we act to address the immediate cost of living crisis, it is vital that we take a longer-term, strategic view to address where possible the significant challenges ahead. Wider conversations on poverty will commence in September with a ‘Poverty Summit’ which will bring partners together to form a shared action plan.

- 2.4 Development of a 5-year Food Strategy for Torbay, and commitment to the Vision and Charter (see Appendix 1), would help to ensure that the future resilience of our communities and local food system is maximised.
- 2.2 The food workstream will be fundamental to delivering priorities within Public Health, Climate, Turning the Tide on Poverty, Family Hubs, and Economic Development (see Appendix 2).
- 2.3 However, its cross-cutting nature means that at present it is not owned in any one space, and therefore is given insufficient focus. A clear Food Strategy for Torbay would address this and help to bring cohesion to the food elements of multiple programmes.
- 2.5 Additionally, the current Food Partnership is facilitated by a Torbay Council officer, as is Torbay Food Alliance, and some of the community development work around the food agenda. This not sustainable in the long term and is not in line with our community-led approach.
- 2.6 Food Plymouth CIC (<https://foodplymouth.org/>), which has been operating since 2014, facilitates/resources the food partnership and network in Plymouth and is self-funding. A similar infrastructure organisation may be feasible within Torbay; a piece of scoping work is required to understand whether this model could work for us and what might be required to make it happen. Food Plymouth have offered support.

3. Recommendation(s) / Proposed Decision.

1. That the longer-term commitment by the Council to the food workstream to 2028, as requested by the Torbay Food Partnership, be approved, namely to host and champion the Partnership, rather than a long term financial commitment.
2. That the Director of Adult Social Services be requested to work with the Torbay Food Partnership to undertake the following actions over the next year:
 - i. Co-produce a Food Strategy for Torbay for 2023 – 2028
 - ii. Scoping of the creation of a CIC similar to Food Plymouth, which would facilitate and resource the Torbay Food Partnership long-term.
3. That the Vision and Charter and identity “Food for Good Torbay”, which has been co-produced by the multi-sector Partnership, be supported and approved.

Appendices

Appendix 1: Food for Good Torbay Draft Vision and Charter

Appendix 2: The cross-cutting nature of the Food workstream

Appendix 3: Interim report on the Groundwork Edible Earth project

Appendix 4: Affordable Food Club model

Background Documents

The National Food Strategy:

<https://www.nationalfoodstrategy.org/>

Torbay Joint Strategic Needs Assessment:

<http://www.southdevonandtorbay.info/media/1285/2022-2023-torbay-jsna.pdf>

Supporting Information

1. Introduction

- 1.1 In June 2021, agreement was given by Members to pursue development of a Sustainable Food Partnership in Torbay. That Partnership is now established, meeting monthly since the autumn, and includes representation from the Voluntary, Community and Social Enterprise sector (including Torbay Food Alliance), Public Health, Torbay Development Authority, Adult Social Care, Commissioners, and Climate/Planning.
- 1.2 The Partnership's purpose is to take a collaborative approach to the following key priority areas:
- Tackling food poverty, diet-related ill-health and access to affordable healthy food
 - Supporting the creation of a vibrant, prosperous and diverse sustainable food economy
 - Tackling the climate and nature emergency through an end to food waste locally
 - Building public awareness, active food citizenship and a local good food movement.
- 1.3 The Partnership has sought to engage with and influence community partners, so that thinking around food is more holistic and support is targeted in areas of greatest need. This has created a good foundation on which to build.
- 1.4 Grass roots projects focusing on growing and cooking have been developed and are beginning to flourish; new projects are emerging all the time. An example of this is the Groundwork Edible Earth project – a report is provided in Appendix 3. A longer commitment to the food agenda would help to ensure that this approach, and the relationships we have developed, can be sustained.
- 1.5 Torbay Food Alliance are, with our support, actively working to incorporate an affordable food club model into their provision, in order to make it more sustainable and resilient and to reduce dependency. Funding has been identified and agreed to support this (see Appendix 4 for more information on the model). We have developed a relationship with Feeding Britain (<https://feedingbritain.org/>) which supports a network of 50 anti-hunger partnerships across the UK, which may provide the clubs with access to peer support, funding, and advice.
- 1.5 The Partnership have developed a Vision and Charter for Torbay (see Appendix 1) which would be used as the foundation for a social movement around food. The document sets out a vision for the Torbay food system which can be used for the purposes of engagement, awareness, and influencing across all aspects of the community.
- 1.6 Torbay now has a presence in the wider Devon Food Partnership (<https://www.devonfoodpartnership.org.uk/>) and can influence development of a wider Devon Food Strategy. Having a clear strategy for Torbay, aligned with national and county priorities, will reinforce our position within the Devon Partnership whilst allowing us to focus on the unique challenges and assets within our area. It will also provide greater opportunities for collaborative working with other local authority areas within the County, such as Plymouth.

- 1.7 Inflation is predicted to surpass 13% by the end of 2022, and to remain high through 2023, with a recession predicted from the autumn. This will inevitably impact the health and wellbeing of our residents, particularly the most vulnerable.
- 1.8 Generally, due to the stress of living in poverty, those living in poverty are less able to prioritise health and therefore have poorer mental and physical health outcomes. One marker is life expectancy. The gap in life expectancy in Torbay between those living in the most and least deprived quintiles is 8 years according to the latest Joint Strategic Needs Assessment.
- 1.9 Latest England data shows that 64% of adults and 40% of children are overweight or living with obesity. Excess weight and poor diets are correlated with cardiovascular disease, diabetes and some forms of cancer. In Torbay, around 25.7% of reception age children and 34.6% of year 6 children are overweight including obese.
- 1.8 Additionally, the National Food Strategy, an independent report for government looking at the food system as a whole; sets out a number of recommendations to which we can align at a local level such as:
- Improving access to fresh produce for low-income families
 - Improving engagement of children with food, seasonality, cooking skills, eating a wider variety of foods especially fruit and vegetables
 - Increase engagement with Healthy Start
 - Mainstreaming growing and cooking as an activity which supports wider wellbeing
 - Making best use of land
 - Prioritising public procurement of food which is healthy and sustainable

2. Options under consideration

- 2.1 The options considered by the Partnership were:
- (i) Continue to operate on a year-to-year basis with no long-term strategic planning
- (ii) Discontinue the Partnership and assume that food-related issues would be adequately addressed within individual programmes/priorities
- 2.2 Neither were deemed to be a sustainable or suitable option. The scale and complexity of challenges within our local and national food system are significant, and therefore they will require a more strategic, joined-up approach to address them in any meaningful way. Many interventions needed are not within our gift locally, but those which are, will require longer to implement.

3. Financial Opportunities and Implications

- 3.1 No further funding is required at this stage; any monies associated with this workstream have already been identified and agreed by Cabinet.

4. Legal Implications

- 4.1 There are no legal implications to undertaking the actions as set out in the recommendations.
- 4.2 The legal department have undertaken due diligence around use of the name “Food for Good Torbay” in any future communications or publicity, to ensure no breach of patent or trademark regulations.

5. Engagement and Consultation

- 5.1 Recommendations have been developed by a multi-sector partnership.
- 5.2 The Food Strategy will be co-produced with partners across sectors, and residents, through a variety of formal and informal engagement channels. Our intention is that this is community-led, and we will work with VCSE partners to facilitate this.
- 5.3 No formal consultation is needed.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable within this proposal.

7. Tackling Climate Change

- 7.1 The Food and Climate workstreams are inter-dependent (as illustrated in Appendix 4). Torbay Council’s Climate Officer is a core member of the Food Partnership, which will ensure that the food workstream is aligned to and supports delivery of the Climate Plan.

8. Associated Risks

- 8.1 The absence of a strategy will result in a lack of cohesion around food-related work, resulting in lost opportunities or duplication.
- 8.2 Without a strategy, there will be nothing to underpin and drive bolder changes which we may need to make as a Council in order to tackle challenges around climate change and inequalities in the future.

8.3 At present, the food workstream and Partnership is driven and co-ordinated by a Council officer. This is not sustainable in the long term; therefore a more sustainable structure is needed.

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

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			The recommendations within this paper will not, in and of themselves, have an impact upon residents.
People with caring Responsibilities			
People with a disability			
Women or men			
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			Once a Strategy has been developed, the impacts of its implementation would require further assessment at individual project level.
Religion or belief (including lack of belief)			The scoping piece of work will not have an impact on residents. Any recommendations produced from that work will be put through the appropriate governance.
People who are lesbian, gay or bisexual			
People who are transgendered			
People who are in a marriage or civil partnership			
Women who are pregnant / on maternity leave			
Socio-economic impacts (Including impact on child poverty issues and deprivation)			
Public Health impacts (How will your proposal impact on the general			

health of the population of Torbay)			
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10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None

Food for Good Torbay

Our vision

Good for Community

People have opportunities to connect through food; growing, cooking, and eating together

Space is available for community food growing projects, which promote good health and community connection

We have a diverse and vibrant sustainable, low-carbon food economy

Our food businesses operate ethically, and place an importance on social value

We have a positive “good food” culture in our community

Good for people

Everyone has access to affordable, healthy food, regardless of their income and circumstances

People have the skills, knowledge, and means they need to grow, cook, eat, and enjoy good food

A living wage and fair, safe conditions for all food workers

Good for the planet

Reduced food waste and more recycling or composting of the food we can't use

We reduce unnecessary food packaging and recycle as much as possible

People understand where their food comes from and choose ethically and sustainably produced food

What we can all do

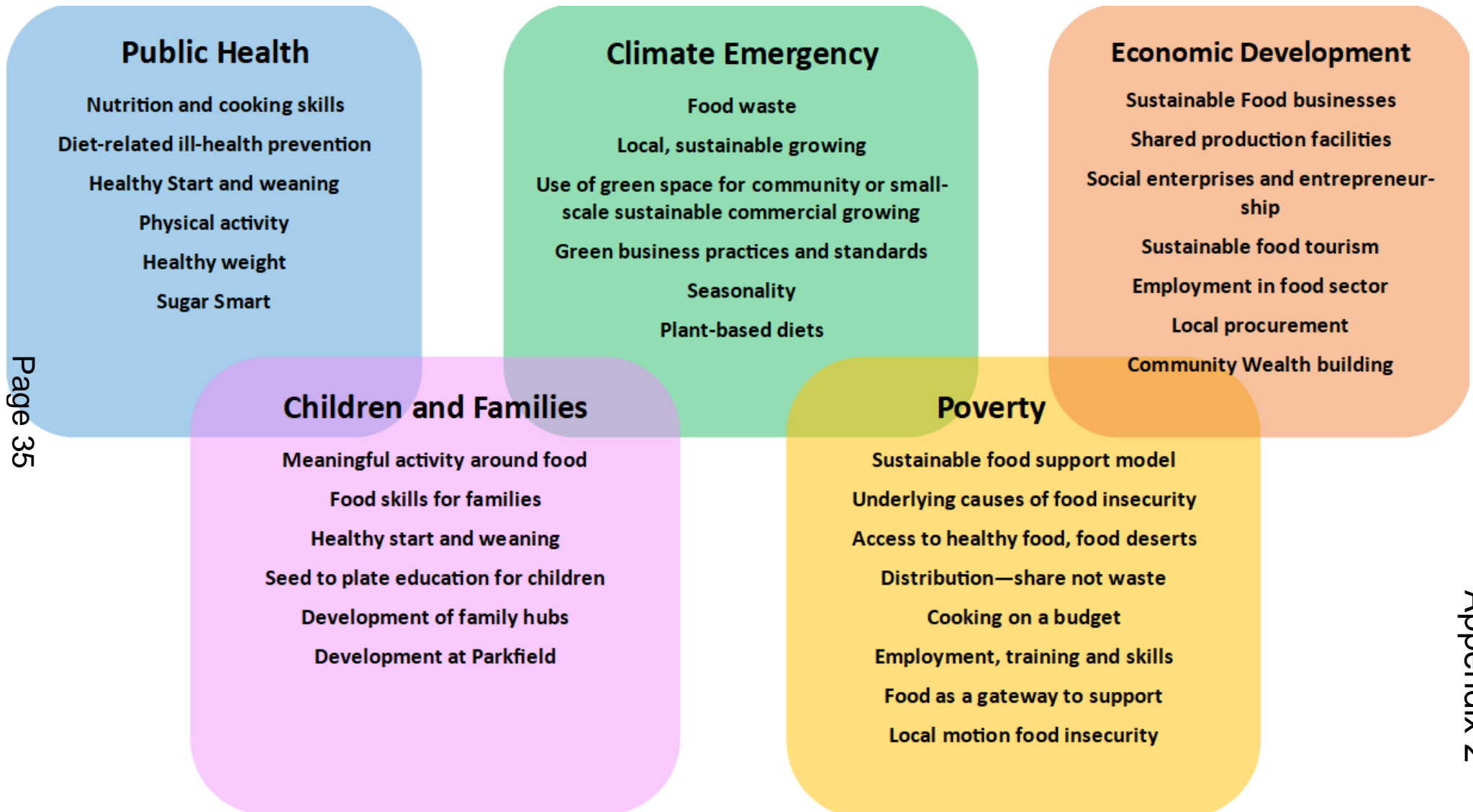
Individuals

- ✓ Support local producers and independent food businesses
- ✓ Grow some of your own food, in the garden or in a community garden or allotment
- ✓ Cook more meals from scratch
- ✓ Choose produce which is seasonal, organic, free-range, and fair-trade
- ✓ Choose food products without unnecessary packaging
- ✓ Waste as little food as possible and recycle or compost any that you can't use

Businesses, organisations, and Institutions

- ✓ Serve healthy and sustainable food to your customers, students, employees or patients
- ✓ Procure food that supports jobs and businesses throughout the local food chain
- ✓ Provide opportunities for people to grow, cook, and eat good food together
- ✓ Make low-carbon and ethical food production a priority when choosing suppliers; keeping food miles and food waste to a minimum.
- ✓ Focus on quality, rather than quantity of food; people have enough, and less is wasted.

Appendix 4: Food as a cross-cutting theme across multiple strategic priority areas





Dear Becky,

Community Green Spaces and Growing Schemes.

Edible Earth Project – Continuation Funding January 23 to December 25.

We are now into the 5th month of our Edible Earth project. It has been a crazy five months for the project, with Emily quickly pushing forward to successfully embed three very diverse test and learn growing spaces across Torbay.

The project has been very well received by each of the three communities and continues to grow from strength to strength. We would like to take this opportunity to open up a conversation about future funding for the project.

I thought I would start by giving you a quick synopsis of our work and some thoughts about the future of each site.

Melville Street Community, Torquay.

Our priority site, with very limited green space at The Point, Planters at the Car Park and The Large Tree at the top of Melville Street, junction with Warren Road.

Emily has spent lots of time, with Davina's support, getting to know many of the residents in the Melville area, she has connected to local organizations such as Burlington House, Melville Residents Association, St Luke's Residents Association, MMM Project Steering Group, Ceri- Community Builder, Oliver- Housing Standards Team, Exeter Energy, Sustrans, Local Councilors, SWISCo, TDA, Croft Hall, Healthwatch, Blue House B&B, who were all very supportive and responsive to the project.

Davina has taken the lead with the Melville Residents association attending meeting with Emily and getting to know the key stakeholders in the area. Very often these meetings can be challenging to navigate and require a delicate balance of collaboration and proactiveness, but we feel we are starting to be accepted as an active part of the community with authentic intentions.

We've held 4 community engagement events and knocked on a lot of doors. Initially we were met with a mixed response from residents mostly all skeptical, feelings were generally divided between 2 opinions. One being, 'it just wasn't worth it as nothing would change'. The other 'that doing something was much better than doing nothing'. Our seed planting, bedding plants, Spring Fair and Tomato Jean Planting events has all been well attended and numbers have been steadily increasing.

Our last event at Warren Point, tomato jean planting, saw 12 residents attend from a diverse background and we are starting to build a core group. We have a few Mums attending with their children, one Mum is Polish, 7 years ago she made the move from Poland and has been living in the area ever since, she has 2 small children and loves attending all the events. One lady has lived in the area all her life, she has been quite emotionally happy about the project, and is starting to use the garden in the car park and pick mint for her tea. One family have volunteered to water the tomatoes at Warren Point for us, but don't yet feel confident to get involved in group activities, two residents from Burlington House have taken part, one had recently moved to the House and our events are helping him to settle him into the area. A single parent and her secondary school age son have enjoyed taking part and have committed to attend every event we put on. We also have some older men who are supporting us who live locally and are passionate to see change. It's a real mixed bag of people, who enjoy spending time with others, enjoy gardening and would like to see change in the area they live, with lots of community events to bring people together.

The changes we have made to Warren Point haven't yet seen any major vandalism, we have seen a lot less dog fouling and more residents seem to be enjoying the benches at the Point. All changes so far seem to have been well received. Faith is building in the opportunities for the area and residents are beginning to talk to their extended families about the project and the future of the area in a positive light.



What's next for Melville:

- We have the Melville Jubilee Mural coming up in partnership with Studio Meraki. 4x Community Workshops each creating opportunity for local residents to upskill in various art techniques and to be part of forming the design of the Mural, which we hope to have complete by mid-summer.

- We have entered Melville into the Britain in Bloom Neighborhood Award in July.
- We are working in partnership with Oliver from housing standards to introduce the concept of 'bringing growing into your homes'. Developing community events to look at foods that can be re-grown from supermarket foods. Looking at growing houseplants that improve air quality and have calming effects. Windowsill growing with herbs and plants.
- Every time we turn up to Melville we feel we are reinforcing the positive rather than the negative, the time is now right to give the residents of Melville more structure to develop their skills and we are working on how we will best achieve this through interactive, friendly and skilled events.
- We feel this is only the start of the project in Melville and there is further opportunity to galvanize sustainable change.



QED & Lutyens Community - Westerland Valley, Paignton

Lots of options with a large site of underused space at our disposal, adjacent to Great Parks Community Centre. Easily accessible to two large housing estates, Queen Elizabeth Drive and Lutyens.

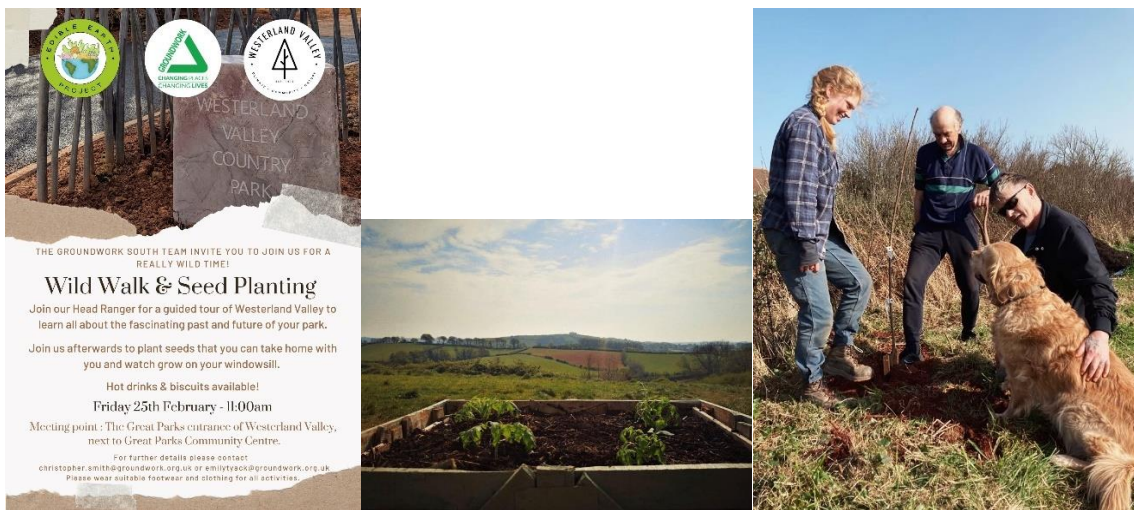
We started engagement with informal door knocking and flyers. We didn't initially get much resident engagement, people really weren't connected to the Park, saw it as a place for anti-social behavior in the past, had only just been made aware of the site in recent years and didn't know much about it, or felt their mobility issues limited their access to the site. Active engagement was mainly with dog walkers who use the site and users of the Community Centre, with opinion quite positive towards the project but with limited commitment to take part, rather waiting to see what happened. Decisions were made in consultation with the Community Centre on location of the site, choosing the more visible location, with frequent dog walks passing by the location. Plans were drawn up and shared with SWISCo for their agreement.

The grow site has seen masses of activity over the past few months, enabling us to make the most of the growing season. Our kickstart trainees have been digging and preparing the site, building planters, a compost area and water system, between them all doing most of the heavy work. The trainees have also prepared a Spiral Pollinator Patch close to the Growing Space to enable residents to see change happening and raise awareness of the importance of pollinators on the natural environment. Seeing work happen on the site has stimulated a lot of community interest with residents stopping to talk with our trainees and finding out how they can get involved, (we had one

resident suggest we should get a Nobel prize). We've also had Combe Pafford School on the site, helping us to prepare and paint the entrance ways to the park, achieving great improvements.

At the same time we've held two engagement events. A lead Nature Walk – followed by seed planting. 12 residents attended, 11 adults & one child. Adult ages ranged from 20 to 70. Two participants were partially sighted, one lady was elderly and said she wouldn't have accessed the park on her own but enjoyed being guided by others. Our second event was Fruit Tree Planting, where we had over 20 people attend, 1 family with 3 generations, returning adults and we were also joined by a group of children who hang around the Community Centre at Weekends. One of our residents who had lived on the estate since he was a boy planted a tree in honor of his brother who had recently passed away.

The growing space is now recognizable as a growing space and has huge potential.



What's next for the space.

- Now that we have prepared the site we need to move quickly to hit the growing season and we are now starting our monthly Grow Club sessions, twice a month, one at weekend one in the week. We have a core band of volunteers who we feel need the structure of monthly events, and lots more residents who show interest but haven't yet participated, we feel the structure will enable them to feel more empowered enabling them to fully understand the aim of the events, and the activity/learning they will be participating in.
- We've been donated Tyers to use as planters and these will be installed soon as part of the Grow Club.
- A Harvest Celebration Event is being planned in conjunction with the Community Centre.
- We plan to engage with more partner organization to enable their participants to get involved with the space including The Women's Circle, Sanctuary Housing, Social Prescribers, Physio Group, I Can Do That, Motiv-8 and Gaia.
- Britain in Bloom neighborhood award in July.
- More guided walks.
- Healthy Eating Cooking Sessions.

- We are creating signage to help residents to understand and identify with the project
- The site and the community is so large the future opportunities are endless. As we head into Autumn we hope to make plans with the community for next year's growing season.
- We'd like to support the Community Centre to set up a market garden in their outside storage container.

It's worth mentioning, we have had some anti-social behavior on the site, where some planters were tipped over and some beds destroyed. We have been made aware of the perpetrators from the Lutyens Estate and have been working with the Community Centre and local residents to tackle the issue. Local residents have been hugely supportive of irradiating the behavior and so have the parents of the young people concerned. So far this appears to have been an isolated incident.

Garlic Rea Community Brixham.

A small site, located in a residential area above the hustle and bustle of the harbor.

Engagement started with flyers & door to door knocking. We found that many homes were empty as they were either holiday homes or holiday lets. Residents told us that over the last few years they have lost their sense of community as so many homes are for holiday makers in the summertime and empty for the rest of the year. A lot of people have gardens around the site, whereas in other areas of Brixham they don't.

We've held three engagement events in Brixham, seed planning, where 15 people attended. Residents were very interested in a growing space. Our second event, fruit tree planting was attended by 12 residents, all who really enjoyed it. We were gifted £100 by a local resident for the fruit trees.

Our third event was the creation of a pollinator patch and pollinator houses. One family attended all 3 events, they had recently moved to the area with 3 small children, Dave a local resident for 40 years attended the pollinator day and brought lavender with him to plant. One older man in his 70's was keen to plant some sunflowers that he had at home and will bring them to the next event.

Residents have reflected on the use of the site, feeling it's a great area for contemplation and a community space for people to meet up. They would like some benches for the site, and for the grow space to be limited to certain areas, and not take over the whole space.



What's next:

- More engagement events to plant and grow crops.
- Residents would like to connect with other grow spaces in Brixham and explore the idea of a community food swaps.
- YES Brixham are donating a bench for the site and we will support it's installation.
- We feel that after 12 months this project would become light touch for us, with the community able to sustain the space. We would like to focus on a new grow space in the town center area where residents don't have access to a private garden.

In conclusion we feel the Edible Earth Project has got off to a great start. We would have liked to engage more partners in the project inception but due to us having to move quickly to hit the growing season, we've had to plough on and get the sites up and running as a priority. On reflection this has been a great way to engage the community, with them able to see action in progress right from the start.

We feel that we are only at the very start of an exciting journey, all the team and our active residents can't stop talking about the project and all the ideas we have for the future.

A further two years of funding will not only able us to connect more with partners and enable them to refer/involve more participants in the projects, but it would also mean we could create more growing spaces, offering more Torbay' residents; increased levels of well-being, opportunity to comfortably come out of isolation and get to know their neighborhood, education around health food, how to grow it, how to prepare it and how to eat it in style with friends and families. We earnestly believe that this project can bring vibrance to areas that are in desperate need. Nature food and outdoor space are key to community development and this project offers all three in a way that is both charming and effective.

Given enough time the Edible Earth project will normalize community led growing spaces across the Bay, create ingredient trails, allow residents to follow the full circle from sowing and growing to cooking and eating and through community engagement and the art of nature we can chronical the past and champion the future.

We would be happy to weave into the project other aspects of our work and focus in on some of Torbay Councils wider aims, for example targeting adults who are inactive in the labour market and would like to explore the opportunities in the Green Sector.

It would be great to have a conversation about how the Council would like to progress the work we have been doing and how we can grow this fantastic project for Torbay Residents.

All the very best,

Liz & Davina.

Appendix 3: Affordable Food Clubs

Shifting away from the traditional food bank model towards an affordable food club approach, offers greater resilience and financial sustainability for the local food support system. It also offers many benefits for residents.

An affordable food club (sometimes known as a social supermarket) sells a wide range of grocery items at a heavily discounted price for people in need of food support. Typically, a person will pay about £5 for about £20 worth of food and toiletry items (this can be scaled up according to household size).

As with food banks, there is normally a degree of eligibility required to access the social supermarket, and boundaries around frequency of access (e.g. one shop a week for 6 months). It can work well to prevent people from reaching crisis point, or as a step-down option to transition people away from free food parcels. It also gives people more autonomy over the items they receive and paying a contribution towards the cost of the food helps to support dignity.

Food for the social supermarket can still be sourced through donations and surplus, but the income generated assists with costs. A group of social supermarkets working together can also take a co-operative approach to buying in bulk at a discount. Community growing schemes and allotment associations can contribute fresh produce.

We have been linking with **Feeding Britain** (<https://feedingbritain.org>) which supports a network of over 150 affordable food clubs across the UK, supporting 20,000 households. This has allowed us to connect with and learn from affordable food clubs about what works well.

Examples include:

ThreeHills Community Supermarket Glasgow

[Home - Threehills Community Supermarket Glasgow \(threehillsglasgow.org\)](http://threehillsglasgow.org)

Shrublands Community Food Club and Café – Great Yarmouth

[Community Food Club \(shrublandstrust.org.uk\)](http://shrublandstrust.org.uk)

Barking and Dagenham Community Food Club

[Community food clubs | LBBD](#)

Number 7 Citizen Supermarket, Café and Advice Hub Birkenhead

[Number Seven - Birkenhead - Citizen Supermarket, Cafe and Advice Hub | Wirral InfoBank](#)

Affordable food clubs can be of particular benefit if there is a wider support offer co-located (eg community hub, café, etc). Feeding Britain are very keen to work with and support us in Torbay in developing this offer. We have a number of organisations in Torbay who are interesting in exploring the model, some of whom are currently providing a more traditional food parcel offer.

Meeting: Cabinet

Date: 27th September 2022

Wards affected: St Peters with St Mary

Report Title: Lease Surrender & Renewal – Shoalstone Seawater Pool, Brixham.

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

Cabinet Member Contact Details: Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism & Housing, 07419 111618, Swithin.Long@torbay.gov.uk

Director Contact Details: Kevin Mowat, Director of Place, 01803 208433, Kevin.Mowat@torbay.gov.uk

Supporting Officer Contact Details: Paul Palmer, TDA Head of Assets & Facilities Management, 01803 926391, paul.palmer@tda.uk.net

1. Purpose of Report

- 1.1 To propose that Torbay Council to enter into a new long lease agreement with the existing tenant, which will permit further investment and access to funding to undertake significant and immediate repairs. The new lease will provide additional security of tenure over that already in existence under the current agreement.

2. Reason for Proposal and its benefits

- 2.1 We want Torbay and its residents to thrive and have a good quality of life with access to excellent schools, affordable housing and great local amenities. We will promote good mental and physical health by providing early help.
- 2.2 Torbay can offer an unrivalled quality of life for individuals and families – its natural environment, clean air, climate, location, excellent schools, growing arts and cultural sector and wide range of outdoor activities and facilities means that Torbay can provide everyone with the opportunity to live a healthy and fulfilled life.
- 2.3 The proposal in this report will help the Council to deliver this ambition by allowing the current tenant to obtain a long leasehold interest in the facility that will open opportunities to seek major grant funding to undertake immediate repairs. In addition, it will allow the tenant to invest in the wider facility in the longer term and be able to grant a legal agreement with

Shoalstone Seawater Pool CIO (Community Interest Organisation) to manage and operate the facility.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Chief Executive, in consultation with the Director of Finance and Cabinet Member for Economic Regeneration, Tourism and Housing, be authorised to agree terms and enter into a new lease of 125 years, that will replace the existing agreement and provide the tenant, Brixham Town Council with security of tenure to allow a sub-lease to be granted to Shoalstone Seawater Pool CIO that will facilitate access to funding to undertake immediate repairs and improvement to the facilities.

Appendices

Appendix 1: Shoalstone Seawater Pool Site Plan – EM3864

Background Documents

None

Supporting Information

1. Introduction

- 1.1 The Tenant, Brixham Town Council occupy the premises under a 40-year lease granted in April 2015. This tenancy incorporates the seawater pool, car park, former putting green, shelter and the WC block. The rent payable under this agreement is a nominal £1 per annum.
- 1.2 In 2014, Brixham Town Council set up Shoalstone Pool Community Interest Company to operate the swimming pool and wider facilities on a day-to-day basis. In 2020, it became increasingly apparent to Brixham Town Council and the CIC that the pool and surrounds were gradually deteriorating and without access to substantial funding, the necessary investment needed in the pool would not happen, which would result in the facility not lasting beyond the length of the lease granted. To this end Shoalstone Pool CIC, commissioned a 10-year strategy titled, From Surviving to Thriving.
- 1.3 A key finding from the strategy was the need to establish a Community Interest Organisation. It was apparent the charitable status of the CIO would open more opportunities for funding which the CIC precluded. Late in 2021, Shoalstone Pool CIC successfully applied to become a Community Interest Organisation. This is now in place and is called the Shoalstone Seawater Pool CIO.
- 1.4 The current 2014 lease agreement places the repairing and maintenance responsibility of the asset on the tenant, although this is limited by reference to a schedule of condition. The repair and maintenance of the sea wall is retained by the Council. However, other than an obligation to inspect any damage to the sea wall reported by the Tenant, the Council is under no obligation to carry out any repairs. The lease permits the Council to bring the lease to an end at any time, if it considers it is not cost effective to comply with its obligations to maintain the sea wall.
- 1.5 With the knowledge of this provision, Brixham Town Council and the CIO are aware if a catastrophic failure in the sea wall was to occur it is likely the Council would implement the break clause to bring the lease to an end. As a consequence, the pool would close, probably indefinitely.
- 1.6 To help prevent an event such as this occurring, in December 2020, John Grimes Partnership were commissioned by the CIC, to undertake a visual inspection of the sea walls and terraces. One of the main areas of concern highlighted was the northwest corner of the pool, where the pool wall is narrow and structurally slender and therefore weak. In Feb 2022, further instruction was issued to John Grimes Partnership by Shoalstone Seawater Pool CIO to consider the implementation of a long-term stabilising design to reinstate confidence back into the northwest wall. Further inspections as part of this work identified a significant number of immediate repairs that are required to the sea wall.

- 1.7 Shoalstone Seawater Pool CIO aims, and objectives are clear in that they wish to repair the damage to ensure longevity in the life of the pool. They have been quoted £400,000 to £500,000 and are fully aware that any grant funding they can raise will not be enough and there will be a need for them to crowdfund. They are also aware none of this can be done until they are in possession of a much longer lease beyond the 32 years remaining under the existing lease.
- 1.8 The proposal therefore is to surrender the 2014 lease and, in its place, obtain a new 125-year lease from the Council.
- 1.9 The 2014 lease excludes several associated assets within the wider footprint of Shoalstone Pool, which would be beneficial to Shoalstone Seawater CIO. This includes a small kiosk on the west side of the pool, currently leased out to a 3rd party, and the overflow car park which is situated on the south side of Berry Head Road opposite the main car park. These assets produce a small amount of revenue that would supplement the income received by the CIO. The intention therefore is to include these additional assets within the demise granted under the new lease.
- 1.10 The 2014 lease places a range of constraints and conditions on the tenant which requires the Council's consent to amend or implement. The tenant therefore is seeking a lease with minimal conditions attached. This would be beneficial to the Council in it would reduce future management time on an asset where it would retain minimal control. It is the intention therefore to grant a 'bare' lease to the tenant.

2. Options under consideration

- 2.1 The tenant has approached the Council on a number of occasions over the last couple of years seeking a longer term of occupation. It is now clear without a significantly longer lease the tenant or Shoalstone Seawater Pool CIO is not able to seek grant funding of the magnitude needed to be able to undertake the significant works of repair needed on the sea walls. The Council is nevertheless under no obligation to consider a change in the lease arrangement.
- 2.2 The alternative would be for the Council to reject the proposal with the existing arrangements continuing as they have done since 2014. This would limit the ability of the tenant to secure grants. The Tenant and Shoalstone Seawater CIO have made it clear they want to invest in the facility to safeguard and promote the Shoalstone Seawater Pool, for the health, enjoyment and pleasure of the people of Brixham, residents and visitors, today and for future generations.

3. Financial Opportunities and Implications

- 3.1 Given the existing terms, including a nominal rent of £1 per annum there is no proposal to set a market rent in the new agreement. As a consequence, there are no financial

opportunities or implications in the new proposal, save for the loss of revenue the Council receives from the small kiosk situated on the west side of the Pool. This equates to £2,750p.a.

4. Legal Implications

- 4.1 The proposed new lease will be formalised and documented by Torbay Council Legal Services. The existing 2014 lease will be extinguished on completion of the new lease by way of a Deed of Surrender.

5. Engagement and Consultation

- 5.1 No engagement or consultation is planned.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable.

7. Tackling Climate Change

- 7.1 The Council is aiming to become carbon neutral and will manage its land and buildings and guide future decision making towards creating a carbon neutral estate by 2030. This decision will indirectly result in a Torbay Council asset being repaired and safeguarded against the effects of rising sea levels.

8. Associated Risks

- 8.1 There is not an immediate risk if the Council does not implement the decision. However, there are secondary risks as it is likely the tenant would be unable to obtain the necessary grant funding to undertake all the required repairs to the sea wall now or in the future. This may increase the risk of failure in the sea wall infrastructure which ultimately could lead to the loss of the facility.
- 8.2 If this event were to occur it is likely that reputational damage would be suffered by Torbay Council.

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

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

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.

Meeting: Cabinet

Date: 27th September 2022

Wards affected: St Peters with St Mary

Report Title: Lease Extension renewal – Brixham Rugby Club, Astley Park.

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

Cabinet Member Contact Details: Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism & Housing, 07419 111618, Swithin.Long@torbay.gov.uk

Director Contact Details: Kevin Mowat, Director of Place, 01803 208433, Kevin.Mowat@torbay.gov.uk

Supporting Officer Contact Details: Paul Palmer, TDA Head of Assets & Facilities Management, 01803 926391, paul.palmer@tda.uk.net

1. Purpose of Report

- 1.1 To propose that Torbay Council enter into a new long lease agreement with the existing tenant which will permit further investment and access to funding. The new lease will provide additional security of tenure over that already in existence under the current agreement.

2. Reason for Proposal and its benefits

- 2.1 We want Torbay and its residents to thrive and have a good quality of life with access to excellent schools, affordable housing and great local amenities. We will promote good mental and physical health by providing early help.
- 2.2 Torbay can offer an unrivalled quality of life for individuals and families – its natural environment, clean air, climate, location, excellent schools, growing arts and cultural sector and wide range of outdoor activities and facilities means that Torbay can provide everyone with the opportunity to live a healthy and fulfilled life.
- 2.3 The proposal in this report will help the Council to deliver this ambition by allowing the current tenant to invest in the facility and enable the tenant to realise it's ambition of rising through the Rugby National League structure and have facilities that equal that ambition.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Chief Executive, in consultation with the Director of Finance and the Cabinet Member for Economic Regeneration, Tourism and Housing, be authorised to agree terms and enter into a new lease of 150 years, that will replace the existing agreement and provide the tenant, Brixham Rugby Football Club with security of tenure to permit access to funding to undertake further improvement to the facilities.

Appendices

Appendix 1: Brixham Rugby Club Site Plan – B0198AB

Background Documents

Part 2 Exclusion – Heads of Terms

Supporting Information

1. Introduction

- 1.1 The Tenant occupies the grounds and facilities under a tenancy agreement that was granted in 1976. This tenancy is in essence a perpetuity agreement that permits the club to use the grounds and facilities indefinitely, until such time as Brixham Rugby Football Club disbands and no longer requires the asset. There is no rent payable under this agreement. This agreement would only end in the event the club disbanded and ceased to play rugby on the grounds. If this occurred, the ground and facilities would then revert to Torbay Council.
- 1.2 The club have been playing rugby on the site since the 1890's and are approaching their 150th anniversary. The grounds were originally in private ownership until the early 1930's when the then owner, got into financial difficulties. As a consequence, the site was sold to Brixham Urban District Council, with covenants protecting the use of the ground. The site subsequently transferred to Torbay Council following the re-organisation and merging of the local councils in 1968.
- 1.3 In recent years the club has invested heavily in the facilities, including the extension of the changing rooms, improvement of reception, additional hospitality space and the improvement of the grounds more widely. Because of the nature of the current agreement, access to grants from sports bodies is limited. Funds for development of the facility have therefore been obtained through profits made through the club and the provision of personal guarantees by specific Board Members.
- 1.4 The club is well resourced, with good membership levels of c.450 people and employs a range of full and part time staff through its management committee. The club has a full set of playing teams including 1st, 2nd and 3rd men's teams, colts and ladies' team. They also have a junior teams across the age ranges from 7 – 16 years and a rugby 4's club.
- 1.5 The current Chairman of the club recently approached the Council about the possibility of obtaining the freehold interest of the site. Whilst this was not considered acceptable as it would set a precedent for other sports clubs making similar requests, given the unique nature and the rights of occupation found in the existing agreement, a new 150-year lease agreement was proposed.
- 1.6 Terms of the new lease have been proposed that would protect the tenant under the Landlord & Tenant Act. The new lease does restrict the use of the site for the purpose of playing rugby, training and social activities associated with rugby.

2. Options under consideration

- 2.1 The club approached the Council, unsolicited to ascertain the likelihood of a freehold disposal. The offer of a leasehold arrangement is a compromise which the club is prepared to accept, subject to final agreement of the terms. The Council is under no obligation to consider a change in the lease arrangement. The alternative would be for the Council to reject the proposal with the existing arrangements continuing as they have done since 1976. The club clearly have further ambitions to invest in the facility and wish to secure the finances that isn't wholly reliant upon commercial loans and personal guarantees. The current Chairman and Board wish to secure the future of the club, but if the status quo were to remain as currently, then there would be a reluctance to invest as heavily as previously.

3. Financial Opportunities and Implications

- 3.1 Given the existing terms, including a peppercorn rent there are no proposals to set a market rent in the new agreement. As a consequence, there are no financial opportunities or implications in the new proposal.

4. Legal Implications

- 4.1 The proposed lease will be formalised and documented by Torbay Council Legal Services. The existing 1976 agreement will be extinguished on completion of the new lease by way of a Deed of Surrender.

5. Engagement and Consultation

- 5.1 No engagement or consultation is planned.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable.

7. Tackling Climate Change

- 7.1 Whilst there are no immediate plans by the Tenant to undertake improvement works, any that do follow, will be required to seek planning approval with associated conditions attached to the planning consent. The Council will manage its land and buildings and guide future decision making towards creating a carbon neutral estate by 2030.

8. Associated Risks

- 8.1 Whilst there are no significant risks if the proposal is not implemented there would however likely be a lost opportunity afforded to the tenant, that may result in the reduction of investment in the facility.

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

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact.
People with caring Responsibilities			There is no differential impact.
People with a disability			There is no differential impact.
Women or men			There is no differential impact.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact.
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.
People who are in a marriage or civil partnership			There is no differential impact.
Women who are pregnant / on maternity leave			There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The granting of a long leasehold and any subsequent investment in the site is likely to		

	have a positive impact on locality.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.

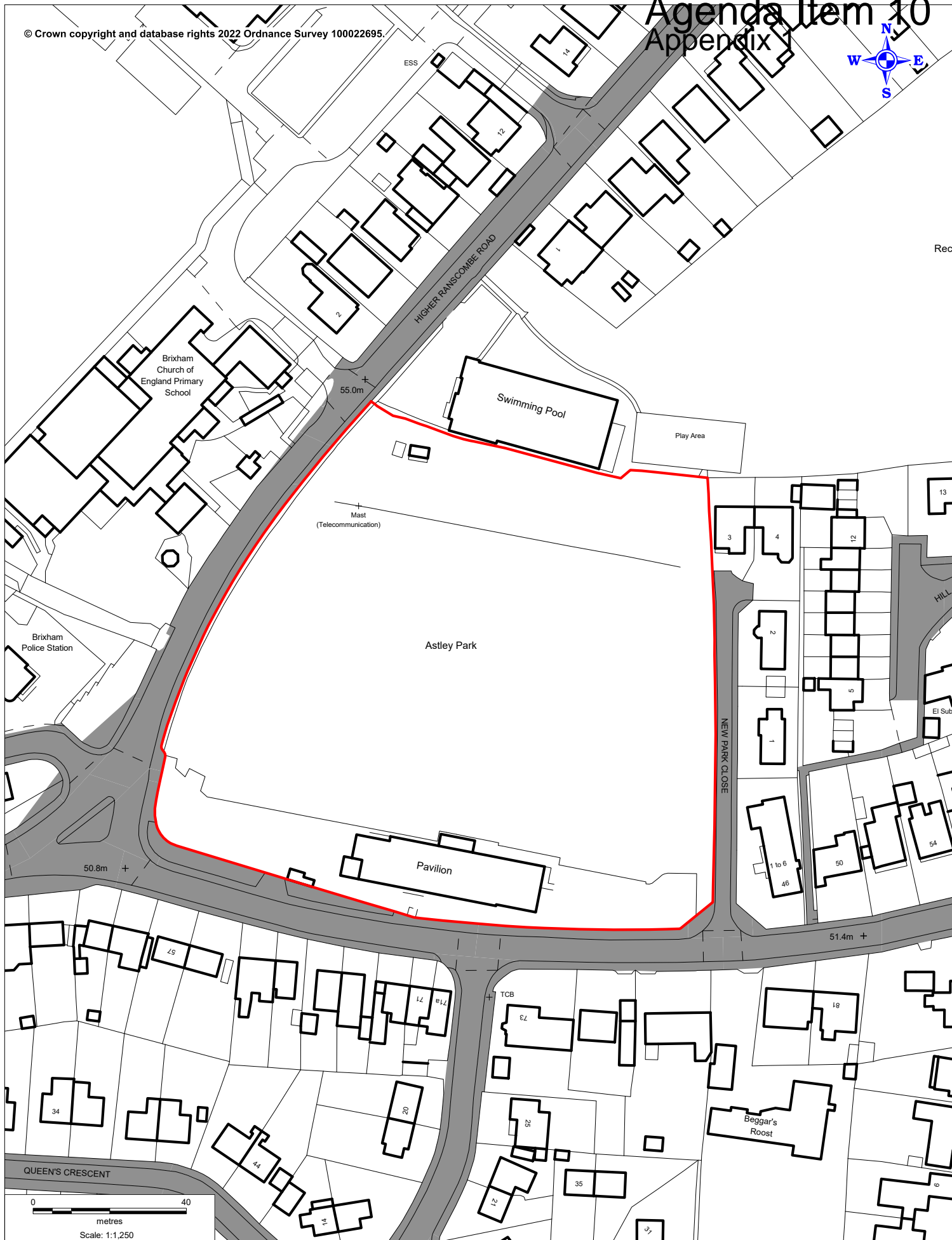
10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.

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EM Plan No: EM3865
Date: 12th August 2022
Title: Astley Park, Lease to Brixham Rugby Club.

Asset No: B0198AA, AB & ZZ
LR Title No: DN511096
Scale: 1:1250
Area: 15,608.74m²

TORBAY
COUNCIL



Meeting: Cabinet **Date:** 27 September 2022

Wards affected: All Wards

Report Title: Herbicide Use in Torbay

When does the decision need to be implemented?

Cabinet Member Contact Details: Councillor Mike Morey, Cabinet Member for Infrastructure, Environment and Culture, mike.morey@torbay.gov.uk

Director/Divisional Director Contact Details: Matt Reeks Managing Director SWISCo.
Matt.Reeks@swisco.co.uk

1. Purpose of Report

- 1.1 To update Cabinet on SWISCo's strategy to minimise use of Glyphosate (herbicide), and the trialling of any practical implications or alternative methods.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver an ambition to reduce the reliance of Glyphosate (herbicide) used by SWISCo for the maintenance of bay wide highway infrastructure (roads, pavements and other public realm areas), parks and public open spaces. This report informs on the current use of Glyphosate (herbicide), consideration of alternatives and measures to reduce usage by SWISCo services. Strict controls are applied by the council on the herbicides that are applied to sites, with alternative methods being researched and trialled.

3. Recommendation(s) / Proposed Decision

- 3.1 That SWISCo commits to minimising the use of all Glyphosate (herbicide), to find a balance between environmental considerations and the statutory responsibilities of the Council and the quality of street scene within the Bay.
- 3.2 That SWISCo move to the use of Nomix Dual distributed in a more controlled manner by way of electric utility vehicles fitted with kerbside application units.
- 3.3 That SWISCo commits to work in partnership with allotment holders to promote and encourage chemical free management of allotments
- 3.4 That SWISCo review herbicide use on an annual basis to ensure progress towards minimisation, compliance with best practice and practical herbicide free techniques.

Appendices

Appendix 1: Nomix Genesis Total Droplet Control System

Appendix 2: Hako Citymaster 1650 – Weed Ripper Head

Background Documents

Monsanto ordered to pay \$289m as jury rules weedkiller caused man's cancer

Please refer to the following link:

[Monsanto ordered to pay \\$289m as jury rules weedkiller caused man's cancer | Monsanto | The Guardian](#)

United States Environmental Protection Agency

Please refer to the following link:

[Glyphosate | US EPA](#)

Cancer Research UK

Please refer to the following link:

[Can pesticides or herbicides cause cancer? | Cancer Research UK](#)

Supporting Information

Parks for London – A Reference Guide for Integrated Weed Management in amenity Space and Public Realm

Glyphosate has been at the centre of recent discussions regarding health, safety and the environment.

[Commonly Asked Questions about Glyphosate | Bayer](#)

1. Introduction

- 1.1 Pesticide refers to a substance used for destroying insects or other organisms harmful to cultivated plants or animals. Examples include insecticides, fungicides, herbicides, molluscicides, and plant growth regulators. SWISCo only use herbicide which is a smaller cohort of substances also known as 'plant protection products', and used to control weeds. They can exist in many forms, such as solid granules, powders or liquids and consist of one or more active substances co-formulated with other materials. The active substance or substances within a pesticide has the controlling effect on the pest, weed or disease.
- 1.2 The use of herbicide to control weed growth on hard surfaces is by far the most common form of pesticide in use by SWISCo, with the common use of product currently NOMIX HILITE 144g/l glyphosate. Weed growth can interfere with visibility for road users and weeds in kerbs or around drains can prevent or slow down drainage. Their growth and moss on pavements may eventually become a trip / slip hazard for footway users. Application of chemical herbicide is used ahead of mechanical weed control due to the ease of application, which often saves on the cost of labour and is carefully targeted to minimise product use. It remains the most effective and cost-efficient means of weed control.
- 1.3 Restricted use of selective herbicides is used for the control of weeds on fine turf and sports areas such as cricket squares, bowling greens and golf greens to control broadleaf weeds and retain a safe and uniform playing surface. This is only carried out to affected areas and where it is not practical to manage the control by hand. SWISCo no longer manages area of fine turf, but Torbay council do lease land to sports clubs, but have no or limited control over pesticide use.
- 1.4 SWISCo does also use a small pesticide plug (Ecoplug) which are inserted into tree stumps where access by a mechanical stump grinder is not possible and there is a need to control re-growth or spread.
- 1.5 Torbay also has small pockets of Japanese Knotweed and where this is identified, stems are injected with herbicide (glyphosate) to control this invasive species. Other harmful and invasive plants may be treated to maintain their control.

Use of Glyphosate

- 1.6 In 2015, the World Health Organization's International Agency for Research on Cancer (IARC) identified glyphosate, the world's most commonly used herbicide, as a "probable human carcinogen". This report has been contested by the manufacturers of

glyphosate who maintain the product remains safe to use. Whilst there has probably been more scientific scrutiny of glyphosate than any other weed control product, the evidence relating to this remains both complicated and conflicting.

- 1.7 All products containing glyphosate have previously had to be registered and approved by the European Pesticides Commission having been subjected to a rigorous scrutiny process. From 1 January 2021, an independent pesticides regulatory regime is in operation and new decisions taken under the EU regime will not apply in Great Britain, with the Health and Safety Executive (HSE) the national regulator for the whole of the UK.
- 1.8 The Chemical Regulation Division (CRD), part of the HSE (and responsible for all pesticide products in the UK and how they are used in amenity situations, including pavements, sports areas and parks) have analysed all available information on the active ingredient glyphosate and have decided that it is **perfectly safe to continue to use**, provided label recommendations are adhered to. They will then issue a MAPP number (Ministry Approved Pesticide Product), which gives confidence to users, the public, their pets and the environment at large that the product is completely safe to use in accordance with label recommendations
- 1.9 Bayer have made statements on the situation, which are accurate, current and factual. Please refer to the following link:
<https://www.bayer.com/en/glyphosate/glyphosate-roundup>
- 1.10 Authorised use of glyphosate has a current EU expiry date of 15 December 2022, but the legislation introduced post-Brexit means active substance (glyphosate) approvals due to expire before December 2023 now allows extension for 3 years to allow time to plan and implement the GB review programme. Should this extension be applied to glyphosate, it will remain authorised for use until December 2025 unless the Health and Safety Executive exercises its power to review this approval at any time, should new evidence identify any concerns to human health or the environment.
- 1.11 Regardless of whichever timescale applies to authorised use of glyphosate, there is a will by SWISCo and all Council services to continue reducing dependency on pesticides and using alternative methods to chemical control where these are available and demonstrated to be effective.
- 1.12 In issuing an approval for Nomix Dual to be used in amenity areas (including highway areas), CRD has determined that, when used as directed, there is a very low risk of contamination of drains or watercourses. Furthermore, glyphosate has been given an extension of authorisation for use in Great Britain until 2025.

2. Options under consideration

2.1 Reducing Use of Pesticides

The steps SWISCo are currently taking to reduce and minimise the use of pesticides include:

- Restricting use to a minimum - pesticides are only used where they are required - all treatments are targeted with no preventative treatments carried out, whether that be weed or pest control. Nomix Dual will be our preferred solution once stock of Nomix HILITE have been exhausted. (approximately 8 to 12 months)

- Total Droplet Control (TDC), or CDA, is a unique, low-volume herbicide application system, combining pre-mixed, highly effective herbicides with easy to use, targeted application, including the Kerbside Unit (KSU) which will be attached to quad bikes, sweepers and virtually any motorised vehicle.
- Dual is applied at 9-litres per hectare and so this equates to 9-litres covering 10,000 linear metres at a 1-metre spray width. On this basis, 9-litres would cover approximately 3.33 times further at a 30cm spray width (this is the spray width that a KSU is set at) or 33,300 linear metres (33.3 linear km). Using this reasoning, a 5-litre pack of Dual would cover approximately 18,500 linear metres (18.5 linear km) at a constant application using a 30cm spray width.

By using Dual for 590 km, for example (x4 if you were targeting the front edge and back edge of each pavement either side of the road), then the total measurement would be 2360 linear km.

As 5-litres of Dual will cover approximately 18.5 linear km, then to spray the whole of this distance, we would use approximately 128x5 litres (640 in total) of herbicide. As Dual is residual, then it will give up to 6-months control.

The ready-to-use herbicide packs connect directly to the applicator, eliminating any risk to the operator from mixing chemicals and protecting the environment by avoiding spillages. TDC delivers a constant, uniform droplet size and spray pattern, significantly reducing run-off and virtually eliminating spray drift. This makes TDC safer for the operators, bystanders, animals, the environment, water courses and surrounding desired vegetation.

When using Dual, it has been shown that **70% less glyphosate** is applied per hectare, as opposed to 2-3 applications of conventional glyphosate (HILITE). Furthermore, as Dual only contains 2.22 g-litre of the residual active ingredient sulfosulfuron, that equates to less than **four teaspoonfuls per hectare**. Dual is the only herbicide that has label approval for both hard and soft surfaces.

- A selective herbicide is no longer applied to any grassed area, other than high amenity sports turf (excluding football pitches).
- SWISCo on behalf of Torbay Council are updating the licence agreements for allotments to encourage further biodiversity and move to a less chemical environment. This will form part of the action plan over a 5-to-10-year period. We are continuing to promote the organic allotment approach and are considering a further site for organic principles as part of the wider consultation with allotment holders.
- Use of weed suppressants - increased mulching of shrub beds and new tree plantings using recycled woodchip from tree works carried out in Torbay which helps to suppress weed growth and the need for treatment.
- Overplanting - an annual winter improvements programme allows for planting beds to be supplemented (gapped-up) or re-planted, not only for their aesthetic and environmental gain, but to reduce areas for weed growth and need for future treatment.
- Maintaining surface integrity - working procedures are in place for surveyors to report surface defects and arrange timely repairs. The efficient reporting of repairs reduces the potential for weeds to grow as they would through damaged paved and hard surfaces. Collaborative working between site surveyors and design teams influence future decision making around the type of surfacing and street furniture.

- Reduced mowing of grass - to enhance and support biodiversity, teams have relaxed mowing regimes to an increasing number of areas across Torbay (Blue heart Campaign) and continue to trial expansion of this. Public response has been favourable where this has been introduced and continues to inform further areas where the right balance can be found between increasing wildlife friendly grassland and scrub and public amenity use and respecting walking desire lines. All sites are on a case-by-case assessment and these changes are being monitored.
- Mechanical and manual cultivation - chemical treatment is no longer used when preparing beds for the popular and increasing number of wildflower and meadows seeded areas that have been incorporated across a range of green spaces and adjacent residential housing and highways.
- Mechanical weed ripper machines are used to remove moss and weeds to suitable housing curtilage areas and ball courts.
- Manual weed removal is still employed where relatively small areas are affected and it remains more time-efficient for operatives to undertake the necessary control using hand implements, than for this to be followed up by scheduled herbicide treatment.
- All staff involved in the selection of and use of pesticides have received the necessary training to ensure it is safely applied and is used to a minimum.
- Continual review - teams continue to work with product suppliers to ensure any pesticide used is based on an informed decision and where herbicide is still required, products other than glyphosate are used where possible, or that help reduce the amount used in the weed growing season.

2.3 Alternatives to Weed Control

Whilst SWISCo will continue with targeted use of pesticides where it is required, all are open to and have trialled alternatives that are on the market, each with advantages and disadvantages. These include:

Method	Use	Advantages	Disadvantages
Hot Foam (thermal treatment)	<ul style="list-style-type: none"> • Weeds in hard and gravel surfaces • Moss on hard surfaces and play safety surfacing • Grass, where control is required (ie. tree bases) 	<ul style="list-style-type: none"> • Foam forms a thermal blanket around heated water and the weed, using natural plant oils • Not weather dependent • Claimed to kill high percentage of weeds, including roots 	<ul style="list-style-type: none"> • Does not kill all weeds on first application • Expensive - needs investment of £20k for equipment (estimated to cost £51k to include transport, staffing and materials) • Vehicle transport and boiler are diesel powered, increasing carbon footprint • Not suited to use on highway network or spaces where access is restricted • Resource intensive • Time consuming
Hot water / steam (thermal treatment)	<ul style="list-style-type: none"> • Weeds in hard and gravel surfaces • Moss on hard surfaces and play safety surfacing 	<ul style="list-style-type: none"> • Lower initial purchase cost than hot foam 	<ul style="list-style-type: none"> • Requires repeat treatments as heat does not sufficiently damage plant / root structure • Diesel consumption and transport increases carbon footprint • Resource intensive

Method	Use	Advantages	Disadvantages
			<ul style="list-style-type: none"> Time consuming
Flame gun / weed burners (thermal treatment)	<ul style="list-style-type: none"> Weeds in some hard surfaces 	<ul style="list-style-type: none"> Relatively cheap to purchase 	<ul style="list-style-type: none"> Health and safety risk when used in public areas Not fully effective Diesel consumption increases carbon footprint
Electrocution	<ul style="list-style-type: none"> Weeds in hard and gravel surfaces 	<ul style="list-style-type: none"> Pesticide free 	<ul style="list-style-type: none"> Health and safety risk when used in public areas (high-voltage) Time consuming
Mechanical removal blade (highways) / sweeper ripper attachments (paving) (HAKO Machine)	<ul style="list-style-type: none"> Weeds along kerb lines and in hard surfaces 	<ul style="list-style-type: none"> Attachments can utilise existing machinery 	<ul style="list-style-type: none"> Health and safety risk of projected debris Requires a clear pathway (highways) Ancillary damage to paved areas and kerbing Severs weed head but does not treat root system effectively Risk of manual handling injuries including Hand Arm Vibration Syndrome (HAVs) Resource intensive Time consuming
Vinegar	<ul style="list-style-type: none"> Weeds in hard and gravel surfaces 	<ul style="list-style-type: none"> Low competence level for application 	<ul style="list-style-type: none"> Not fully effective Strong smell
Soda crystals	<ul style="list-style-type: none"> Moss treatment 	<ul style="list-style-type: none"> Cheap and effective Low competence level for application 	<ul style="list-style-type: none"> Labour intensive to mix product, apply and agitate moss Slippery on contact, creating alternative hazard
Manual removal	<ul style="list-style-type: none"> Weeds generally 	<ul style="list-style-type: none"> Effective 	<ul style="list-style-type: none"> Very time consuming
		<ul style="list-style-type: none"> Low set-up cost 	<ul style="list-style-type: none"> Teams would require significant additional staff resource Increased risk of staff injury

3. Financial Opportunities and Implications

3.1 A full financial evaluation has not been carried out for each alternative method to pesticide use due to the perceived disadvantages outweighing the advantages, that means they are not considered a viable alternative at an early stage. Where this includes a capital outlay cost or increase in staff resource, this results in a financial implication in addition to assessment of effectiveness.

3.2 The Cost of Nomix HILITE

Chemical total cost 2020/21 - **£22,844.50**. 1525 Litres used. Approximately spraying 2 times per year

The cost of Nomix Dual is more expensive per Litre the effectiveness is improved, distributed in the correct way using a KSU with 70% less Glyphosate.

There is not likely to be any financial impact between the two chemical types.

The KSU investment is estimated at between £8,000 and £10,000 on standard petrol engine available within weeks An EV KSU estimated as between £18,000 and £24,000 availability is challenging with long lead times with no commitment, however likely to be between 12 to 15 months

4. Legal Implications

- 4.1 There are not consider to be any legal implications at this time as the use of Glyphosate (herbicide) is approved by the Chemical Regulation Division (CRD), part of the HSE and responsible for all pesticide products in the UK.

5. Engagement and Consultation

- 5.1 No consultation has been carried out at this time, as SWISCo is following the guidance set out by the Chemical Regulation Division (CRD), part of the HSE (and responsible for all pesticide products in the UK).

6. Purchasing or Hiring of Goods and/or Services

- 6.1 The purchase of Chemical is agreed through the existing supply chain at SWISCo

7. Tackling Climate Change

- 7.1 Using currently available vehicles and technology the alternative options to Glyphosate (herbicide) involve a higher level of diesel consumption than the proposed use of Nomix Dual.

8. Associated Risks

- 8.1 If SWISCo are not permitted to continue to use Glyphosate (pesticide) in its reduced form <70% from its current use within the next 12 months. Alternative options would be considered a significantly higher cost and resource with a less effective solution. Resulting

in significantly increased number of complaints and a greater impact on the highway infrastructure from weed growth.

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

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			x
People with caring Responsibilities			x
People with a disability			x
Women or men			x
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			x
Religion or belief (including lack of belief)			x
People who are lesbian, gay or bisexual			x
People who are transgendered			x
People who are in a marriage or civil partnership			x
Women who are pregnant / on maternity leave			x
Socio-economic impacts (Including impact on child poverty issues and deprivation)			x
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			x

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None