

Wednesday, 15 February 2023

CABINET

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

Thursday, 23 February 2023

commencing at **5.30 pm**

The meeting will be held in the The Burdett Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ

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 - 30)
To confirm as a correct record the Minutes of the meeting of the Cabinet held on 10 January 2023.
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 including a request for all Members to sign an open letter to the Chancellor of the Exchequer following the publication of the Children Society Report on The Future of Local Welfare – Discretionary Support for Families Facing Crisis.
5. **Urgent Items**
To consider any other items the Chairman decides are urgent.
6. **Matters for Consideration**
7. **Revenue and Capital Budget 2023/2024** (Pages 31 - 47)
To receive the recommendations of the Overview and Scrutiny Board on the Cabinet's draft budget proposals for 2023/2024 (report attached) and to make final recommendations to the Council (report on Cabinet's final budget proposals to follow).

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| 8. | Application to Re-designate a Torquay Neighbourhood Forum
To recommend to Council the approval of an application to re-designate Torquay Neighbourhood Forum. | (Pages 48 - 87) |
| 9. | Housing Strategy and Public Consultation
To consider a report and recommend to Council the approval of the Housing Strategy. | (Pages 88 - 172) |
| 10. | Domestic Abuse and Sexual Violence Strategy
To consider a report and recommend to Council the approval of the Domestic Abuse and Sexual Violence Strategy. | (Pages 173 - 208) |
| 11. | Brixham Changing Places
To consider a report that seeks approval to install a Changing Places disabled toilet in the Brixham town centre carpark. | (Pages 209 - 227) |
| 12. | Torbay Independent Reviewing Service (IRO) Annual Report 2021-22
To consider a report on the above. | (Pages 228 - 267) |
| 13. | Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions
To recommend to Council the Annual Pay Policy Statement and Review of Pensions Discretions. | (Pages 268 - 296) |

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

10 January 2023

-: Present :-

Councillors Carter, Cowell, Long and Stockman

(Also in attendance: Councillors Law (virtually), Amil (virtually), Barrand, Bye, Foster, Johns (virtually), Barbara Lewis (virtually), Chris Lewis and David Thomas)

428. Apologies

Apologies for absence were received from Councillors Steve Darling, Law (who observed the meeting remotely) and Morey. Councillor Cowell, Deputy Leader of the Council chaired the meeting in the absence of the Leader of the Council, Councillor Steve Darling.

429. Minutes

The Minutes of the meeting of the Cabinet held on 13 December 2022 were confirmed as a correct record and signed by the Chairman.

430. Matters for Consideration

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

431. Public Question

In accordance with Standing Order A24, the Cabinet heard from Ms Julie Adams who had submitted a statement and question in relation to Torbay's carbon output. The Deputy Leader of the Council on behalf, of the Cabinet Member for Infrastructure Environment and Culture, responded to the question (attached to these minutes) that had been put forward and asked the Divisional Director of Planning, Housing and Climate Emergency to respond to a supplementary question asked by Ms Adams.

432. Notice of Motion

The decision in relation to the Notice of Motion is set out in Minute 433 below.

433. Future High Streets Fund - Torbay Road

434. Revenue and Capital Budget 2023/2024 for Consultation

- 435. Torbay and Devon Safeguarding Adult Partnership (TDSAP) Annual Report 2021/2022**
- 436. Torbay Economic Growth Strategy - Action Plan**
- 437. Paignton and Preston Community Seafront Masterplan**
- 438. Disposal of Land at Little Blagdon Farm, Totnes Road, Collaton St Mary**
- 439. Torquay Town Deal - Business Case Assurance**
- 440. Award of Licence for Observation Wheel**
- 441. Award of Contract for Parking Notice and Permit Processing System**
- 442. Five Child Friendly Task and Finish Groups - Report of the Children and Young People's Overview and Scrutiny Sub-Board**

Chairman/woman

Public Question – Cabinet 10 January 2023

<p>Question (1) submitted by Julie Adams to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>At the Cabinet meeting on 13 December Councillor Mike Morey cited the Devon Carbon Plan as being a scientific, evidence led plan which forms a roadmap for how Devon can achieve net zero carbon by 2050 at the latest. At the same meeting Councillor David Thomas asked the following question ‘the climate emergency was declared by this administration June 2019 and with the target being 2030, that’s 11 years which means we’re 25% of the way into this plan, so looking at zero carbon how much have we achieved in savings?’ In response David Edmondson, Divisional Director for Planning, Housing and Climate Emergency only offered the figure of 40% Carbon reduction for Torbay from 2008 to 2020 adding government figures come out every two years, it will be another two years before we have the figures for this year 2022. That the 40% figure sounds a lot because a lot of that is achieved by the production of more sustainable energy nationally, so that has had a significant impact on Torbay already. The UK only produces 1.03% of the worlds total Carbon output. In light of all of these statements, I have the following questions:</p> <ul style="list-style-type: none"> • What percentage of the UK’s total carbon output is Torbay’s total carbon output, who measures and how is Torbay’s carbon output measured? • Where are the figures/reports for Torbay’s carbon output found? • Are there Trusts and or charities involved? • Who produced/owns the scientific data used to form the Devon Carbon Plan and where can it be obtained? • Torbay declared a climate emergency in 2019 and have the data for 2008 to 2020, what are the figures for 2019 to 2020 and where is that information obtained? • It was stated that government figures come out every two years, waiting for those figures takes Torbay to the end of 2024 and halfway into a plan whilst only just receiving figures. Why is Torbay Council marching head first into a plan without seeing any previous data? • Is the 40% carbon reduction for Torbay, or nationally? • How has 40% reduction in carbon output nationally or locally significantly helped the people of Torbay?
<p>Councillor Cowell provided the answer on behalf of Councillor Morey</p>	<p>UK greenhouse gas emissions in 2020 were 406 million tonnes of CO2 equivalents (Carbon dioxide plus other greenhouse gases i.e. Methane, Nitrous Oxide, Fluorinated gases (please note carbon emissions make up 79% of this figure)). The source of this information is the Department for Business, Energy and Industrial Strategy document 2020 UK final greenhouse gas emissions statistics: one page summary (publishing.service.gov.uk)</p> <p>Torbay’s greenhouse gas emissions in 2020 were 421,200 tonnes of CO2 equivalents. Again the source of this information is the Department for Business, Energy and Industrial Strategy and is set out in a document: UK-local-authority-ghg-emissions-2020.xlsx (live.com)</p>

Therefore, Torbay was responsible for 0.1% of the UK's total emissions (CO2 equivalents) in 2020.

The data set is collated by the Government and combines data from the UK's Greenhouse Gas Inventory with data from a number of other sources, including local energy consumption statistics, to produce a nationally consistent set of greenhouse emissions estimates at local authority level from 2005 to 2020. They show "territorial" emissions, meaning emissions that occur within the UK's borders. The data show emissions allocated on an "end-user" basis where emissions related to energy use are distributed according to the point of energy consumption. Emissions that are not energy related are distributed based on the point of emission, other than emissions from waste management which are distributed based on where the waste was produced.

The figures/reports for Torbay's carbon output can be found at [UK local authority and regional greenhouse gas emissions national statistics, 2005 to 2020 - GOV.UK \(www.gov.uk\)](#) and per authority breakdown at [UK-local-authority-ghg-emissions-2020.xlsx \(live.com\)](#).

Previous reports on Torbay's carbon emissions can also be found at [Net Zero Torbay Report – Devon Climate Emergency](#) (Please note this was based on 2016 data. The University of Exeter is developing an up to date, even more robust greenhouse gas inventory report based on the national data sets above for Torbay up to 2020. In this draft report Torbay's emissions in 2020 are slightly greater at 437,000 tCO₂e (the difference is additional data collated by the University).

With regards to the involvement of trusts and or charities, these organisations have not involved in data collation. However, they have been involved in local climate action.

All studies produced for the Devon Climate Emergency Response Group to form the Devon Carbon Plan are available on Devon Climate Emergency website. Various authors have produced the studies including the University of Exeter.

According to the government data available for Torbay, total emissions in 2019 were 469,100 tonnes of CO₂e. Total emissions in 2020 were 421,200 tonnes of CO₂e. A summary report on Torbay's emissions inventory is also being collated by the University Exeter. This will be available by end of January and published. It too is based on the government's datasets with additional data held by the University.

Whilst government figures come out every two years, we have seen previous data and we understand where Torbay's carbon emissions arise from. The government data sets referred to earlier provides us data up to 2020. The Net Zero Torbay report by the University of Exeter also summarised where Torbay's emissions arise from and makes recommendations for priority, no regret actions (i.e. actions we need to do no matter what and that have lots of co-social/economic outcomes)

to help Torbay work towards carbon neutral by 2030. These priority actions form part of the Torbay Climate Emergency Action Plan (currently out for consultation), alongside a series of action that our residents highlighted as important to take. Even if we could, right now, access 2021 and 2022 data sets for Torbay it is highly likely that it would still show the same priority, no regret actions needed for Torbay i.e. immediate action across all sectors with a priority focus on decarbonising buildings (including homes), transport, power and businesses. If we were to wait for up-to-date data then even more emissions will enter the atmosphere making tackling climate change and meeting local and national/international targets harder. Therefore, Torbay's proposed Torbay Climate Emergency Action Plan is based on a series of no regret actions and/or actions that our community deem important. Many actions will have a number of benefits for Torbay, i.e. economic and social benefits, hence waiting will also prevent these outcomes arising and ultimately will not support Torbay's ambition to thrive.

Given the national data sets do have a 2 year lag, and to ensure we can track progress of the Torbay Climate Emergency Action Plan, a set of interim outcomes and indicators are being established. The University of Exeter is developing these for use in the action plan, and subsequent plans, all the way up to 2030. This will allow us to track progress in between receiving data from the Government or University. Where local progress is lagging the Torbay Climate Partnership will review and explore actions regularly to address this.

The 40% reduction in carbon for Torbay does come with a number of co-benefits on a local and national scale:

- Addressing the climate emergency is an opportunity to create a fairer, healthier, more resilient and thriving society. It is about creating nice places to live and work now and in the future.
- Encouraging everyone to be more active by walking and cycling; improving air quality through the electrification of vehicles; insulating our homes to make them warmer; and eating more balanced diets will all improve public health and reduce pressures on the NHS.
- There is considerable potential for the transition to clean technologies to create new jobs and skills, improve energy security and increase economic prosperity. Retrofitting energy efficiency measures into housing will reduce fuel poverty and illnesses associated with cold homes and create local jobs.
- Enhancing the ability of habitats to store carbon offers opportunities to reverse the decline of biodiversity and restore the benefits healthy ecosystems provide. These include reduced flood risk, improved water and air quality, nutritious food, timber and fuel, and accessible greenspace.

	<p>To ensure we can track progress of the Torbay Climate Emergency Action Plan, a set of interim outcomes and indicators are being established. The University of Exeter is developing these for use in this plan, and subsequent plans, all the way up to 2030. This will allow us to track progress (including a set of local co-benefits) in between receiving data from Government or University. A Final set will feature in the Torbay Climate Emergency Action Plan which is seeking approval by the Torbay Climate Partnership and Cabinet in April 2023.</p>
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Record of Decisions

Future High Streets - Torbay Road and Notice of Motion to Re-open Torbay Road and Restore Hyde Road to Two Lane Traffic

Decision Taker

Cabinet on 10 January 2023.

Decision

That the Divisional Director Economy, Environment & Infrastructure be instructed to revise the trial of the Torbay Road Future High Street Fund project to allow for a partial pedestrianisation of Torbay Road between Queens Road and Station Square, Paignton.

Reason for the Decision

To allow for a trial of limited pedestrianisation of Torbay Road which supported the views expressed in the spring 2022 consultation and continued to be provided through the Your Say feedback. The revised trial also respects the feedback received from traders and limits any further redesign and delay to the implementation of the Station Square public realm improvements. To also respond to the submitted Notice of Motion which was rejected by the Cabinet as the consultation responses were mixed and it was considered a trial of a partial pedestrianisation was an appropriate and balanced response to mixed views of the whole community.

Implementation

This decision will come into force and may be implemented on 23 January 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council was successfully awarded a grant under the Future High Street Fund (FHSF) programme, which is intended to bring about infrastructure improvements, increase town centre living and an enhanced cultural offer in Paignton. To implement the grant the Council has taken forward the development of projects and, working with partners at Paignton Picture House Trust, commenced delivery the first Future High Street Fund project for Torbay Road, Paignton.

The FHSF bid identified improvements to the street scene on Torbay Road which were expected to include signage, lighting, seating and other more general improvements. Feedback from community representatives was that Torbay Road should be pedestrianised. In spring 2022 two consultations were led jointly by the Paignton and Preston Community Partnership and the Council, which indicated that there was broad support for pedestrianisation.

Following the consultation, the project team revised the plans which were being developed to incorporate pedestrianisation. It was intended to deliver a trial of the pedestrianisation in the summer 2022, however a variety of challenges prevented this from taking place. The trial could not easily have been delayed until the summer 2023 without a potentially significant impact to the overall FHSF programme. This is because the FHSF grant is expected to be spent by the summer of 2024 and delaying the trial till 2023 with the consequential impacts on design and

procurement for the Torbay Road project and the linked Station Square project meant that the decision was made to trial pedestrianisation from October 2022.

The Council committed to continually reviewing the feedback on the trial, intended to run until the end of March 2023, to allow for the impact of the pedestrianisation to be considered. The comments to date show a mixed view with some commenting very clearly that the trial was working and encouraging its continuance. Others were vehemently against the trial and believed that it will result in the street failing.

The pedestrianisation trial has required an experimental traffic order. There is a legal/statutory requirement of a 6-month consultation period where, as the concept of an experimental order was that the outcome was unknown, the scheme must be in place for a minimum six-month period to allow members of the public to submit comments, suggestions, or objections in relation to it.

There are conditions which allow for an order to be modified under Section 10(2) of the "Road Traffic Regulation Act 1984" which confirms that experimental orders may be modified, only after consulting with the police, to preserve or improve the amenities of the area through which any road affected by the order runs.

A Notice of Motion was also submitted by Councillors David Thomas and Chris Lewis which sought to revert all pedestrianisation and re-open Torbay Road and was presented at the Cabinet meeting on 10 January 2023. The Cabinet rejected the motion for the reasons set out above.

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

There were four options set out in the submitted report:

1) Revert to the original (open Torbay Road):

This option was that requested by the Notice of Motion, whilst the Council could revert the entire scheme back to its original state with no regulatory requirements needed. This would require placing an advert to revoke the order. There would also be abortive costs and disruption of putting the scheme back to its original form and removing the street furniture etc. There would also be a requirement to revise the Station Square public realm scheme which would increase costs and delay that work starting.

This option was likely to be favoured by some traders but community representatives and some respondents to the survey make clear that this would be seen as the wrong move.

2) Partial Pedestrianisation (Queens Road to Level Crossing):

This was the preferred option. Partial pedestrianisation would allow traffic onto Torbay Road from the Esplanade and provide options to turn at the Queens Road/Garfield Road junction. The option appears to have support from more traders and some community representatives. If the Council wanted to amend parts of the scheme, then this would constitute a modification to the experimental traffic order and may restart the clock on the minimum period of six months consultation.

3) One-way traffic west bound:

This would allow one way traffic onto Torbay Road from the Esplanade along the full length of Torbay Road. It would require a redesign of the Station Square scheme which was predicated on some form of pedestrianisation in that space. Similar comments to the option 2 would apply in respect on the traffic order.

4) Maintenance of the trial until March 2023;

Maintenance of the trial 'as is' would allow for the experimental traffic order six month period originally envisaged to conclude and for fuller information to be collected but was more likely to prolong and intensify the public debate on this issue.

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

January 2023

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

Record of Decisions

Revenue and Capital Budget 2023/2024

Decision Taker

Cabinet on 10 January 2023.

Decision

- (i) That all Members and the Overview and Scrutiny Board consider the draft revenue and capital budgets and implications of the draft proposals for investment in services, efficiencies and income generation. The Overview and Scrutiny Board (through its Priorities and Resources Review Panel) will consider certain specific issues arising from these savings proposals and publish its recommendations by 9 February 2023 on the outcomes of its deliberations and stakeholder representations for the Cabinet to consider;
- (ii) The draft proposals for investment in services, efficiencies and income generation are based upon the provisional Local Government Finance settlement as announced by central government on 19 December 2022;
- (iii) That public consultation be undertaken on the proposals. (The results from this consultation will be considered by the Cabinet with the Cabinet's final proposals being published on 23 February 2023.);
- (iv) That the Chief Finance Officer be given authority to amend these budget proposals for any technical adjustments necessary between services and within the overall envelope of funding in agreement with the Leader of the Council; and
- (v) That the Chief Finance Officer report to the meeting of the Cabinet on 23 January 2023 on the implications for 2023/2024 as a result of these proposals currently being considered and in light of the final settlement which is expected by early February 2023.

Reason for the Decision

To enable the consultation process on the proposed Revenue Budget and Capital Plan for 2023/2024 to begin.

Implementation

This decision to publish the draft revenue budget and the savings proposals will come into force immediately, so as to commence the formal consultation process on the budget.

Information

The Leader of the Council on behalf of the Cabinet has announced their provisional revenue and capital budget including proposals for service change, income generation and efficiencies for 2023/2024 (as available at [Budget 2023/24 - Torbay Council](#)) to enable the consultation process to start. The proposals for investment in services, efficiencies and income generation and development of the budget will support the Council in delivering its ambitions as set out in the Community and Corporate Plan.

Additional supporting financial information will be supplied in due course to help inform consultation and scrutiny of the proposals. Information will be placed on the Council 2023/2024 Budget webpage at [Budget 2023/24 - Torbay Council](#).

The Cabinet wishes to hear the views of all Members of the Council, the Overview and Scrutiny Board and external stakeholders together with specific service users on their proposals before finally recommending a budget to the Council in March 2023.

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

Alternative Options considered and rejected at the time of the decision

Alternative options were not considered.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None.

Published

11 January 2023

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

Record of Decisions

Torbay and Devon Safeguarding Adult Partnership (TDSAP) Annual Report 2021/2022

Decision Taker

Cabinet on 10 January 2023.

Decision

That the content and the requirement for the Torbay and Devon Safeguarding Adult Partnership to publish the Annual report be noted.

Reason for the Decision

It is a statutory requirement of the Care Act 2014, for each Safeguarding Adults Board to produce and publish an Annual Report and given the importance of the work of the Safeguarding Adults Board political oversight was sought.

Implementation

This decision will come into force and may be implemented on 23 January 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Safeguarding Adult Annual Report sets out the purpose, structure, scope of membership, key data summaries and summarises the current strategic priorities.

At the meeting Councillor Stockman proposed and Councillor Long seconded a motion that was unanimously agreed 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

13 January 2023

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

Record of Decisions

Torbay Economic Growth Strategy - Action Plan

Decision Taker

Cabinet on 10 January 2023.

Decision

That the Torbay Economic Growth Strategy Action Plan be approved as set out in Appendix 1 to submitted report.

Reason for the Decision

The Economic Growth Strategy Action Plan is fundamental to delivery of the thriving economy theme of the Community and Corporate Plan. The action plan will contribute towards the Council's place shaping ambitions recognising that economic success is a key determinant of a number of other outcomes.

Implementation

This decision will come into force and may be implemented on 23 January 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

At its meeting on 8 December 2022, the Council approved the Torbay Economic Growth Strategy 2030. Consequently, an action plan has been developed which sets out the key actions that would deliver the priorities within the Torbay Economic Growth Strategy 2030.

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

There were no alternative options considered.

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

13 January 2023

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

Record of Decisions

Paignton and Preston Community Seafront Masterplan

Decision Taker

Cabinet on 10 January 2023.

Decision

1. That the Paignton and Preston Community Seafront Masterplan, as set out in Appendix 2 to the submitted report, be approved.
2. That further design work be commissioned, in line with RIBA stage 3, so that a full planning application can be submitted later, in 2023.
3. That the Director of Place, in consultation with the Cabinet Member for Infrastructure, Environment and Culture, be requested to submit appropriate planning applications for the phased works set out in the Paignton and Preston Community Seafront Masterplan.
4. That, subject to gaining the appropriate planning consent, the Director of Place, in consultation with the Cabinet Member for Infrastructure, Environment and Culture, be requested to implement the phased works set out in the Paignton and Preston Community Seafront Masterplan.
5. That, given the current availability of capital funding, the coastal defence works at Paignton Seafront should be prioritised as flood modelling has shown that residents, businesses and critical infrastructure are more at risk from coastal flooding in this area than at Preston Seafront.
6. That officers continue to monitor and proactively seek funding opportunities for the delivery of all the schemes set out in the Masterplan.

Reason for the Decision

As our climate is changing, sea levels are rising and more storms are hitting Torbay, the Environment Agency and the Council commissioned an assessment of the Bay's existing coastal defences. This assessment has shown that the sea defences we currently have on the seafronts at Paignton and Preston will only provide protection from flooding from storms for up to another 10 years. A community backed scheme was therefore required to address this challenge.

Masterplans set the vision and implementation strategy for a development or scheme. They are therefore, by nature, high-level strategic documents and although they indicate the intended arrangement of buildings, infrastructure and the public realm, they have a limited level of detail. Masterplans often apply to schemes that could be developed over a longer timeframe and so may need to be reviewed from time to time and be flexible to adapt to changing circumstances. Due to the current funding constraints this was likely to be the case with this Masterplan.

Implementation

This decision will come into force and may be implemented on 28 December 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Whenever Torbay experience storms like Storm Emma in 2018, a number of residential and commercial properties are at risk of flooding. The Torbay Coastal Defences report estimates that, with another 50 years of climate change, the total number of properties at risk of flooding would be 352. By acting now, we can rapidly reduce this risk to properties.

In February 2022 the Council commissioned an independent design consultancy, they were tasked to undertake a collaborative public consultation process and involve as many people as possible in the co-design of a new Paignton and Preston Seafront Masterplan, which would incorporate the appropriate sea defence infrastructure, along with improvements to the wider public realm.

The Paignton and Preston Community Seafront Masterplan, charts the design and engagement process, culminating in a community-led Seafront Masterplan that has overwhelming public support. It presents a bold vision to deliver long term transformational change, acknowledging it was likely to need additional funding to the monies already identified and would need to be a phased process.

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

Alternative Options considered and rejected at the time of the decision

There were no alternative options considered.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None.

Published

13 January 2023

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

Record of Decisions

Disposal of Land at Little Blagdon Farm, Totnes Road, Collaton St Mary

Decision Taker

Cabinet on 10 January 2023.

Decision

1. That the decision of the Council on 8 October 2020 as set out in minute 159/10/20 (iv) be replaced with the following and in accordance with the current Policy Framework which gives Cabinet the power to make this decision;
2. That the disposal of the freehold interest of the land at Collaton St Mary, as set out in Appendix 1, be transferred, to TorVista Homes or a company wholly owned by the Council, be approved; and
3. That the Chief Executive be given delegated authority in consultation with the Cabinet Member for Finance to determine the appropriate point at which to value the land, as set out in Appendix 1, ensuring best value and compliance with the General Disposal Consent Order and agree and finalise any detailed disposal terms with the Cabinet Member for Economic Regeneration, Economy and Tourism and the Director of Finance.

Reason for the Decision

To ensure the conditions of the Land Release Fund (LRF) grant are met. The LRF grant terms, as subsequently revised with the approval of the Department for Levelling Up, Housing and Communities (formerly known as MHCLG) requires that the site is released/transferred by February 2023.

Implementation

The decision in respect of the disposal of land at Little Blagdon Farm, Totnes Road, Collaton St Mary 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's and Council's interest. The Overview and Scrutiny Co-ordinator was consulted on 6 January 2023.

Information

Approval was sought to dispose of the Council's freehold interest in land at Little Blagdon Farm, Totnes Road, Collaton St Mary, by way of transfer to a company wholly owned, or partly owned by the local authority. The intended outcome would ensure the conditions of the Land Release Fund (LRF) were met by transferring the land to a Council company, namely TorVista Homes.

The proposed disposal route would ensure that the Council was still in control of the outputs required for the site, in line with the LRF conditions linked to residential development.

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

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

13 January 2023

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

Record of Decisions

Torquay Town Deal - Business Case Assurance

Decision Taker

Cabinet on 10 January 2023.

Decision

1. That Cabinet notes the endorsement of the Torquay Town Board in respect of the business cases for the projects set out at Paragraph 1.2 of the submitted report; and
2. that the business case as set out in Appendix 1 to the submitted report be submitted to the Department for Levelling Up, Housing and Communities with any required amendments delegated to the Director of Pride in Place in consultation with the Cabinet Member for Regeneration, Tourism and Housing and the Director of Finance.

Reason for the Decision

To allow delivery of the Town Investment Plan project which would demonstrate to the local community, investors and government the progress of the Town Deal. Submission of the business case and the subsequent funding through the Town Deal provides investment which would create employment, attract additional investment and support residents in accessing support to help them gain work and deepen their skills in key sectors thereby in time contributing to a more resilient local economy.

Implementation

This decision will come into force and may be implemented on 23 January 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In July 2020 the Council submitted a Town Investment Plan seeking funding to support the economic regeneration of Torquay from the Government's Town Deal programme administered by the then Ministry of Housing, Communities and Local Government (MHCLG) now Department for Levelling Up Housing & Communities (DLUHC).

The Council was advised that the Investment Plan would be supported by £21.9M of Town Deal grant subject to business cases. Business cases for all projects, with the exception of one, had been submitted and approved by DLUHC. The outstanding business case was for a site-specific town centre regeneration proposal.

Submitting these business cases, to the Department for Levelling Up, Housing and Communities (DLUHC), and their anticipated approval would allow for this project to join those already agreed and to proceed through the next stage of their development and delivery over the period to the second quarter of 2024 and beyond where appropriate.

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 have been to do nothing. This option was discounted as without the submission of the business case then the Towns Fund grant would not be released and the anticipated benefits from the scheme would not be accrued. There would be significant disadvantages which could include the loss of grant, lack of achievement of economic benefits and reputational harm with Government and local partners.

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

13 January 2023

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

Record of Decisions

Award of Licence for Observation Wheel

Decision Taker

Cabinet on 10 January 2023.

Decision

That the licence to occupy the site, edged red on the site plan as set out in Appendix 1 to the submitted report, be awarded to the preferred bidder as set out in exempt appendix 2 to the submitted report.

Reason for the Decision

The implementation of an observation wheel will support the implementation of the Events Strategy and Destination Management Plan.

Implementation

This decision will come into force and may be implemented on 23 January 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Observation Wheel, hosted annually in Torquay, comes to the end of its current licence in October 2023. The opportunity had therefore been re-procured through a tender process for the 2024 season for 5 years with the option to extend for up to a further 3 years in 12 month increments and approval was sought to award the licence to the preferred bidder.

At the meeting Councillor Cowell 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

An alternative option would have been to not re-procure an Observation Wheel at the end of the current contract. However it was a popular attraction for visitors and residents and generated income for Torbay Council and contributes to the upkeep of heritage assets in Princess Gardens therefore this option was discounted.

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

13 January 2023

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

Record of Decisions

Award of Contract for Parking Notice and Permit Processing System

Decision Taker

Cabinet on 10 January 2023.

Decision

That a direct award for a new contract with the current supplier Taranto from the 1 April 2023 for one year with the option to extend for a further year be approved.

Reason for the Decision

To ensure the most cost effective way to re-procure a parking notice processing and permit system via a Direct Award to the current provider for up to two years to allow full market engagement to ensure new and emerging products for these types of systems were included in the procurement process.

Implementation

This decision will come into force and may be implemented on 23 January 2023 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

To award a contract to the current supplier, for a period of up to two years, to enable the Council to issue parking penalty charge notices and permits. This system ensures parking penalty charge notices are issued to vehicles parking in contravention, an appeals service and recovery of unpaid penalty charge notices in line with legislation. The system also provided a permit module to issue all parking permits to park in either car parks or on street.

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

Issuing a tender opportunity to the market is not an option at the present time due to the resources required to conduct market testing, procure, test, set up, implement a new system and migrate data within the timescale

With agreement for up to a further two years this would provide time to ensure resources were available to support a procurement project which would include setting up a Project Board and market testing. Market testing would ensure that the best solution for the Council was procured to include systems which were new to the market.

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

13 January 2023

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

Record of Decisions

Five Child Friendly Task and Finish Groups - Report of the Children and Young People's Overview and Scrutiny Sub-Board

Decision Taker

Cabinet on 10 January 2023.

Decision

That the Cabinet's response to the Five Child Friendly Task and Finish Groups – Report of the Children and Young People's Overview and Scrutiny Sub-Board be approved as published.

Reason for the Decision

The Cabinet was required to respond to the findings of the review undertaken by the Children Young People's Overview and Scrutiny Sub-Board.

Implementation

This decision will come into force and may be implemented on 23 January 2023 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 Five Child Friendly Task and Finish Groups – Report of the Children and Young People's Overview and Scrutiny Sub-Board. In accordance with section D7 of Standing Orders in relation to Overview and Scrutiny as set out in the Constitution, the Cabinet was required to respond to the recommendations of the Children and Young People's Overview and Scrutiny Sub-Board within two months. Subsequently the Cabinet prepared a response to the recommendations of the Children and Young People's Overview and Scrutiny Sub-Board which was proposed by Councillor Stockman and seconded by Councillor Carter and 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

13 January 2023

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

Revenue and Capital Budget 2023/2024 – Report of the Overview and Scrutiny Board

Report to Cabinet to be considered as part of the budget consultation

Background

1. The Cabinet's Draft Revenue and Capital Budget proposals for 2023/2024 were published on 11 January 2023 and available on the Council's website at <https://www.torbay.gov.uk/council/finance/budget/budget-202324/>. The Revenue Budget Digest set out the proposed budget for each Council service for 2023/2024. The website also included further documents which set out: the proposals investment in services, efficiencies and income generation; proposed fees and charges and the Capital Plan Budget. The Priorities and Resources Review Panel 2023/24 was established to scrutinise the proposals and to make comments, observations and recommendations as necessary.
2. The Review Panel comprised of the Councillors on the Overview and Scrutiny Board, as they had developed a strategic and overall knowledge of the Council's revenue and capital budgets through quarterly monitoring meetings held throughout the year, namely, Councillors Barrand, Brown, Bye, Douglas-Dunbar, Dudley (who attended as a substitute for Councillor Douglas-Dunbar for the second meeting), Foster, Johns, Kennedy and Loxton.
3. The Review Panel met virtually in public on 19 and 30 January 2023 to hear evidence and on 6 February 2023 in private to agree the key findings and recommendations to the Cabinet. At its public meetings the Panel heard from the Leader and Deputy Leader of the Council and the Cabinet Members as well as from officers from the Senior Leadership Team.
4. The background papers to the Review can be found at:
<https://www.torbay.gov.uk/DemocraticServices/ieListMeetings.aspx?CId=1902&Year=0>

Introduction and General Acknowledgment

5. The Panel considered all of the proposals for investment in services, efficiencies and income generation for 2023/2024 as well as the overall budgets for Children's Services, Adult Services and Public Health and the Capital Plan Budget and the findings from their meetings are set out in this report. The report was presented to the Overview and Scrutiny Board on 9

February 2023 and approved unanimously and will now be submitted to the Cabinet as part of the consultation process (to be updated after Board on 9 February).

6. Members appreciated that the current level of inflation continues to have an impact across the Council with costs increasing and were also incredibly aware of the impact that the current cost-of-living pressures were having on the residents of Torbay. The Council's aim remains to serve its communities and to make Torbay a good place to live, learn, work and enjoy life, whilst delivering cost-effective services which will help Torbay and its residents to thrive.
7. Members welcomed that the Central Government funding settlement was broadly as expected from last year's Spending Review and that there were no actual cash cuts for Local Authorities in the coming year or in 2024/2025. However, it was recognised that the Council's costs and service demands continued to rise and that there were limited additional Government grants which helped to meet this. It was acknowledged that Council Tax was now the main source of funding for Council services, but Members voiced concern that the proposed intention to increase Council Tax by a further 2.99% with an additional 2% increase for the adult social care precept to a total of 4.99% would increase the financial pressure on all Council Tax payers in the Bay, particularly those on lower incomes, especially in light of increasing energy costs.
8. Whilst not all Local Authorities had published their budget proposals yet, it was anticipated that most upper tier Local Authorities would increase their Council Tax by 4.99% given the demands around funding adult social care. It was already known that North Yorkshire and Blackburn Councils were increasing Council Tax to 4.99% but the Devon Authorities had not published their figures at the time of the review. The proposed rise in Council Tax does not reflect the levels of inflation and it was recognised that 2% of the increase would be ringfenced for adult social care (ASC). This would allow, amongst other things, for improvements to the voluntary sector support for ASC in Torbay. The reality was that costs would not fall away even if inflation decreased and that there were considerable demand pressures in Children's and Adult Social Care. Whilst it was acknowledged that some funding had been received from Central Government, it was still necessary to find further savings and efficiencies.
9. **Thriving People - Adults and Community Services**
 - 9.1 In respect of Adults and Community Services, Torbay Support Scheme Members were keen to understand the entirety of the scheme and the investment from the budget into this and explore the proposals regarding the grants to be applied over and above the contract fee to the ICO (Integrated Care Organisation).
 - 9.2 Members expressed concern as to continuation of support for those who need support moving into new homes and that Central Government funding in that respect had finished. Members were reassured that the rough sleeping initiative continued although it was confirmed that no Central Government Grant streams were currently available around Housing First.

- 9.3 In relation to the Household Support Fund, Members questioned whether the £2.47 million provided by Central Government was already held on account and the following written response was provided:

“The funding for Household Support Fund (“HSF”) is pulled down through quarterly returns to DWP. At the beginning of the scheme delivery criteria are submitted to DWP and agreed to form the basis of claims through a standard proforma.

With HSF 1-3 the schemes have been announced with start and end dates with criteria and allocations announced at a later date. Based on the previous schemes this has usually been within 2 weeks of the go live date.

Funding for HSF1 (October 2021 – March 2022) & HSF2 (April 2022 – October 2022) has been received and distributed. HSF3 (October 2022 – March 2023) is ongoing. Spend data for October – December is currently being collated and will be reported to the DWP 23 January 2023”.

Following on from this Members questioned whether there were any proposed plans in place for distribution and allocation of the monies and if so, what were those plans and a written response was provided as follows:

“HSF3 will conclude at the end of March, with HSF 4 replacing this from April until September 23, there is commitment for HSF5 October to March 24. Criteria and allocations have not yet been announced by DWP. A working assumption of £1.2m and similar criteria i.e. food and fuel are being used to work up scheme options. This is also being cross referenced against other funding sources and schemes to try and provide coverage for the community ensuring a targeting of resource. Scheme options will be available for the end of January. An announcement from DWP may not be forth coming until March”.

- 9.4 In respect of the Exceptional Circumstances Fund, Members understood that one off payments would be made to care experienced young people, as well as those who live in houses of multiple occupation, but questioned what other individuals would benefit from one off payments? How far into the co-design process were we with Torbay Community Helpline and when could we expect those design proposals to be available for consideration?
- 9.5 It was reported to the Panel that an initial assessment was currently being undertaken in mapping all the support schemes available both through the Council and government unitalities and the qualifying criteria. This was also being cross referenced against the need that Officers were seeing as a part of their daily work as well as information from partners such as the Community Development Trust, Food Banks and Citizen’s Advice. This would be used as an evidence base to inform discussions with partners as part of the co-design process and identify gaps or areas of most need. The information assessment would be completed by 27 January 2023.
- 9.6 Some elements of the scheme had already been through discussions with elected members and the Senior Leadership Team (SLT) e.g. payments for

Foster Parents etc. This therefore leaves £250,000 for the Exceptional Circumstances Fund that would be considered. The scheme would be operational for April 2023.

9.7 The Panel wished to understand what the criteria was in respect of the application for Discretionary Housing payments to ensure a fair process behind allocation. Members welcomed the update that Discretionary Housing Payments were available for those who receive Universal Credit or Housing Benefit to pay for shortfall in rent, rent in advance, deposits and rent arrears. If people need assistance but were not on the qualifying benefits, they could apply for assistance through welfare support.

9.8 The Panel were provided with further written response as follows:

“The allocation from government for Discretionary Housing Payments has reduced from £625,048 in 2020- 2021 to £443,820 in 2021-2022 and £314,561 in 2022-23. Next year’s allocation has yet to be announced. When considering applications, the household’s income, expenditure and capital is considered in addition to the list below:

- Reductions in Housing Benefit or Universal Credit where the benefit cap has been applied.
- Reductions in Housing Benefit or Universal Credit for under-occupation in the social rented sector.
- Reductions in Housing Benefit or Universal Credit as a result of LHA restrictions.
- Rent officer restrictions such as local reference rent or shared room rate.
- Rent deposits and rent in advance (where the claimant is at risk of homelessness).
- Expenditure higher than income due to multiple debts and a substantial shortfall in the rent (refer to other agencies e.g. Citizens Advice Bureau for debt advice).
- Where an extra bedroom is needed due to medical reasons and it is unreasonable to expect the claimant to move home.
- Property is larger than current needs due to pregnancy. This will be considered where Housing Benefit/Universal Credit is restricted by size criteria and only within twelve weeks of the baby’s due date.
- Medical condition making it difficult to move.
- Increases in essential work related expenditure such as increased fares to work if a claimant has had to move because they could not afford to live in proximity to their work following a reduction in their LHA rates.
- Short term emergency, crisis in family etc.
- Assistance to secure a new tenancy where the decision maker considers there is an urgent/essential need to move such as at risk of homelessness.
- Assist the claimant to retain an existing tenancy.”

10. Thriving People - Children's Services

10.1 In relation to the proposed reduction in costs associated with home to school transport, Members questioned if more savings could be made and how the reduction would be managed, and how assessment of risks and mitigations would be planned and reviewed regularly for all young people with

safeguarding highlighted as a particular area of concern. However, Members were also supportive of encouraging more independence for children and young people but within a safe environment.

- 10.2 Members were reassured that children and young people would be subject to individual assessments to make sure that they would not be put in an unsafe position. The plan going forward would be to review and work alongside work, education establishments and families and would not be purely based on finances. The focus would be around transitioning young people to adulthood and allowing them to safely move around their communities.
- 10.3 It was recognised that the home to school transport budget was very large and the proposed reduction relatively small by comparison. Members were informed that the position was being reviewed on a monthly basis and the aspiration was to keep to a base budget next year.
- 10.4 The draft budget proposals showed the £2.5 million budget for the current year against spending of £3.7 million and the Chief Finance Officer was able to explain that Torbay Council had started the year at £2.5 million but had to increase to £3.7 million to accommodate inflationary pressures, such as the rise in the cost of fuel. However, it would still be possible to make a small efficiency saving going forward which was currently projected at approximately £60,000 to £70,000.
- 10.5 Members reflected that the Council had to be very mindful of inflationary pressures whilst also considering the number of families that have found themselves homeless. There had been a 26% in year rise, which was double that which would normally be expected and also there were national pressures on home to school transport and it was recognised that this was not just a local issue.
- 10.6 Members were reassured that the focus remained on establishing monitoring arrangements for all aspects of expenditure and school transport costs were but one element of this monitoring. The aim and aspiration was to ensure that all children and young people who absolutely require transport receive the support needed. A route and branch review was being scheduled to assess the continuing need of all children and young people who were currently assessed as eligible for school transport. Members received written information that this review would consider:
 - All young people currently in year 10 /11 to understand whether any will benefit from 'independent travel training opportunities' which is an initiative developed as part of our work to prepare children for young adulthood.
 - All children and young people currently in receipt of 1:1 travel. We shall consider whether there are opportunities for creating shared routes which would optimise to use of staff and vehicles.
 - All cared for children who live with Foster Carers to establish whether children's needs would be better served by their carers taking responsibility for the transport arrangements as part of their daily family life.

- All children and young people at mainstream education currently in receipt of home to school transport. We will establish whether there are opportunities for using individual travel allowances or shared arrangements.
- Shared arrangements for children and young people at specialist schools.

This work would enable officers to confidently understand current and future demand and provide the capability to project costs and savings.

10.7 In relation to the application of the Social Care Grant, Members questioned the predicted overspend of £2 million in Children’s Services in 2022/2023 and how £2 million of the social care grant increase had been allocated to this service. Members also questioned confidence in the predicted overspend not increasing further due to current inflationary pressures together with increased supplier costs and were keen to understand how this would impact on the Children’s Services proposed budget for 2023/2024, for example, would this result in further cuts being made elsewhere within the Service?

10.8 Members received a written response to their enquiries which confirmed that:

“Children’s Services has established a good ‘track record’ in budget managements throughout the period of its three-year improvement work. The service has focused and will continue to do so, on all parts of the service to ensure that cost efficiency remains high on the agenda. Its work on ensuring that care solutions are used expediently and only when children need to be protected has been successful in reducing costs overall. The service is allocated a portion of the social care grant as they deliver children’s statutory services. As a service we have determined that the budget needs to reflect in the service area which has the highest pressure which is the identification and delivery of good quality alternative care solutions that meet the needs of our cared for and care experienced children and young people. The service knows its care population well and is increasingly able to enable children to benefit from care arrangements with foster carers or in formal arrangements with relatives, both of which are preferable and cheaper options to high-cost residential care and mitigate any exceptional increases in supplier costs. Further, based upon its detailed and contemporary data and performance information the service can confidently predict costs associated with current and anticipated future demand for services. These current cost and future forecast data are scrutinised on a fortnightly/monthly basis by the Councils DCS, CEX, and Chief Finance Officer. Budgetary risks associated with unexpected requirements to care for children with highly complex needs in ‘high cost placements’ are factored into the budget planning cycle and monitored closely to mitigate their worst effects on the children’s service overall budget.

We’re aware that there have been challenges in this financial year due to an increase in year unit cost of individual placements or commissioned services, a lack of provision resulting in high-cost unregulated provision options required, a reduction in foster care placements and the increase in the mandatory numbers of UASC that each Local Authority is required to support.

As a service we forecast our overall spend at the start of the financial year and review in line with predictions following analysis of our previous financial positioning, this supports our ability to be as accurate in our base budget build for placements at the start of the financial year”.

11. Council Fit for Future

- 11.1 Members referred to gross income from the investment programme of £14.1 million and that the net income received into the revenue budget was £4.1 million and the fact that the programme’s contingency fund was in a healthy state and that investment from income properties was performing well. On that basis Members questioned whether it was reasonable to consider this again and provide a higher net figure of over £4.1 million for the revenue budget and whether the larger sums were required for the contingency fund?
- 11.2 It was explained that a prudent approach was taken to the contingency fund and that this was the right approach since, for example, there was a risk with some investments failing during the course of the current economic crisis and the cycle of re-negotiation on leases also had an impact. By maintaining a safe level to secure contingency, less pressure would be put on the revenue budget.
- 11.3 It was also explained that such factors as lost rent; landlord work; rent free periods; empty properties; service charges and business rates, provide illustrative examples of how expenses can increase quite quickly where there is a vacant investment property.
- 11.4 Members questioned ways in which to reduce costs associated with the operation of the Town Hall and the longer term asset plan linked to Union Square and the Oldway project and whether Council operations would be re-located to those sites. It was explained that part of the Union Square proposal was for other uses, for example, health and Council services and that the suggestion in respect of Oldway was a new idea and a potential medium term proposal.
- 11.5 It was accepted that it was important for the Council to look at making best use of its assets which included consideration as to different uses and Members were informed that the Town Hall currently costs around £400,000 to £500,000 per year to run.
- 11.6 Members were informed that two feasibility studies had been carried out and part of that was to look at different uses for different sites. Oldway was not suitable for core Council services but could be considered for office-based workers.
- 11.7 In relation to Oldway Members were informed that a Project Director had been appointed to deliver the NLHF (National Lottery Heritage Fund) Resilience project, which included work packages for conservation management plans and a masterplan to explore future use options for Oldway. The Masterplan should be published around June 2023 which coincided with heritage resilience funding coming to an end. Other ideas for Oldway were to make it into a wedding venue and if that was the case the registrars could potentially relocate there but the challenge would be to move more office space into

Oldway. If the Town Hall was to be vacated, then the Council would have to explore what interest there would be in the building and for what purpose and if current offices could be relocated into Union Square which could provide a quicker solution to reduce the costs of running the Town Hall.

- 11.8 Members questioned the proposed appointment of an Inclusion Officer and where that proposal had originated. It was explained that the need was identified within the cross-party Torbay Race Review and that it was proposed for the role to hold a wider remit, concentrating both within the Council and with partners.
- 11.9 Future funding streams were also a topic of discussion in respect of the Town Deal, Future High Street Funding and Land Release Funding etc. and whether the resulting money had not been used as quickly as it might have been and whether the Council's reputation had been damaged as a result of that.
- 11.10 It was noted that the land release scheme and the flooding defences in Paignton had been the subject of review a number of times and Members were concerned that if funding was not spent in a timely manner, if it would damage the Council's future prospects of tapping into future funding available?
- 11.11 It was accepted that there was a challenge around some of these schemes and that the pace of delivery had often been held up because of issues with appointing contractors. As a result of the current market, there seemed to be a reluctance for firms to submit tenders, because there was a worry about fixed price materials increasing, which, in turn, potentially affects the viability of the project for the contractors. There were many other Local Authorities experiencing the same issues in relation to the pace of delivery and it was accepted that it was not for lack of trying, an example being the Union Square acquisition and the pressing time frame in respect of that. A figure had only been received very recently in relation to release of Levelling Up monies which represents the first stage and only 5% had been received so far. Other bids for Levelling Up Funding had been submitted but had been unsuccessful and Members felt that the reasons behind this required further investigation by Overview and Scrutiny to ensure that the Council was able to maximise its funding opportunities.
- 11.12 Members expressed concern about the proposed budget change of revenue commitment from TDA in the sum of £200,000 and questioned specifically:-
- whether other projects such as the Premier Inn, Debenhams and Crossways had been considered within that figure?
 - what the loss of £200,000 would mean in real terms to TDA?
 - What were the consequences of that reduction in terms of the Council's ambitions and regeneration of Torbay?
 - Would TDA be expected to pick up the extra cost on schemes and what would be the effect of that?
- 11.13 It was explained that part of the budget building process was to ask TDA for a £200,000 contribution towards reducing the Council's revenue budget. The

way that the budget had been worded was to construct that contribution as a contribution towards interest payments and an implication that those assets would transfer over to TDA. It was fair to say that TDA did have some misgivings about the approach but they were free to provide an alternative offer as to how they would deliver the same outcome, i.e., a net saving of £200,000 per annum. The budget papers were very specific about how that saving could be achieved, but the particulars had yet to be agreed notwithstanding what was set out in the budget proposals.

- 11.14 The Managing Director of TDA addressed Members and made it clear that the TDA Board understood the pressures that the Council faced and wished to support the Council in any way it could. However, whatever contribution was obtained from TDA it would have a direct reduction on what TDA could spend. Members noted that within the Torbay Economic Growth Strategy Action Plan approved by the Cabinet on 10 January 2023, there was a shortfall in budget required and in order to deliver, this Action Plan required a contribution of £256,000, so whilst some efficiency savings could be made, there would still be a direct impact. It was made clear that if the Council wished TDA to make the £200,000 contribution, TDA would do so but the impact would be that TDA would not be able to invest that corresponding figure into projects to be delivered through the Torbay Economic Growth Strategy Action Plan.
- 11.15 Members wished to have a better understanding of the impact in detail as they were concerned that if the budget changed it would follow that there would be some things that TDA would not be able to do. Members were informed that to determine the extent of that would be complicated and that TDA's budget has to follow the Council's budget and processes and so next year's budget for TDA was not agreed. Therefore, there was a strong chance that TDA would be able to put money into delivering the Action Plan but if the £200,000 contribution was required various aspects would be affected, for example, the destination management plan; co-ordinating projects and the potential not to be able to recruit vacant posts within teams in order to run work programmes.
- 11.16 Members were informed that as TDA was a wholly owned company and profit making, investing back into economic development, it was only fair that TDA be expected to make a contribution towards the Council's revenue budget. The Economic Strategy made it plain that the largest issue holding the Council back in terms of economic development was the lack of funding the Council received coupled with the rise in interest rates and inflation. Members were also asked to bear in mind that TDA's operating surplus for last year was circa £600,000 excluding TorVista Homes.
- 11.17 Members were concerned that the regeneration programme would have to be reduced if the contribution of £200,000 was taken and questioned the confidence in delivering the Capital Plan and Economic Growth Action Plan. Another concern was the current lack of capacity to deliver regeneration and that if TDA had to make a contribution of £200,000, that would have a further and detrimental impact on the Bay and its regeneration.
- 11.18 Members were informed that there was an absolute intention to deliver the Economic Strategy and that officers in particular worked very hard to achieve

this, although it was acknowledged that there was a link between capacity and funding.

12. Thriving Economy

- 12.1 Members questioned how much confidence there was in securing sponsorship for the annual Air Show bearing in mind that previous attempts to secure sponsorship had not been that successful. It was explained that the opening of new hotels on Paignton Sea Front might provide fresh opportunities in that respect in addition to which the Council could engage with local businesses within the Bay who benefit from the Air Show and who might be persuaded to make a contribution towards the cost.
- 12.2 It was highlighted that the Council's reduction in funding for the Air Show occurred at the same time that costs were increasing. For example, staffing costs; aviation fuel and hiring in the different infrastructure which may be needed. It was accepted that holding such events was expensive.
- 12.3 It was estimated that the Air Show had cost in the region of £150,000 last year and yet it was proposed that the budget be reduced by £27,000. Members expressed concern that by June 2023 the Council could find itself in a position where it had to find around £100,000 to run the Air Show if other funding could not be secured. It was explained that due to the reduction in budget allocation, there was no option but to look outside the Council for sponsorship as the Council did not have the money to solely fund the Air Show. Although it was accepted that it would be challenging, there was confidence that the proposed budget saving would be deliverable. A cross party working group continued to closely monitor the position. It was explained that there was £60,000 in the Events, Culture and Heritage Budget and a contingency within that budget, which could be used as a baseline. At the same time, the Council was working alongside partners and so on a global basis there was the potential to fund £80,000 to £90,000 if required.
- 12.4 Members were concerned about potential financial liability for the Council if the 2023 Air Show had to be cancelled at short notice, due to lack of funds. It was reported that the commitment the Council had with REM as event partner was that the contract included this year and so if the 2023 Air Show was cancelled, it would have been necessary to make that decision last Autumn otherwise the Council would expose itself to a potential claim for damages against it. The main aim was to secure a good quality event and identify sponsors. The Council had also partnered with Clear Sky Publishing, which was a firm that specialise in securing sponsorship and the Council had used this firm before. Currently, consideration was being given to approaching aerospace businesses around Exeter and Somerset, but in terms of sponsorship and funding there was a need to consider what the likely gap could be this year in terms of shortfall of funds.
- 12.5 In relation to Capital Projects, Members made reference to the Budget introduction and achievements for this year and in particular the new facilities at Mayfield which were planned for 2023/2024 and were very ambitious. It was accepted that the Capital Programme was a rolling budget and therefore substantial amounts of the capital budget had been approved in previous years or had been the subject of individual decisions.

- 12.6 Members queried the work carried out at Cuthbert Mayne school over the last couple of years and the difficulties there had been with loss of contractors and delay to works, but were pleased to hear that the project works were now where they should be. Members questioned whether the figures within the budget represented additional funding or were part of the existing approved cost with works simply delayed and running over into the next year. It was confirmed that the works were ongoing works and that the completion stage would fall into 2024, this being the second phase, currently at the design stage, with the works having been spread over two years. Over the past few years Members would have seen various spend on these capital projects.
- 12.7 In relation to the Adult Services Capital Plan projects, Members were interested to know whether there was any confirmation of an end user and who would take on the management of the housing once the projects were complete. Demolition was due to begin on Crossways in January with construction on site scheduled for July 2023. It was confirmed that Torre Marine would be coming forward first and that there was an end user plan for that but Crossways was a bit more complicated because of increased costs. It was explained that there was a separate care provider for Torre Marine and an option within the existing care and support package, currently running at Hayes Road, which had the option to expand. In relation to Crossways, this was a two part project with the demolition contractor having already been selected. Currently work was being carried out to remove asbestos from the site and once full demolition is underway, the Council would look for a contractor for the build phase. At that point there would be a better understanding in respect of the cost for that scheme. Members wished to gain reassurance that the construction of the site would take place within the next 12 months as the scheme was key to delivery of the Adult Social Care Strategy. It was confirmed that the expectation was that contractors would be on site within the next 12 months.
- 12.8 Members raised the fact that the budget plan indicated this was a £25 million scheme and asked if that was still a realistic figure for the spend and whether there would be a spend in 2023/2024. Members were informed that the entire scheme would cost more than envisaged and that was why a new decision would be required as there would be spend in 2023/2024. Crossways was complex, with multiple contractors on site and funded from a range of sources such as the Future High Streets' Fund and Homes England for example. In terms of direct Council funding this would be taken from social care which was a lower figure than quoted in the plan.
- 12.9 Members were reassured that, in a matter of weeks, the Crossways site would be clear and as the building industry settles this year, there was confidence that the project would be completed and that the Council would be working with Homes England to see if funding could be increased. There may also be scope to receive some Levelling Up Funding that may or may not be available. Members were informed that the project would be well underway during the course of this year.
- 12.10 In relation to temporary accommodation and emergency homes a total spend of £10 million had been agreed with initial planned expenditure of £5 million for 2023/2024. Members questioned whether this was a fair split in terms of

allocation of funding between the financial years and when the first property would be inhabited. It was reported that progress was being made on two to three properties now (out of 37 properties) and that the allocated funding would effectively be used within this financial year to meet demand for those 37 properties. Members were pleased that the project was working well, with 17 properties at completion stage or under offer and various inspections taking place ahead of completion with the first occupancy likely to happen in February 2023.

- 12.11 Members questioned what allocation there was within the budget going forward to support the regeneration of the Pavilion as there was a concern over delayed progress. It was reported that there was £2 million allocated in the Capital Plan for the Pavilion project. The original project was based on a co-funded solution which involved the tenant developing a scheme alongside the Pavilion which would generate profit to go towards regeneration. However, that position had changed now because of the state of the construction market and so talks were being held with the tenant to come forward with a proposal which would put the Pavilion in a position where it could be stabilised in the short term. The difficulty was that the £2 million allocation was committed on the basis of a restoration project and if that was now not the case in terms of usage, then there was a question around whether the money was legitimately available for supporting an alternative to restoration. Members were informed that there was a further difficulty in that there was no funding in the Capital Fund now if the Town Deal funding was not available.
- 12.12 In terms of timings for the project Members acknowledged that the budget in the Capital Plan was £2 million, with £1.3 million planned expenditure for 2023/2024 to undertake feasibility work. Currently it was envisaged that contractor procurement would be complete by February 2023 with on site surveys scheduled for April 2023 and Members wished to know whether that was still the case.
- 12.13 Members were informed that contractors were on site now. The £2 million was listed in the Capital Plan because it was grant funding that sits with the Council and was given by Central Government as part of the Town Deal funding. However, if the funder's view was that it no longer applies to the original restoration scheme for the Pavilion, then the Council does have the option to put those funds towards other related schemes within the Town Investment Plan.
- 12.14 Members expressed concern that, if the work was underway and the commitment was £1.3 million towards the Pavilion initially, but that could not be spent because of the funding criteria, where would the £1.3 million be funded from for 2023/2024 in the alternative? Members were informed that there would be a discussion with the funders and if the monies were no longer eligible then the Council would have to re-visit where to find the funding. It was explained that when the Capital Plan was formed, there was a need to forecast the spend. Therefore, Members were reassured that no more than £300,000 had been spent at this stage and if funding was no longer available then it would be possible to draw back. There were regular meetings to monitor what was happening in practical terms.

- 12.15 Members questioned how much it would cost overall to put the Pavilion back in order and whether there was an end user? Members were informed that the cost would be circa £11 million. It was acknowledged that it would be better for the Pavilion to be restored so that it would be clearer for businesses to understand what they might do with it and that these difficulties were not inherent to Torbay, but that Council's nationally were having to pause their town deal projects because of the economic situation.
- 12.16 Members questioned how much confidence there was in building projects having an end user, for instance in respect of Lymington Road? There was no doubt that rental income would be useful. Members were informed that there was a strong demand in Torbay for the types of units and different types of employment space. Similar units in Paignton were let out very quickly, so confidence was high.
- 12.17 In relation to the Edginswell Station project, which had yet to commence the construction phase, Members were concerned as to whether there was some form of delay related to the budget. It was explained that there was a partnership working arrangement with Network Rail and that the project was progressing well. However, a further planning application was required which would be submitted as soon as possible and the planned completion date was during 2024.
- 12.18 It was explained that the new planning application would be in respect of a re-design to replace the ramp with a lift. Network Rail were currently undertaking exploratory works to look at ground conditions, but there was a worry that there could be an increase in cost which may be mitigated in the re-design. However, it was not a fully Council owned project and so had to go through the planning process again, therefore it was possible that there would be some slippage on completion of the project. Members were informed that it was a slightly unusual project in that the Council received a Train Station grant and Town Deal funding, following which the Council then sub-contracted Network Rail to build so that meant that Network Rail were in charge of building and were currently at the survey and design phase. The Council could expect a costing from Network Rail once that phase has been completed.
- 12.19 It was noted by Members that there were officer concerns around the lack of communication from Network Rail but this could be due to a change in personnel, although the matter had been escalated. The possibility of increased costs and a delay of 6 months was a concern and the Project Board would be preparing a separate report to Members addressing this.
- 12.20 Members questioned increased income from highways works and were interested to know whether the cost analyses on current major developments where S38 agreement applies were available for the next financial year and whether practical completion dates were available for those developments together with dates as to when payment can be expected

Members received a written response as follows:

“It is generally not possible to provide accurate cost analyses or forecasts on major development schemes with any level of confidence due to fact that the key decision as to when to bring forward a development rests with the developer and not the Council.

Fees are paid ‘up front’ at Agreement stage and are for a 2-3 year period in most cases and not on completion or in instalments. Whilst this ensures income is received by the Council at approval stage it does then leave the practical completion date in the hands of the developer and the many influencing factors that are faced by them in terms of timescale.

The levels of fees are based on a percentage of the value of the works and therefore each Agreement will generate a bespoke fee value and these values vary significantly between different developments, depending on their size and complexity, which is often unknown until the Technical approval process is undertaken following planning approval of the scheme.

In view of the timescales surpluses have traditionally been carried forward into reserves, as this takes account of the timescale of the Agreement, but also takes account of the fact that we tend to have peaks and troughs in terms of agreements coming forward. It can be the case that some financial years will generate very little income and this process is intended to overcome this by drawing back from reserves”.

- 12.21 In respect of the £100,000 investment in Torbay as a Premier Resort, Members wished to know what initiatives this money would be applied against; how it would be apportioned and on what basis. Members were informed that meetings of the pre-season workshop were planned for the first quarter of the year to review preparation for the summer season and to identify areas where investment may be required. Likely areas for investment included beach facilities (painting/signage/larger capacity bins/lighting), parks and green spaces (with potential for further hardening measures to protect spaces, temporary bins etc.) with officers making recommendations through to the Cabinet Member for Economic Regeneration, Tourism & Housing.
- 12.22 Members were keen to understand the projected savings against the loss of income generation relating to the proposed budget cut on marketing Torbay as a cruise ship destination. They were informed that the marketing of Torbay as a cruise ship destination would continue with Tor Bay Harbour Authority working alongside the English Riviera BID Company. Although this represented a £6,000 saving to the Council’s general fund, the ring-fenced harbour account would now co-finance the necessary marketing resource, with the BID company. It was acknowledged that income from cruise ship visits was variable, but an ongoing marketing commitment, albeit from a different source, should ensure that the average income and cruise visitor spend is maintained.
- 12.23 Members wished to understand whether there had been any research or engagement with the public to establish what sort of events would be popular,

well supported and would increase income in relation to culture and events and how the marketing plan had been developed for events. A written response was received as follows:

“The events plan has been developed on the basis of the Cultural Strategy, Destination Management Plan and the English Riviera Tourism BID Business Plan. The first two are Council plans and the recent agreement of the Destination Management Plan received comments from the public as part of its development and consultation phases. Events which have been developed include for instance Electric Bay and the Bay of Lights including the Illumination Trail located in Torquay and funded through the Town Deal grant. These have been very popular events in their first year, 2022, and plans are advancing to build on that first year’s success in the next twelve months. The Council has agreed to work alongside the ERTBID in the development of its events plan and in addition to these events others include the Walking Festival which is being expanded to include a second week in 2023, English Riviera Air Show, the Seafood Feast and the Agatha Christie Festival with the intention being to develop these events so that our residents and our visitors know the signature events that will take place in Torbay. Marketing is a shared activity across partners with the Council having direct responsibility only for the English Riviera Air Show. The other events being supported are either being delivered through the ERTBID or through third parties”.

13. Tackling Climate Change

- 13.1 Members questioned in respect of reduced costs associated with the disposal of residual waste and particularly how the Council engaged with the public to encourage further improvement in recycling rates and how realistic the reduction target was when the figures suggested a 39.8% recycling rate as of January 2023, with the Waste Strategy proposing a target of 50% by March 2023?

Members received the following written response:

“From June 2022 Recycling collections began to stabilise and currently over 98% of households are collected on time, this has led to the public having a greater degree of confidence in the service and generally being more receptive to positive recycling messages.

The Right Stuff Right Box Campaign was rolled out between July and October 2022 and introduced the Blue Bag for paper to all households in the Bay. Not only did this campaign raise the profile of the recycling message for the first time since Covid it also led to a huge reduction in contaminated boxes and therefore a more efficient collection service.

The Kerbside Garden Waste collection service was introduced in October 2022 and even during the winter months has already seen nearly 4,000 garden waste bins being collected every two weeks diverting garden waste from the HWRC and saving the travel to the site or from the residual waste stream.

Torbay Council, via SWISCo now delivers and efficiently operates every best practice method of recycling collection and from an operational and infrastructure point of view can cope with a recycling rate that exceeds 50%.

Behaviour change of the residents and communities of the Bay is now the sole remaining factor to see further increases in the recycling rate and SWISCo have been working in conjunction with the Council's Communications Team to plan and deliver a series of initiatives to bring about the required behaviour and attitude change in 2023, these include:

- A food waste campaign to encourage the use of the weekly collection service as well as reducing the amount of waste being thrown away. Currently, 70% of the food waste within the residual waste is avoidable and could have been used.
- A project to improve recycling for residents who live in flats, this will include new signage where necessary, new guidance and information for residents and will allow for additional recycling to be collected.
- Continue the Right Stuff Right Box message and engage with residents to reduce the number of incorrect items being left for recycling. Residents have embraced the change to the recycling collections.
- Tagging of individual boxes to celebrate good recycling and also enforce correct sorting and non-contamination from persistent offenders.
- Continuing to engage with residents at community events, school visits and other public events. These include Go Green Week at South Devon College, community partnership meetings and library drop-in sessions.
- Encouraging visitors to the recycling centre to use the right containers and expand the number of materials that can be recycled, such as hard plastics.
- The garden waste collection service, which has been requested by a lot of Torbay's residents over the years, will expand this year and help to increase the recycling rate.
- Monitoring of localised recycling rates by the Recycling Coordinators and if required follow up proactive education and engagement with target communities.

For several reasons beyond the control of Torbay Council it is unlikely that the 50% target set in 2020 will be achieved by the end of 2023, however moving forwards the Council is in the best position operationally and can be confident that with the engagement initiatives planned the sole remaining factor, human behaviour will be addressed and changed to deliver increasing recycling rates".

- 13.2 In relation to climate change 'invest to save', Members wished to understand where the evidence was to substantiate potential savings and what happened in respect of meeting borrowing costs if these savings were not achieved? Members were informed that the potential savings were based on the known costs of energy and operation of the different assets and services where savings had been identified. If the anticipated savings were not achieved, then the Council would need to review service delivery or earn further income to meet those borrowing costs.

14. Conclusions and Recommendations

- 14.1 The Priorities and Resources Review Panel reflected and debated the information provided to them, both in writing and orally, following which, recommendations were formed (as set out below). On being put to the vote, the motion was declared carried unanimously (to be updated after the Overview and Scrutiny Board on 9 February 2023).
- 14.2 That the Cabinet be recommended:
- (i) that overall, the Overview and Scrutiny Board supports the proposals for the Revenue and Capital Plan Budgets for 2023/2024;
 - (ii) to further review the proposed £200,000 contribution from the TDA and the impact that this is likely to have on the delivery of the Torbay Economic Growth Strategy;
 - (iii) following the outcome of the review at recommendation (ii) the Cabinet provides the Overview and Scrutiny Board with a detailed update;
 - (iv) to clarify to the Overview and Scrutiny Board how the cost of works already undertaken to the Pavilion will be funded in the event that current funding arrangements falter;
 - (v) that in light of the ongoing pressures of funding the Air Show, the Cabinet review the costs and proposals for the Air Show for 2024 as soon as possible after the 2023 Air Show.

That the Overview and Scrutiny Board reviews the recent Levelling Up Bids and the reasons why the Council was not successful to see what lessons can be learned for future submissions.

Meeting: Cabinet/Council **Date:** 23 February 2023/07 March 2023

Wards affected: Mainly Barton with Watcombe, Cockington with Chelston, Ellacombe, St. Marychurch, Tormohun, Wellswood, but also adjoining Preston and Furzeham with Summercombe, St Peters with St Marys. Indirect effect upon all Wards (see report).

Report Title: Application to re-designate a Torquay Neighbourhood Forum (TNF)

When does the decision need to be implemented? By 14th March 2023 (13 weeks from the day after publication of NF application (12th December 2022)).

Cabinet Member Contact Details: Councillor Mike Morey, Cabinet Member for Infrastructure, Environment and Culture

Director/Assistant Director Contact Details: David Edmondson Divisional Director, Planning, Housing and Climate Emergency.

1. Purpose of Report

- 1.1 An application has been submitted to Torbay Council as the Local Planning Authority, to re-designate a Torquay Neighbourhood Forum for the existing Neighbourhood Area, comprising the Wards of Barton with Watcombe, Cockington with Chelston, Ellacombe, St. Marychurch, Tormohun, Wellswood. To clarify, the existing Torquay Neighbourhood Area consists of all parts of the Torquay Wards excepting any area that lies within the sea or which is currently within the Brixham Peninsula Neighbourhood Plan Area or within the administrative boundaries of Brixham Town Council.
- 1.2 If the application is agreed, the Torquay Neighbourhood Forum (TNF) would be re-designated for a period of five years, covering the Torquay Community Partnership Areas listed in the application and Torquay Wards listed above.
- 1.3 A copy of the application and the previously approved Torquay Neighbourhood Area boundary (2012) are included at Appendix 1. To clarify, no application is necessary to redesignate the area, only the forum.

2. Reason for Proposal and its benefits

We want Torbay and its residents to thrive.

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.

We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.

- 2.1 The proposals in this report help us to deliver this ambition by giving the residents of Torquay a greater say in planning proposals in their area by re-designating a Neighbourhood Forum body.
- 2.2 Forum designations, in accordance with the Neighbourhood Planning Regulations 2012 (as amended) and section [61F of the Town and Country Planning Act 1990](#); last for a five year period. Both Torquay and Paignton Neighbourhood Forums (designated on 7th December 2017) ceased to formally exist in December 2022. Many volunteers have worked tirelessly on the preparation of Neighbourhood Plans across Torbay, which were adopted ('made') in 2019 and now form part of the Development Plan for Torbay. The Forum status does not affect the validity of the Neighbourhood Plans. No Forum application has been received for the Paignton area.
- 2.1 The Torquay Neighbourhood Forum wish to be re-designated as the Neighbourhood Planning body for the Torquay Neighbourhood Area as set out in the main report below, the National Planning Practice Guidance relating to Neighbourhood Forums has changed since the original designation. The proposed Forum Group have indicated that they wish to refresh the existing Torquay Neighbourhood Plan.
- 2.2 The local planning authority should assess the neighbourhood forum application against the conditions for designation and appropriate guidance. For the purposes of any refresh of the Torquay Neighbourhood Plan envisaged, it is noted that the Neighbourhood planning framework does not have the power to set a strategic housing level for the area outside of the Local Plan's strategic framework. This situation will endure until the Local Plan is updated. This could lead to community frustration.

3. Recommendation(s) / Proposed Decision.

- 3.1 Following consideration of all representations received at the close of consultation on 23rd January 2023. That the TNF Neighbourhood Forum be designated as the Neighbourhood Planning body ("Qualifying Body") for the Torquay Neighbourhood Area, subject to:
 - i) Evidence that the Forum meets the minimum Forum requirements (section 61F(5) & (7) of the of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004). .
 - ii) Agreement to alter the TNF Constitution Section 12.1 relating to further Constitutional Amendments as set out below:

*Hereinafter, this Constitution may be amended **with approval of the LPA** through a vote of the Steering Group by not less than a two thirds majority vote of the Steering Group members in a quorum meeting or by email vote. Proposed amendments must*

*be agreed at a Steering Group meeting and circulated at least 14 days in advance of the next meeting or not less than 14 days prior to close of email voting. Any amendments by the Forum must be notified **and agreed by** Torbay Council.*

- iii) Agreement to Delete Section 8.5 of the TNF Constitution: *The Local Planning Authority will indemnify Forum members against reasonable legal costs and expenses arising from the content of the Neighbourhood Plan*

3.2. In addition, the following amendments and clarification are requested as follows:
That the proposed Forum's Constitution be amended as follows;

- i) to ensure that Forum executive and steering group members follow the same Code of Conduct as elected Torbay Council Members - amend Section 8.3 as follows: *All members of the Forum shall act in meetings of the Forum and any Representative Group(s) in the best interests of the Forum and the community of the area and shall follow best practice guidance on governance **following the same Code of Conduct as elected Torbay Council Members.***
- ii) To fulfill Sections 6.4, 7.3 and 7.4 of the Constitution: The Forum provide an undertaking to publish on a website, appropriate and timely manner: meeting agendas, minutes and associated documents (where appropriate) within a reasonable period.
Minor Factual corrections
- iii) Section 3.6 Liaise and co-operate *with any **Forums or Qualifying Bodies for other areas of Torbay.***
- iv) Section 4.1 *For the avoidance of doubt all members of the Community Partnerships of Torquay are automatically **eligible as** members of the Forum ... this is to accord with the following statement in Paragraph 4.2 'Membership is voluntary'.
Clarification sought:*
- v) Section 5.3 *Officers of the Forum are to be a Chairperson, Vice Chairperson, Communications Officer and Treasurer to be elected by the steering group of the Forum on an annual basis. **Clarification is sought in the roles identified in terms of the Communications Officer and Secretary. It is noted that a Secretary has not been identified as an 'Officer of the Forum' and will not be voting member of the Forum Steering Group.***

Appendices

Appendix 1: Application including submitted Neighbourhood Forum Area boundary.

Appendix 2: Proposed amendments to TNF Constitution

Appendix 3: Summary of consultation representations received.

Appendix 4: Neighbourhood Development Plan "Road Map".

Background Documents

Consolidated version of the Neighbourhood Planning Regulations 2012 (as amended).

Regulations most relevant sections.

National Planning Policy Framework. Online Planning Practice Guidance. section [61F of the Town and Country Planning Act 1990](#)

Supporting Information

1. Introduction

- 1.1 Torbay has placed great emphasis on Neighbourhood Planning and has bay wide Neighbourhood Plan coverage. Neighbourhood Plans, along with the Torbay Local Plan form the legal starting point for determining planning applications. Neighbourhood Plans are prepared by Neighbourhood Forums and a great deal of voluntary work goes into their preparation. The Torquay Neighbourhood Plan was “made” by Torbay Council in June 2019, following referendum in May 2019 and remains in force regardless of the Forum’s status.
- 1.2 The neighbourhood planning body (The “Qualifying Body”) has a life of five years. The Torquay Neighbourhood Forum (TNF) was designated (approved) by Torbay Council in 2012, and again in December 2017 but its status expired in December 2022. Torbay Council has received an application to re-designate the Torquay Neighbourhood Forum, the subject of this Report.
- 1.3 The Neighbourhood Area subject to the Torquay Forum application is as previously designated and does not ‘expire’ in the same way. The Torquay Neighbourhood Area currently comprises the Wards of Barton with Watcombe, Cockington with Chelston, Ellacombe, St. Marychurch, Tormohun, Wellswood. To clarify, the proposed Torquay Neighbourhood Area consists of all parts of the Torquay Wards excepting any area that lies within the sea or which is currently within the Brixham Peninsula Neighbourhood Plan Area or within the administrative boundaries of Brixham Town Council. The Torquay Neighbourhood Area is therefore not the direct subject of this Report.
- 1.4 Paignton Neighbourhood Forum (PNF) was the neighbourhood planning body (The “Qualifying Body”) for the Paignton Neighbourhood Plan Area, which was also approved by Torbay Council in 2012, and again in December 2017; its status also expired in December 2022. The Paignton Neighbourhood Plan was also “made” by Torbay Council in June 2019, following referendum in May 2019 and remains in force regardless of the PN Forum’s status. No application has been received from a body in Paignton to be designated at the time of writing.
- 1.5 The Broadsands, Churston and Galampton Neighbourhood Area (BCGNA) and Forum (BCGNF) were designated in November 2021, with the consequent creation of the Brixham Neighbourhood Area, for the ‘parished’ wards, in which Brixham Town Council automatically becomes the ‘Qualifying Body’. The adopted Brixham Peninsula Neighbourhood Plan (BPNP) adopted in 2019, comprising both these areas, remains in force ([Brixham Peninsula Neighbourhood Plan - Torbay Council](#)).
- 1.6 When considering the application by the Forum for re-designation as a neighbourhood planning body, the LPA needs to assess if the organisation or body can demonstrate that it

is capable of meeting the conditions for designation (see [section 61F\(5\) of the of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004](#) (summarised in 1.7 below).

- 1.7 The National Planning Policy Guidance (Paragraph: 016 Reference ID: 41-016-20140306 Revision date: 06 03 2014) states: .. *A group or organisation must apply to the local planning authority to be designated as a neighbourhood forum (a forum application). Those making a forum application must show how they have sought to comply with the conditions for neighbourhood forum designation. These are set out in [section 61F\(5\) of the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. To be designated a neighbourhood forum must have a membership that includes a minimum of 21 individuals who either:*
- *live in the neighbourhood area*
 - *work there; and/or*
 - *are elected members for a local authority that includes all or part of the neighbourhood area*

Para 17 explains that a prospective neighbourhood forum is not *required* to have a member from each membership category in order to be designated but should have an open membership policy. Therefore the LPA *must* consider whether the prospective neighbourhood forum has secured or taken reasonable steps to attempt to secure membership from each category and from different places and sections of the community in that area (see [section 61F\(7\)\(a\)\(i\) and \(ii\) of the of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004](#)).

- 1.8 In considering the TNF application, it is worth noting that the associated Torquay Neighbourhood Area, originally designated in 2012, does have implications for the scope and identity of the proposed Torquay Forum and the scale of the consequent Neighbourhood Plans covered. Paragraph 033 (Revision date: 06 03 2014) of the NPPG sets out a number of criteria to assist setting Neighbourhood Areas and states: *Electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents.* The proposed Torquay Neighbourhood Forum will represent a population of approximately 64,000 plus residents; eleven times the quantum of the suggested starting point. There is a steer from the Government guidance that smaller, more local, Neighbourhood Forums, Areas and Plans are envisaged. This is examined further in the section 1.17 to 1.20 below.

- 1.9 It is noted that, if designated as a neighbourhood planning body, the Torquay Neighbourhood Forum has a statutory duty to be notified of planning applications; Torbay Council has an 'informal agreement' to make Torbay Forums a consultee on planning applications. There will be cross boundary issues where it is appropriate to seek the views of more than on Neighbourhood Planning body e.g., for applications close to an area's border.

- 1.10 The prospective Torquay Neighbourhood Forum has also indicated that it will seek to refresh the adopted Torquay Neighbourhood Plan (2019). Whilst a recent Government Ministerial Statement and consultation draft NPPF indicates shift in the weight applied to the Standard Method for calculating housing need and the requirement to sustain a five year housing land supply; a key and understandable concern of Forum Members is to achieve a five year housing land supply, and therefore regain local control over planning decisions. This will not be easily achievable, for reasons set out below.
- 1.11 Officers have assessed the neighbourhood forum application against the statutory conditions for designation and evaluated the consultation responses received.

Consultation

- 1.12 Torbay Council has published and consulted on the proposed Forum in accordance with the legal requirements under the Neighbourhood Planning Regulations. Consultation began on Monday 12th December 2022 and closed at 23:59 on Monday 23rd January 2023. The Torquay Neighbourhood Forum consultation received 25 online representations, of which the majority expressed support for the creation of the Forum, whilst a third didn't know or where not in favour. Five email responses were received. Responses included comments about the content of the Torquay Neighbourhood Plan rather than the proposed Forum.
- 1.13 There have, however, been a small number of concerns raised to the proposed Forum. These related to the issue of lack of awareness of what is happening, the scope and scale of representation in the Forum and the need for open access by the community.
- 1.14 The issues in 1.13 are dealt with below. Officers consider that they are not a reason for refusing Forum status, but there is a case to request amendments to the draft constitution to address objectors' concerns. The Forum applicants are requested to demonstrate a more open and transparent approach by making further amendments to their constitution.

Neighbourhood Plans and Housing Supply

- 1.15 Government planning guidance is that LPAs should avoid prejudging the content of neighbourhood plans when considering Forum (and Area) applications. Having been "made" in June 2019, all of the existing Neighbourhood Planning bodies are looking to update their Neighbourhood Plans. The prospective 'TNF' has expressed a wish to take an updated Neighbourhood Plan forward. Any substantial refresh of the Torquay Neighbourhood Plan has to be written, undertake two rounds of consultation, independent examination and (if necessary) modification prior to referendum. The preparation of a refreshed Neighbourhood Plan will take months and up to years to achieve. A diagram showing the stages of preparing a neighbourhood plan is included at Appendix 4 for information.
- 1.16 The National Planning Policy Framework (NPPF) indicates that Neighbourhood plans are not the strategic plan for the area and cannot set a housing requirement. That is set out in

the existing adopted Torbay Local Plan 2012-2030 (or the emerging Local Plan update to 2040). Nor can they propose less development than is set out in the Local Plan or undermine strategic priorities (NPPF paragraph 29). Housing numbers must be set at the Local Plan level, and are beyond the scope of this report.

Neighbourhood Forum (and Area) identity and scope.

- 1.17 It is worth considering if a Forum covering an extensive population (64,000 plus residents) is appropriate. For Torbay, the three original NP areas have already been subject to change. The Brixham Peninsula Neighbourhood Plan Area was the subject of a division in November 2021- separating the Brixham Town Council Wards (approx. population of 15,000) and creating a new Broadsands, Churston and Galmpton Neighbourhood Area (approx. population of 3,000). The Paignton Neighbourhood Forum (PNF) Area covers a population of approximately 45,000 residents. The Paignton neighbourhood body (originally designated in 2012 and again in 2017) has found it difficult to sustain an active Forum. As above, the PNF designation has now expired, and no Forum application has been received to re-designate.
- 1.18 It is recognised that the workload for a small group of all active Neighbourhood Forum members over a number of years, could over-burden volunteers. The National Planning Policy Guidance Paragraph 033 (also set out in 1.8 above) indicates that Forums should be 'local' in nature, with electoral ward boundaries being a useful starting point (covering a population of 5,500 residents) and suggests considerations such as *'the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities'* when setting Neighbourhood Area boundaries. The need to have a minimum of 21 members is also based on this localised expectation. There is an argument that a representative body for a larger scale area should itself be of larger number and this should be considered as part of this application.
- 1.19 It is understood the proposed Torquay Forum will be open to all Ward Members and Torquay Community Partnerships as follows: Torre and Upton; Torquay Town Centre; Shipway; Wellswood; St. Marychurch and District; Ellacombe; Cockington, Chelston and Livermead; Watcombe, Willows and Higher Barton; and Hele and Lower Barton. However, the proposed re-designated TNF would have representation for over 64,000 residents. Members may wish to consider whether the proposed Forum is an appropriate, and sustainable body or whether alternatives should be considered, such as Forums at a Ward or Community Partnerships level. Brixham Neighbourhood Area covers the two wards of Furzeham with Summercombe and St Peter's with St Mary's and the new BCG Area covers less than the Churston with Galmpton Ward.
- 1.20 Although there has been no consultation response (directly) suggesting the above scenario by residents, a couple of responses did indicate a lack of knowledge about the Forum and if they represent the general views of residents of Torquay. Members may also wish to ensure neighbourhood planning body volunteers are able to comfortably sustain workloads over months and years, when making Forum Designations. A smaller Neighbourhood Plan Area and Forums are clearly suggested as a better 'operational level' and may allow small groups to have a more manageable scope of work. They may also

help to address some of the concerns raised (see 1.22 below) by being more approachable at a smaller scale. However, this option would represent a significant change in NP boundaries in this area, on this basis, this option is open to consideration but not currently recommended by officers.

Consultation responses on the Forum Application.

1.21 The TNF consultation was promoted on the Torbay Council website and social media with 350 plus emails sent out to Local Plan database contacts. The consultation was announced at the Agents' Forum in December 2022. Reminders were sent out before the close of the consultation. A total of 25 responses to the on-line survey have been received, 21 responders live or work in Torquay and 7 of those are active or former Community Partnership or TNF members; 75% of responders were over the age of 55. A majority of replies, 68% (17), expressed support for the creation of the Forum and 34% didn't know (5) or were not in favour (3). Twelve fuller text comments were made under question nine, broadly supportive comments were received, comments include of support for the hard work of the Forum and ongoing input into planning on behalf of the TNP, however, there were some concerns raised, examined below. Five email responses were received neutral (2), supportive (1) and, representations (2) that relate more to the content of the Torquay Neighbourhood Plan rather than the proposed Forum. The Engagement HQ summary of online activity and a summary of email responses are set out in more detail in Appendix 3.

1.22 A small number of representations express a lack of confidence in the Forum and raise a concern as to a lack of awareness/transparency. Some representations have raised the following concerns:

- *"I don't know who the Forum is and that it should be more open to the people of Torquay."*
- *"Previous members of the Forum have not responded when asked to engage with employment providers in the Forum area."*
- *"I do not believe Torquay NPF represents the general views of residents of Torquay"*

Officer recommendations include changes to the TNF constitution and seek to secure wider public access and publication of forthcoming NF meeting agendas and publishing minutes on their website in a timely manner.

1.23 It is noted, that there is an active Torquay Neighbourhood Forum Facebook Page [Torquay Neighbourhood Plan - Home | Facebook](#), however, the Torquay Neighbourhood Plan website <https://torquayneighbourhoodplan.org.uk/> appears to require updating (Section 6.4 of the Constitution states that *"update and maintain the Forum website"* is the responsibility of the Forum Communications Officer). Section 7.3 states: *At least 7 days notification must be given to its members for a Forum or Group meeting. The details of the time and place of meetings will be made widely available including on the Forum's website.* The Constitution submitted to the LPA, does not accord with the Constitution dated 2012 on the TNF website and there are no published Torquay Neighbourhood Plan/Forum minutes since September 2022. This is not a 'direct' consideration under the legislation, however this

would seek to mitigate comments from some representations made and be more in accord with the Council's Community Engagement and Empowerment Strategy, supporting the Forum to be as accessible and transparent as the community expects.

- 1.24 To be consistent with other recent Forum designations, it is suggested that the TN Forum constitution is amended, such that post-holders or those representing the Forum at meetings etc. agree to the same Code of Conduct governing Council Members and officers and ensuring there is a sufficient quorum attendance and open access to attend meetings or see minutes. Agreeing to the code of conduct would also ensure that Forum representatives took equalities matters fully into account. In addition, it is recommended that the Forum's Constitution undertakes to publish minutes of public meetings online within a reasonable period. The Government has prescribed neighbourhood forums' roles and powers. The Neighbourhood Plan, when published, will be subject to independent examination, referendum and consideration by Torbay Council as the Local Planning Authority. Accordingly, it is considered proportionate to request that the Forum considers these suggestions, rather than seeking to require them. Appendix 2 sets out the suggested changes.
- 1.25 Officers emphasise that the above is suggested as a response to the representations received and for consistency and are not intended to impugn the good faith, or strenuous efforts for the community, of those involved in Neighbourhood Planning or promoting the Forum.

2. Options under consideration

- 2.1 In summary, Officers have considered there is an option for the LPA to refuse to agree to the re-designation of the Forum, in the light of Government Guidance which indicates that Forums should be 'local' with electoral ward level (5,500 residents), being a possible starting point, this may also provide a more sustainable group size and manageable workload. This is relevant consideration of the recent demise of the Paignton Neighbourhood Forum and the division of the original BPNF, into the Brixham Town Council and the approval of the BCG Forum. However, Torbay Council has committed to empowering the community through Neighbourhood Planning and there is a strongly supported wish for the Torquay community to form a Forum. Therefore the LPA only seeks reassurance that the proposed TNF are confident that the body is capable of both sustaining their desired activities through volunteers and have appropriate community networks to ensure access. Refusal of the designation is not recommended at this time.

3. Financial Opportunities and Implications

- 3.1 Funding from Locality may be available directly to the forum to support preparation of any refreshed Neighbourhood Plan. The costs of preparing a neighbourhood plan including council support and the required referendum on the plan will have a financial impact, although some of this cost may be offset by central government funding. Once the value and timing of these costs can be estimated the council will need to identify the

funding.

- 3.2 The LPA has a duty to provide support to the Forum. The previous period of extensive planning work with the Neighbourhood Forums coincided with a period where less development plan work was underway. Spatial Planning is not resourced to support neighbourhood planning to that same extent alongside the Local Plan update, and taking resources from one will necessarily impact upon the other. The support provided by the LPA to the forums can vary and previously this included regular attendance at forum meetings and advice on the development of planning policies, but with all areas updating their plans the minimum requirements will be to respond to forum consultations, arrange the LPA consultation, prepare committee/council reports, organisation of examinations including procurement of examiners as appropriate and managing any modifications process that follows, and arranging referendums.
- 3.3 Any substantially refreshed Neighbourhood Plans are subject to independent examination and referendum. There is expense involved with appointing an Examiner. There is the cost of a referendum on a plan proposal, if the referendum is not carried out in conjunction with an existing election it will cost much more. However, the additional costs of Neighbourhood Plan examination etc., are not reasons to refuse the creation of an Area or Forum and to some extent the authority can claim grant funding for the costs.
- 3.4 The CIL Regulations (2010 as amended) indicate that a neighbourhood portion of Community Infrastructure Levy be spent in the area in which development takes place. Outside of the parished area of Brixham, Torbay Council retains the 25% neighbourhood proportion and determines how this should be spent accounting for national Government guidance. It is noted that the Cabinet (13 December 2022) has resolved that the Neighbourhood Proportion of CIL monies collected will, be subject to the following process: That, the Divisional Director of Planning, Housing and Climate Emergency be given delegated authority to determine submissions from community groups, in consultation with a newly established CIL Spend Panel, which are endorsed by the Neighbourhood Forums or an agreed alternative. The membership of the Panel to include the Leader of the Council, the Cabinet Member for Finance, the Cabinet Member for Infrastructure, Environment and Culture and representatives of the Neighbourhood Forums, (or if not available from the Neighbourhood Forums) representatives from the Local Community Partnerships and the Torbay Community Development Trust. If the current application for designation was refused, then, (as per PNF expired status) Local Community Partnership representatives would need to be selected in replacement of TNF representatives.

4. Legal Implications

- 4.1 Neighbourhood Areas and Forums are governed by the Localism Act 2011 and Neighbourhood Planning Regulations (2012 as amended) and the Regulations set out below. The process of advertising and considering forum application is set out in Regulations 6 and 9, and considered in more detail above.

- 4.2 A local planning authority must take a decision on an application to designate a neighbourhood forum within 13 weeks the day after publication, provided there is no other neighbourhood forum application already under consideration for all or part of the area. These time periods are prescribed in the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016
- 4.3 It is noted that, [under Section 61F\(9\) of the TCPA](#) - A local planning authority may withdraw an organisation or body's designation as a neighbourhood forum if they consider that the organisation or body is no longer meeting the conditions by reference to which it was designated, or any other criteria to which the authority were required to have regard in making the designation; and, where an organisation or body's designation is withdrawn, the authority must give reasons to the organisation or body.
- 4.4 A key role of the Forum will be to carry out an update of the Torquay Neighbourhood Plan. Neighbourhood Planning legislation governs the preparation and examination of neighbourhood plans and the various steps required in that process. Appendix 4 sets out this roadmap.

5. Engagement and Consultation

- 5.1 A local planning authority must publicise a neighbourhood forum application in accordance with regulation 11 of The Neighbourhood Planning (General) Regulations 2012.
- 5.2 As noted, the Council consultation on the proposed area and Forum status ran between 12th December 2022 to 23rd January 2023, in accordance with the requirements of Sections 61F and G of the Town and Country Planning Act 1990 (as amended) and Regulations 5 to 11 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 5.3 The council sent out a general newsflash and press release. The council also sent out messages and reminders on its social media platforms and over 350 emails to contacts on the Local Plan data base. A summary of online representations received formally by the Council is set out at Appendix 3.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 No direct impact. The LPA may commission individual or joint research to support neighbourhood planning, but this is a separate matter from the current proposal.
- 6.2 The Council will be required to procure an examiner for the Neighbourhood Plan. For this area alone it would not be at the same scale as the previous round of examinations and an appropriate process will be determined in due course ahead of the submission of a plan from the forum.

7. Tackling Climate Change

- 7.1 The application for a Neighbourhood Forum status does not directly affect the Climate Emergency. However, the Forum through its work can promote a range of sustainability objectives. For example policies in the existing Neighbourhood Plan promote the reuse of urban brownfield sites and encourage sustainable design and construction.

8. Associated Risks

- 8.1 The main risks are outlined in the main report. The key risk is of community disillusionment about the powers of neighbourhood plan, and the time it takes to prepare them, alongside the long term time commitments from volunteer members of the community, over months and years to deliver refreshed Neighbourhood Plans. This is discussed above.
- 8.2 Officers have considered the representations raised to the Forum designation, and possible remedies in terms of amending the Constitution and requesting a higher level of accessibility (including publication of Forum meetings/minutes etc) and consideration of the extent and scope of the proposed Forum. For the reasons set out in the main report, Officers consider that the Forum is acceptable, if the constitutional amendments and associated measures requested can reasonably address concerns.

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

- 9.1 The LPA notes that the Community Partnerships include the promotion of the economic, social, health and environmental well-being of the Community within each Partnership area and that in section 1:1 it states *The express purpose of the Torquay Neighbourhood Forum will be to promote or improve the social, economic and environmental well-being of Torquay (...through those objectives and those in section 3).*
- 9.2 The impact of the Forum depends upon the policies it pursues in practice, particularly in relation to the preparation of a Neighbourhood Plan. These cannot be pre-judged at this stage. Requesting the Forum members to be subject to Torbay Council Member Code of Conduct would require them to have regard to equalities duties.

10. Cumulative Council Impact

- 10.1 As outlined above. These would include legal, procurement and governance services.

11. Cumulative Community Impacts

- 11.1 As outlined above.



Town and Country Planning, England The Neighbourhood Planning (General Regulations) 2012

Application is hereby made to Torbay Council as the Local Planning Authority for the re-designation of (1) a Neighbourhood Area and (2) a Neighbourhood Forum in accordance with the above Regulations.

(1) Application for designation of a Neighbourhood Area (Regulation 5)

A Map which identifies the area to which the Application relates and the Wards covered is included at Page 3 (Regulation 5a)

Statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area (Regulation 5b)

The current Neighbourhood Area has been successfully designated and functioning since July 2012. It was re-designated in December 2017.

The proposed Neighbourhood Plan area (as identified by the map on page 3) covers the Torbay Community Partnership areas of:

- Torre and Upton
- Torquay Town Centre
- Shiphay
- Wellswood
- St Marychurch and District
- Ellacombe
- Cockington, Chelston and Livermead
- Watcombe, Willows and Higher Barton
- Hele and Lower Barton.

All are in the Torquay area of Torbay and have community identities that bond them together through a shared town centre as well as development, infrastructure and access challenges. Close working of the Partnerships has been the norm for the community. It has been agreed collectively this should be continued by maintaining and updating a Neighbourhood Plan for the proposed Neighbourhood Area, and providing input on Planning Applications as appropriate. This would mean that the Plan truly reflects the wishes of the community and of a Forum that would include a wide range of community members with different viewpoints on all aspects the Plan covers.

No part of the Neighbourhood Area proposed overlaps any part of any other Neighbourhood Area (Section 61G(7) of the Act).

Statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Town & Country Planning Act (Regulation 5c)

The network of Torbay Community Partnerships has been operating for many years. All sixteen Community Partnerships agreed with Council representatives at a meeting on 17th September 2011 to the proposal that three Neighbourhood Plans should be produced covering Torbay – one each for Torquay, Paignton and Brixham. To give effect to this, the nine Community Partnerships of Torquay as previously referred to above agreed to establish the Forum for Torquay covering the area identified by the Map on page 3. This arrangement will continue.



No part of the specified Neighbourhood Area consists of or includes the whole or any part of the area of a parish council (Section 61G(3b) of the Act)

This application is submitted by the elected Chair and elected Vice Chair on behalf of the Torquay Neighbourhood Plan Forum as a relevant body (Section 61G(2b)).

(2) Application for designation of a Neighbourhood Forum (Regulation 8)

The name of the proposed Neighbourhood Forum (Regulation 8a) is:

‘Torquay Neighbourhood Plan Forum’ (TNPF) with the shorter title of **‘The Torquay Neighbourhood Forum’** (TNF)

The written Constitution of the proposed Neighbourhood Forum (Regulation 8b) is attached at Annex 1 to this application (see page 4).

The name of the proposed Neighbourhood Area to which this Application relates is **‘Torquay Neighbourhood Plan Area’** and the Map which identifies the area is provided on page 3 of this Application (Regulation 8c).

Contact details of members of the proposed Neighbourhood Forum (at least 1) are (Regulation 8d):

(1) Name: Dr Rodney Horder (Chair) Email: chair@torquaynp.org

(2) Name: Darren Cowell (Vice Chair) Email: darren@darrencowell.co.uk

Statement explaining how the proposed Neighbourhood Forum meets the conditions contained in Section 61F(5) of the Act (Regulation 8e)

(a) the constitution of the Forum proposed (see Annex 1) and each of the Community Partnerships have the express purpose of promoting or improving the social, economic and environmental well-being of the proposed Neighbourhood Area (Section 61F(5)a);

(b) membership is open to (Section 61F(5)b)–

(i) individuals who live in the proposed neighbourhood area,

(ii) individuals who work there (whether for businesses carried on there or otherwise),
and

(iii) individuals who are elected members of Torbay Council whose area falls within the neighbourhood area concerned,

(c) membership includes a minimum of 21 individuals each of whom (Section 61F(5)b) —

(i) lives in the neighbourhood area concerned,

(ii) works there (whether for a business carried on there or otherwise), or

(iii) is an elected member of Torbay Council

(d) it has a written constitution (Section 61F(5)d), and

(e) there are no other conditions that have been prescribed (Section 61F(5)e).

Further, the Forum has already secured a membership that meets the “desired” criteria of Section 61F(7) of the Act, namely:-

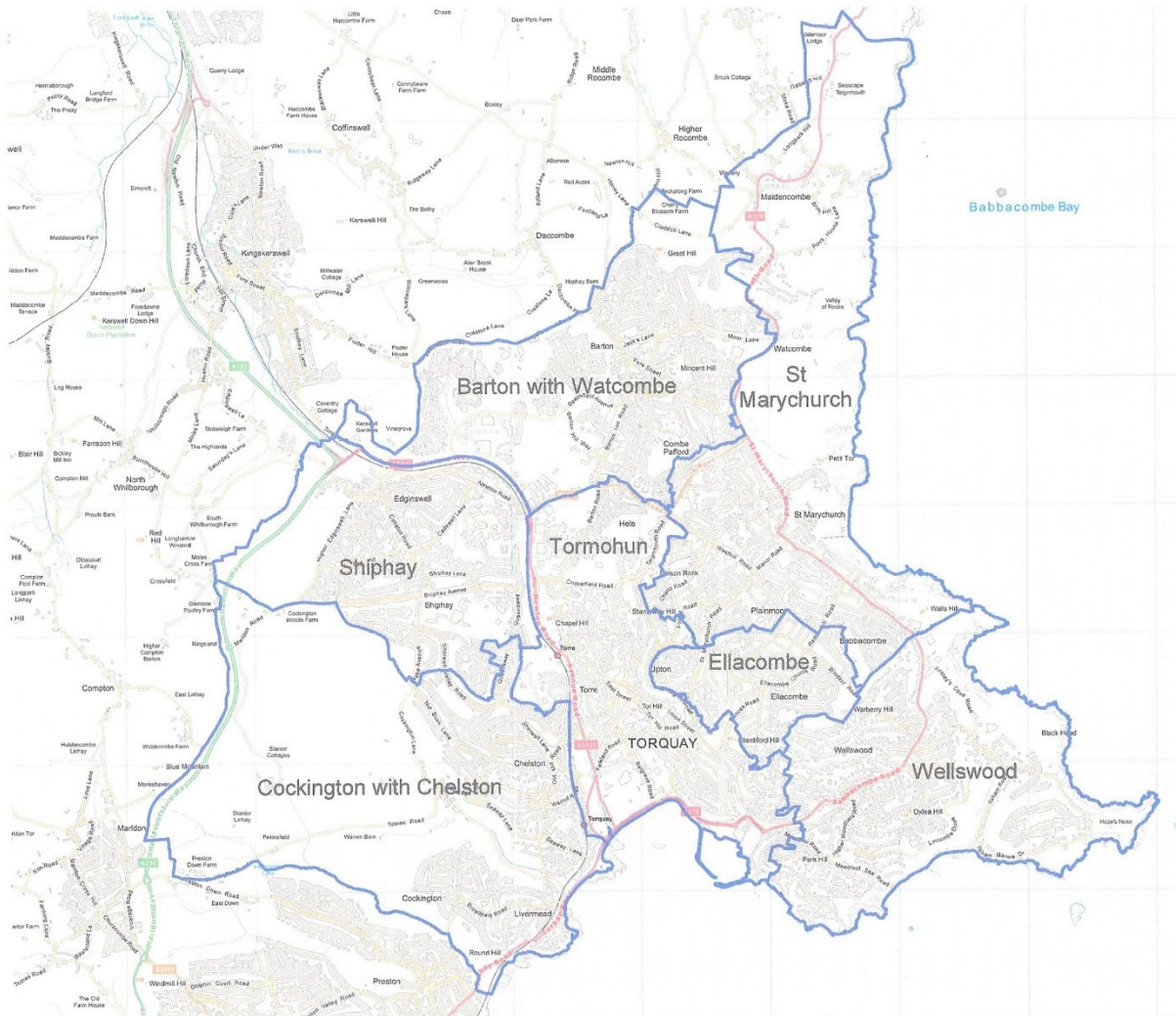
(i) has secured membership that includes more than one individual falling within each of the subparagraphs (i) to (iii) of subsection (5)(b),

(ii) membership drawn from different places in the neighbourhood area proposed and from different sections of the community in that area, and

(iii) whose purpose reflects (in general terms) the character of that area



Map of the Neighbourhood Area proposed:





Annex 1

Torquay Neighbourhood Plan Forum

Constitution

1.0 Introduction

1.1 Torbay Council is the Local Planning Authority for the area of Brixham, Paignton and Torquay. Torbay's Community Partnerships were established by the Torbay Strategic Partnership in September 2004. Each Community Partnership has the following Aim and Objectives under the Constitution last reviewed and revised in March 2011,:-

Aim:

To bring together local people to add value and achieve a better quality of life for the local community.

Objectives:

- To promote the economic, social, health and environmental well-being of the Community within each Partnership area;
- To provide an opportunity for local people to influence local decision making;
- To encourage openness and transparency amongst statutory agencies and provide an opportunity for local people to influence the priorities and services of these agencies;
- To improve community leadership for the benefit of the whole area;
- To improve democratic participation by local people;
- To develop area plans to benefit the local community and Torbay as a whole.

The express purpose of the Torquay Neighbourhood Forum will be to promote or improve the social, economic and environmental well-being of Torquay through those objectives and those in section 3 below.

1.2 The Localism Bill encouraged local communities to set up a Neighbourhood Forum to lead the preparation of a Neighbourhood Plan. It was agreed by the Community Partnerships and Torbay Council that three Neighbourhood Plans would be prepared – one for each of Brixham, Paignton and Torquay.

1.3 In October 2011, representatives and Councillors from all nine Community Partnerships in Torquay met and agreed to establish the Neighbourhood Forum for Torquay.

1.4 Each Plan has now been made and form part of the Development Plan for Torbay and will be used in making development decisions.

2.0 Forum name and the Neighbourhood area

2.1 The name of the Forum shall be "Torquay Neighbourhood Plan Forum" hereinafter referred to as "the Forum".

2.2 To ensure no overlap with the Brixham and Paignton Neighbourhood Plans, Torquay Neighbourhood area, hereafter referred to as "the Neighbourhood Area", consists of the Community Partnership areas of Torre and Upton; Torquay Town Centre; Shiphay; Wellswood; St Marychurch and District; Ellacombe; Cockington, Chelston and Livermead; Watcombe, Willows and Higher Barton; and Hele and Lower Barton.

3.0 Objectives

The objectives of the Forum are:



- 3.1 To produce or modify the Neighbourhood Plan for Torquay and to monitor, support and defend its implementation as part of the Development Plan and its interpretation in decision making.
- 3.2 To make changes to the Plan in response to changes in the Local Plan and to planning decisions and to consultations in as timely a fashion as possible to further the social, economic and environmental well-being of individuals living, or wanting to live, work or visit Torquay.
- 3.3 To establish appropriate project groups, with appropriate members to support the Plan
- 3.4 Ensure full community involvement in all work relating to the Neighbourhood Plan.
- 3.5 Make appropriate arrangements for providing public information about the Plan
- 3.6 Liaise and co-operate with the Forums for Brixham and Paignton

4.0 Forum membership

- 4.1 Membership of the Forum is open to individuals:-
 - (a) who live in Torquay
 - (b) who work in Torquay
 - (c) who are Torbay Councillors in Torquay
 - (d) who own property in Torquay
 - (e) who are retailers in Torquay
 - (f) who represent local organisations operating in Torquay
 - (g) who own businesses in Torquay

For the avoidance of doubt all members of the Community Partnerships of Torquay are automatically members of the Forum

- 4.2 Membership is voluntary.
- 4.3 The number of members shall be not less than 21.
- 4.4 For the avoidance of doubt, no person who qualifies under paragraph 4.1 above shall be excluded or refused membership from the Forum unless expressly authorized by the Steering Group.

5.0 The Steering Group and responsibilities

- 5.1 The Forum will be managed by a Steering Group consisting of:-
 - (a) An Executive Committee made up of the Forum Chairperson, Vice Chairperson, Communications Officer, and Treasurer;
 - (b) the Chairperson, or designated representative of each of the Community Partnerships of Torquay;
 - (c) up to 4 Councillors, ensuring a political balance.
 - (d) other members of the Forum determined by the Steering Group from time to time, and co-opted as appropriate to achieve the objectives.
 - (e) all members of the Steering Group will represent a wider network. There will be no individual members of the Steering Group.



- 5.2 Membership is on a voluntary basis
- 5.3 Officers of the Forum are to be a Chairperson, Vice Chairperson, Communications Officer and Treasurer to be elected by the steering group of the Forum on an annual basis.
- 5.4 New members may join by applying either verbally or in writing (including by email) to the Forum Secretary or to the Community Partnership office.
- 5.5 The decision on acceptance of individual membership applications is the responsibility of the Steering Group. Refusal to accept an application for membership must be given to the applicant by the Chairperson, or the Vice Chairperson, including the reason for refusal.
- 5.6 The Secretary will update the list of members and maintain a list in conjunction with the Community Partnership Office.
- 5.7 If a member is unable to attend a Forum meeting s/he should send a substitute representative from the network s/he is representing unless exceptional circumstances make this impossible.
- 5.8 The list of Steering Group members shall be made available for inspection to Forum members as soon as possible when requested.
- 5.9 Subject to any statutory requirements relating to the release/access to information, the lists of members are the sole ownership of the Forum. Any outside organisation or individual that is not a member of the Forum must request a list of members to the Forum secretary in writing. The request must include the reasons for requesting the list. It is the Steering Group's decision on whether the request is accepted or refused. No decision on refusal needs to be given.
- 5.10 Members may be excluded from the Steering Group. Only the Steering Group shall have authority to exclude a member from the Steering Group and must be authorised by the Forum Chairperson. Exclusion and the reason for exclusion must be given in writing to the excluded member by the Forum Chairperson.
- 5.11 Should the Steering Group need to vote to resolve an issue their members will take into account the views of the wider Forum membership. The vote will require a majority of Steering Group members present or votes can also be taken purely by email providing 7 full days are allowed for responses. The results of a vote, including the details of each Steering Group member's ballot, will be made available to all Forum members.
- 5.12 Steering Group meetings are open to observers. Observers can participate in the meeting at the discretion of the chairperson, but they will not have any voting rights.
- 5.13 The Steering Group will lead preparation or modification of the Neighbourhood Plan, and monitoring implementation after adoption
- 5.14 The Community Partnership volunteer representatives will ensure that their respective Partnerships are kept informed and involved in the preparation or modification of the Neighbourhood Plan and monitoring of the Plan before and after adoption



- 5.15 The Steering Group will ensure that their respective networks and partnerships are kept informed and involved in the preparation or modification of the Neighbourhood Plan and monitoring of the Plan after adoption.
- 5.16 The elected Council representatives will ensure that the views of the Forum are taken fully into account when the Plan is considered by the Council.
- 5.17 The Forum contact details and all Plan information will be held in a central site (with back up facilities) agreed by the Steering Group members and will be held in accordance with Data Protection, Freedom of Information and Environmental Information requirements.

6.0 Executive committee

- 6.1 The Executive Committee of the Forum shall be the central point of contact on all communication and consultation between the Forum and Torbay Council and any other organisation or individual on matters concerning the Neighbourhood Plan.
- 6.2 The Chairperson will:-
- be the chief presiding officer, call and chair meetings of the Forum and the Steering Group;
 - have the casting vote in any tie of votes only;
 - be the Forum's spokesperson with external organisations and individuals. Should the Chairperson feel it necessary to express a personal opinion on any matter regarding the Neighbourhood Plan and its wider context they should make it clear this is a personal opinion and not that of the Forum Steering Group, not the Forum as a whole;
 - have the power to take decisions on urgent matters between meetings of the Forum, in consultation with at least one other committee member, and communicate these decisions as soon as possible to the Steering Group;
 - provide leadership and motivation, and facilitate the involvement of the community of Torquay in the Neighbourhood Forum;
 - enforce the Constitution and ensure meetings are conducted efficiently, fairly, and harmoniously;
 - report to the Forum on all related administrative matters in conjunction with the officers of the Council.
- 6.3 The Vice Chairperson will:-
- be the Chairperson's alternate in their absence, with all the duties and responsibilities of the Chairperson during the Chairperson's absence;
 - be from another area of the neighbourhood than that of the Chairperson.
- 6.4 The Communications Officer will:
- Be responsible for general communications on the work of the Neighbourhood Forum;
 - Oversee the consultation and campaign activities of the Forum;
 - Update and maintain the Forum website;
 - Oversee the Forum's social media presence.

- 6.5 The Treasurer will:



- maintain and report on the financial accounts and insurance requirements of the Forum in conjunction with the Community Partnership office;
- report to each meeting of the Forum the finance held by, or on behalf of, the Forum and funds uncommitted and available for use by the Forum;
- ensure there are 3 signatories to the Forum's bank account at all times, with cheques and transfers signed by 2 of the 3 signatories;
- ensure the Forum remains solvent at all times;
- ensure invoices are paid on a timely basis and in accordance with the budget or by agreement of the Officers;
- ensure the Forum accounts are audited on an annual basis.

6.6 The officers will be supported by a Secretary. The Secretary will support the Steering Group but will not be a voting member of the Steering Group, s/he will:

- prepare and issue notes and reports for the Forum meetings;
- issue minutes for the Chairperson's approval prior to circulation;
- maintain a database of members and Steering Group members, with support from the Community Partnerships Office;
- Provide general administrative support to the Steering Group and the Forum.

7.0 Location of meetings and frequency

7.1 The place of meeting for the Forum (or a Project Team) will be decided by the Chairperson or any leaders of any Project groups associated with the Forum.

7.2 The Steering Group will meet at such a frequency necessary to fulfill its function.

7.3 At least 7 days notification must be given to its members for a Forum or Group meeting. The details of the time and place of meetings will be made widely available including on the Forum's website.

7.4 To reflect the principle of a community led approach, at least 6 non-council members must be present at the start of a Forum or a Steering Group meeting for it to be declared quorate. Any Forum meetings shall be open to any member of the public to observe.

8.0 Affiliations, operations and independence:

8.1 The Forum is a collaborative working arrangement of the Council and the Community Partnerships and other local groups and shall not be affiliated to any political party or organisation.

8.2 The Forum may comment on planning applications or proposals that could reasonably be expected to impact upon the objectives of the plan. Where such comments are made, they shall be submitted to the Council following consultation with the Community Partnership in whose area the development is taking place and the Steering Group of the Forum.

8.3 All members of the Forum shall act in meetings of the Forum and any Representative Group(s) in the best interests of the Forum and the community of the area and shall follow best practice guidance on governance



- 8.4 The Forum shall seek to work collaboratively with the Local Planning Authority to achieve a successful Plan
- 8.5 The Local Planning Authority will indemnify Forum members against reasonable legal costs and expenses arising from the content of the Neighbourhood Plan.

9.0 Confidentiality

- 9.1 It is understood, and agreed to, that the disclosure of confidential information may provide certain information that is, and must be kept, confidential. To ensure the protection of such information, and to preserve any confidentiality necessary under patent and/or trade secret laws, it is agreed that:
- (i) The Recipient shall limit disclosure of Confidential Information to members of the Forum having a need to know. Forum members will not disclose the confidential information obtained from the discloser unless required to do so by law.
 - (ii) This Agreement imposes no obligation upon the Recipient with respect to any Confidential Information (a) that was in the Recipient's possession before receipt from the Discloser; (b) is or becomes a matter of public knowledge through no fault of the Recipient; (c) is rightfully received by the Recipient from a third party not owing a duty of confidentiality to the Discloser; (d) is disclosed without a duty of confidentiality to a third party by, or with the authorization of, the Discloser; or (e) is independently derived by the Recipient.

10.0 Conflict resolution within the Forum

- 10.1 At all times, the Forum will recognise the primary need to encourage community involvement in, and support for, the Neighbourhood Plan. The Forum will also comply with the strategic policies in the Local Plan prepared by the Council.
- 10.2 If it proves not possible for the Forum to reach agreement during any stage of preparing or modifying the Plan, every effort shall be made by the membership of the Forum to resolve the difference by negotiation.
- 10.3 If serious conflict arises within the Forum regarding any issue and is unable to be resolved, then the Steering Group will intervene and come to a decision regarding the issue by way of a majority vote of the Steering Group members. This vote may be instigated by way of 50% of the Steering Group members making it known to the Chairperson that a vote is required. All members of the Forum, including those who are not members of the Steering Group, may propose that an issue is put to the Steering Group for a vote.

11.0 Complaints Procedure

- 11.1 If a Forum member wishes make a complaint about an action of the Forum, or about a member of the Forum regarding an issue of relevance to the Forum's business, they should first and foremost address this complaint to the Chairperson of the Forum. If the complaint is directed at the Chairperson, the complainant should address one of the other Executive Committee members. The receiver of the complaint shall endeavor to bring about an acceptable conclusion to the matter through informal dialogue.
- 11.2 If an informal dialogue has not brought about an amicable conclusion a presentation by the respective parties to the steering group will take place at the next Steering



Group meeting and the matter will be determined through a vote, in line with article 5.11. The vote of the Steering Group is final.

12. Constitution Amendments

12.1 Hereinafter, this Constitution may be amended through a vote of the Steering Group by not less than a two thirds majority vote of the Steering Group members in a quorum meeting or by email vote. Proposed amendments must be agreed at a Steering Group meeting and circulated at least 14 days in advance of the next meeting or not less than 14 days prior to close of email voting. Any amendments by the Forum must be notified to Torbay Council.

13.0 History of the Constitution

Adopted: 18.06.2012

Amended: 02.06.2014

Amended: 12.07.2022

Map of the Neighbourhood Area proposed:



- Amend Section 12.1 relating to further Constitutional Amendments as set out below:
*Hereinafter, this Constitution may be amended **with approval of the LPA** through a vote of the Steering Group by not less than a two thirds majority vote of the Steering Group members in a quorum meeting or by email vote. Proposed amendments must be agreed at a Steering Group meeting and circulated at least 14 days in advance of the next meeting or not less than 14 days prior to close of email voting. Any amendments by the Forum must be notified **and agreed by Torbay Council***
- Delete Section 8.5 of the TNF Constitution: *The Local Planning Authority will indemnify Forum members against reasonable legal costs and expenses arising from the content of the Neighbourhood Plan*

In addition, the following amendments and clarification are requested as follows:

- to ensure that Forum executive and steering group members follow the same Code of Conduct as elected Torbay Council Members - amend Section 8.3 as follows: *All members of the Forum shall act in meetings of the Forum and any Representative Group(s) in the best interests of the Forum and the community of the area and shall follow best practice guidance on governance **following the same Code of Conduct as elected Torbay Council Members.***
- To fulfill Sections 6.4, 7.3 and 7.4 of the Constitution: The Forum provide an undertaking to publish on a website, appropriate and timely manner: meeting agendas, minutes and associated documents (where appropriate) within a reasonable period.

Minor Factual corrections:

- Section 3.6 Liaise and co-operate *with any **Forums or Qualifying Bodies for other areas of Torbay***
- Section 4.1 For the avoidance of doubt all members of the Community Partnerships of Torquay are automatically **eligible** as members of the Forum ... this is to accord with the following statement in Section 4.2 'Membership is voluntary'.

Clarification sought:

- Section 5.3 *Officers of the Forum are to be a Chairperson, Vice Chairperson, Communications Officer and Treasurer to be elected by the steering group of the Forum on an annual basis. **Clarification is sought in the roles identified in terms of the Communications Officer and Secretary. It is noted that a Secretary has not been identified as an 'Officer of the Forum' and will not be voting member of the Forum Steering Group***

TNF Re-Designation Survey

SURVEY RESPONSE REPORT

12 December 2022 - 23 January 2023

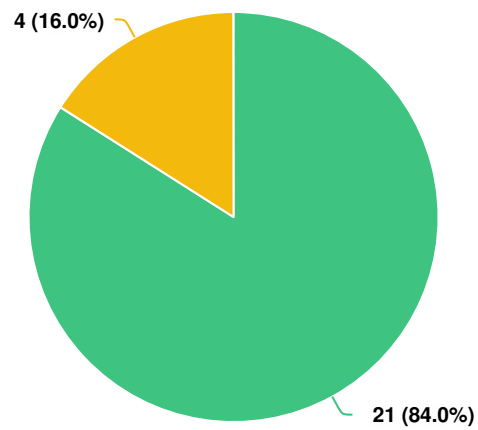
PROJECT NAME:

Torquay Neighbourhood Forum



SURVEY QUESTIONS

Q1 Are you responding for yourself or on behalf of an organisation?

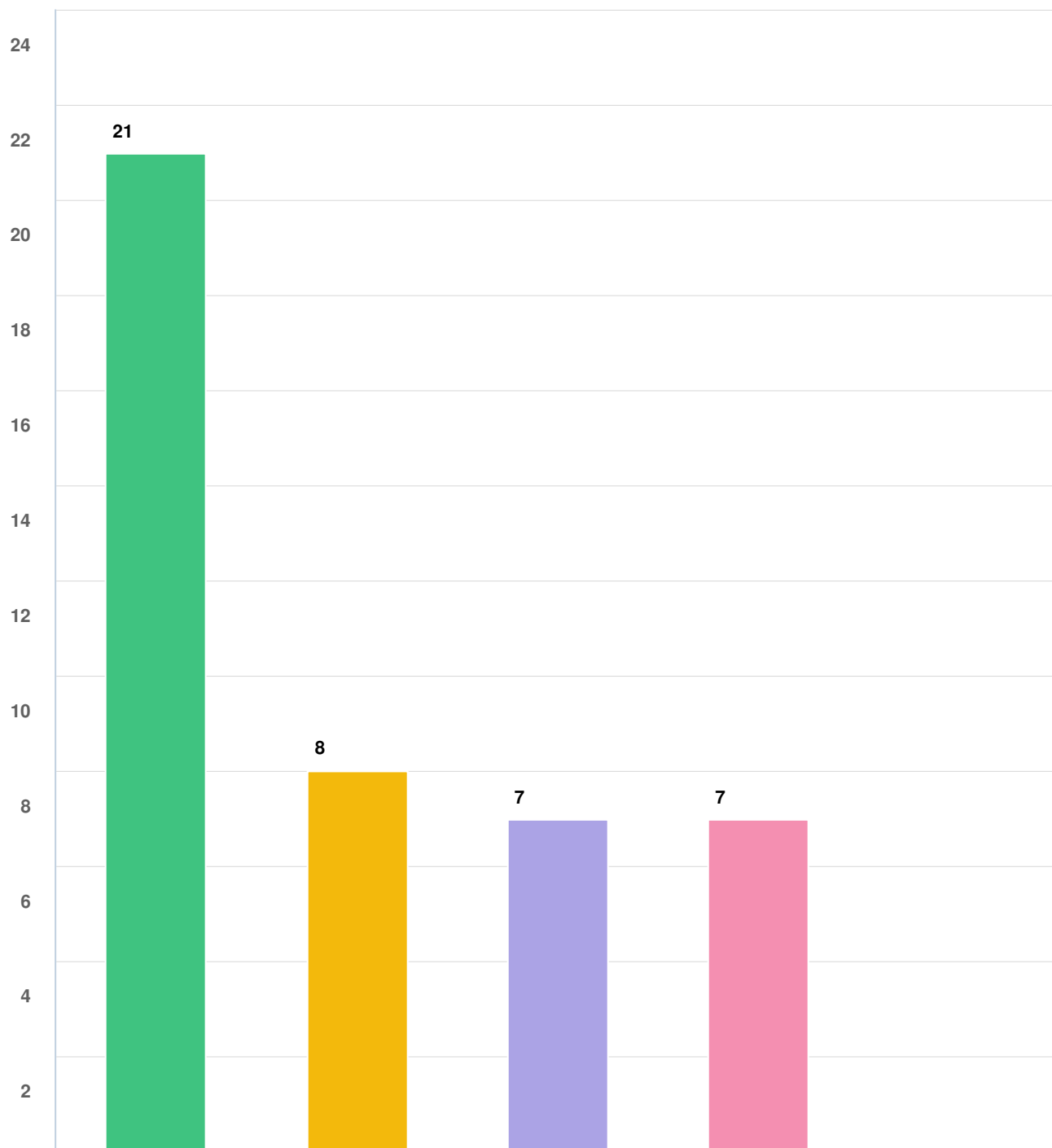


Question options

- Myself (personal capacity)
- On behalf of an organisation (please state the organisation).

Mandatory Question (25 response(s))
Question type: Radio Button Question

Q2 Please tick all the options that apply to you

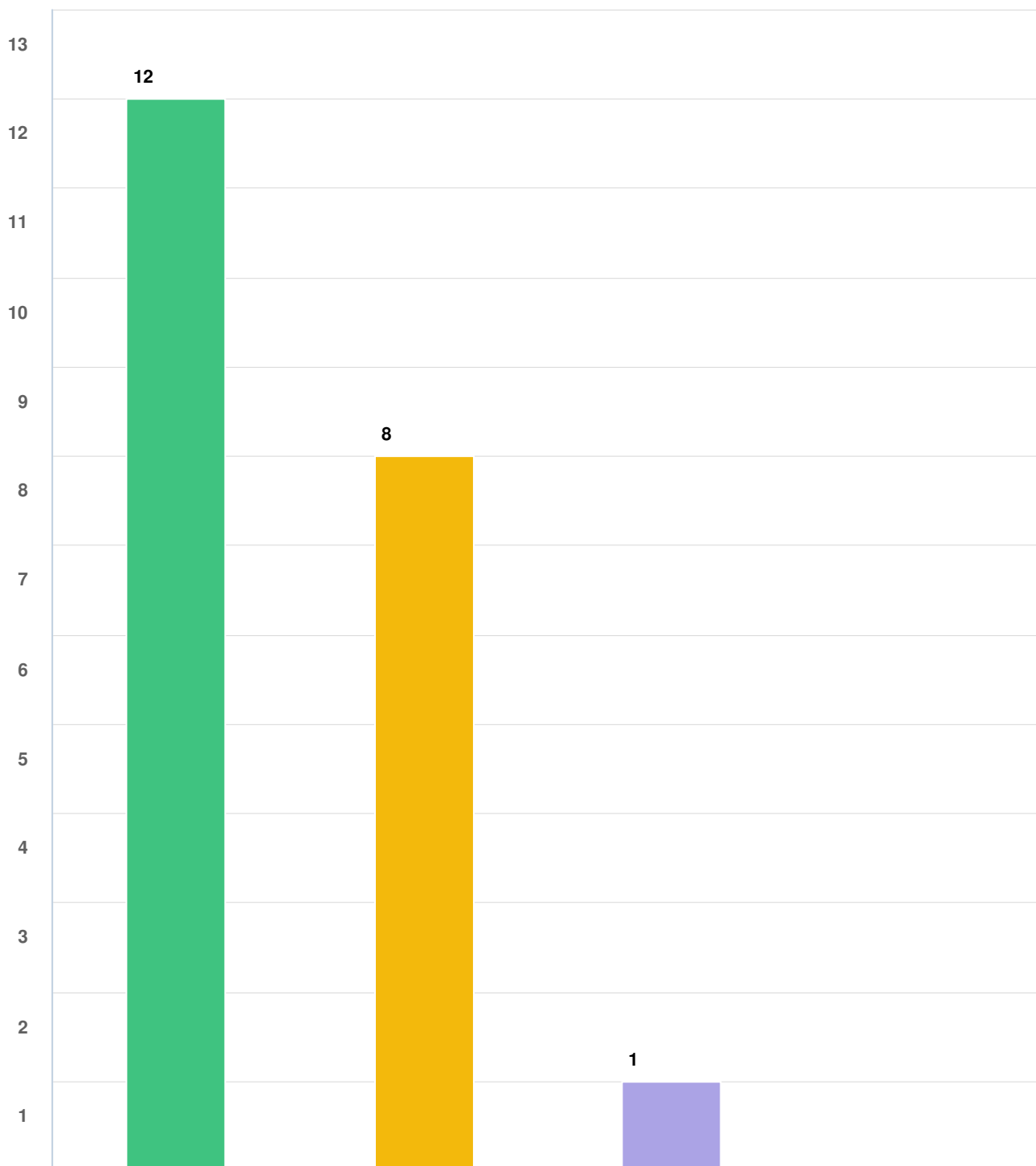


Question options

- I live in Torquay
- I work or have a business in Torquay
- I am a member of a community partnership in Torquay
- I am, or have been, a member of the Torquay Neighbourhood Forum
- Other (please describe)

Optional question (21 response(s), 4 skipped)
Question type: Checkbox Question

Q3 Which of the following best describes how you think of yourself?

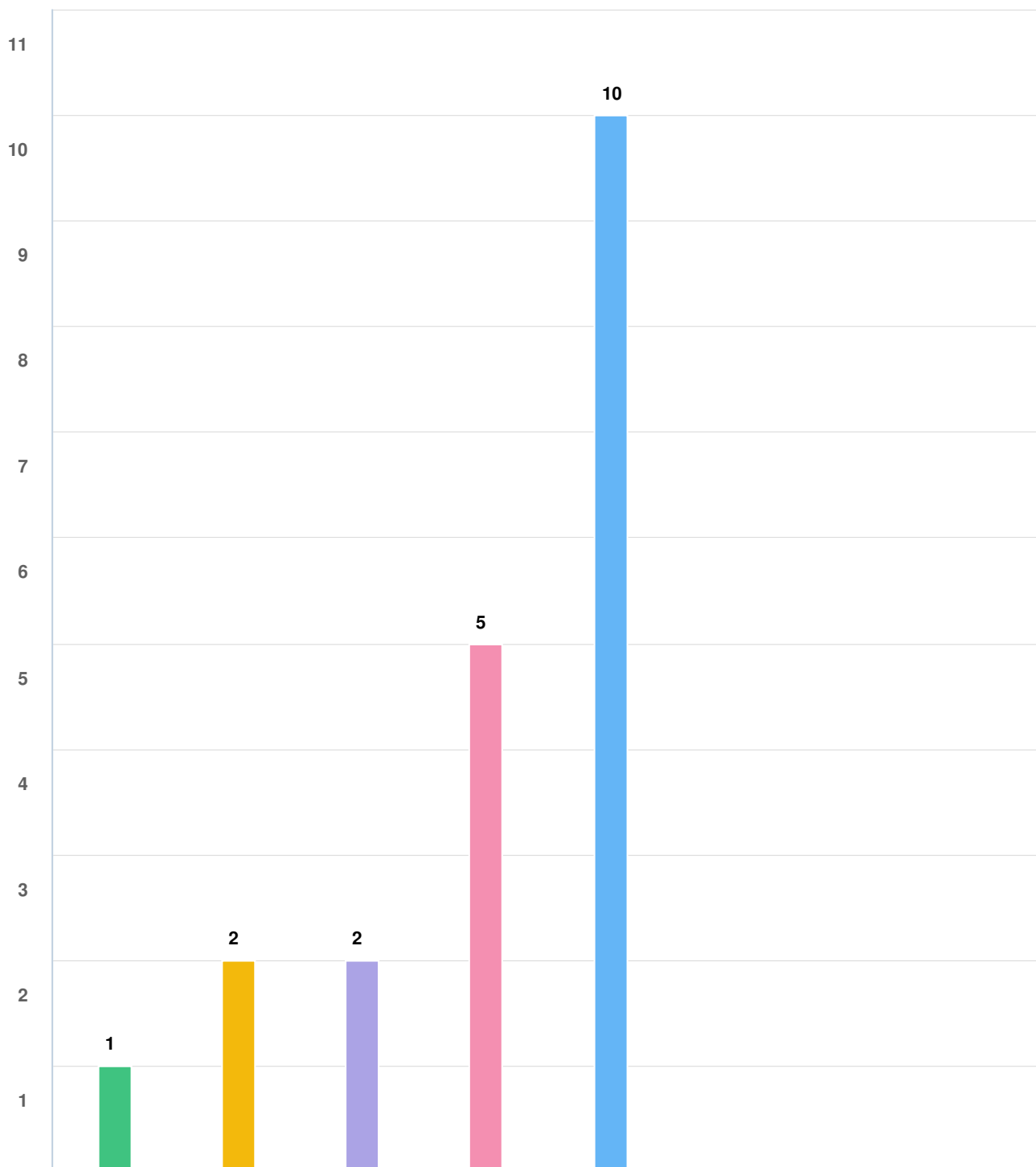


Question options

- Female
- Male
- Prefer not to say
- Other (please specify)

Optional question (21 response(s), 4 skipped)
Question type: Checkbox Question

Q4 Which of the following age groups applies to you?

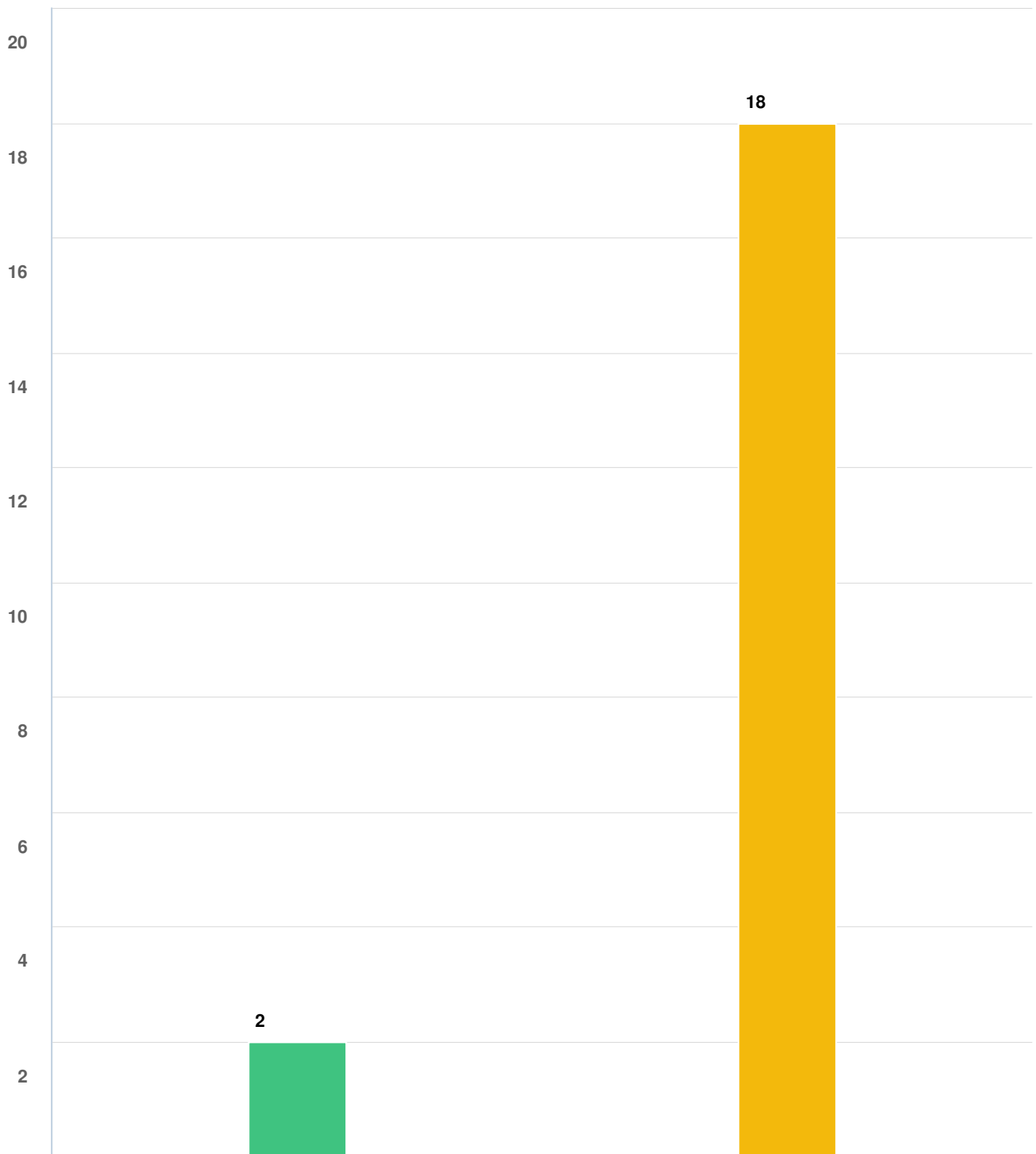


Question options

- 0-15
- 25-34
- 45-54
- 55-64
- 65-74
- 16-24
- 35-44
- 75+

Optional question (20 response(s), 5 skipped)
Question type: Checkbox Question

Q5 Do you consider yourself to be disabled in any way?

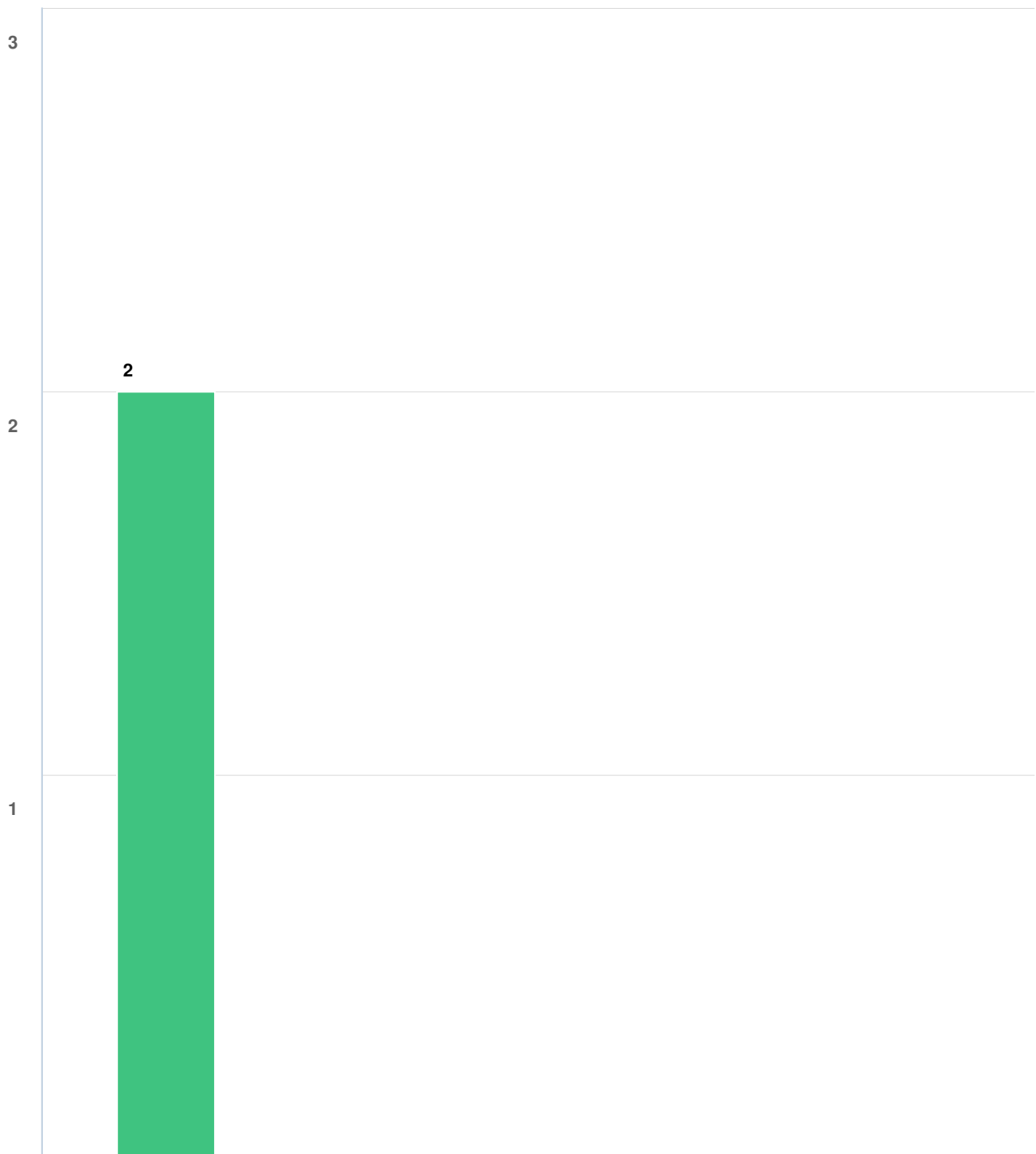


Question options

- Yes
- No

*Optional question (20 response(s), 5 skipped)
Question type: Checkbox Question*

Q6 If yes, please tell us how it affects you:



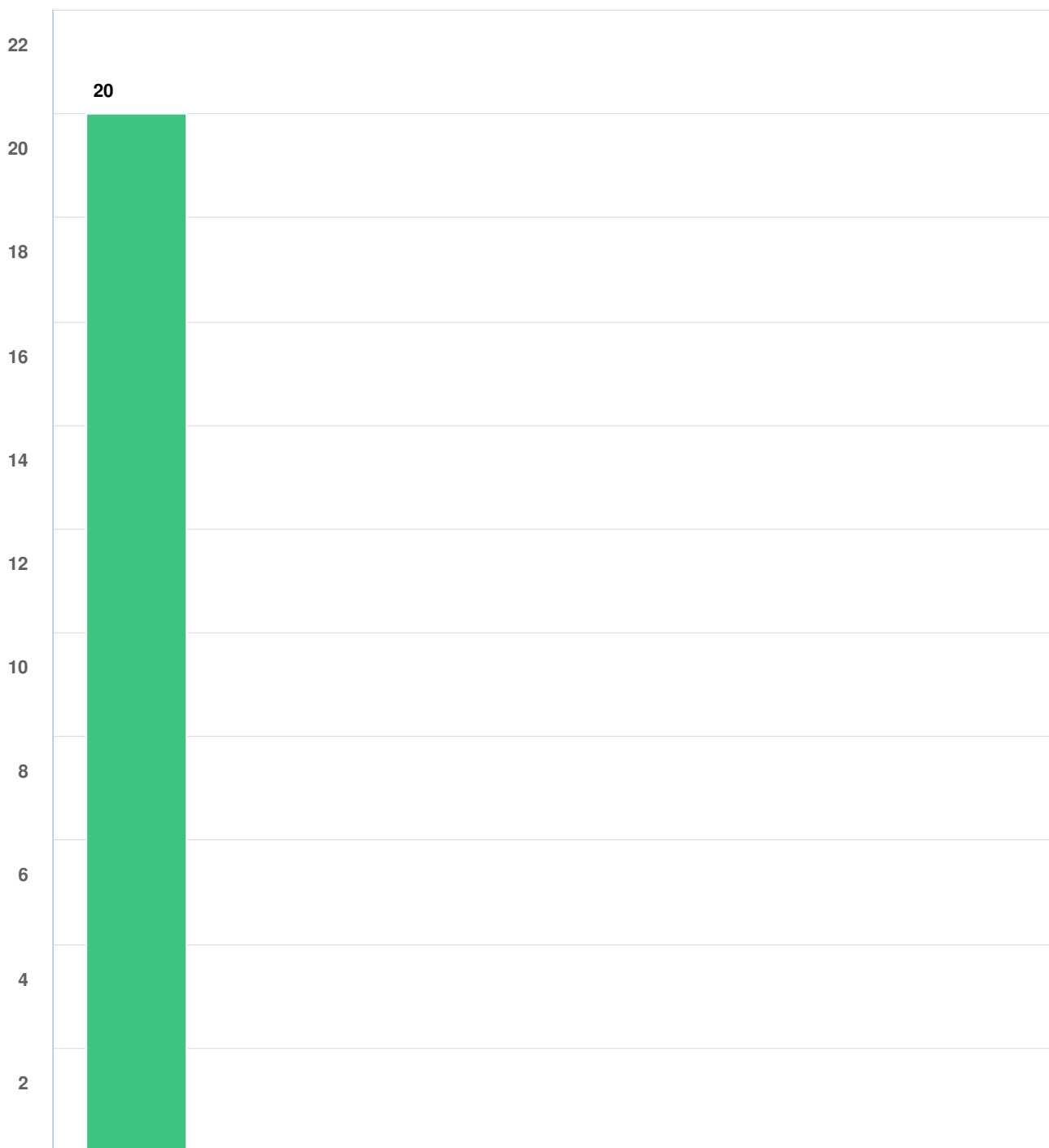
Question options

- It affects my mobility
- It affects my vision
- It affects my hearing
- It affects me in another way (please specify)

Optional question (2 response(s), 23 skipped)

Question type: Checkbox Question

Q7 How would you describe your ethnic origin?

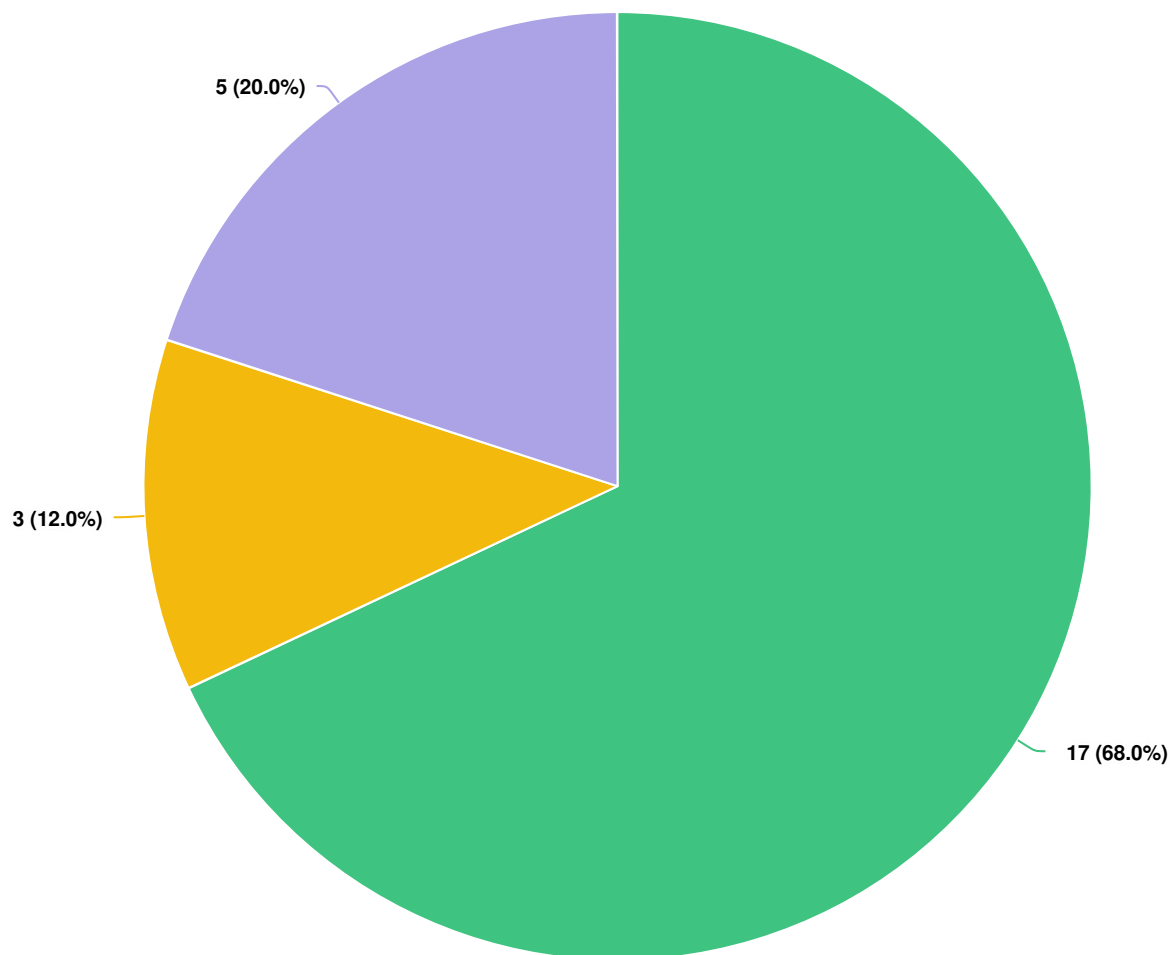


Question options

- White
- Mixed ethnicity
- Asian or Asian British
- Black or Black British
- Chinese
- Other (please specify)

Optional question (20 response(s), 5 skipped)
Question type: Checkbox Question

Q8 Should Torquay Neighbourhood Forum be re-designated?



Question options

- Yes
- No
- Don't Know

Mandatory Question (25 response(s))
Question type: Radio Button Question

Q9 Please provide any comments you have on the Forum application.

[REDACTED]
12/14/2022 12:48 PM

The only pity is that Torbay Council doesn't make planning decisions based on the policies in the current Neighbourhood Plan

[REDACTED]
12/16/2022 10:38 AM

Excellent group who provide unbiased and invaluable assistance especially in the area of planning.

[REDACTED]
12/20/2022 11:07 AM

The Torquay Neighbourhood Forum does a fantastic job. They listen and work hard to ensure that the Plan is kept up-to-date and reflects Community wishes. Please renew their designation.

[REDACTED]
12/21/2022 12:04 PM

The last time it was designated was 10 years ago so it could be outdated and I did not know what the Forum is so I think it should be more open to the people of Torquay.

[REDACTED]
12/21/2022 02:46 PM

Previous members of the Forum have not responded when asked to engage with employment providers in the Forum area and therefore have not fulfilled their objectives. What guarantee is there that the redesignated forum will not ignore genuine local employment providers to the detriment of local people and jobs and continue to ignore the economic well being of their area.

[REDACTED]
12/23/2022 12:06 PM

The Forum plays a vital role in ensuring the community has input to planning such that the right development takes place in the right location.

[REDACTED]
12/31/2022 12:55 PM

The Forum has taken considerable care to fairly represent the wishes and views of local residents and has proven itself to be valuable resource for Torquay.

[REDACTED]
1/01/2023 09:01 PM

I do not believe Torquay NPF represents the general views of residents of Torquay.

[REDACTED]
1/20/2023 02:31 PM

It is essential that the public has a say in the future of Torbay. Torbay belongs to all the people who live there and should not be beholden to government edicts with a bias for inappropriate commercial and global interests.

██████████
1/23/2023 09:41 AM

It is very good strategy to provide an opportunity for local people to participate in giving their opinion on planning, and other relevant issues within their designated region.

██████████
1/23/2023 11:32 PM

It Helps to set the rules for developer's.

██████████
1/23/2023 11:40 PM

It is important that prospective developers have guidelines to follow which represent the views of the residents of Torbay

Optional question (12 response(s), 13 skipped)

Question type: Essay Question

Agenda Item 8

Appendix 5

Appendix 3 Torquay Neighbourhood Forum application : Part 2 - Summary of e-mail responses received:

Representor	Summary of Comments	LPA comments
Natural England	Natural England does not have any specific comments on the Torquay Neighbourhood Plan	Noted
Devon and Cornwall Police-Designing Out Crime Officer – Torbay, West Devon, South Hams & Dartmoor	Having reviewed the associated documents, I have no comment to make at this time	Noted
Torbay Heritage Trust	Detailed assessment and numerous comments relating to the Conservation Policies in the Torbay Local Plan and Torquay Neighbourhood Plan. Critique of the Forum: ' <i>Torquay Neighbourhood Forum recommended wrongful approval in Belgravia Conservation Area</i> '.	Noted. Comments largely relate to the content of the TNP. Detailed Report will be shared with the TNF.
Belstone Fox (Project Management) Ltd on behalf of Cabot Trustees	Representation in relation to the land at Nicholson Way, (adjacent to Riviera Way) Torquay and critique of the TNP Local Green Space designation. It requests that the Neighbourhood Planning Forum ' <i>reconsiders the status of the Site at their earliest opportunity</i> '.	Noted. Comments largely relate to the content of the TNP. Detailed Report will be shared with the TNF.
Cllr. Karen Kennedy - Independent Councillor for Churston with Galmpton	I have responded in my capacity as chair of BCGNF but my response as a Councillor is that I am supportive of this.	Noted.

Appendix 4: Key steps in neighbourhood planning before a neighbourhood plan/order can come into force.

Steps for preparing a neighbourhood plan (general guidance applies to both neighbourhood plans and neighbourhood development orders).

Step one: Define the neighbourhood

Before neighbourhood planning can take place, the area of interest must be submitted, approved and designated. To do this:

An application must be submitted to LPA to designate the neighbourhood area. In the absence of a parish or town council, submit an application to set up a neighbourhood planning forum. This forum must be made up of a minimum of 21 unrelated people who live or run businesses in the area.

A neighbourhood area application must:

- contain a map clearly showing the boundaries of the proposed neighbourhood area
- clearly explain why this area is suitable for neighbourhood planning
- Depending on whether the designated area is a full parish boundary or not, the LPA will publicise the application for at least six weeks and invite comments from the local community.

After considering the application and any comments received, the LPA then publish the decision on the application.

Step two: Prepare a draft neighbourhood plan

What's involved in preparing the draft plan:

This involves:

- Gathering information about the neighbourhood area, considering the local plan for your area.
- Establishing the community's aspirations and priorities.
- Setting out a clear purpose for the plan including its goals and objectives.
- Drafting planning policies to help deliver the objectives of the plan.
- Understanding whether the plan is likely to have a significant environmental impact.

The plan should:

- Generally be in line with local and national planning policies.
- It must be in line with any other relevant legislation (including SA/SEA).
- Neighbourhood plans must contribute to achieving sustainable development.

Step three: Publicity and consultation requirements before the plan is submitted to the council.

- Before formally submitting a Plan to the Council for Examination, it must be publicised for **6 weeks**, inviting comments from people who live, work and carry out business in the area as well as the LPA and a number of specific regional and national organisations and agencies.
- The Forum have to consider responses received and may need to adjust proposals accordingly. The representations received and the NF responses to these will need to be set out in a Consultation Statement.

Step four: Formally submitting a neighbourhood plan proposal to the LPA

LPA check :

- Plan complies with all relevant legislation including the need for an SA/SEA
- All necessary processes and procedures have been carried out including consultation and the preparation of a consultation statement.
- If the Plan meets the legal requirements, then LPA will: Publicise the plan for a minimum of **6 weeks** and invite representations
- Notify specific regional and national organisations and agencies

Step five: Independent examination

- LPA send the plan and any consultation responses received during (Step 4) to the selected examiner.
- The examiner makes the relevant checks. They may recommend that the plan proceeds to the next change with or without changes or they may propose rejecting the plan.
- The examiner issues a report to LPA and the neighbourhood planning group.
- LPA publish the report.
- LPA consider the report and make the final decision on whether to send the plan to referendum.
- LPA to checks to see if it meets set tests known as 'basic conditions'¹.

Step six: Referendum

Neighbourhood Plan must gain a majority in a local referendum before it can be brought into force.

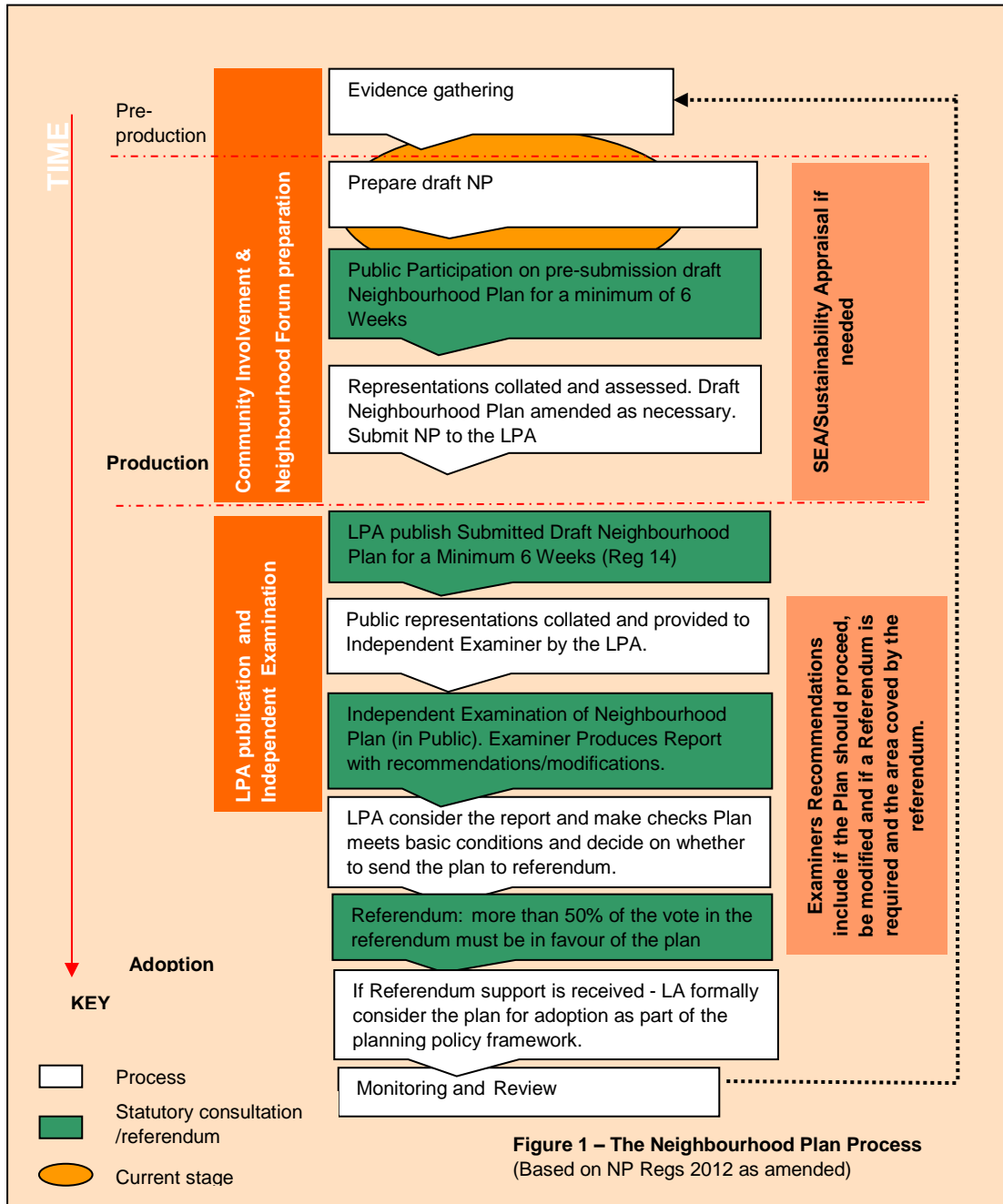
- Everyone living in the area of coverage (unless the examiner has advised differently) of the neighbourhood plan, who is registered to vote in local elections, will be entitled to vote in the referendum.
- LA publish a notice of referendum and an information statement.
- Polling will take place and residents will vote on whether the plan should come into force.
- LA declare the referendum results (for the neighbourhood plan to proceed to 'Making' (adoption), more than 50% of the vote in the referendum must be in favour of the plan
- A neighbourhood plan attains the same legal status as a local plan once it has been approved at a referendum.

Step seven: Bring the neighbourhood plan into force

If more than 50% of people voting in the referendum support the neighbourhood plan, the Council must formally consider the plan for adoption as part of the planning policy framework.

See figure 1 below.

¹ The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.



Meeting: Cabinet **Date:** 23 February 2023

Wards affected: All wards

Report Title: Housing Strategy and public consultation

When does the decision need to be implemented? 23 February 2023

Cabinet Member Contact Details: Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism and Housing, swithin.long@torbay.gov.uk

Director/Divisional Director Contact Details: Tara Harris, Divisional Director Community and Customer Services, tara.harris@torbay.gov.uk

1. Purpose of report

1.1 To consider the Housing Strategy and to note the response from the public consultation

2. Reason for proposal and its benefits

- 2.1 In 2021 Torbay Council declared a housing crisis to address local housing issues and announced, via the Community and Corporate Plan, the challenge for economic and housing growth. As such, Housing has become a high corporate priority for Torbay Council.
- 2.2 The Strategy will better inform our communities, stakeholders and members about what the Council and its partners are doing about local housing priorities and issues.
- 2.3 The Strategy will give stakeholders and members a clear annual delivery plan on which performance can be monitored on a quarterly basis.
- 2.4 Although the current Housing Strategy runs to April 2025, it was adopted prior to the Council declaring a Housing and Climate emergency in 2021, and before the C-19 Pandemic in 2020. We have refreshed our aims and objectives accordingly.
- 2.5 The Strategy supports cross-organisational, collaborative working. It provides the structure against which the Council can develop other, more specific policies affecting its housing function.
- 2.6 Both the Housing Delivery Group and the Torbay Strategic Housing Board have recommended that the Strategy be reviewed in light of the Council's new priorities.
- 2.7 Responses to the consultation has helped inform the approach we will take with all our partners and stakeholders to improve housing supply, conditions and support.

3. Recommendation(s) / Proposed Decision

That the Cabinet recommends to Council:

- 3.1 That the Torbay Housing Strategy 2023-2030, as set out in Appendix 1 to the submitted report, be approved; and
- 3.2 subject to 3.1 above, the Cabinet approves the Housing Strategy Project Plan 2023-2024, that any minor amendments to the Housing Strategy Project Plan 2023-2023 be made by the Director of Pride in Place in consultation with Cabinet Member for Economic Regeneration, Tourism and Housing.

Appendices

Appendix 1 – Draft Housing Strategy 2023-2030

Appendix 2 – Housing Strategy Consultation Report

Appendix 3 - Housing Strategy Project Plan 2023 – 2024

Appendix 4 – Report of the Overview and Scrutiny Board

Background Documents

Appendix 5 - Corporate Housing Indicators (approved by Cabinet 26th July 2022)

Appendix 6 - Housing Strategy Evidence Base Document

4 Supporting Information

- 4.1 The Housing Strategy is the over-arching strategic document that pulls together all aspects of the Council's strategic housing function. It sits within the Council's policy framework and provides the context for other plans policies and strategies, such as the Homelessness and Rough Sleeping Strategy, the Domestic Abuse and Sexual Violence Strategy and the Empty Homes Policy.
- 4.2 The Strategy supports the Community and Corporate Plan 2019-2023 to 'improve the delivery, affordability and quality of housing', 'regenerate and re-invent our town centres' and to 'encourage a sustainably developed built environment. It also supports Torbay's Local Plan and Neighbourhood Plans, as well as the Joint Health and Wellbeing Strategy 2022-2026, the Torbay Carbon Plan (2023/25), the Affordable Housing Supplementary Planning Document and the Economic Growth Strategy to name but a few.
- 4.3 The Strategy sets out what the Council, and its partners, will be doing to improve the housing situation for our current and future residents. It sets out the approach we will take with all of our partners to work towards our vision. These are grouped into three priorities.

4.4 The priorities reflect the broad range of work that we do to meet local housing need, including developing affordable housing, maintaining housing standards, and helping people to stay independent in their own homes, whilst preventing homelessness. Within each theme officers have identified key aims of the Council, which are considered to directly contribute to the overall sense of community health and wellbeing in the Bay.

4.5 Our housing priorities:

1. Improve housing supply
2. Improve housing quality
3. Improve housing support

Our cross-cutting principles:

4. Put our customers first
5. Tackle climate change
6. Work in partnership

4.6 During 2022/23 there has been investment to:

- increase capacity across Planning and Housing to enhance the development of affordable homes
- tackle disrepair and poor housing conditions, including the review and reduction of empty homes
- enhance homeless reduction, such as investment in temporary accommodation and client support

4.7 The Chief Executive is currently reviewing the Housing structure to provide additional capacity to enable the delivery of new affordable homes and the development and production of Housing policy and strategies, which will link with Torbay's urban regeneration programme and the Council's ambition to be carbon neutral by 2030.

4.8 The Overview and Scrutiny Board met on 9 February 2023 to consider the final draft Housing Strategy and Housing Strategy Project Plan (see Appendix 4 for their report) and made the following recommendations which have been incorporated into the final documents submitted to the Cabinet/Council.

“That the Cabinet be recommended:

That the Cabinet recommends to Council:

a) that the Torbay Housing Strategy 2023-2030, as set out in Appendix 1 to the submitted report be approved, subject to the latest population figures being checked against the latest census data; and

b) subject to 1 above, the Cabinet approves the Housing Strategy Project Plan 2023-2024, subject to:

- a realistic and attainable target for delivery of the number of affordable homes to be delivered each year; and
- to include targets to deliver a private rented sector improvement plan to tackle disrepair and poor housing conditions, proactively target non-compliant landlords by and take appropriate action where standards are not being met (target 2.1) and include actions and targets for improving housing conditions in social rented housing.

Recommendation to Overview and Scrutiny Board (Cabinet to note):

That the Overview and Scrutiny Board monitors the delivery of the Housing Strategy Project Plan 2023/2024 as part of their Work Programme for 2023/2024.”

5 Options under consideration

- 5.1 Consider the consultation response from partners, members, stakeholders and note the wider response from the public consultation
- 5.2 As a result of consultation with the public, partners and stakeholders we have taken on a number of comments and suggestions and have amended the Strategy accordingly. In summary they are:
- Clarify and better explain housing terms, such as ‘housing support’, geographic relief’ and the role of strategic partners.
 - Include the fact that affordable housing is key to attracting and retaining our workforce, supports the growth of our key employment sectors, such as tourism, fishing, hi-tech etc, reduces the levels of deprivation and meets the priorities in our Economic Growth Strategy.
 - Reinforce partner approach and that we are open to all methods of affordable housing delivery and that it is the Local Plan that dictates overall housing targets, as well as affordable homes.
 - Update the number of affordable homes required over the next eight years to ensure all of our strategies reflect the same target. This is the function of the Local Plan, and, until it is updated, we must adopt the Government’s ‘standard method’ calculation for the delivery of homes that places a requirement on Torbay to build 600 dwellings a year, plus a 20% (120) imposed ‘buffer’, due to the under-delivery of housing over the previous years. However, the Government is now looking at reducing its compulsory housebuilding targets, which will also be mentioned.
 - Ensure we include our partners in the voluntary sector to help us improve our support offer and take the opportunity to work closer to better understand how they

can assist and support our work, as well as listen to what is happening at a local level.

- 5.3 Recommend the adoption of a Housing Strategy for Torbay, including amendment recommendations from the consultation. Please see Appendix 2 – Housing Strategy Consultation Report for more detail

6 Financial opportunities and implications

- 6.1 There are no significant financial implications. Any financial commitments would be subject to further approval.
- 6.2 New homes and improved facilities are key ingredients in developing economic growth. It often goes unnoticed that increased capacity of schools, GP surgeries, new roads, community centres or sports facilities have been paid for as a direct result of housing development.

7 Legal Implications

- 7.1 The Council's Housing Strategy must be 'fit for purpose' in terms of providing an overall framework against which the Council will formulate other more specific policies affecting its housing functions, which will ensure that the Council is capable of meeting its statutory functions as housing authority.
- 7.2 The Housing Strategy sets out the Council's priorities in terms of its housing ambitions, but the overall number of homes, including affordable housing is determined by the Local Plan update, a key statutory document. Once a local plan has been submitted, a Planning Inspector's role is to examine whether the submitted plan meets the tests of soundness defined in the National Planning Policy Framework and meets all the relevant legislative requirements, including the duty to co-operate
- 7.3 Until the new Local Plan is adopted, the Government's 'standard method' calculation for the delivery of homes places a requirement on Torbay to build 600 dwellings a year, plus a 20% (120) imposed 'buffer', due to the under-delivery of housing over the previous years. This may be revised by Government

[Procedure Guide for Local Plan Examinations](#)

8 Engagement and consultation

- 8.1 The draft Strategy has been developed Council wide and went out to consultation from 24 October to 5 December 2022; for just over 6 weeks. Please see Appendix 2 – Housing Strategy Consultation Report

9 Purchasing or hiring of goods and/or services

- 9.1 It is not anticipated that the Housing Strategy itself will require the purchasing or hiring of goods and/or services. Should the Council wish to hire goods, or services to facilitate its strategic objectives, then more specific reports detailing this will be presented to Cabinet

10 Tackling climate change

- 10.1 One of the cross-cutting principles in the Strategy is to 'tackle climate change'. The Strategy also supports the Torbay Carbon Plan (2023/25), which has the following action 'Torbay Council to develop a new Housing Strategy and Action Plan that aims to Improve energy efficiency and reduce fuel poverty' (p20). Additionally, Torbay Council's Climate Emergency Officer has provided input into the development of this Strategy.

11 Associated risks

- 11.1 Not finding the Housing Strategy 'fit for purpose' and thus unable to provide an overall framework against which the Council will formulate other more specific policies affecting its housing functions
- 11.2 Reduced compulsory housebuilding targets from central Government will deliver fewer homes, particularly affordable homes

12 Equality impacts - Identify the potential positive and negative impacts on specific groups

- 12.1 Our equality duties apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, gender and sexual orientation. Although not enforced in legislation as a protected characteristic, Torbay Council recognises the profound and far-reaching impacts of socio-economic disadvantage and public health and treats these characteristics as protected.
- 12.2 The Strategy prioritises and supports low-income households, those fleeing domestic violence, care experienced children, vulnerable households eligible for grants to help heat their homes.

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Helping older households remain independent at home		

People with caring Responsibilities			Neutral
People with a disability	Helping households remain independent at home		
Women or men	Particularly single parents, are more reliant on benefits and are consequently more vulnerable to welfare cuts and are also more likely to be eligible for means tested support		Neutral
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			Neutral
Religion or belief (including lack of belief)			Neutral
People who are lesbian, gay or bisexual			Neutral
People who are transgendered			Neutral
People who are in a marriage or civil partnership			Neutral
Women who are pregnant / on maternity leave	Housing support for those escaping domestic violence		
Socio-economic impacts (Including impact on child poverty issues and deprivation)	Providing affordable housing for households on low incomes Improving energy efficiency, thus reducing the cost of heating the home Support people into jobs that will improve their quality of life and reduce homelessness		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Improving housing conditions will positively impact health outcomes Tackle street homelessness and provide support		

	Provision of temporary accommodation for those accepted as homeless		
--	---	--	--

13 Cumulative Council impact

- 13.1 Build on the Council’s understanding about what our communities, stakeholders and partners want in relation to housing and planning and deliver agreed solutions that align with Council priorities

14 Cumulative community impacts

- 14.1 Reinforce our commitment to deliver against our Community and Corporate Plan 2019-2023 to ‘improve the delivery, affordability and quality of housing’, ‘regenerate and re-invent our town centres’ and to ‘encourage a sustainably developed built environment. It also supports Torbay’s Local Plan and Neighbourhood Plans
- 14.2 Help reduce carbon emissions and achieve a carbon neutral Torbay by 2030, and reduce household energy costs
- 14.3 Provide affordable housing to retain a sufficient workforce in Torbay
- 14.4 Prevent homelessness and address rough sleeping

DRAFT Housing Strategy

2023-2030

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Introduction

A home is special to everyone and directly contributes to good health, wellbeing, and life achievement. Having a place to call home is one of life's main goals. It offers warmth and shelter; and is the place where we feel safe and secure; a place to shape family.

Known as the English Riviera, Torbay comprises of three towns: Torquay, Paignton, and Brixham. Torbay has a population of c. 139,324, (62,992 households) and has an increasingly skilled workforce; increasing numbers of small and micro businesses; and a large catchment population. The recent investment in the A380 South Devon link road, directly connecting Torbay with the M5 at Exeter, has significantly reduced travel times locally and regionally making the Torbay area an increasingly attractive place to live and work.

It is a place of huge ambition, and we want it to be the best place for children to grow, for people to live and work and for residents to fulfil their ambitions today and for many years to come.

However, Torbay is facing a housing crisis. There is a shortage of new housing supply and particularly affordable housing.

This strategy sets the vision and approach we will take through our leadership; and by working with partners to 'improve the delivery, affordability and quality of housing'.

We have the foundations in place to build more affordable homes through our urban and town regeneration plans; our housing company TorVista and the Torbay Strategic Housing Board.

By working with our partners, we will achieve more, giving more families a home and more children the best possible start in life.

We will prioritise brownfield locations in our towns to reduce the impact on the climate and endeavour to protect our natural environment and continue to seek new potential sites. We will create jobs and investment to support inclusive economic growth and make safe homes for residents and their families.

Whilst the council and its partners face many significant challenges, we are determined to provide appropriate and affordable homes, particularly for those with the greatest need.

We recognise the challenges of providing new affordable homes in the current economic conditions and the climate challenge.

Separate to this Housing Strategy an Action Plan will be developed to deliver our vision for housing in Torbay. The Action Plan will be an agile document, which we will use to monitor progress and it will be overseen by a cross-directorate Housing Delivery Group.

External influences and local issues

Housing needs

Housing needs for Torbay have been objectively assessed in accordance with National Planning Policy Framework guidance, which, taking into account local policy added targets for employment growth, estimate that 615 new homes are required to be provided per year over the Local Plan period. However, as part of the Examination of the Torbay Local Plan, this figure was reduced to 495 homes per year to reflect environmental constraints in Torbay.

Consequently, the adopted Torbay Local Plan 2012-2030 identifies land for the delivery of around 8,900 new homes over the plan period and we are reviewing our current Local Plan.

Our housing ambition

A balanced housing market is essential to sustainable communities, but this will not be achieved without the right level of new housing development, across all tenures. As well as providing desperately needed new homes, house building also delivers substantial benefits and better facilities for the wider community. The affordability and environmental sustainability of homes will be crucial factors in getting the balance right between homes, jobs, the green environment and protecting the climate.

We already know from our community led neighbourhood plans, that protecting the natural environment of Torbay is a priority; along with providing more affordable homes; reducing the impact of climate change and creating a sustainable economy. It will be necessary to strike a balance between competing priorities.

There is little appetite for green field development despite the level of additional homes required. However, we need to find more sites to meet future demand. So, we need to be bold, innovative, and creative, in the delivering of those additional homes.

The economic challenge

The current economic backdrop provides challenges for us all, including housebuilders and registered providers.

The English Riviera Destination management plan 2022-2030 to make Torbay the UK's premier visitor destination and help boost the local economy was approved at Council in August 2022. The new plan sets out the interventions that can help propel the English Riviera forward, building on the strengths of the destination and the opportunities to achieve a more sustainable and resilient destination.

There has been a huge increase in demand for available properties, both rented and for home ownership. This has pushed up local prices and rents, making it much more difficult for households to afford. Rents are now well above the Housing Benefit rates, and we are seeing an increasing number of households at risk of homelessness.

Providing access to affordable housing is key to the growth of key sectors such as tourism, fishing, hi-tec and medical & health care, creative and digital technologies.

We need to continue to attract and retain our workforce in Torbay and to meet the gap created by vacancies outstripping availability in our local workforce. This will support growth, reduce levels of deprivation and enable our residents to thrive and reach their economic potential

Families on Housing Benefit are struggling to afford private rents and the Council continues to lobby government on Local Housing Allowance rates to reflect the challenging rental market specific to Torbay.

Additionally, since the energy price cap was lifted at the beginning of 2022, we have seen heating and electricity costs rise by over 50%, which has come alongside increases in the cost of food, taxes and other everyday expenses.¹

Strengths, challenges, and opportunities

Strengths

The council has put the foundations in place to kick start delivery of affordable homes in Torbay, as set out in our **Community and Corporate Plan** objective to **'Improve the delivery, affordability and quality of housing'**

We will ensure we put our residents and clients first; we continue to tackle climate change and we work in partnership to achieve better outcomes. We will focus on preventing and alleviating homelessness and we will continue to do everything we can to make sure our residents are treated fairly.

We are taking action to improve supply:

- Through the Torbay master plan for town centre and waterfront regeneration to support sustainable, residential communities
- The refreshed English Riviera Destination Management Plan 2022-2030 to make Torbay the UK's premier visitor destination and help boost the local economy
- Progressing sites and regeneration identified in the Local Plan growth areas
- Working with Torbay strategic housing board (TSHB) and others to create more opportunities to identify and progress schemes
- Delivering 100+ new homes (maximising affordable homes) on the Preston Down Road site
- Seeking a strategic partner(s) to deliver more affordable homes on small challenging sites
- Purchasing up to 36 homes to meet current demand for family Temporary Accommodation (TA), with the option to use these homes for longer term affordable rentals as we tackle and reduce the need for TA

¹ Cost of living rises for households: ONS.gov.uk

- Delivering new homes through modern construction, such as modular build pilots currently under consideration for two sites.
- Commissioning 72 units to meet older people's supported housing need
- Investing in property to increase the supply of social rent homes in Torbay.
- By adopting an Empty Homes Policy and recruiting an Empty Homes Officer to help bring empty homes back into use
- By pledging financial support to introduce Interim Management Orders within the private rented sector to raise standards for tenants
- Continuing to make the best use of existing social housing through Devon Home Choice plus our Rightsizing and empty homes project
- TorVista to deliver new homes

Challenges

- 42% of CO₂ emissions in Torbay are from domestic homes (2019)
- Private rental properties are well above the local Housing Benefit rates (LHA)
- 68% of households renting privately rely on Housing Benefit, higher than national (48%) and regional (44%) averages
- 8% social rented stock in Torbay; 18% national average
- Current delivery of homes built is an average of 343 per year, the Local Plan target is 720
- By 2040 one in three (34%) of Torbay's population will be over 65
- Lack of small and medium sized building contractors in the Bay to tackle smaller sites

We know that, for our residents:

- Housing is unaffordable to many in Torbay. The average house price in Torbay is nine times average annual earnings and house prices have increased significantly post 2020
- Increasing demand for holiday accommodation has reduced the availability of accommodation for local people
- Homelessness in Torbay is over twice the national and regional averages
- One third (38%) of households are being made homeless due to the end of a private rented tenancy
- Homes becoming available through the Housing Register have fallen 6% since 2019

In Torbay:

- Housing need outstrips demand for new affordable homes
- Demand for temporary accommodation has increased over the last 12-24 months
- There is not enough brownfield land across the Bay to provide all the homes Torbay needs, and the cost of any site clearance means there is less money to build affordable homes
- The cliff like and hilly nature of Torbay makes site development challenging

- Our small developments can reduce affordable housing delivery, as units fall below planning obligation thresholds
- Regeneration takes time due to site assembly, market appetite and financing complexities
- A low growth local Plan to protect the environment can reduce the opportunities to build new homes
- The challenging economic climate is making house building difficult. Financial uncertainty, cost of materials, and labour shortages are delaying housebuilding

Opportunities

Whilst accepting that there are significant challenges in providing decent homes for all our residents it is important to recognise that there are opportunities that can help us achieve this, including:

- The Government's new Affordable Homes Programme (2021 to 2026) managed by Homes England. By working with Homes England, we hope to deliver more affordable homes through new build, residential led regeneration and purchase and repair of existing stock
- The Torbay Affordable Housing Development Partnership, which was established in 2022 to work more closely with Homes England, registered providers, and other stakeholders to increase the overall provision of affordable housing
- TorVista Homes Limited, which was awarded registered provider status in 2021. As a new registered housing provider, wholly owned by the council; its aim is to deliver a wide range of good quality, affordable and supported housing
- The Council announced a 'climate crisis' in 2021, making a commitment that Torbay will be carbon neutral by 2030
- Our Local Plan is under review and sets out how the need for homes of all types will be delivered together with jobs and infrastructure
- We have created the Torbay Strategic Housing Board to promote our ambitions and actively engage with partners to help increase housing supply and be a critical friend
- We are maximising the use of existing social housing stock through our Rightsize programme and working with owners of empty properties to bring them back into use
- We are working on economic and urban regeneration plans to increase the supply of new homes in Torbay

We are co-ordinating infrastructure improvements to support economic and town centre regeneration including increasing the supply of new homes

Vision

The housing vision for Torbay is to:

Improve the delivery, affordability and quality of housing

To achieve this vision, we will:

- Work across the Council and with partners to come up with innovative ideas and modern build techniques to increase the delivery of affordable housing for rent and ownership
- Deliver a diverse choice of housing for our residents that meets every stage of life and lifestyle
- Support our communities to improve and maintain their homes; to be safe, warm, fit for purpose and be more environmentally friendly
- Continue to protect homeless households and those threatened with homelessness, whilst putting an end to street sleeping.

Our Priorities

Our housing priorities are:

- Improve housing supply
- Improve housing quality
- Improve housing support

Our cross-cutting principles:

- Put our residents and customers first
- Tackle climate change
- Work in partnership

These aspirations are underpinned by our community and corporate visions:

- Thriving people
- Thriving economy
- Tackle climate change
- Council fit for the future

Within each priority we have identified key areas of work that we believe will directly contribute to the overall sense of community health and wellbeing in Torbay.

Improve housing supply

We will:

1. Build affordable homes for rent
2. Build homes for low-cost ownership
3. Build and acquire innovative and specialist homes
4. Make the best use of the existing housing stock

This is important because:

- Need on the Housing Register has increased by 50%, since 2018, with over 1,600 applicants now in housing need
- The Housing and Economic Needs Assessment (2022) identifies a local need for 721 affordable homes per year: 387 for rent and 334 for low-cost sale
- The Government requirement on Torbay is to build 720 dwellings a year
- Torbay is the corporate parent to nearly 5 times as many children and young people as the England average (302, compared with 62), with a 42% increase since 2011
- There is a distinct lack of larger family homes, both in the private rented and social sectors

We want local households to have access to quality housing that they can afford in a range of tenures. Open market housing is the main route to securing the delivery of affordable housing via S106 planning obligations. However, affordable housing can also be provided using Government grants and the Council's assets, including land. The majority of this delivery is focused in urban areas, yet we recognise the need for smaller development in our less urban communities.

Homes built for rent by registered providers are the only type of homes that remain affordable for the majority of low-income households in Torbay. Traditionally, homes let on social rents are around 60% of the local market rent, but in 2010 the government introduced a new 'affordable rent' at rents on new homes of up to 80% of market rent levels.

Since 2016, we have delivered an average of 339 market homes each year, 59 (17%) of which have been affordable. At the current trajectory, with no additional greenfield allocation, Torbay is likely to only develop up to 50 affordable units a year through the Section 106 developer contributions. To meet the total need on the Housing Register with new builds alone would take 32 years.

Our strategy proposes a mix of Homes England grant and local housing investment, such as Council land and assets, with a view to establishing two third affordable homes for rent and one third for low cost ownership. We will also strive to maximise energy efficiency, making our homes more affordable to heat and run.

Torbay Council and our NHS partners want to increase independent living; allowing people receiving social care and support to have a greater choice and control over how, where and with

whom they live. Whilst we are commissioning 72 units of extra care for people to live well for longer in a home of their own, there is more to do.

There is also an urgent need to create housing stock that provides independent living and move-on accommodation options for our care experienced young people.

To improve housing supply, we will:

- Use Council land and the redevelopment of existing buildings to create new affordable homes and sustainable communities
- Look to establish a strategic housing partnership to progress our affordable home delivery programme
- Maximise opportunities to deliver affordable homes through Homes England's new Affordable Homes Programme (2021 to 2026)
- Work with TorVista, the Council's wholly owned Housing Delivery Company to deliver specialised housing for older people, for those with learning disabilities and autism and for people with enduring mental ill health
- Deliver more homes to improve the outcomes for our care experienced leavers
- Purchase up to 36 self-contained properties in the Bay to help accommodate homeless households to help them move-on into more permanent homes
- Work with 'build for rent' developers to investigate funds, suitable land, or property to accommodate a shared housing project
- Bring empty homes back into use, making them affordable to rent where appropriate
- Deliver Torbay Council's 'Right-Sizing Project', to free up much needed larger family homes and developing larger homes if necessary

We will work with our partners to increase supply:

- We will pro-actively build strong partnerships with Homes England, landowners, registered providers, and local communities to improve the delivery of new homes
- Through our Economic partnership work with Home England, neighbouring authorities, NHS, local colleges, local landowners, developers and employers to find solutions to new, existing, and stalled development sites
- Through the Torbay Strategic Housing Board, working in partnership to build stronger relationships to increase the supply of new homes, including affordable and supported housing
- Utilise TorVista to deliver additional homes
- Work with our RP partners to deliver additional homes
- Encourage developers to progress sites that have received planning permission, but are not coming forward in a timely fashion
- Look to explore alternative solutions such as self-build and modular build for challenging sites to deliver new homes

To understand future needs/demand, we will:

- Gather evidence to better understand where our unmet housing need is coming from

- Better understand local housing need by regularly reviewing applications on the Housing Register and predicted demand from children’s and adult services, local colleges and employers
- Undertake a structured review of planning policies to make sure that they are relevant, joined-up, straightforward and encourage development, particularly on brownfield sites

Improve housing quality

We will:

1. Tackle conditions in the private rented sector
2. Improve energy efficiency and reduce fuel poverty
3. Keep people independent at home

This is important because:

- In addition to working with landlords to improve standards, on average, Torbay Council serves 49 legal notices to remedy disrepair each year.
- Nearly 20% of our enforcement work was to remedy poor heating in people’s homes.
- There is a higher proportion of homes in private rented sector in Torbay (27%) compared to England (20%)
- Three quarters (75%) of Torbay’s housing stock’s energy performance is below band C, for England it’s just over half (54%)

Housing has a key role to play in health and wellbeing. The poor condition of a property can negatively affect the physical and mental health of our residents. Similarly, some people’s physical health needs, particularly for older residents, can restrict their ability to live an independent life without some adaptations to the home.

The expansion of the private rented sector has focused attention on the need to improve conditions in this tenure. The English Housing Survey (EHS) estimates that in 2019, 23% of these homes did not meet the Decent Home Standard. This compares with 18% of owner-occupied and 12% of social-rented homes.

The housing conditions in the private rented sector are worse than for any other, so making sure that the quality and standard of the private rented sector is a priority for us. We also focus much of our work in this sector because tenants have little, or no control over getting remedial works carried out, so we use all the tools available to take action against poor standards.

The main enforcement issues identified relate to poor heating, risk of fire, damp and mould and falls. The Housing Standards Team identified and remedied 578 housing hazards last year, resulting in a significant cost saving to the NHS and wider society.

A key theme running through our plans is a commitment to become carbon neutral. The carbon emissions from our area will fall as our homes and businesses become more energy efficient. The widespread reliance on gas as an energy source will mean few households will be immune from rising bills. However, homes with poor fuel efficiency will be hit hardest by energy price rises.

Households who live in a property they own or rent from a registered provider have the least likelihood of being fuel poor at 8% and 19% respectively. However, households living in privately rented accommodation are most likely to be fuel poor (25%).

The scale of the issues facing the private rented sector are such that the answer does not lie with regulation alone. We must create the right environment to encourage self-compliance by working alongside landlords, property agents and landlord associations.

To improve housing quality, we will:

- Tackle disrepair and poor housing conditions by proactively targeting non-compliant landlords, taking appropriate action where standards are not being met
- Support communities to improve the energy efficiency of their homes and meet our carbon neutral target, tackle fuel poverty, and reduce carbon emissions
- Help households adapt existing homes, so they can remain independent for longer
- Regularly consult with our customers to improve service design and delivery

Improve housing support

We will:

1. Prevent homelessness
2. Offer support packages to stabilise a household's housing situation
3. Help households sustain accommodation

This is important because:

- Need on the Housing Register has increased by 50%, since 2018, with over 1,600 applicants now in housing need.
- Typically, households who rent privately spend around 35% of their income on housing costs, compared to 18% for those with a mortgage, or 29% in social housing.
- There has been a 92% increase in use and stay of temporary accommodation for homeless households since 2019 [169, 37% families (2022)]
- The most common reasons for homelessness is the loss of a private rented home (38%), family and friends no longer able to accommodate (19%) and domestic abuse (13%)
- Last year the Housing Team received around 13,000 requests. Calls about being 'homeless tonight' increased by 12%
- Around 24 people a month sleep rough in Torbay

Homelessness has a serious and harmful effect on those who experience it. Our approach is to act at the earliest opportunity, before individuals, or families lose their home. We are developing a separate homelessness and rough sleeping strategy that will be published during the life of this strategy.

Our primary focus is upon helping households to remain in their own home, provided that it is safe and suitable for them to do so. There are a number of in-house services available to help households remain in their homes, including: money advice, mediation and partnership work to tackle harassment and domestic abuse. We must also be mindful to work with partners to help us improve our support offer, for example, our voluntary and community groups, who are the eyes and ears of the community. We will take the opportunity to work closer to better understand how they can assist and support our work, as well as listen to what is happening at a local level.

It is not always appropriate for people to remain in their existing home and sometimes it is not possible to prevent homelessness. Over recent years we have seen a steady rise in demand for temporary accommodation, with many households placed in increasingly costly and sometimes unsuitable accommodation. This is having a significant impact on Council budgets.

Due to the low provision of social homes and new build affordable homes Torbay is reliant upon the private rented sector to meet its homelessness duties. However, recent rental increases have pushed this type of accommodation beyond the reach of low-income households, particularly for families. Additionally, some landlords are converting to the holiday market, both permanently, and across the summer months.

Three quarters of homeless households are re-housed in the private rented sector, more than twice the national average. However, as tenancies in this sector are less secure than other tenure and can create a repeating cycle of homelessness.

The theme throughout this strategy is to make sure that the entire system is working to prevent all forms of homelessness, but also to work across the Council, and with partners to deliver more affordable homes, and work with the private rented sector to promote longer, more secure tenancies.

To improve housing support, we will:

- Continue to improve the Housing Options Service, to make sure that we give residents high quality, accessible advice when they need it
- Work with members, partners, and clients to develop a homelessness and rough sleeping strategy that is fit for purpose and meets statutory and legislative requirements
- Improve engagement with private and social landlords, letting agencies and tenants to promote compliance and the importance of those threatened with homelessness seeking help at an early stage
- Develop a domestic abuse and sexual violence strategy with an emphasis on moving victims to safe and secure accommodation
- Work with partners to create sustainable tenancies through local employment, training, and education

Measuring success

We will measure our success through the following indicators

Improving housing supply

- Total additional homes provided
- Number of affordable homes delivered
- Number of households housed through the Housing Register

Improving housing quality

- Number of home hazards remedied/disrepair resolved
- Number of homes fitted with adaptations to help people remain independent
- Number of homes receiving energy efficiency measures

Improving housing support

- Average number of single households, including couples, in temporary accommodation on any one night per quarter
- Average number of families, including pregnant, in temporary accommodation on any one night per quarter
- Number of new homelessness cases per quarter
- The % of homelessness cases that were taken at the prevention stage
- Number of families in bed and breakfast for longer than 6 weeks
- Number of families where Children's Services have a duty to accommodate in temporary accommodation
- Number of children where Children's Services have a duty to accommodate in temporary accommodation
- Number of rough sleepers per year

This document can be made available in other languages and formats.
For more information, please contact housing@torbay.gov.uk

1 Housing Strategy Consultation Report

1.1. The consultation exercise was undertaken for 6 weeks, from 24 October to 5 December 2022. Details of the consultation were sent to the following groups and platforms, (including potential reach):

1. Torbay Housing Development Partnership (27)
2. Devon Home Choice applicants (1,600)
3. Living Options
4. Elected members (briefing)
5. Households in temporary accommodation (160)
6. Neighbourhood forums - Planning
7. Senior Voice of Devon
8. Town Councils: Brixham, Paignton, Torquay (press release distribution list)
9. Torbay Strategic Housing Board (32)
10. Housing associations: newsletters to tenants etc (press release distribution list)
11. Schools and colleges (also asking to share with parents)
12. Local businesses, via Torbay Development Agency (including the Black and Minority Ethnic Network)
13. Local churches and other faith organisations (press release distribution list)
14. Torbay Community Development Trust (press release distribution list)
15. Community Partnerships (press release distribution list)
16. Ward councillors
17. Riviera Business Improvement Districts
18. Public sector partners such as the local NHS, Devon and Cornwall Police, Devon and Somerset Fire and Rescue and a range of others (press release distribution list)
19. Voluntary sector partners (press release distribution list)
20. Administrators of local Facebook groups and pages
21. Devon Equality Network
22. Churston, Galampton and Broadsands Neighbourhood Forum
23. Sports clubs (press release distribution list)
24. Torbay Council, TDA and SWISCo staff (917)
25. Local environmental groups (press release distribution list)
26. Harbours
27. Devon Communities (press release distribution list)
28. Food safety - business support (5,358)
29. One Torbay newsletter (9,223)
30. Facebook (12K followers)
31. Twitter (12.8k followers)

Both the Local Plan Update and the Housing Strategy were out to consultation at the same time and consultees were encouraged to undertake both.

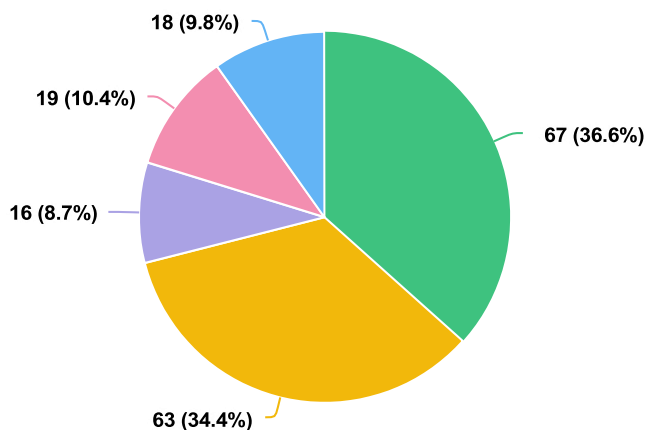
- 1.2. 186 people took part in the main survey (58% female, 38% male), from which we received 292 comments and suggestions. 10 people took part in the longer, more in depth supplementary survey for housing stakeholders.
- 1.3. The majority of respondents (79%) were over 45 years of age. Of these 74% owned their own home, 12% rented privately and 8% rented from a social landlord. The remaining 6% were either in temporary accommodation or staying with friends/family.
- 1.4. The online survey results generally demonstrate an endorsement of the Strategy's three priorities and the three cross-cutting principles, which support the Council's ambition to 'improve the delivery, affordability and quality of housing' (Community and Corporate Plan 2019-2023)
- 1.5. Percentage of respondents who 'strongly agree and agree' for each priority and principle:
- | | |
|----------------------------|-----|
| 1. Improve housing supply | 71% |
| 2. Improve housing quality | 84% |
| 3. Improve housing support | 69% |
| 4. Put the customer first | 76% |
| 5. Tackle climate change | 65% |
| 6. Work in partnership | 64% |
- 1.6. For more detail, please see the 'Survey Response Report', pages 3 to 18

Housing Strategy survey

SURVEY RESPONSE REPORT 24 October 2022 - 05 December 2022

PROJECT NAME: Have your say on our new Housing Strategy

Q1 | The Strategy's first priority is to 'improve housing supply'. Do you agree with this priority?



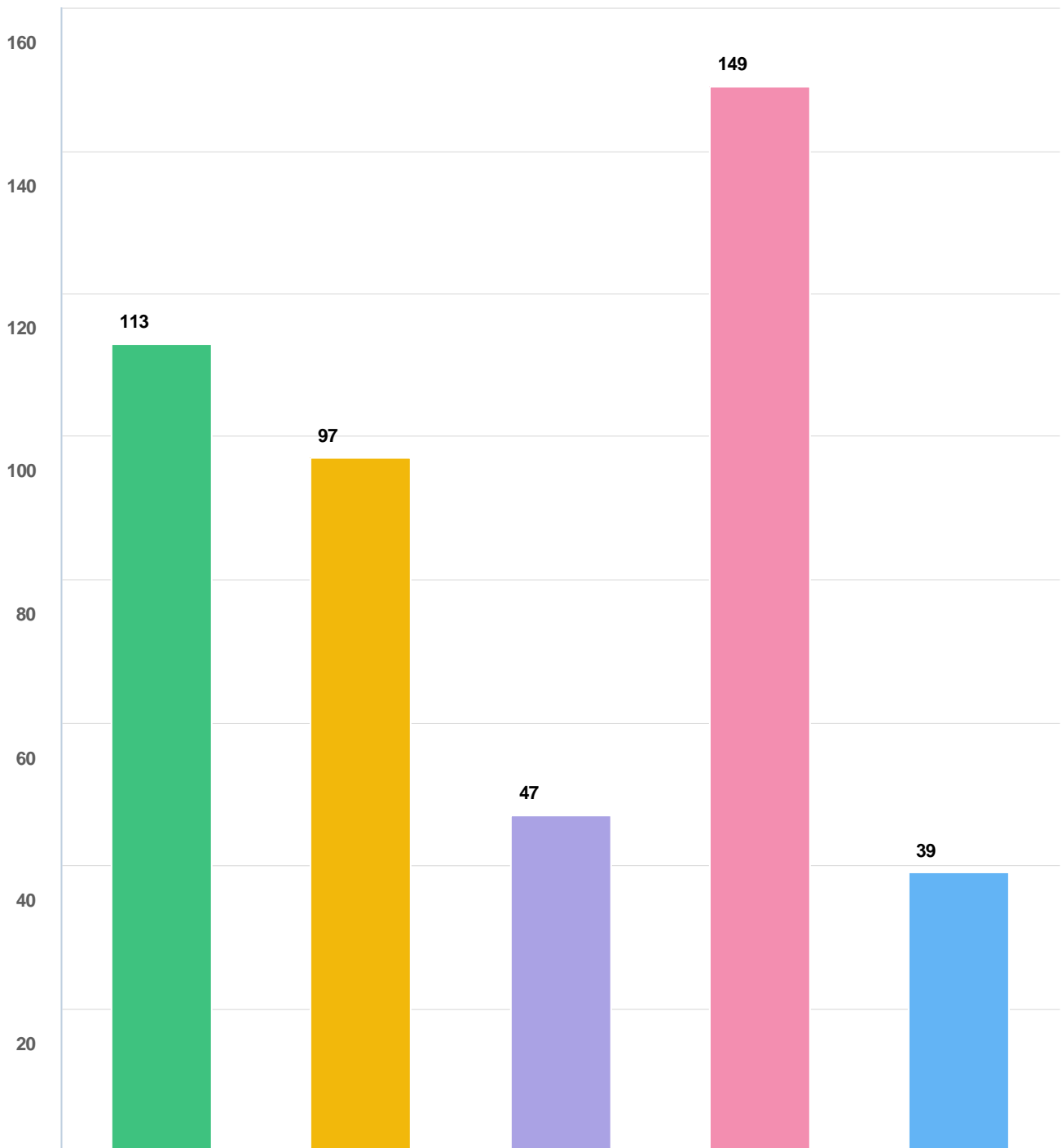
Question options

● Strongly agree ● Agree ● Neither agree, or disagree ● Disagree ● Strongly disagree

Optional question (182 response(s), 4 skipped)

Question type: Radio Button Question

Q2 Under this priority we have identified 4 key actions. With which of the following do you agree with? You can choose as many as you want.



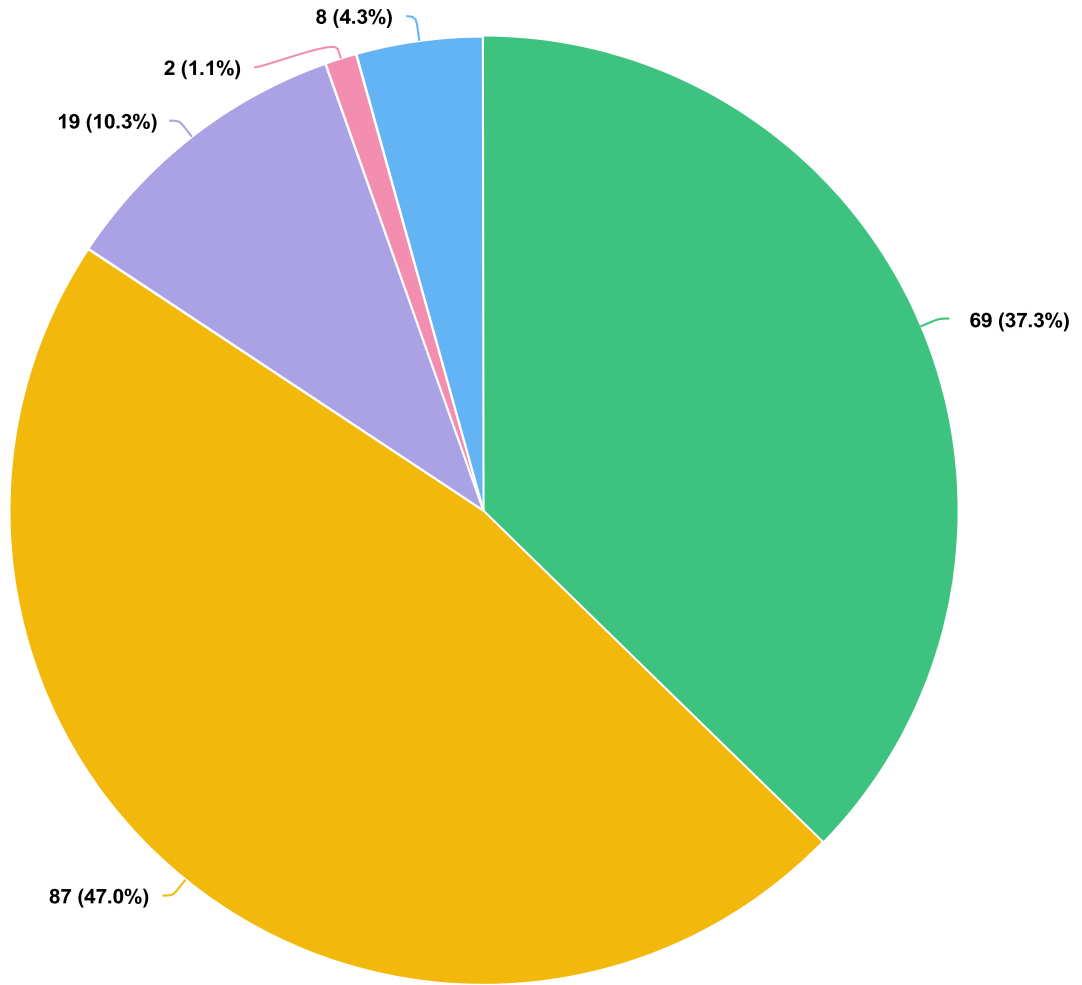
Question options

- Build affordable homes for rent
- Build homes for low-cost ownership
- Build and acquire innovative and specialist homes
- Make better use of our housing stock
- Other priority, please say:

Optional question (184 response(s), 2 skipped)

Question type: Checkbox Question

Q3 | The Strategy's second priority is to 'improve housing quality'. Do you agree with this priority?



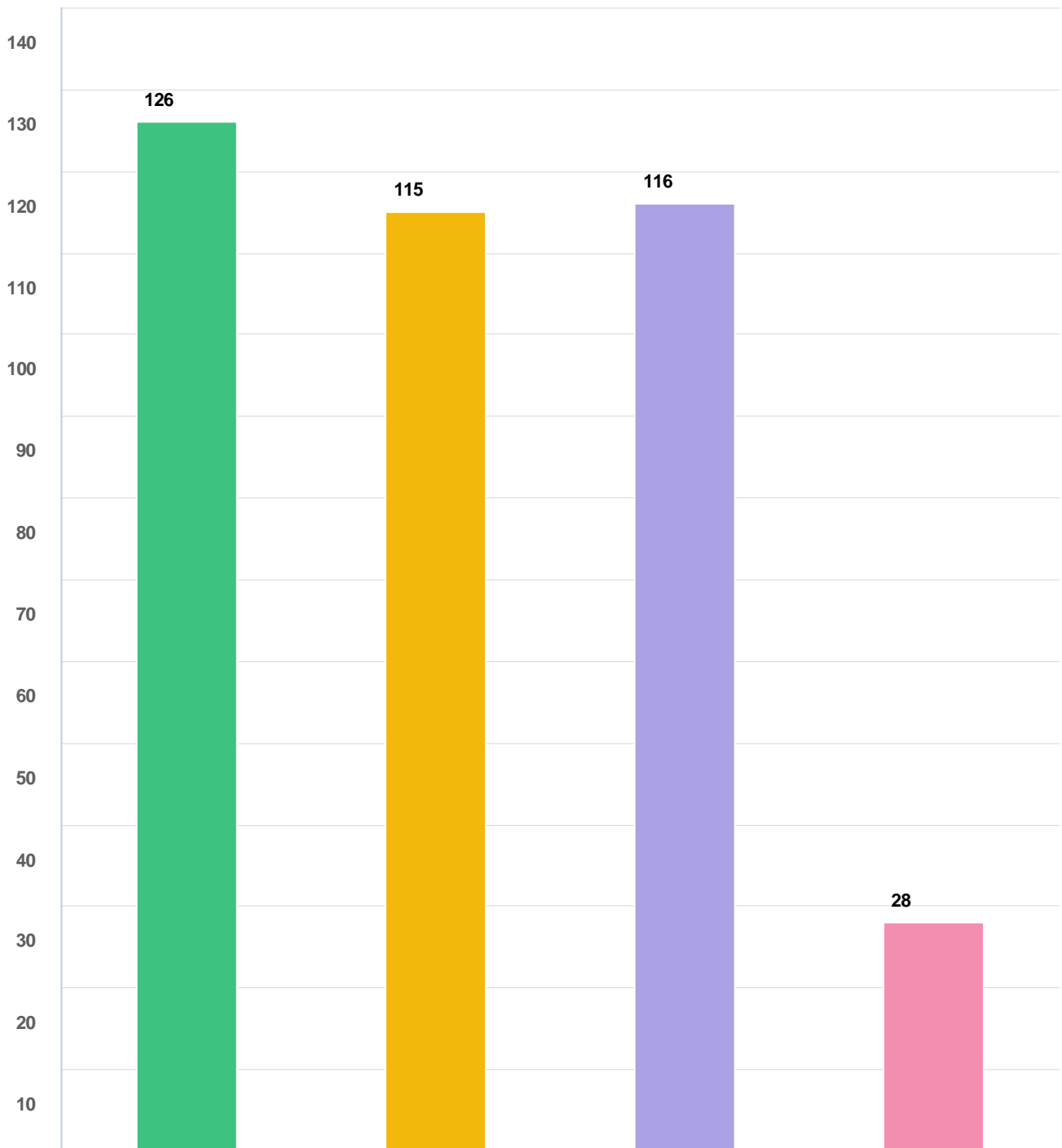
Question options

- Strongly agree
- Agree
- Neither agree, or disagree
- Disagree
- Strongly disagree

Optional question (184 response(s), 2 skipped)

Question type: Radio Button Question

Q4 Under this priority we have identified 3 key actions. Which of the actions do you agree with? You can choose as many as you want.



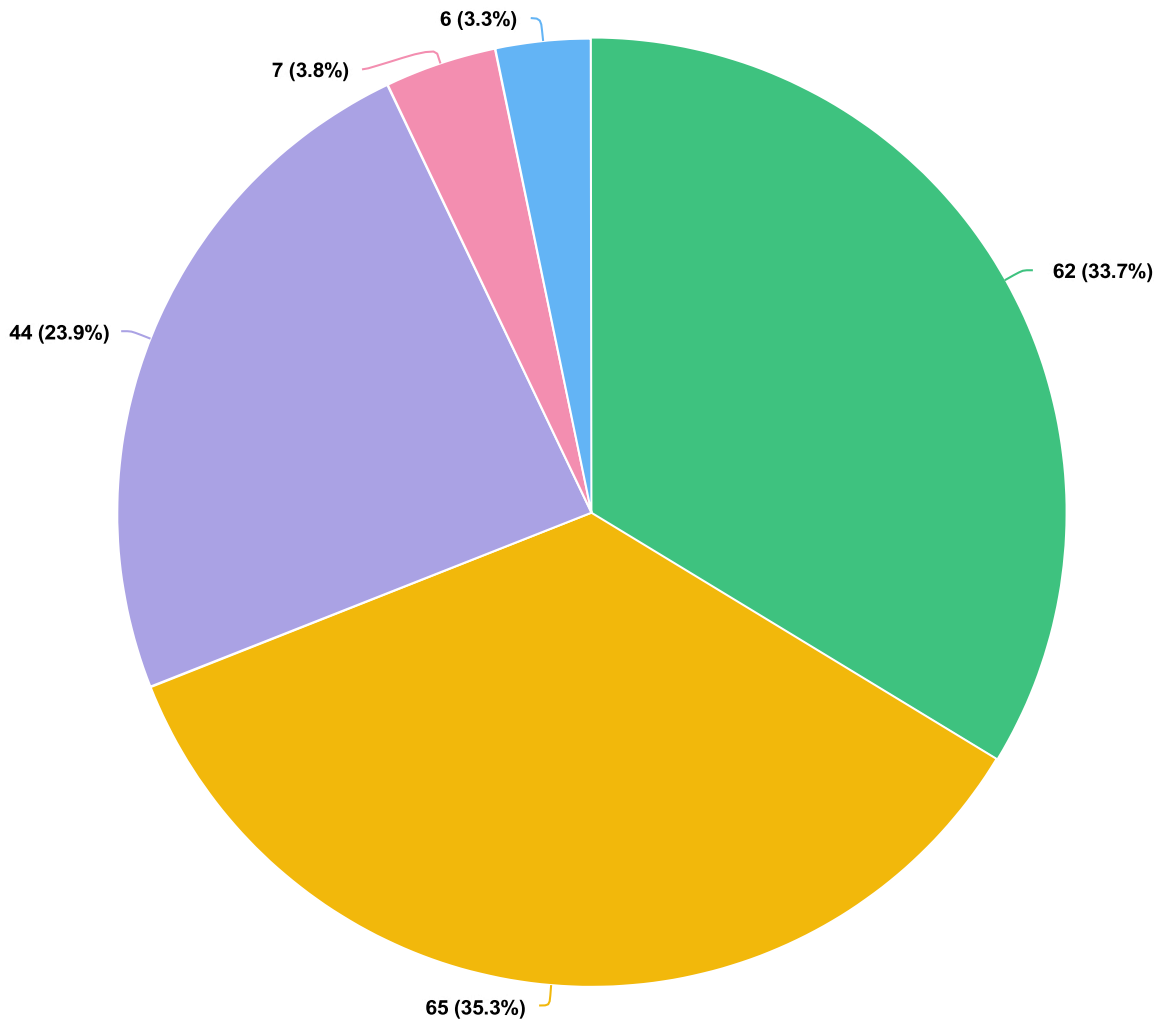
Question options

- Tackle conditions in the private rented sector
- Improve energy efficiency and reduce fuel poverty
- Keep people independent at home
- Other priority, please say:

Optional question (183 response(s), 3 skipped)

Question type: Checkbox Question

Q5 | The Strategy's third priority is to 'improve housing support'. Do you agree with this priority?



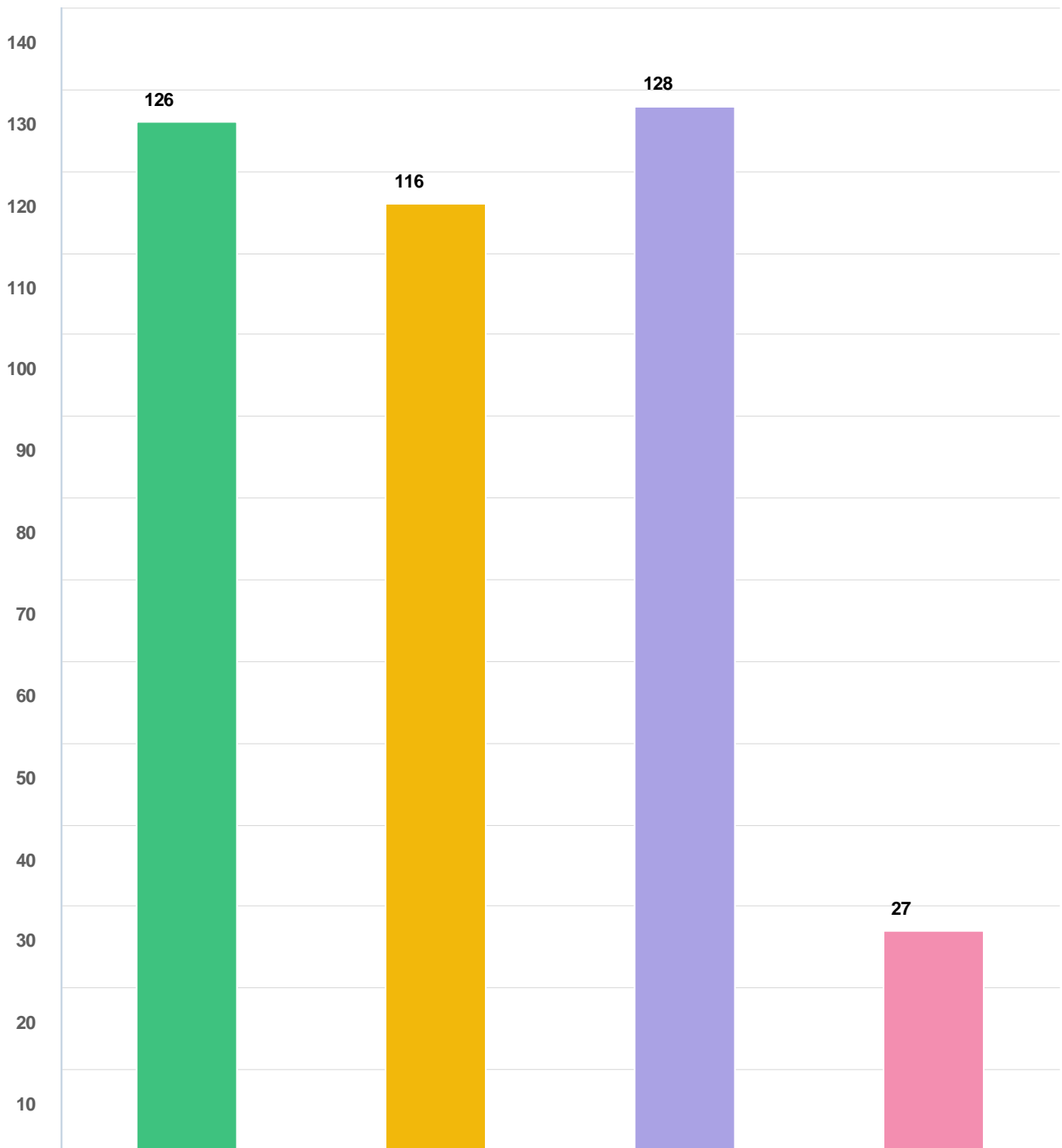
Question options

- Strongly agree
- Agree
- Neither agree, or disagree
- Disagree
- Strongly disagree

Optional question (183 response(s), 3 skipped)

Question type: Radio Button Question

Q6 Under this priority we have identified 3 key actions. Which of the actions do you agree with? You can choose as many as you want.



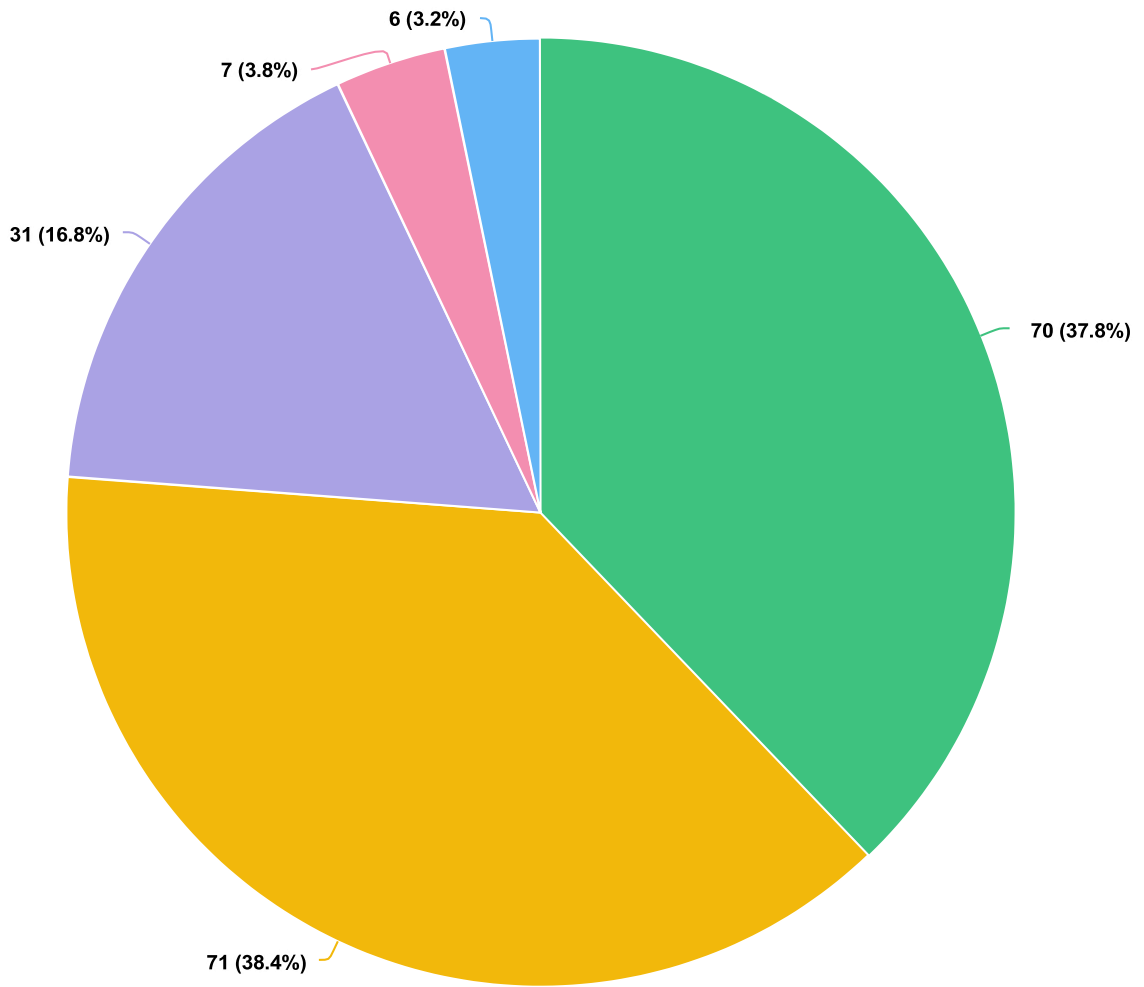
Question options

- Prevent homelessness
- Offer intervention, for example, advice, support and temporary accommodation
- Help households sustain accommodation
- Other priority, please say:

Optional question (182 response(s), 4 skipped)

Question type: Checkbox Question

Q7 | The Strategy aims to 'put the customer first'. Do you agree with this principle? See our Customer Service Standards

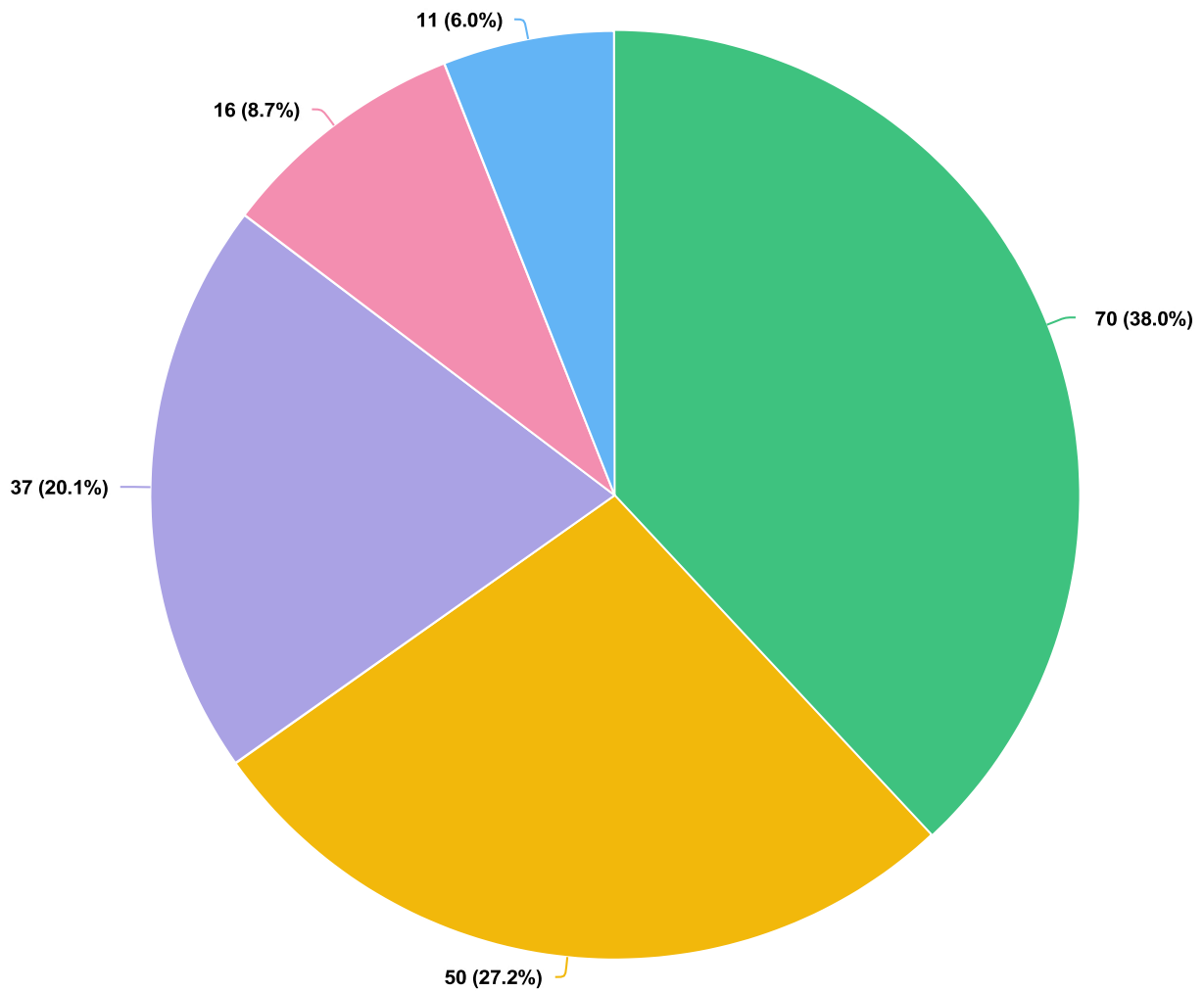


Question options

- Strongly agree
- Agree
- Neither agree, or disagree
- Disagree
- Strongly disagree

Optional question (184 response(s), 2 skipped)
Question type: Radio Button Question

Q8 The Strategy aims to 'tackle climate change'. Do you agree with this principle?

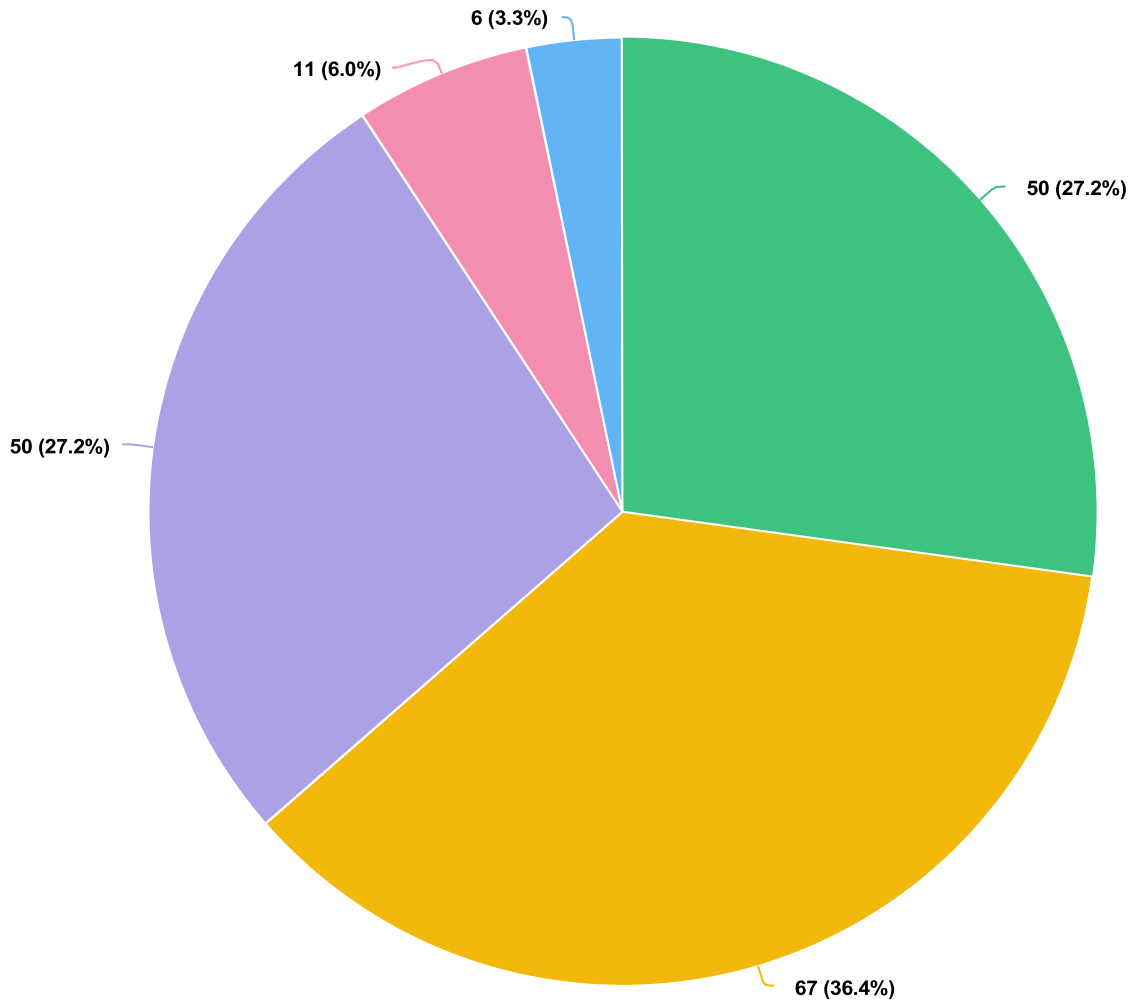


Question options

- Strongly agree
- Agree
- Neither agree, or disagree
- Disagree
- Strongly disagree

Optional question (183 response(s), 3 skipped)
Question type: Radio Button Question

Q9 The Strategy aims to 'work in partnership'. Do you agree with this principle?

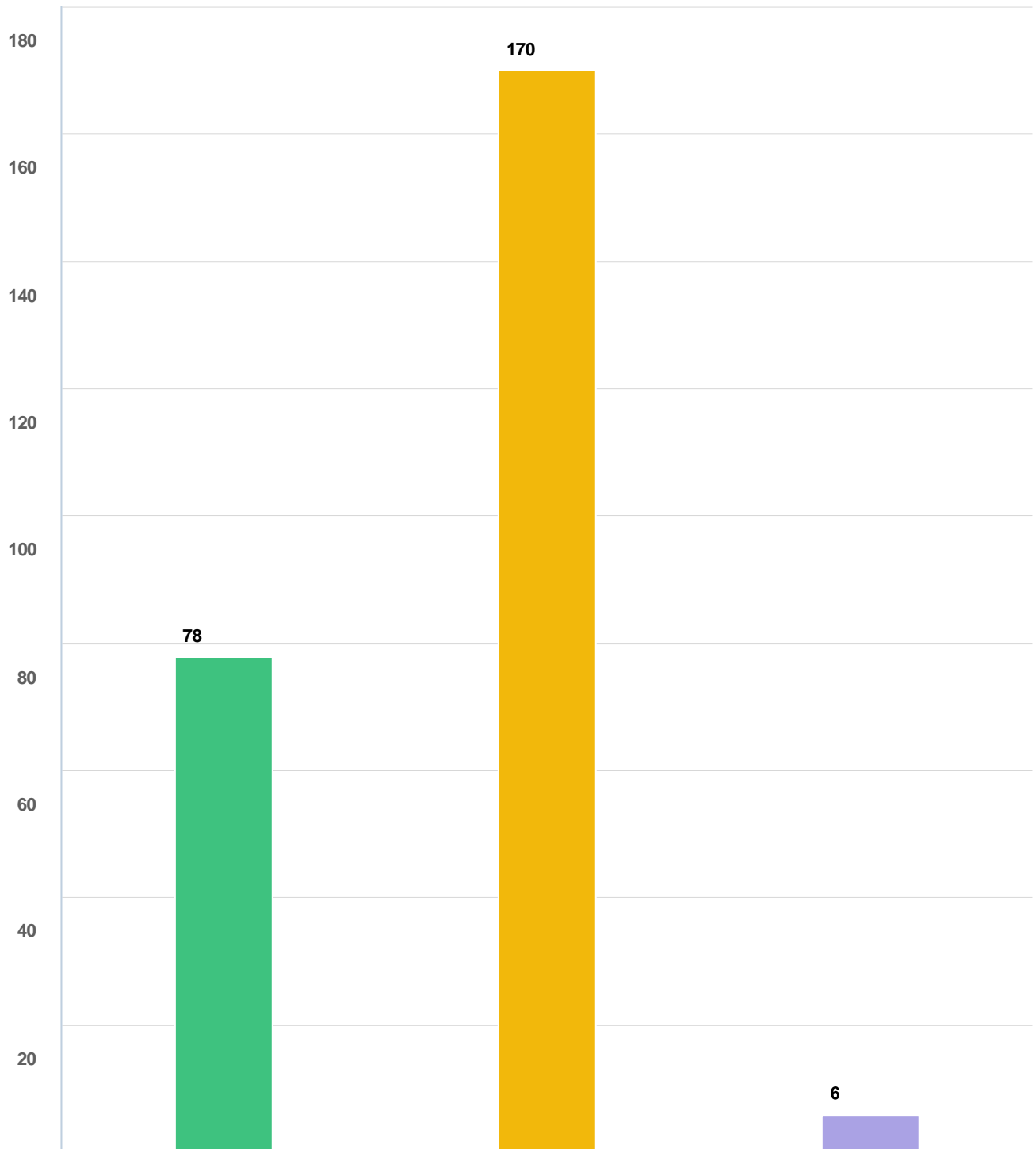


Question options

- Strongly agree
- Agree
- Neither agree, or disagree
- Disagree
- Strongly disagree

Optional question (183 response(s), 3 skipped)
Question type: Radio Button Question

Q10 Do you work, or live in Torbay?



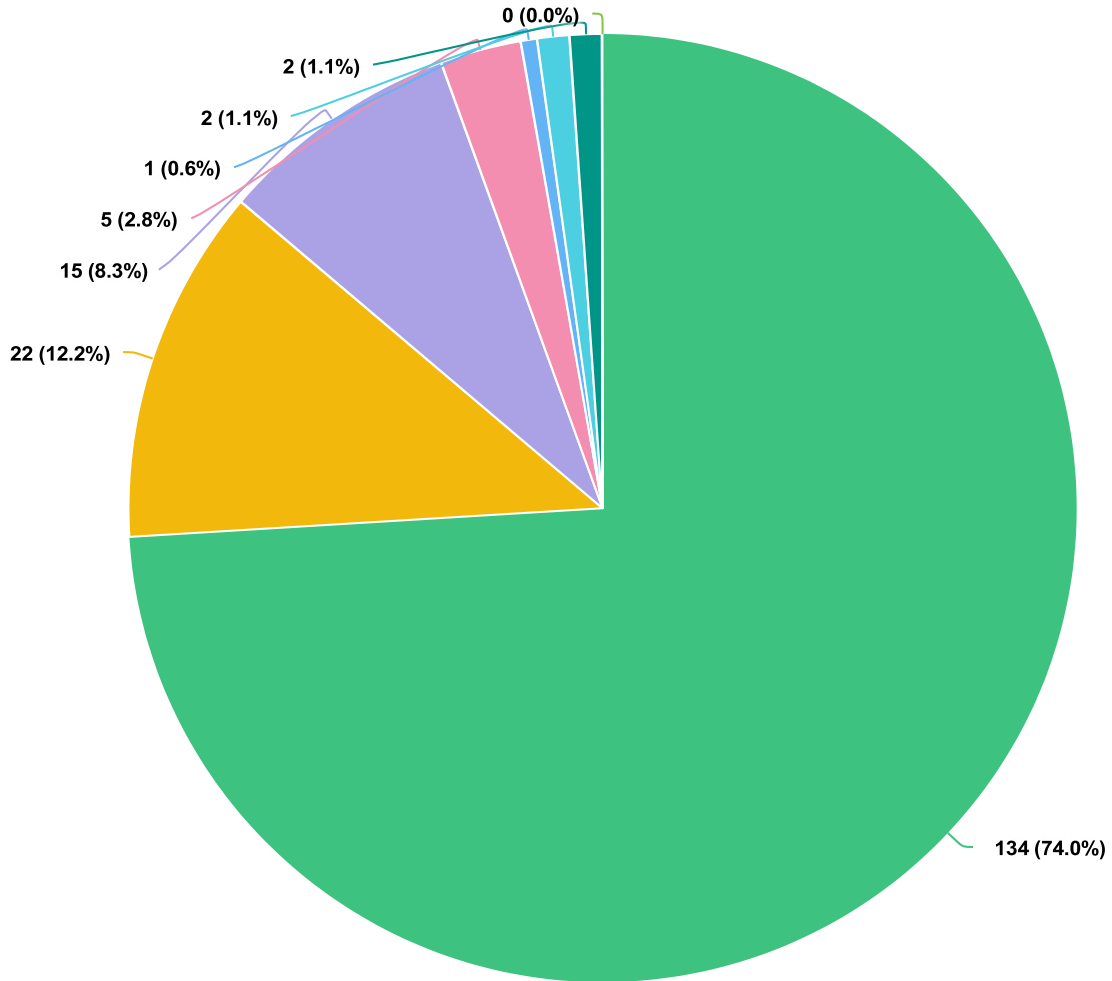
Question options

Work in Torbay Live in Torbay Other, please say:

Optional question (182 response(s), 4 skipped)

Question type: Checkbox Question

Q11 Where do you live?

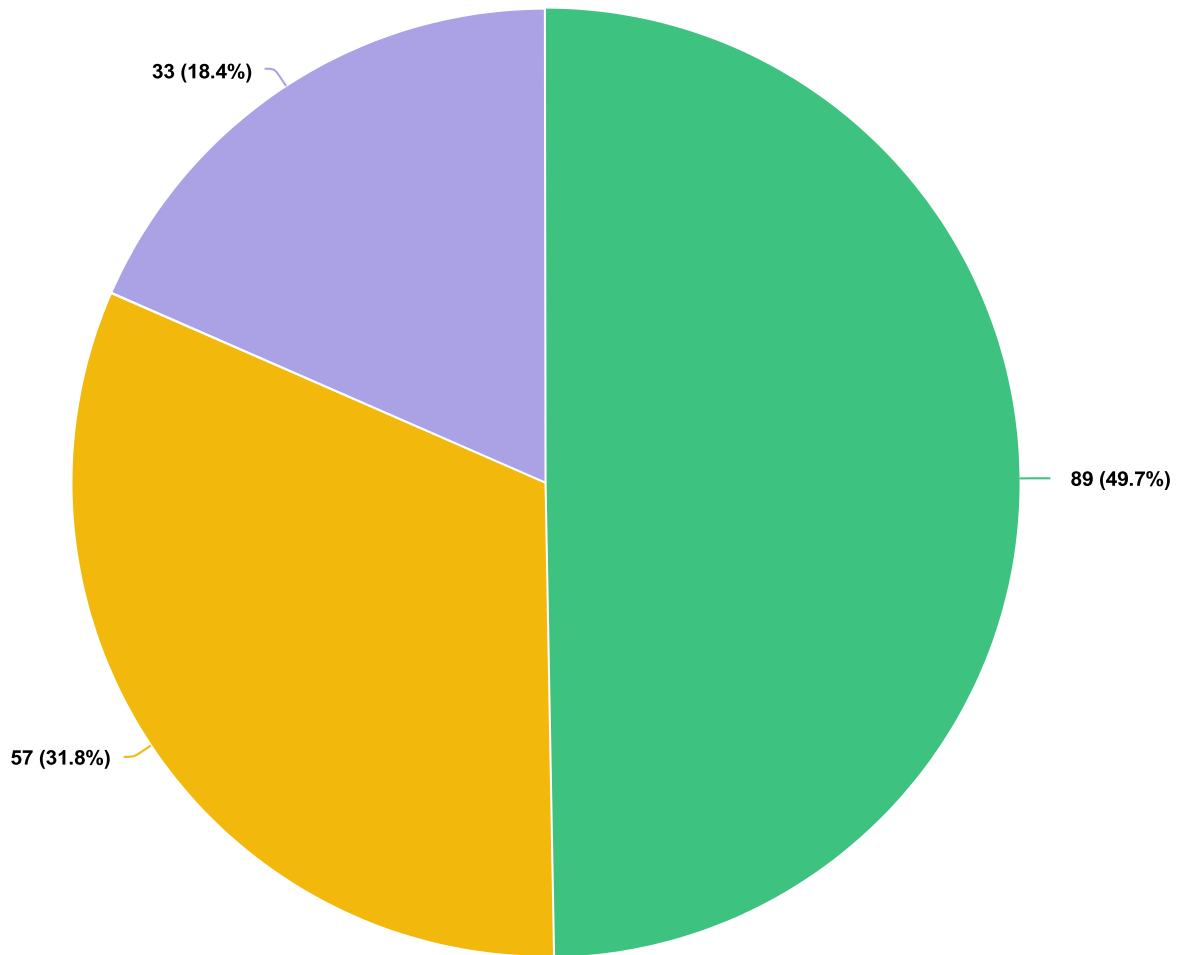


Question options

- Home owned outright, or with mortgage
- Private rented home
- Housing association home
- Living with family
- Living with friends
- Temporary accommodation
- Other, please say:
- Homeless

Optional question (180 response(s), 6 skipped)
Question type: Radio Button Question

Q12 Is your annual income, including any benefits or pension:

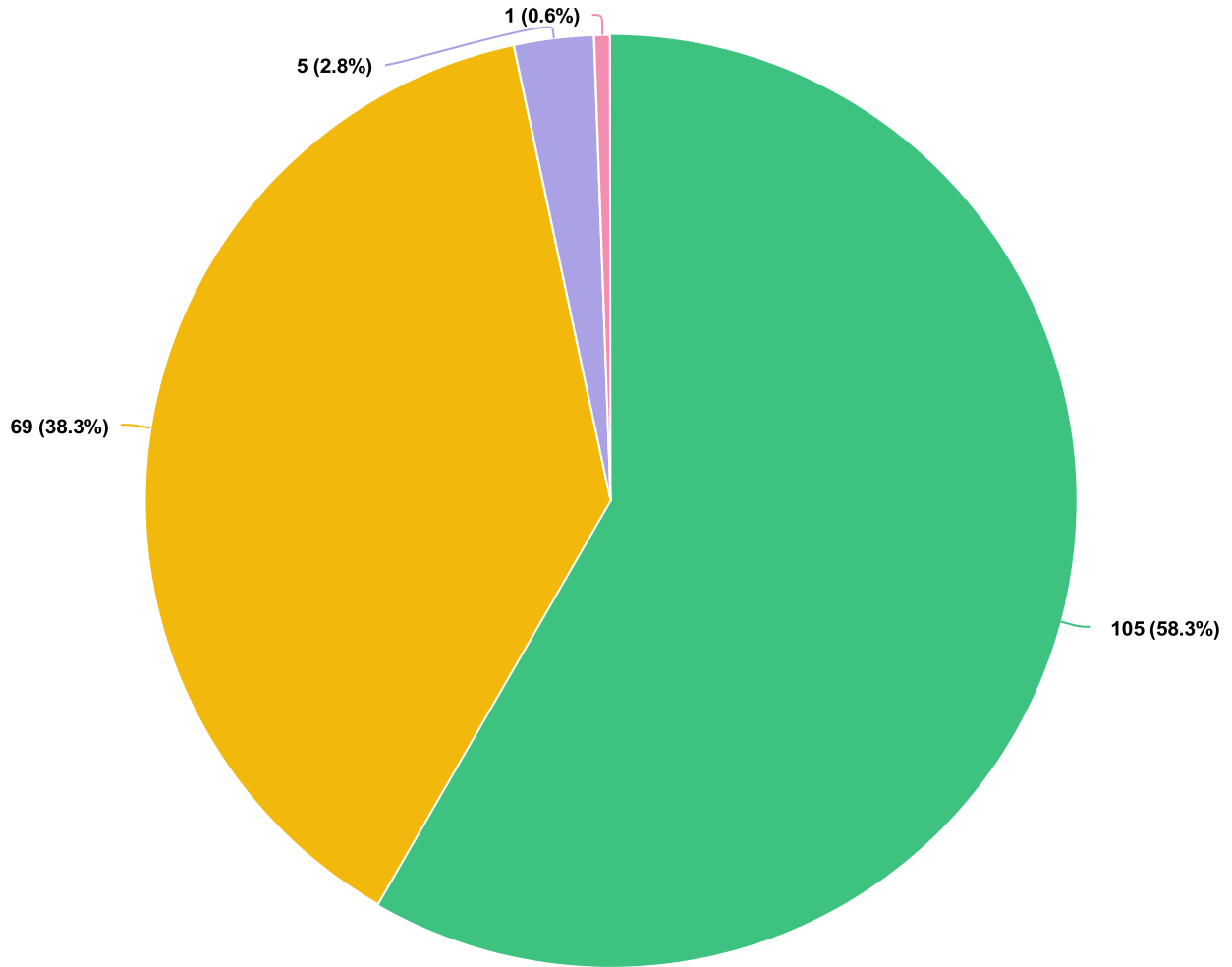


Question options

- Above £18,840
- Below £18,840
- Prefer not to say

Optional question (178 response(s), 8 skipped)
Question type: Radio Button Question

Q13 What is your gender?

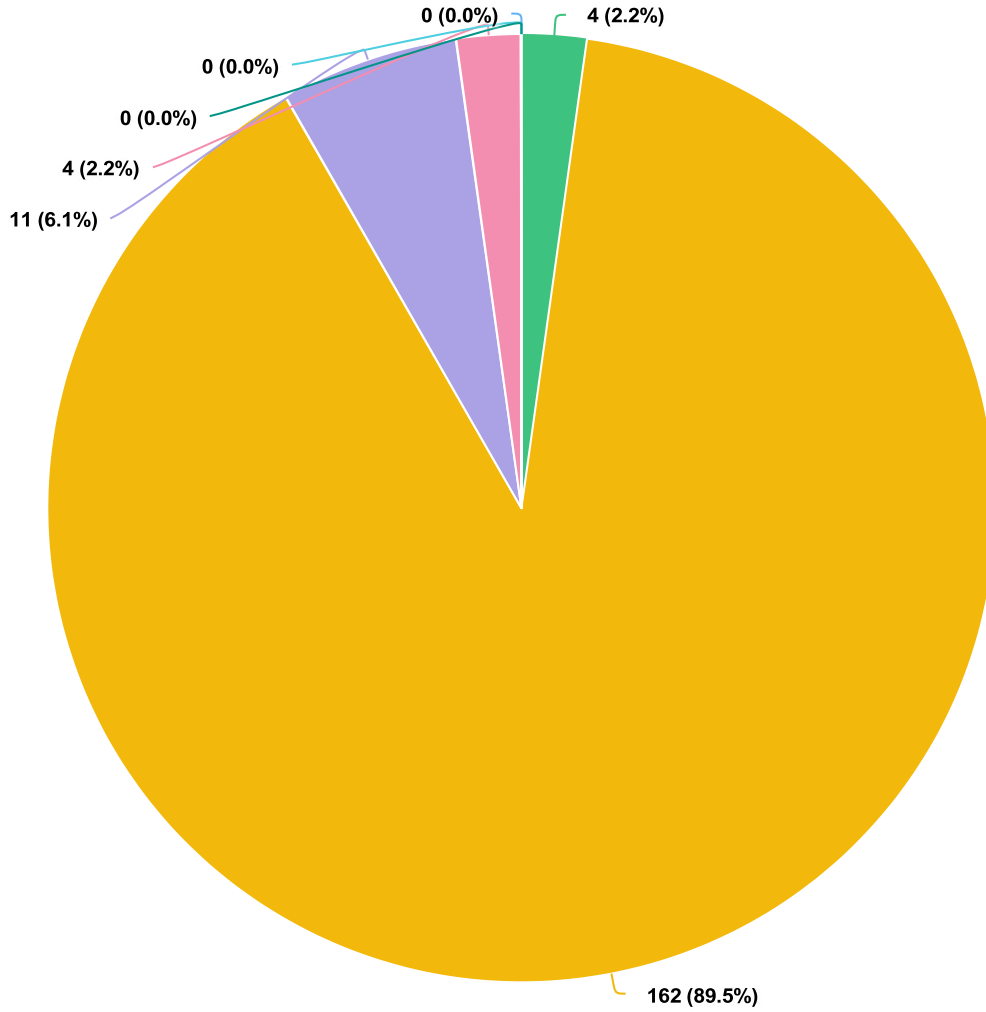


Question options

- Female
- Male
- Prefer not to say
- Other, please say:

Optional question (179 response(s), 7 skipped)
Question type: Radio Button Question

Q14 How would you describe your ethnic origin?

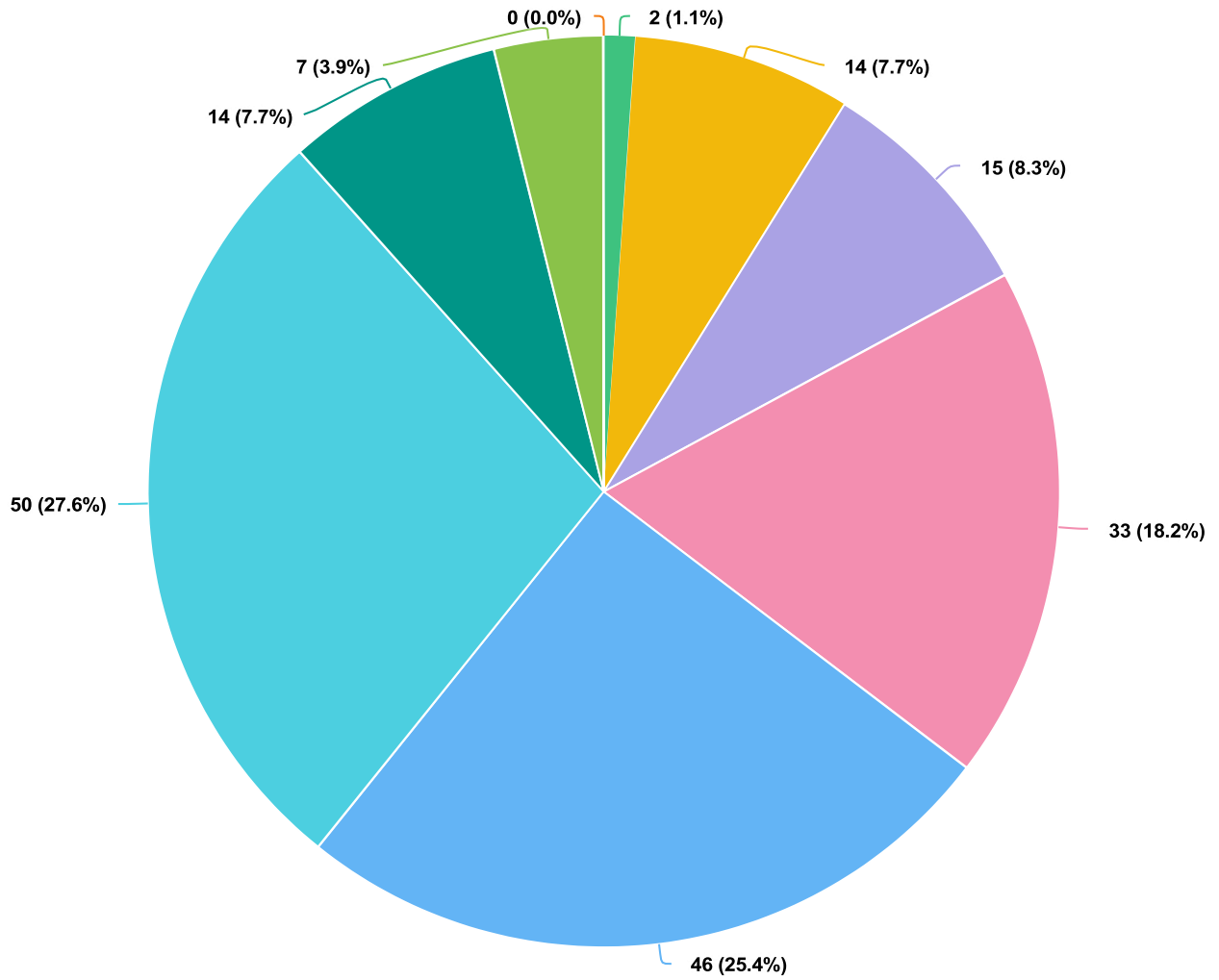


Question options

- Mixed or multiple ethnic groups
- White
- Prefer not to say
- Other, please say:
- Asian, or Asian British
- Black, Black British, Caribbean or African
- Gypsy or Traveller

Optional question (180 response(s), 6 skipped)
Question type: Radio Button Question

Q15 To which age group do you belong?

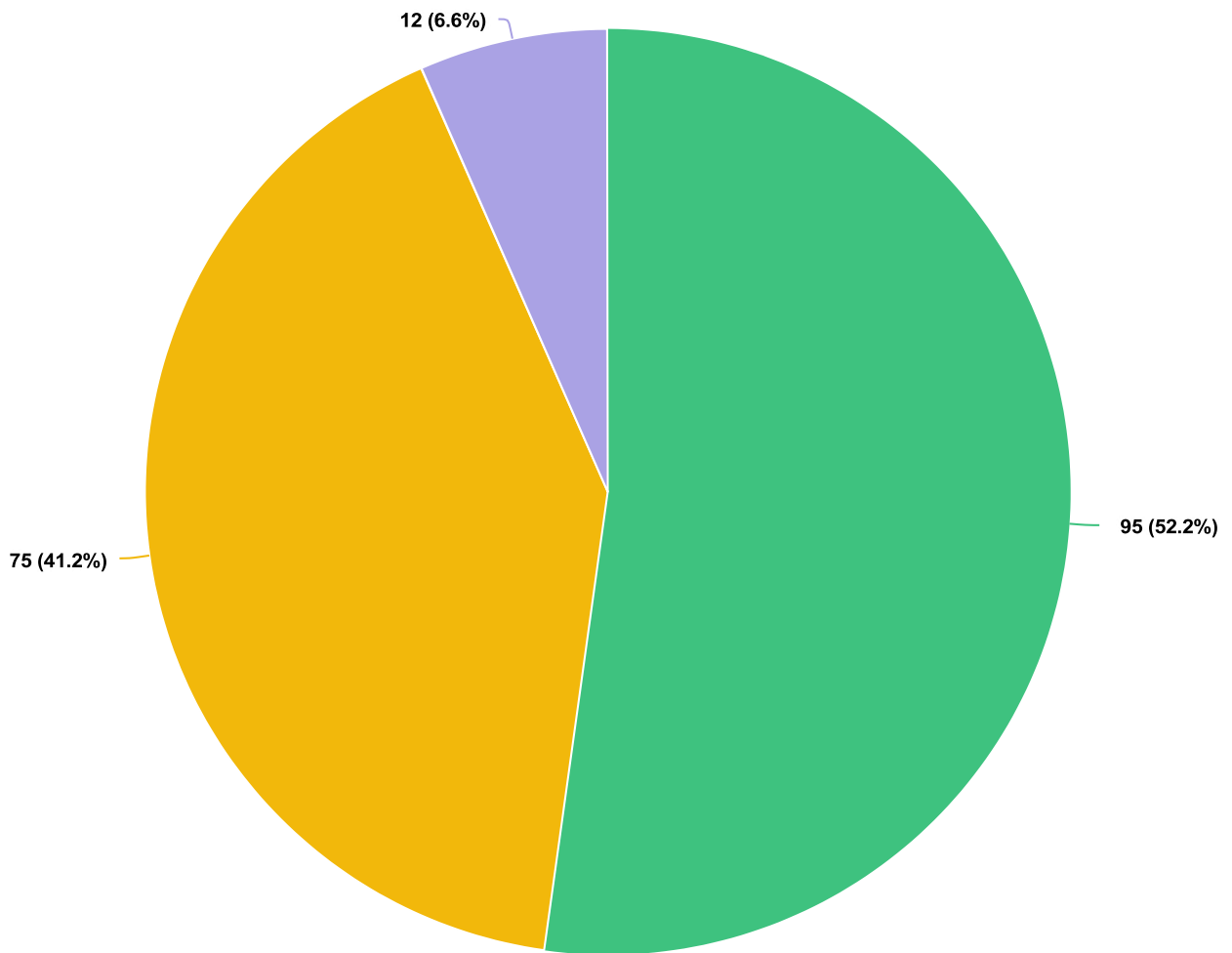


Question options

- 18 to 24
- 25 to 34
- 35 to 44
- 45 to 54
- 55 to 64
- 65 to 74
- Over 75
- Prefer not to say
- Under 18

Optional question (180 response(s), 6 skipped)
Question type: Radio Button Question

Q16 Do you, or anyone living with you, have a long-term illness, or condition?



Question options

- No
- Yes
- Prefer not to say

*Optional question (181 response(s), 5 skipped)
Question type: Radio Button Question*

2 Comments and suggestions

The comments and suggestions received were grouped by topic and can be categorised under the following themes:

Topic	Count	%
1 Develop on brownfield land, reduce the number of empty homes and curb the use of second homes	73	25%
2 Develop more affordable homes	31	11%
3 Homes should go to local households	29	10%
4 Preserve open countryside and green fields	28	10%
5 Prevent homelessness and address rough sleeping, particularly in town	23	8%
6 Help landlords and help tenants in private rented accommodation	23	8%
7 New homes require more infrastructure, like roads, NHS, schools, cycling, public transport etc	21	7%
8 Other: topics related to other Council functions	20	7%
9 Tackle conditions in the housing stock, both private and social	15	5%
10 Improve the design of new homes, including energy efficiency and parking	10	3%
Housing is unaffordable	8	3%
More eco and environmental measures, such as insulation, solar power etc	6	2%
Less luxury market homes and more for first time buyers	3	1%
More homes, including extra care for those with a disability	2	1%
Total	292	100%

Of these, around 57% were related to planning policy, such as policies on the open countryside, brownfield land and lack of infrastructure, with a further 7% related to other Council initiatives, such as tourism, waste collection etc. We will pass the comments to the relevant departments.

Officers have summarised a response for the most frequent topics and themes, where more than 10 responses were received:

1 Develop on brownfield land, reduce the number of empty homes and curb the use of second homes

Unfortunately, there isn't sufficient brownfield land across the area to provide all the homes Torbay needs. Additionally, due to site clearance and contamination issues, viability of these sites reduces the delivery of affordable homes. The current economic climate is making the situation worse.

Torbay Council currently charges 100% Council Tax on properties from the day the property becomes empty. This increases to 200% if the property remains empty for over two years, increasing to 400% should it remain empty for up to ten years. The Council

adopted an Empty Homes Policy in 2022 and is committed to bringing empty homes back into use to increase all of the available housing stock in the Bay.

To enable higher Council Tax levies on second homes would require changes to legislation. Torbay Council currently charges the maximum 100% Council Tax allowable for second homes. From April 2023, second homeowners will have to prove holiday lets are being rented out for a minimum of 70 days a year to access small business rates relief, where they meet the criteria.

2 Develop more affordable homes

It is the Torbay Local Plan that provides the Council's blueprint for housing distribution and the level of development, including affordable housing. It establishes the level and need for supporting infrastructure and sets out a raft of policies, proposals and actions to meet the environmental, social and economic challenges facing the area.

Open market housing (in particular the contribution via affordable housing planning obligations) is the main route to securing the delivery of affordable housing. However, affordable housing can also be provided using government grants and the Council's assets, including land. The housing strategy proposes a mix of Homes England grant and local housing investment, such as Council land and assets, with a view to establishing affordable rents for Torbay residents on low incomes. Building more affordable homes is one of the Strategy's key priorities.

3 Homes should go to local households

Social housing is managed by registered providers and lettings are governed by the Housing Register (Devon Home Choice) Allocation Policy. All applications are assessed and placed in one of four priority bands, which is based on our assessment of a household's housing need, and whether or not they have a local connection.

At the end of each weekly advertising cycle, a list is produced of all qualifying bids. The list initially sorts applicants by their priority banding and then on how long they have been waiting. All appropriate checks are carried out by the registered provider that owns the stock.

4 Preserve open countryside and green fields

The Local Plan determines the level and need for development and sets out a raft of policies, proposals and actions to meet the environmental, social and economic challenges facing the area. The Local Plan consultation has just concluded and following a review, the Council will update its housing supply policies.

The Local Plan housing growth scenario will affect poverty, inequalities, and the delivery of affordable housing. Broadly speaking, a high growth scenario will provide the most affordable housing and economic prosperity; but will come at the cost of its environmental impact. Torbay has internationally important biodiversity associated with the South Hams Special Area of Conservation (SAC) at Berry Head, and the Marine Special Area of Conservation (SAC). The options will need to be assessed through a Habitats Regulations Appropriate Assessment (HRA), that will need to consider the in-combination effects of growth.

5 Prevent homelessness and address rough sleeping, particularly in town

Homelessness has a serious and harmful effect on those who experience it. No household should ever have to experience homelessness. The Homelessness Reduction Act 2017

took effect on 3 April 2018, placing new duties on councils to work with homeless families to prevent or relieve homelessness before a main homeless duty is accepted.

Our approach is to prevent homelessness at the earliest opportunity, before individuals, or families lose their home. We are developing a separate homelessness and rough sleeping strategy that will be published during the life of this strategy. It will contain a lot more detail about how we intend to tackle homelessness and its causes.

For many people there will be several reasons they become homeless; for some there will be multiple, complex reasons. Our primary focus is upon helping households to remain in their own home, provided that it is safe and suitable for them to do so. There are a number of in-house services available to help households remain in their homes, including:

- financial and debt advice
 - work with landlords and lettings agents
 - mediation with family and friends, or landlords
 - partnership work to tackle harassment and domestic abuse
 - partnership work to deal with anti-social behaviour
- taking a trauma informed approach to supporting those with complex needs

6 Help landlords and help tenants in private rented accommodation

The housing conditions in the private rented sector are worse than for any other, so making sure that the quality and standard of the private rented sector is a priority for us. We also focus much of our work in this sector because tenants have little, or no control over getting remedial works carried out, so we use all the tools available to take action against poor standards.

In Torbay there is a large percentage of low-income households renting privately. A low-income household is defined as a household in receipt of one, or a number of benefits. In Torbay's private rented stock, 68% of households claim some sort of housing subsidy. This is significantly higher than national and regional averages. Legislation states that benefits are paid to the tenant, not direct to the landlord, unless there are extenuating circumstances. The cost of living crisis is making the situation worse, with the Housing Options Team receiving around 13,000 calls each year.

Our Enforcement Policy helps to promote efficient and effective approaches to regulatory inspection and enforcement that improve outcomes without imposing unnecessary burdens. We work with private landlords to drive up standards, but will also take action against any landlords who do not comply with legislation, in line with our Policy.

Although there are many reasons for homelessness, last year, the most common reasons recorded locally were: the loss of a private rented home (34%), family and friends no longer willing, or able to accommodate (19%) and domestic abuse (12%).

7 New homes require more infrastructure, like roads, NHS, schools, cycling, public transport etc

It is the Torbay Local Plan that establishes the level and need for supporting infrastructure, which is considered alongside plans for new development. All existing Local Plan allocations are supported by policies that require specific types of infrastructure to be provided, whether that be roads, schools, community facilities etc.

All new dwellings, or commercial premises are subject to what is effectively a tax on new development called the Community Infrastructure Levy. This money is retained in the Council's budget for infrastructure projects in the Bay. It often goes unnoticed that increased capacity of schools, GP surgeries, new roads, community centres or sports facilities have been paid for as a direct result of housing development.

8 Other: topics related to other Council functions

A number of comments were received related to other Council initiatives, such as tourism, road works, waste collection etc. We will pass the comments to the relevant departments.

9 Tackle conditions in the housing stock, both private and social

Torbay Council does not own housing stock at scale. In the late 1980s, along with the 'Right to Buy' Torbay undertook a 'Large Scale Voluntary Transfer' (LSVT) as part of the Government's programme to transfer the ownership, management, and repair of public housing from local government to private contractors and landlords. Subsequently, a number of local authorities created private housing associations, now called 'registered providers'. In Torbay Riviera Housing was created, the stock is now owned by Sanctuary Housing.

It is the Regulator of Social Housing who undertakes the economic regulation of social housing providers, focusing on governance, financial viability and value for money that maintains lender confidence and protects the taxpayer. It also sets consumer standards and will take action if these standards are breached, or if there is a significant risk of serious detriment to tenants.

If you rent your home from a social landlord, they're responsible for dealing with most repair problems. If you've reported repairs to your landlord and they haven't done anything, you can contact the Housing Ombudsman. Our advice would be to follow the registered provider's complaints process, however, over recent months we have received an increasing number of complaints from tenants in social housing requiring formal action to be undertaken by the Council.

10 Improve the design of new homes, including energy efficiency and parking

Housing design is one of the issues under consideration in the emerging Local Plan update. Aspiration 4 aims 'to conserve and enhance the richness and diversity of the built, historic, marine and natural environments, and 'to avoid mediocre design by the application of clear design standards, including the use of Torbay's Design Review Panel to maintain quality development that is well integrated in its surroundings and responds successfully to local character'.

Aspiration 5 aims 'to end the cycle of deprivation linked to substandard accommodation and resist inappropriate conversions and poor design where this may exacerbate disadvantage and deprivation'. Policy SHS aims 'to end the cycle of deprivation linked to substandard accommodation and resist inappropriate conversions and poor design where this may exacerbate disadvantage and deprivation.'

3 Amendments to the strategy

Generally, the comments received tend to, either echo Torbay's Council's commitment to our housing function and practice, for example 'reduce the number of empty homes', or they contravene our statutory duties, for example 'pay rent direct to landlord'. Sometimes it's simply not possible to achieve the suggestions as there are insufficient resources to do so. It might

therefore be beneficial to promote our housing duties and actions more widely as part of a communication campaign.

As a result of consultation with the public, partners and stakeholders we have taken on a number of comments and suggestions and have amended the Strategy accordingly. In summary they are:

- a. Clarify and better explain housing terms, such as 'housing support', geographic relief' and role of strategic partners
- b. Include the fact that affordable housing is key to attracting and retaining our workforce, supports the growth of our key employment sectors, such as tourism, fishing, hi-tech etc, reduces the levels of deprivation and meets the priorities in our Economic Growth Strategy
- c. Reinforce a partner approach and that we are open to all methods of affordable housing delivery and that it is the Local Plan that dictates overall housing targets, as well as affordable homes
- d. Update the number of affordable homes required over the next seven years to ensure all of our strategies reflect the same target. This is the function of the Local Plan, and, until it is updated, we must adopt the Government's 'standard method' calculation for the delivery of homes that places a requirement on Torbay to build 600 dwellings a year, plus a 20% (120) imposed 'buffer', due to the under-delivery of housing over the previous years. However, the Government is now looking at reducing its compulsory housebuilding targets, which will also be mentioned
- e. Ensure we include our partners in the voluntary sector to help us improve our support offer and take the opportunity to work closer to better understand how they can assist and support our work, as well as listen to what is happening at a local level

Conclusion

The refreshed strategy describes how the Council will continue to expand our innovative approach to deliver solutions to meet the wide variety of housing need in our communities. It has been updated in light of the consultation and where appropriate we have taken on board comments to prioritise the work we do.

Overall, it does look like the Strategy reflects the public mood and ambition, for example a demand for affordable homes for local people and increased energy efficiency in the Bay. As it is the Local Plan that dictates the delivery of affordable homes; we will feed consultation results into the Local Plan Update, which ran alongside the Strategy consultation.

Ref	Housing Strategy Project Plan: Year one 2023/24 (reported quarterly in July 23, Oct 23, Jan 24 , April 24)	
1	Priority 1: Improving housing supply	Lead
1.1	Enable 34 units of sheltered housing with care for older people, deliver 72 units of extra care at Tor Marine, 12 units for those with learning disabilities and autism and 6 units of supported living accommodation for people with enduring mental ill health by 2023/24 Q4 (based on the Adult Social Care Strategic Housing Requirements 2022)	AR
1.2	Provide a flexible approach to allow access to a mixed economy of 101 units of varying types of accommodation, to improve the housing outcomes for care experienced leavers by 2023/24 Q4 (based on Temporary Accommodation Care Experienced Young People Accommodation and Sufficiency Plan 2022)	BT
1.3	Work in partnership with organisations such as the NHS, Environment Agency, Natural England, Primary Care Trust, transport companies Homes England and other local authorities to assemble land for development by 2023/24 Q4	AD, DE
1.4	Purchase 36 self-contained, temporary accommodation for homeless households by 2023/24 Q1	TH
1.5	Deliver the Empty Homes Policy action plan to reduce the number of empty homes, by working with property owners and targeting those empty for over 2 years	TH
1.6	Work through the Housing Delivery Group to proactively address stalled sites, use compulsory purchase orders to buy brownfield sites at realistic prices, review exception sites in the Local Plan and regularly review the potential for 'off the shelf' purchases 2023/24 Q4	DE
1.7	Deliver Torbay Council's 'Right-Sizing Project' via Devon Home Choice to free up 16 larger family homes a year	TH
1.8	Review Council and social housing provider assets and land ownership, including car parks and other land appropriate for acquisition and link into the town centre masterplan and urban regeneration ambitions by 2023/24 Q3	DE
1.9	Establish formal strategic partnerships with registered providers on affordable housing sites to enable affordable and first time buyer homes by 2023/24 Q4	DE
1.10	Work with 'build for rent' developers to investigate a shared housing project within the Town Centre Master and Waterside Development Plans by 2023/24 Q2	DE, AD
1.11	Conduct an external assessment of potential residential development in the town centres, focussing on Council assets, viability, supply chain etc by 2023/24 Q4	AD, DE
2	Priority 2: Improving housing conditions	
2.1	Produce and deliver a private rented and social sector improvement plan to tackle disrepair and poor housing conditions, proactively target non-compliant landlords and take appropriate action where standards are not being met. Include improvement statistics and targets	TH
2.2	Develop business plan and seek funding for loans scheme to target those most in need to help improve energy efficiency, tackle fuel poverty and reduce carbon emissions for 2023/24 Q3	TH, DE
2.3	Develop and implement a robust Housing Assistance Policy to help residents remain independent at home in line with changing needs and legislative requirements. By 2023/24 Q2	TH
3	Priority 3: Improving housing support	
3.1	Undertake appropriate lobbying to increase the Local Housing Allowance rates to meet local need 2023/24 Q3	TH

3.2	Continue to improve and implement the Housing Options Service Improvement Plan, to make sure that we give residents high quality, accessible advice when they need it. (See action plan for key milestones)	TH
3.3	Work with members, partners and clients to develop a homelessness and rough sleeping strategy that is fit for purpose and meets statutory and legislative requirements. By 2023/24 Q4	TH
3.4	Implement the domestic abuse and sexual violence strategy and associated action plan with an emphasis on moving victims to safe and secure accommodation and preventing homelessness. (See action plan for key milestones)	TH
3.5	Work with the Department of Works and Pensions and the community and voluntary sector to improve options for employment, education and training for people who have experienced homelessness	TH, AD
3.6	Formalise our Rent Guarantor Scheme for care experienced young people, offering six months rent in advance and deposit by 2023/24 Q2	BT
3.7	Deliver a revised homeless hostel provision plan for the Leonard Stocks Centre, with the right level of support. See delivery plan for key miles stones	TH
3.8	Develop a funding bid for the Single Homeless Accommodation Programme (SHAP) from the Department of Levelling Up, Housing and Communities for 23/24 Q2	TH
3.9	Undertake a cost benefit assessment and develop a business plan for people who require accommodation, but are not eligible under the Care Act (2014), (Housing Plus) to better understand potential cost savings by 2024/25 Q1	AR, TH

Housing Strategy Project Plan 2023-2024 – Report of the Overview and Scrutiny Board

Report to Cabinet on 23 February 2023

Background

1. The Overview and Scrutiny Board met on 9 February 2023 to consider the final draft Housing Strategy and Project Plan. The Leader of the Council, Councillor Steve Darling, introduced the revised Draft Housing Strategy, which had been updated following consultation, and the Housing Strategy Project Plan 2023-2024. Members asked the following questions which were answered by the officers in attendance and the Leader of the Council:
 - What action was being taken to address shops which had been empty for a long period of time.
 - How much social housing does Torbay need compared to the rest of the country.
 - Preston Down Road had gone out to tender for a registered social provider, why had this information not been shared with Councillors. Members requested information on the tender for Preston Down Road to be circulated to all Councillors after the meeting.
 - If a separate entrance was not available to premises above shops would that make it more difficult to lease those spaces for housing.
 - What action was being taken to ensure that landlords maintain their properties to an acceptable standard to prevent tenants having to move out of their existing properties.
 - A number of complaints had been received from members of the public relating to poor housing conditions e.g. damp and repairs how were these reported and what action could the Council take to support tenants.
 - How do we identify homeless residents and how were they registered as homeless.
 - It can be difficult for homeless people to access housing due to waiting to receive benefits what support was available to help them.
 - Who was responsible for dealing with antisocial behaviour outside flats and what could be done to support residents facing issues with antisocial behaviour.
 - The report refers to challenges of lack of local builders in the Bay, what was meant by this. Officers were requested to clarify this after the meeting.
 - What was affordable rent compared to social rent.

- Was the Council taking enough enforcement action to improve the quality of homes.
 - Had the population figures for Torbay been updated following publication of the latest census.
 - Were the figures for the number of affordable homes to be delivered realistic.
2. The Board reflected and debated the information provided to them, both in writing and orally and formed the following recommendation to the Cabinet. On being put to the vote, the motion was declared carried unanimously.
3. That the Cabinet be recommended:

That the Cabinet recommends to Council:

- 1 that the Torbay Housing Strategy 2023-2030, as set out in Appendix 1 to the submitted report be approved, subject to the latest population figures being checked against the latest census data; and**
- 2 subject to 1 above, the Cabinet approves the Housing Strategy Project Plan 2023-2024, subject to:**
 - **a realistic and attainable target for delivery of the number of affordable homes to be delivered each year; and**
 - **to include targets to deliver a private rented sector improvement plan to tackle disrepair and poor housing conditions, proactively target non-compliant landlords by and take appropriate action where standards are not being met (target 2.1) and include actions and targets for improving housing conditions in social rented housing.**

Recommendation to Overview and Scrutiny Board (Cabinet to note):

That the Overview and Scrutiny Board monitors the delivery of the Housing Strategy Project Plan 2023/2024 as part of their Work Programme for 2023/2024.

Agenda Item 9

Appendix 5

These are the corporate indicators, agreed at Cabinet 26 July 2022. These will be reported on a quarterly basis to Cabinet as part of the Councils Performance framework, along with the Housing Strategy projects

Ref	Performance Indicators	Responsible Officer	Actual 2021/22	Actual 2022/23				Target 2023/24
				Q1	Q2	Q3	Q4	
1	Net additional homes provided annually (number could be revised according to LP adoption)	DE	310	Not due	Not due	Not due		720
2	Number of affordable homes delivered	DE	23	7	8			50
3	Numbers housed through Devon Home Choice (tracking)	TH	224	41	45			tracking
4a	Average numbers in temporary accommodation on any one night this quarter:	TH	168	142	140			120
4b	With dependents (inc pregnant women)	TH	61	58	72			44
4c	Single households (including childless couples)	TH	107	84	68			76
5a	Number of new homelessness RELIEF cases this quarter (tracking)	TH	814	169	224			tracking
5b	Number of new homelessness PREVENTION cases this quarter (tracking)	TH	259	72	118			tracking
5c	Number of new homelessness TRIAGE cases this quarter (tracking)	TH	132	39	144			tracking
5d	The % of total cases that were taken at prevention stage	TH	21%	26%	26%			45%
6	Number of families in B&B accommodation longer than 6 weeks this quarter. (N.B 5 is the number at which local government are notified). (Grant)	TH	Q1 4, Q2 7, Q3 7, Q4 0	1	0			2
7	Number of families where Children's Services have a duty to accommodate in temporary accommodation (tracking)	BT	16	18	10			tracking
8	Number of children where Children Services have a duty to accommodate in temporary accommodation	BT	37	40	13			tracking
9	Number of rough sleepers (NI annual survey, tracking)	TH	17	Not due	Not due	Not due		tracking

DE - David Edmondson , TH- Tara Harris, BT - Becky Thompson

Torbay Council

Housing Strategy evidence base

2023

‘Healthy homes, healthy lives’

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1 Forward

A home is special to everyone and directly contributes to good health, wellbeing, and life achievement. Having a place to call home is one of life's main goals from where we can begin to build our lives. It offers warmth and shelter; and is the place where we feel safe, and secure, a place to shape family.

Since early 2020, most people have been spending a lot more time at home, not only as a place to live, but also as the workplace, the school, or the gym. This has highlighted stark inequalities in housing, with some residents enduring the lockdown in large homes with gardens, whilst others struggled in overcrowded conditions with no outdoor space. For some it has become the new place for employment, forever changing the way we think about the commute to work.

Housing can contribute positively to people's mental and physical health, but all too frequently it does not. As a Council we will strive to address this by continuing to expand our innovative approach to deliver solutions and infrastructure to meet the wide variety of housing need in our communities.

The strategy sets out what the Council, with its partners, will be doing over the next 7 years to improve the housing situation for our current and future residents. It sets out the approach we will take with all our partners to work toward our vision.

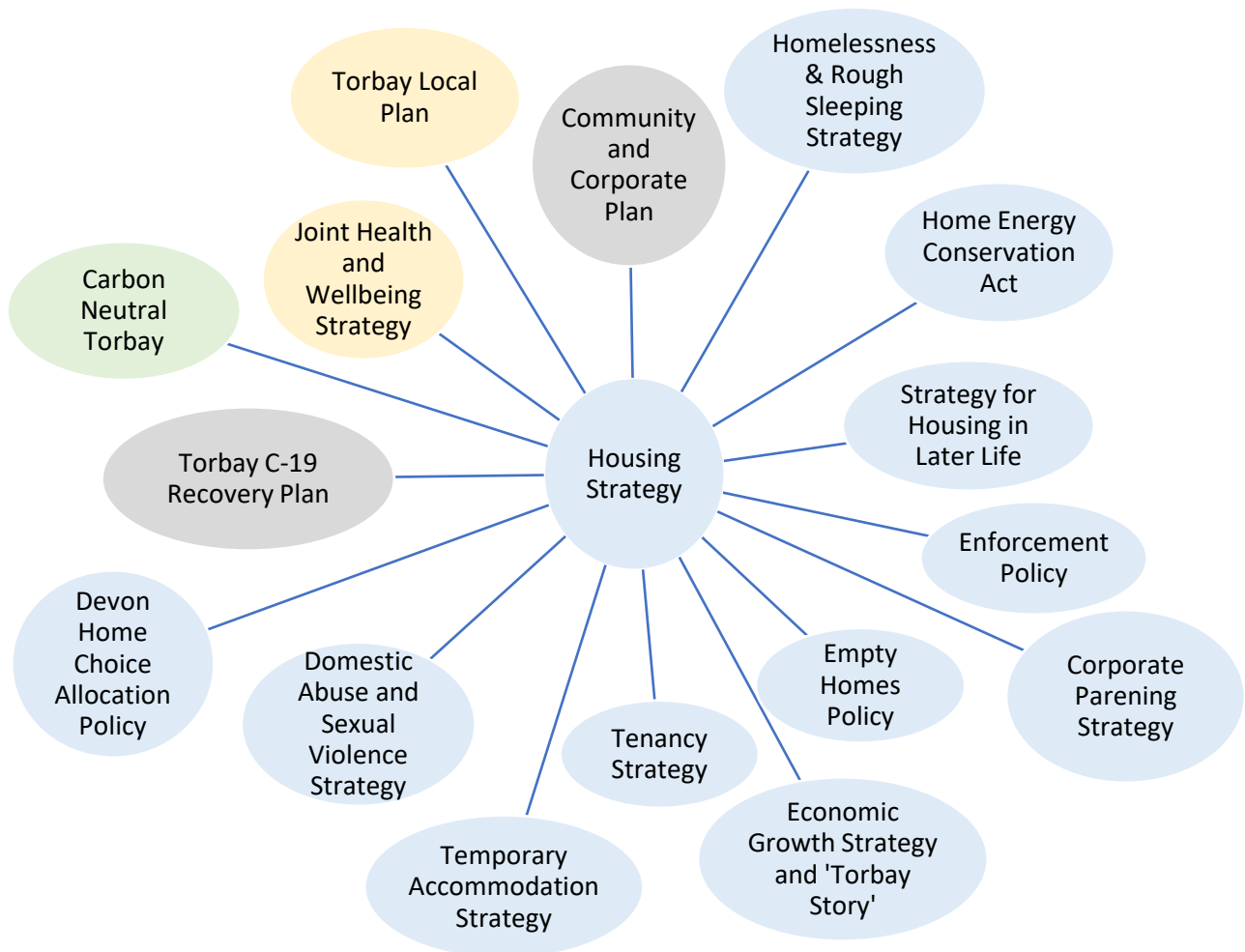
2 Introduction

In 2021 Torbay Council declared a housing crisis to address local housing issues and announced via the Community Plan the challenge for economic and housing growth. Additionally, the 'Thriving People' vision announced an intent to work with key partners to 'improve the delivery, affordability and quality of housing'. The Housing Strategy is part of that vision.

A balanced housing market is essential to sustainable communities, but this will not be achieved without the right level of new housing development, across all tenures. As well as providing desperately needed new homes, house building also delivers substantial benefits and better facilities for the wider community. It often goes unnoticed that increased capacity of schools, GP surgeries, new roads, community centres or sports facilities have been paid for as a direct result of development. New homes and improved facilities are key ingredients in developing economic growth and building communities; places where people want to live. The affordability and environmental sustainability of homes will also be crucial factors in getting the balance right between homes, jobs, the green environment and protecting the climate.

Beneath the Community and Corporate Strategy and the Local Plan sits the Housing Strategy that supports cross-organisational, collaborative working and lies at the centre of a number of stand-alone strategies, plans and policies that shape Torbay's ambitions. The purpose of this Strategy is to assess our current position, look toward what we aim to achieve, making 'evidence based' decisions, and put in place performance-based actions that will be of benefit to our residents and communities.

Key strategic documents



[Torbay strategies, plans and policy](#)

3 External influences and local issues

We know that there has been a huge increase in demand for available properties, both rented and for home ownership from people inside and outside the Bay. This has pushed up local prices and rents, making it more difficult for local households to afford.

Against an already compromised economic backdrop, ongoing financial uncertainty makes the operating environment for housebuilders and registered providers more difficult. For many, there are major concerns around the economic certainty to secure finance, the loss of funding streams and the shortage in both skilled and unskilled labour. Rates of inflation are increasing rapidly, and construction companies are feeling the effects as essential materials and skilled labour become significantly more expensive.

There has been, and will continue to be, an increase to the numbers of people needing help with their housing costs, particularly in the private rented sector. However, this welfare support is limited to the levels of our area's Local Housing Allowance (LHA) that sets out the maximum level of Housing Benefit, or

the housing costs element in a Universal Credit award, depending on the number of bedrooms the household requires.

Prior to the pandemic, there will be people living in homes that they could comfortably afford, however many households have now suffered major changes to their financial situation. Additionally, since the energy price cap was lifted at the beginning of 2022, millions have seen their heating and electricity costs rise, which has come alongside increases in the cost of food, taxes and other everyday expenses.

[Cost of living rises for households: ONS.gov.uk](https://www.ons.gov.uk)

The Local Plan provides a framework for guiding development and investment across Torbay over the coming years. Our Masterplans (Policy SS2) for the regeneration of our town centres have been developed alongside our Economic Strategy, which represent the strategic objectives of what our town centres should aim to be. These areas should provide a mix of jobs and housing as part of the longer term growth trajectory to help bring new life and investment to those vital centres.

[Masterplans: Torbay Council](#)

4 Strategy vision and themes

The strategy sets out what the Council intends to do over the next 7 years to improve the housing situation for local residents. It sets out 3 priorities and 3 cross-cutting principles, which cut across all the work we do. Within each theme we have identified key actions, which we believe will directly contribute to the overall sense of community health and wellbeing in Torbay.

Our housing priorities are:

1. Improve housing supply
2. Improve housing quality
3. Improve housing support

Our cross-cutting principles:

4. Put our customers first
5. Tackle climate change
6. Work in partnership

Cross cutting principles

As a service we are looking to deliver support and advice from a client, or customer, point of view. At Torbay, we want customers to easily give feedback, so we can put things right and do things better in future.

[Get in touch: Torbay Council](#)

[Consultations: Torbay Council](#)

[Customer service standards: Torbay Council](#)

To meet Torbay's 2030 carbon neutral target, we will need to reduce emissions by 178,000 tons of CO₂ from our homes. Any residual emissions will need to be offset. A large amount of activity is ongoing, but to become carbon neutral by 2030 will require a considerable amount of work and effort. Torbay's largest source of carbon dioxide emissions comes from domestic homes. In 2019 they made up 42% of Torbay's total carbon emissions. Our Local Plan contains a range of policies (SS14 and ES1) to tackle climate change on new build homes, however, it should be noted that new dwellings are 44% more energy efficient than existing dwellings so, a key focus of this strategy will be to improve the energy efficiency of our existing homes, particularly in the private rented sector.

Whilst it is not solely the Council’s responsibility to provide resources for the decarbonisation of all homes in Torbay, ways to finance the scale of the transition will need to be found. The move towards decarbonisation also presents an opportunity if we can develop the skills locally that will be needed to aid this transition, and this has been reflected in the new Economic Growth Strategy.

Carbon Neutral Torbay
Devon climate emergency

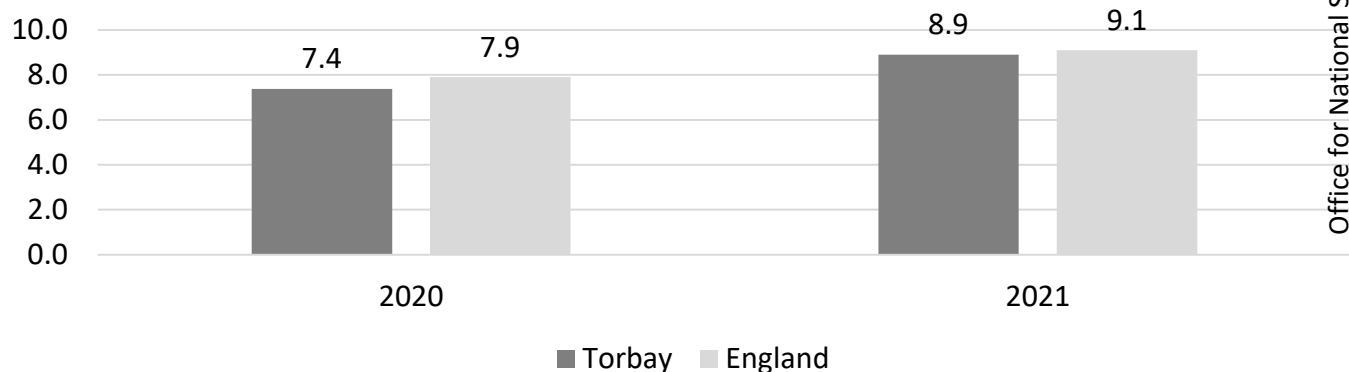
The key principles of partnership working are, openness, trust and honesty, agreed shared goals and regular communication between partners. Partnership working is at the heart of our agenda for improving outcomes and making local, community services more cost effective.

5 Challenges

Many people in our local communities are struggling to afford private rented accommodation or buy a home. There is a shortage of affordable housing in Torbay and there is a risk that the housing crisis will not just impact upon the current generation, but also generations to come.

In Torbay the proportion of social rented stock (8%) is significantly lower than the national average (18%). Conversely, there is a higher proportion of private rented sector housing (26%) compared to 19% in England. The shortage of affordable housing means that low-income households are increasingly more reliant on the private rented sector, with nearly 70% of these households dependent on some form of housing subsidy.

Table 5.1: House price to workplace-based earnings ratio, Torbay and England, 2022



Housing is unaffordable in Torbay, primarily due to low wages in the area, rather than abnormally high house prices. However, house prices increased significantly post 2020, which has further eroded affordability. In 2021 median incomes in Torbay were £25,854 and median house prices £230,000 making median houses 8.9 times average earnings. This ratio is almost the same as for England and Wales, where workplace earnings (£31,344) and house prices were both higher (£279,783). It is important to note that Torbay has an existing housing need, which has been made worse by the pandemic and subsequent shortage of accommodation due to higher demand for holiday accommodation.

5.1 Constraints on Torbay’s affordable house building

Open market housing is the main route to securing the delivery of affordable housing via S106 planning obligations. However, affordable housing can also be provided using Government grants and the Council’s assets, including land.

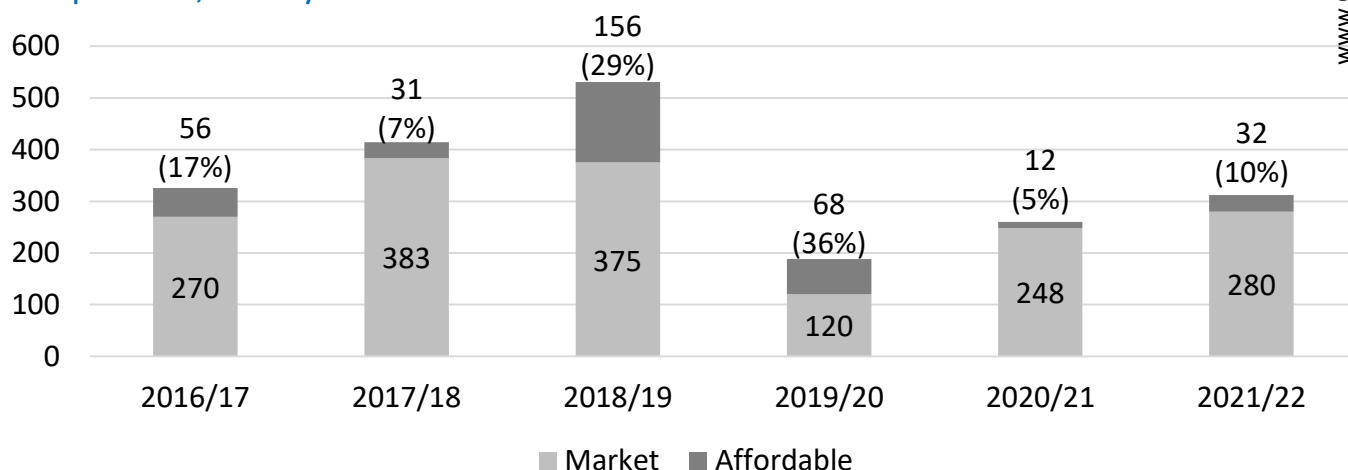
Provision of affordable housing through planning gain is currently sought on the basis of one third social rent, one third affordable rent and one third shared ownership, however the introduction of the Government’s ‘first homes’ (25%) for affordable ownership could potentially reduce the delivery of affordable rented dwellings.

The Government’s ‘standard method’ calculation for the delivery of homes places a requirement on Torbay to build 600 dwellings a year, plus a 20% (120) imposed ‘buffer’, due to the under-delivery of housing over the previous years. However, this is unlikely to be met due to the area’s environmental constraints and shortage of development sites. The number of affordable homes delivered relies upon planning obligations placed upon developers building homes on the open market, with the Local Plan (Policy H2) requiring affordable housing on a sliding scale of up to 30% on qualifying sites. The delivery of affordable homes will therefore be reduced due to local land constraints.

The Housing and Economic Needs Assessment (2022) identifies a local need for 721 affordable homes per year: 387 for rent and 334 for low-cost sale. However, since 2016, we have delivered an average of 339 market homes each year, 59 (17%) of which have been affordable. Need on the Housing Register, however, has increased by 50%, since 2018, with 1,572 applicants now in housing need.

[Housing and Economic Needs Assessment \(HENA\); Torbay.gov.uk](#)

Table 5.2: Delivery of affordable homes, as % of total housing completions, Torbay

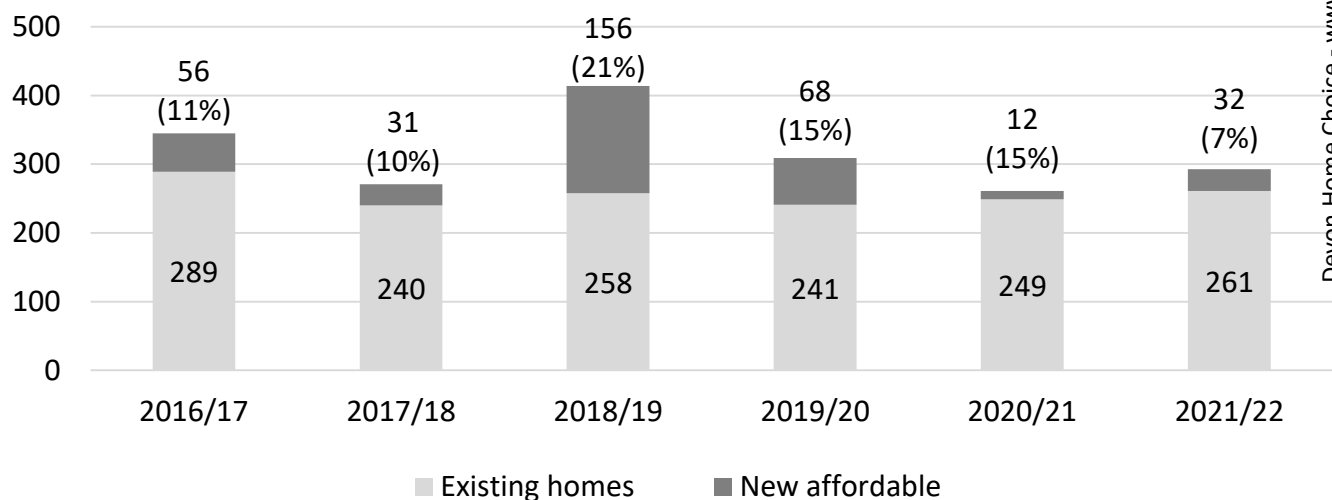


It should also be noted that a significant proportion of Torbay’s housing development comes from smaller sites, below affordable housing thresholds. Thus, whilst the supply of market homes is increasing, the delivery of affordable homes has been in decline.

Government policy states that ‘affordable housing should not be sought for residential developments that are not major developments’ (NPPF p64). Unfortunately, there is not sufficient brownfield land across the Bay to provide all the homes Torbay needs. Issues, such as site clearance and contamination further erode build viability on these sites. The current economic climate is making the situation worse.

[Planning practice guidance; GOV.UK](#)

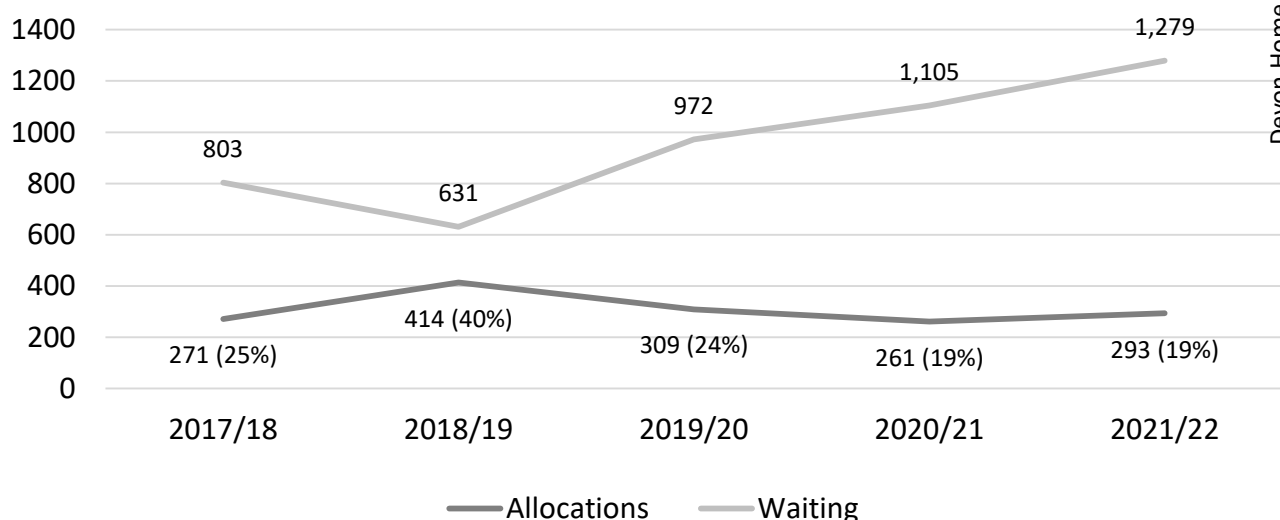
Table 5.3: Affordable housing delivery as % of Housing Register allocations, Torbay



Devon Home Choice - www.GOV.UK

Since 2016, an average of 59 (23%) lets on the Housing Register are into new build, affordable homes each year.

Table 5.4: Allocations as a % of applicants on the Housing Register



Devon Home Choice

The Local Plan housing growth scenario will affect poverty, inequalities, and the delivery of affordable housing. Broadly speaking, a high growth scenario will provide the most affordable housing and economic prosperity; but will come at the cost of its environmental impact. Torbay has internationally important biodiversity associated with the South Hams Special Area of Conservation (SAC) at Berry Head, and the Marine Special Area of Conservation (SAC). The options will need to be assessed through a Habitats Regulations Appropriate Assessment (HRA), that will need to consider the in-combination effects of growth.

[Local Plan update: torbay.gov.uk](http://torbay.gov.uk)

6 Improve housing supply

6.1 Build affordable homes for rent

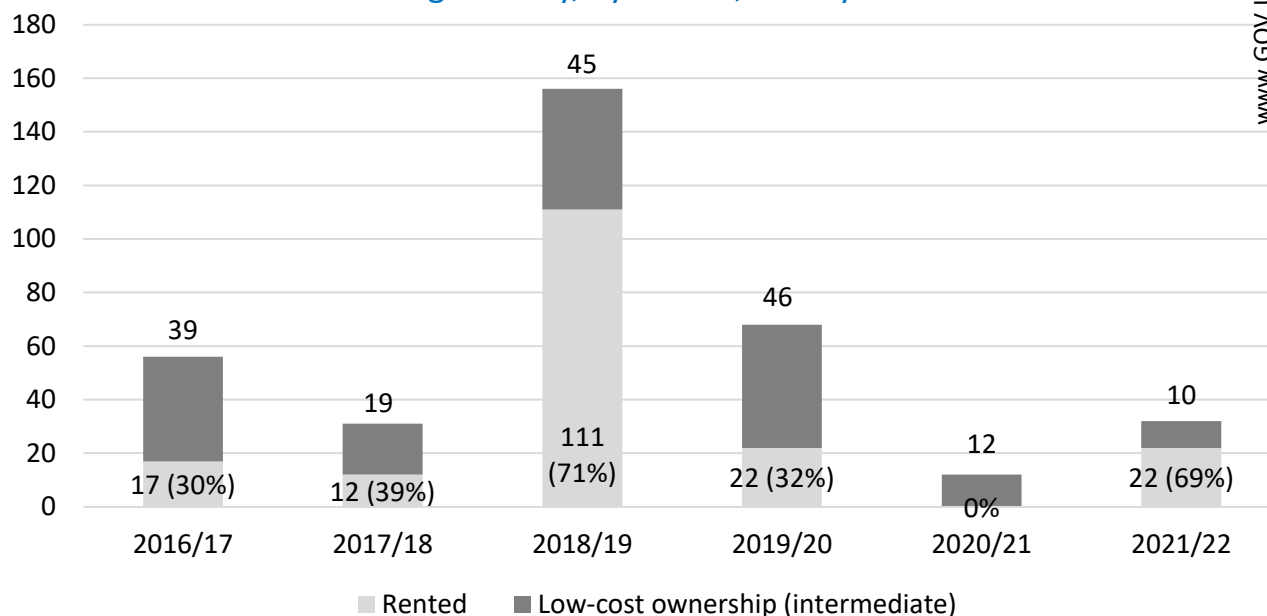
Most of Torbay’s housing development comes from small sites, with no obligation to provide affordable housing, however officers have been working on opportunities to deliver affordable homes on land within the Council’s ownership, by reviewing existing assets and land ownership, including car parks, public open space, and other land appropriate for acquisition.

Homes built for rent by registered providers are the only type of homes that remain affordable for the majority of low-income households in Torbay. Traditionally, homes let on social rents are around 60% of the local market rent, but in 2010 the government introduced a new ‘affordable rent’ at rents on new homes of up to 80% of market rent levels.

Our strategy proposes a mix of Homes England grant and local housing investment, such as Council land and assets, with a view to establishing affordable rents. We will also strive to maximise energy efficiency, making our homes more affordable to rent, heat and run.

6.2 Build homes for low-cost ownership

Table 6.1: Affordable housing delivery, by tenure, Torbay



Many local working age households on average incomes struggle to raise the deposit needed to get a mortgage. One option open to them is low-cost home ownership, or ‘intermediate housing’, which is an umbrella term for homes for sale discounted below market rates, but more expensive than social and affordable rented products.

The Housing and Economic Needs Assessment (HENA) for Torbay shows that the highest net inflow of population is in the 55 to 59 age cohort, with high levels also in the 60 to 64 and 65 to 69 age groups.

These age groups are either retired, or nearing retirement, and accounts for almost all of Torbay's population increase. Within a decade these households become more reliant on health services, placing a demand on Social Services and the NHS.

6.3 Build and acquire innovative and specialist homes

We wish to provide a range of specialist housing to meet the needs of existing local residents who may have to go into specialist accommodation. In Torbay, the population size has increased by 6.4%, from around 131,000 in 2011 to 139,300 in 2021.

The Torbay Housing Learning and Improvement Network (LIN) Assessment 2020, indicates a need to provide around 848 specialist housing units for older people by 2035, of which half should be for rent. Additionally, there is a need for 276 units of housing with care, again half for rent, and 370 nursing beds. Conversely there is an oversupply of about 188 'care home' bedspaces.

6.3a Adult Social Care strategic housing need

Torbay Council and its NHS partners want to increase the use of home-based models of care and support and reduce dependence on residential care. This will allow people assessed as requiring social care and support to have a greater choice and control over how, where and with whom they live. Doing so means prioritising housing with varying levels of support for all age groups, enabling people to live well for longer in a home of their own.

Securing a long-term planned supply of appropriate housing to meet the diverse accommodation needs of Torbay's Care Act eligible population is a complex task and requires a detailed understanding of supply and demand over a long time.

The Council, in partnership with the NHS and voluntary sector organisations, has prepared three key documents regarding housing needs in relation to adult social care:

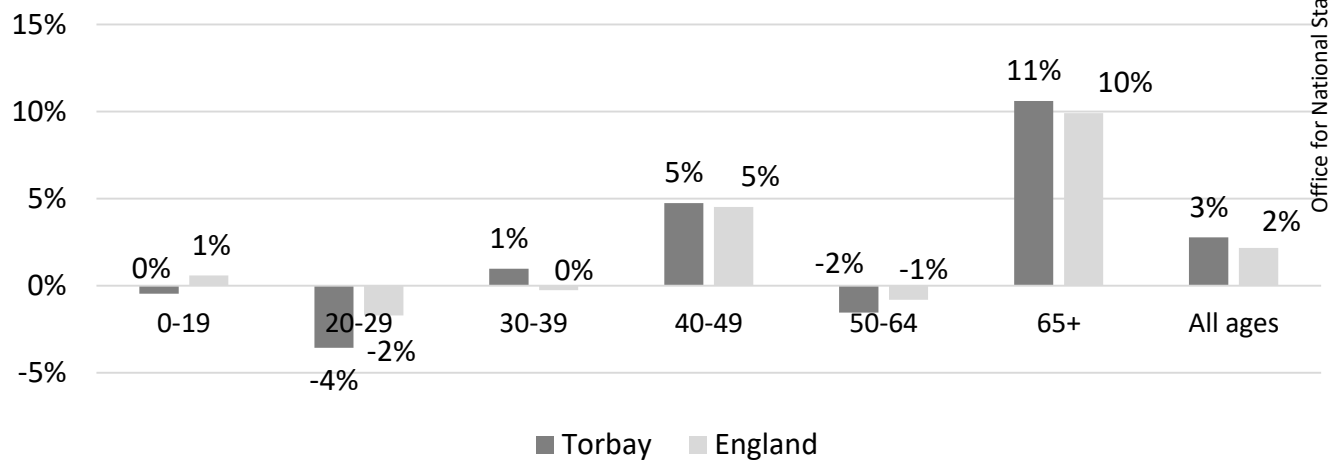
1. Identifying the Need for Specialist Housing in Torbay until 2030
2. Strategy for Housing in Later Life 2020-2025
3. Blueprint for Market Transformation in Torbay 2020-2030

These key documents set out the following requirements to make sure that the transformation of the adult social care market is supported by the availability of suitable housing across the range of care needs in Torbay.

People over the age of 65

27% of Torbay's population are aged 65 or over, compared to just 18% of population across England. By 2040, this is expected to rise to one in three (34%). Torbay has 550 nursing home beds, some of which are in residential care homes, but this is insufficient.

Table 6.2: Population increase, Torbay and England, 2022 to 2027



Office for National Statistics

Over the next 5 years we will deliver 170 (34 per year) additional 1 bed and 2 bed units of sheltered, rented, social housing in Paignton and Torquay, providing housing for older people with Care Act eligible needs. Commissioners have also identified a need for an additional 340 units of this model of housing for leasehold purchase.

Over the next 10 years the Council needs to work in partnership with housing providers to deliver more sheltered housing for rent and purchase. All models of housing with support help older people to remain independent for longer, improving life outcomes, thus reducing the need for expensive health and social care alternatives. Commissioners have identified a demand for 1,462 additional sheltered housing units for rent and 1,938 units for private purchase by 2035.

Local planning policy needs to make sure that enough affordable housing and services are made available to help the older population to ‘age in place’. This needs to be done in parallel with the development of health and social care services. Homes should be of good design with the ability to be modified as people’s abilities change. The Council should make sure that the older population are well-informed about the services that are available.

People with learning disabilities and autism

To meet the housing needs of people with a moderate to severe learning disability, 12 additional units of social rented housing with support are required annually. To meet the housing needs of people with very complex learning disabilities and autism, 2 to 3 units of highly adapted, purpose-built accommodation are also required each year (Projecting Adult Needs and Service Information assessment).

People should be able to choose where, how and with whom they live. We need to move away from residential care and significantly increase our supported living and ‘extra-care’ provision for people with learning disabilities. These models of care enable independence, and social participation, helping people to be part of their community, thus reducing the cost and level of state-funded services and reducing the risk of out of area admission.

All organisations involved in the delivery of housing should be able to provide housing applications and tenancy documentation in a format that is accessible for people with a learning disability, cognitive impairment or neurological diversity.

Housing providers and commissioners, including Homes England and the NHS need to work together to assemble capital funding packages to ease the high cost of developing bespoke housing options for people

with complex needs that would otherwise see them 'placed' outside of Torbay and away from family and their circles of support.

People with enduring mental illness

To meet the housing needs of people living with mental illness in Torbay, 30 additional units of housing with support, in single, or in planned clusters are required over the next 5 years (6 per year). More people under 65 with mental health issues should be supported to live as independently as possible in their chosen communities within the Bay.

Too many younger adults with mental health needs are living in residential care. For adults in contact with mental health services, less than half (45%) are living independently, this is lower than the England average (58%). Supported living not only costs less than residential care, but increases self-determination, control, and citizenship, which are the basis of recovery.

The Council and its partners need to improve the support available for people with mental illness to navigate the social housing application process. We also need to develop effective tenancy sustainment services to help people living chaotic lives. There should be a clear step-down process from intensive supported into increasing levels of supported independence, offering greater opportunities for recovery.

[Adult Social Care in Torbay](#)

6.3b Children's Service's housing need

Over the last year, there has been an increase in the number of families needing to access emergency accommodation. In May 2022, 157 households, of which 62 (39%) were families, were living in temporary accommodation. This negatively impacts family life, as families experience a prolonged detachment from their local communities, away from friends, family, schools and social networks.

In situations where a family is not found eligible for a homeless duty by the Council, the responsibility of housing families returns to Children's Services. Torbay is the corporate parent to cared for children from 0-18, and under the extended duties is also the corporate parent to all care experienced young people from the ages of 16 to 25. As of April 2022, the care experienced team supports 118 former young people aged 19 to 21, and a total of 177 care experienced young people aged 16 to 25, a total of 295.

Recent trends show Torbay to be the corporate parent to nearly 5 times the England average. With a 42% increase since 2011, this trend is set to continue. On average, over the last 10 years, Torbay has 302 looked after children, compared to 62, the national average.

During both of the recent Ofsted inspections of Local Authority Children's Services (LACS) in March 2021 and 2022, the following challenges faced by Torbay regarding housing and accommodation were noted:

- The sufficiency and availability of highly specialist placements provision
- The suitability of after care and the range of housing options for care-experienced young people

There was a clear direction from the regulators that accommodation for care experienced young people must be a corporate priority for Torbay. There is an urgent need to create housing stock that provides independent living and move-on accommodation options for our care experienced young people. A scoping exercise has been undertaken, considering the number of properties that will be required for the next three years. It estimates that 101 homes need to be delivered in 2023/24, with a further 127 in the following year.

If the housing stock remains inaccessible for care experienced young people, there is a significant financial risk associated with other options, as well as contravening Government guidance.

More than a third of care experienced young people told us that we needed to help prepare them for living alone, including how to manage money and their emotions. (Torbay Bright Spots ‘Your Life After Care’ survey, 2021). Since receiving feedback we have entered into contract with ‘Listening Works’ to provide financial and emotional support for all care experienced young people. Additionally, a ‘Transitions Panel’ is now in place that tracks independence plans for those over the age of 14; promoting independence and emotional regulation management skills.

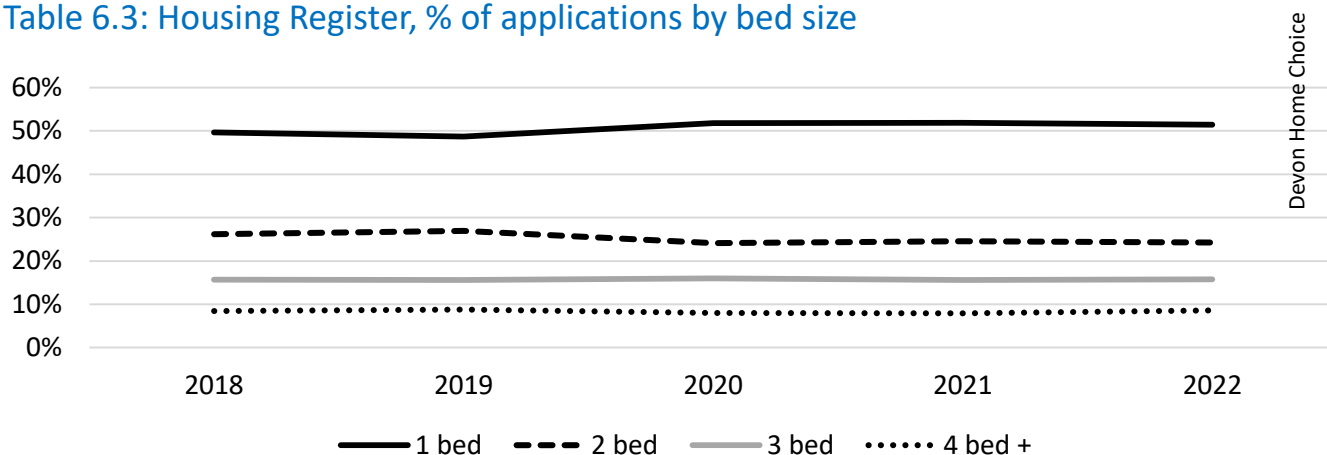
6.3c Single households

The Housing Register regularly records that half of applicants are single households on low incomes, reflecting a sustained local demand for single affordable housing units. Often people find shared accommodation more affordable than renting alone and, in an area, when the average house price is nine times the average salary, local people, particularly the young, need all the help they can get.

Most rental homes already on offer are owned by small-scale landlords, who provide tenants with an inconsistent quality of property and management experience, and who may well ‘cash-out’ of the market at any time, thus rendering the tenant homeless.

It is clear that more tenants are looking for effective property management and security, and there is potentially a gap in the market for developments in the right locations. Build to Rent is a term used to describe private rented property that is designed for a rent model that allows property investors to achieve long-term investment returns, while providing renters with more options and better quality accommodation. These developments are typically owned by companies, such as property companies, or pension or insurance investment companies, and are let directly, or through an agent.

Table 6.3: Housing Register, % of applications by bed size



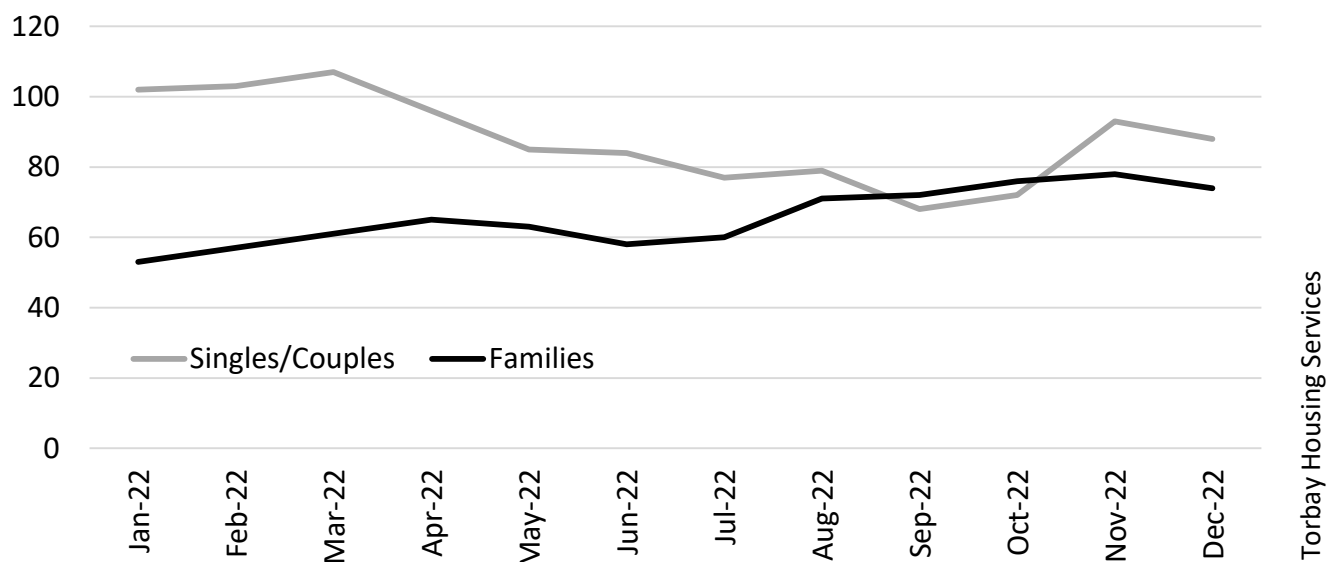
Build to rent developments benefit tenants and local areas, by:

- Increasing the supply of new homes
- Providing a choice of housing types and sizes, for different tenant needs
- Providing professional management, which is more reliable than an individual landlord
- Promoting long-term investment and stewardship in the local areas
- Supporting the delivery of regeneration programmes in local areas

6.3d Temporary accommodation

We have seen demand for all households, including families steadily increase. In the period from April 2019 to March 2022, there has been a 92% increase in the need for temporary accommodation. At the beginning of 2022, a total of 169 households, of which 63 (37%) were families were living in this kind of accommodation.

Table 6.3: Households in temporary accommodation, Torbay

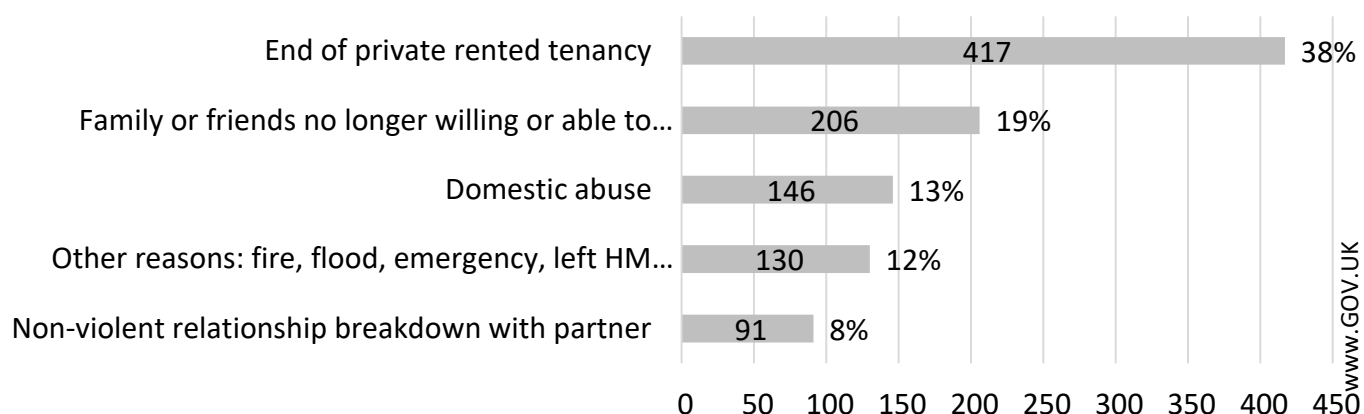


Torbay Housing Services

6.3e Domestic abuse safe houses

The Domestic Abuse Act (2021) places a statutory duty on unitary authorities, like Torbay to provide support to victims of domestic abuse and their children within safe, appropriate accommodation. Under the legislation, temporary accommodation, such as homelessness hostels, hotels and bed and breakfast accommodation are not considered appropriate. The Torbay Domestic Abuse Safe Accommodation Needs Assessment, undertaken in 2021, highlighted that finding enough accommodation for victims was a challenge, particularly if one considers that half the number of victims who presented to the local authority as homeless, were families with children.

Table 6.4: Main reasons for loss of last settled home for households owed a homeless duty, Torbay, 2021/22



www.gov.uk

Aside from the capacity for accommodating different families and households we heard through the consultation with victims that they often found shared refuge spaces difficult. Some discussed tensions between residents, as well as being re-traumatised by hearing others' injuries, both mental and physical. Whilst some victims and survivors did benefit from shared accommodation, it is clear from the findings that the dispersed, self-contained approach is generally seen as more favourable.

Overall, in terms of capacity, Torbay is operating in line with the Council of Europe thresholds for the number of refuges, however given the current landscape, additional capacity needs to be explored. In this regard Torbay has worked with partners to acquire an additional 7 units of accommodation. In total we now have 21 units of dispersed, self-contained units of accommodation. The biggest gap currently in terms of safe spaces are for those with a disability with only 1 safe space having mobility access. It is estimated that a further 3 units will be required.

[Torbay Domestic Abuse Service: Torbay.gov.uk](https://www.torbay.gov.uk/domestic-abuse-service)

6.3f Gypsy and traveller accommodation

In comparison with other parts of Devon, and the Southwest, Torbay has played a limited part in the lives, traditions and movements of the travelling community, whether Romany, Irish or New Age in origin. There are no long-established cultural connections with Torbay, or any historical employment links for travellers in the area. There are no records of any planning applications having been submitted, by private individuals, or public bodies, for sites for permanent residential pitches, or transit pitches.

The 2015 Gypsy and Traveller Accommodation Assessments (GTAA) identified a need for 2 transit pitches. The Local Plan review seeks to identify these sites.

[Gypsies and travellers: Torbay.gov.uk](https://www.torbay.gov.uk/gypsies-and-travellers)

6.4 Make better use of our housing stock

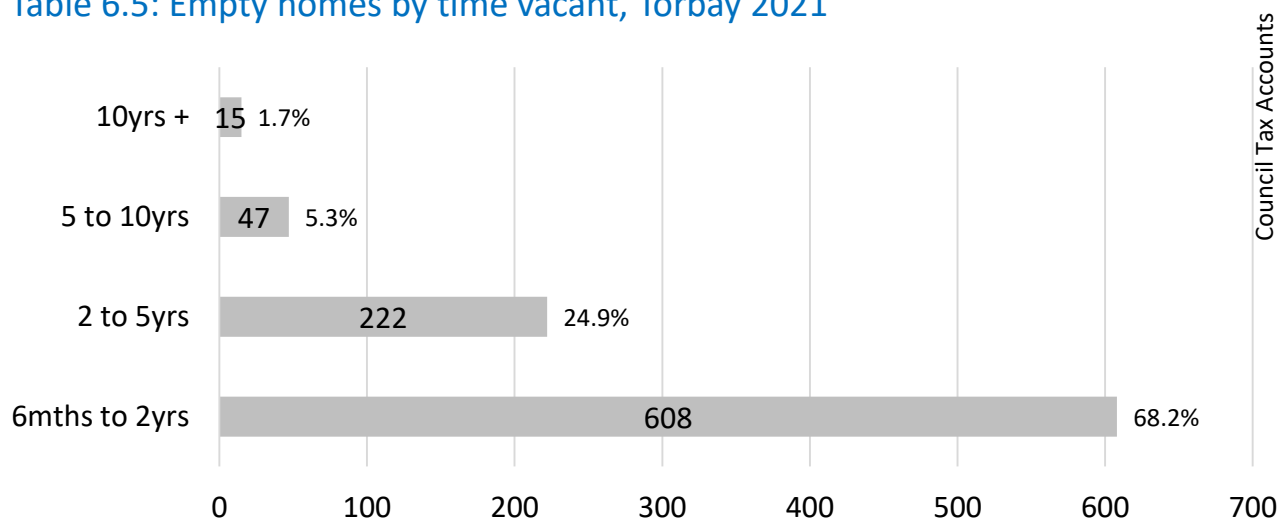
Clearly Torbay will be unable to build the number of new affordable homes required to meet the current need. We are conscious that we need to work more innovatively to address the increasing need for housing. By working with partners across the Bay, we intend to make better use of the housing stock to achieve this aim.

6.4a Bring empty homes back into use

Bringing empty homes back into use is a sustainable way of creating much needed homes and reduces the negative, anti-social impacts of empty properties upon communities. Homes may become empty for several reasons; in most cases they are empty for a temporary, short-term situation, for example awaiting sale, letting, or being renovated prior to occupation. Homes empty for under 6 months will often come back into use without any Council intervention, yet some may take longer, depending on the financial and personal circumstances of the owner.

As of October 2021, 892 dwellings in Torbay were empty for longer than 6 months. This represents 1.4% of Torbay's total housing stock. A long-term empty home is defined as 'an unoccupied property for a period of six months or more'. Longer term, empty homes are of interest to the Council because they are a wasted resource and can sometimes be in a dangerous state, detrimental to the area. 284 dwellings were empty for longer than 2 years.

Table 6.5: Empty homes by time vacant, Torbay 2021



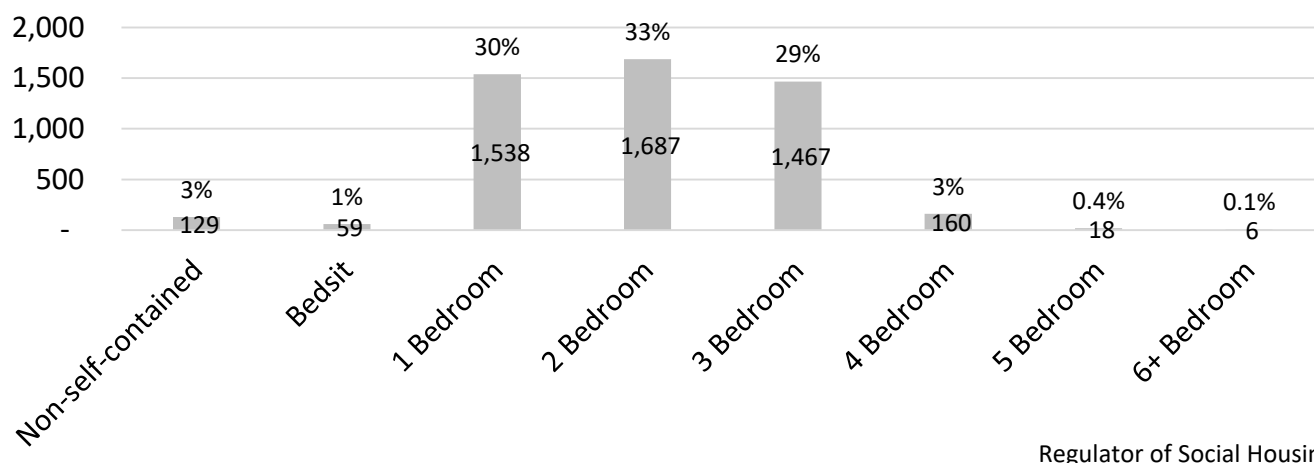
In 2021 the Council adopted an Empty Homes Policy, the aim of which is to target and bring back into use the 284 dwellings empty for longer than 2 years. This ensures the effective use of the housing stock in Torbay, whilst reducing the negative impacts on the local community.

[Empty homes: Torbay.gov.uk](https://www.torbay.gov.uk/empty-homes)

6.4b Review our social housing stock

One of the key priorities of the Housing Strategy is to make the best use of existing homes. As part of that commitment, we are working with local registered providers to review our social housing stock to prioritise action on under occupation. We will work together to help those wishing to downsize, thus freeing up larger, under-occupied homes, in a bid to reduce waiting times and prevent homelessness.

Table 6.6: Torbay social housing stock by bed size, 2021



Regulator of Social Housing

The proportion of social rented stock in Torbay (8%) is significantly lower than the national average (18%). There are currently 1,572 applicants on Devon Home Choice, with 26% households reporting that they lack 1 bedroom. Average waiting times before being housed can be between 59 and 80 weeks depending on band and preference. This can leave families in expensive private rented accommodation, often in overcrowded housing scenarios. Furthermore, since 2018 there has been a 50% increase in the number of applicants on the Housing Register, with the trend set to continue.

There is a distinct lack of larger family homes, both in the private rented and social sector in Torbay, so we need to focus on freeing up these much needed homes. Over the last 3 years, an average of 287 homes were allocated each year to households via the Housing Register. This means that, on average, around 6 homes are made available each week.

The number of homes owned by the 4 largest registered providers represents 88% of the total social housing stock in Torbay. The Council is therefore concentrating its efforts by working with the main providers, but we are open to collaborating with other 24, once our policies are in place. We potentially have 309 homes being under occupied, however, there are 1,682 (37%) social homes with three bedrooms or more that could be explored.

Table 6.7: Number of social homes in Torbay, by registered provider, 2022

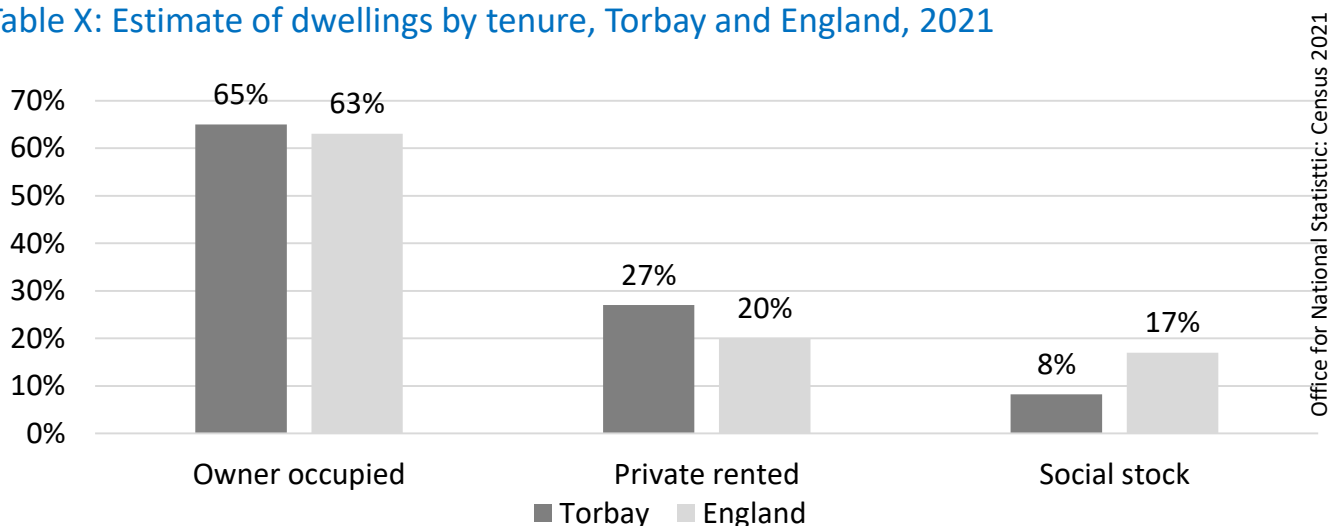
Registered provider	Total	6+ bed	5 bed	4 bed	3 bed	Under occupying by 2 bed
Sanctuary	2,653	4	13	52	955	174
Westward	1,247	2	5	35	329	75
LiveWest	559	0	0	22	107	27
Sovereign	541	0	0	44	114	33
Total	5,000	6	18	153	1,505	309

Registered providers
(estimated)

7 Improve housing quality

Housing has a key role to play in health and wellbeing. The poor condition of a property can negatively affect the physical and mental health of our residents. Similarly, some people’s physical health needs, particularly for older residents, can restrict their ability to live an independent life without some adaptations to the home.

Table X: Estimate of dwellings by tenure, Torbay and England, 2021



In Torbay, over a third of households (34%) rent a home, with 26% renting from a private landlord; a recent YouGov report suggests the figure to be even higher at 30%, far greater than the national average of 19%. The remaining 66% owner occupy. Results from the Census 2021, suggest that Torbay has 63,000 dwellings.

Table 7.2: Mortgage and rent as % of household income, including housing benefit, England 2020/21



In general, the condition of the social housing stock in Torbay is better than other tenures for indicators relating to hazards, disrepair and energy efficiency. This is due to government requirements placed upon registered providers; however, we are open to complaints from the social sector and will work with registered providers to drive up standards.

Generally, owner occupiers spend less on housing costs and can, on the whole, take action against disrepair themselves, whilst implementing their own energy efficiency measures. However, a number of owner occupiers, usually retired households on reduced incomes, can be said to be 'equity rich and cash poor'.

The expansion of the private rented sector has focused attention on the need to improve conditions in this tenure. The English Housing Survey (EHS) estimates that in 2019, 23% of PRS homes did not meet the Decent Home Standard – around 1.1 million homes. This compares with 18% of owner-occupied homes and 12% of social-rented homes. PRS homes were more likely to have at least one Category 1 hazard under the Housing Health and Safety Rating System (HHSRS).

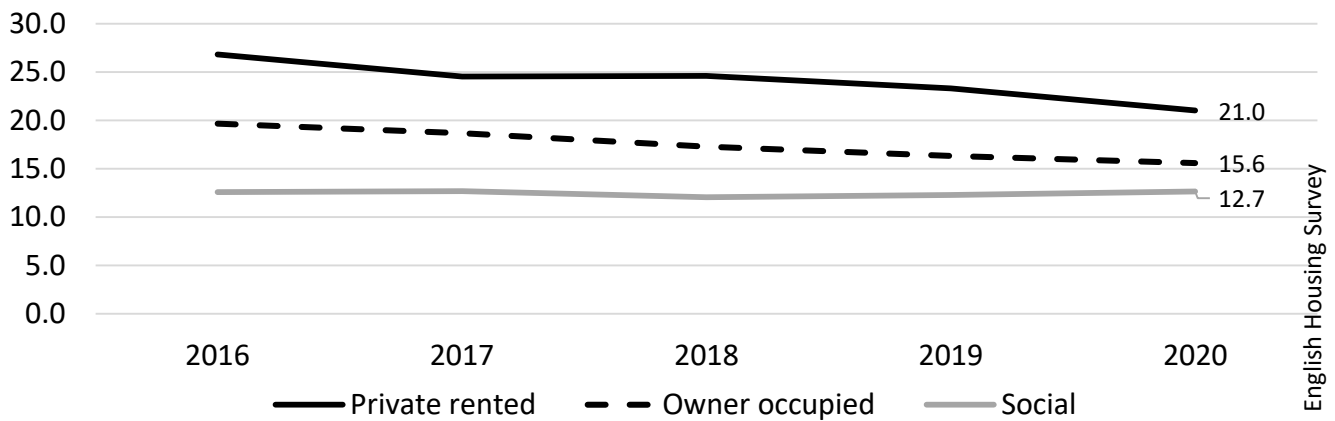
The housing health and safety rating system (HHSRS) is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings.

7.1 Tackle conditions in the private rented sector

The private rented sector (PRS) offers a flexible form of tenure and contributes to labour market mobility. Once the domain of younger people it is now home to a wider range of age groups, in particular those aged 35 to 44. On average, households in the PRS move house every 4 years; four times more often than those who own their homes.

The housing conditions in the private rented sector are worse than for any other, so making sure that the quality and standard of the private rented sector is a priority for us. We also focus much of our work in this sector because tenants have little, or no control over getting remedial works carried out, so we use all the tools available to take action against poor standards.

Table 7.3: Non-decent homes, by %, by tenure, England, 2016 to 2020



In Torbay there is a large percentage of low-income households renting privately, driving up fuel poverty. A low-income household is defined as a household in receipt of one, or a number of benefits. In Torbay’s private rented stock, 68% of households claim Housing Benefit, or the housing element of Universal Credit. Low income is a contributor to fuel poverty and as such, a large percentage of households who privately rent find themselves fuel poor.

Additionally, just under a third of households owed a homelessness duty in Torbay was due to the end of private rented tenancy (29% in 2021). Not only must we work with private landlords to drive up housing standards, but we need to work more holistically to protect and sustain tenancies.

The scale of the issues facing the private rented sector are such that the answer does not lie with regulation alone. We must create the right environment to encourage self-compliance by working alongside landlords, property agents and landlord associations, offering opportunities to all landlords and letting agents operating in the Bay.

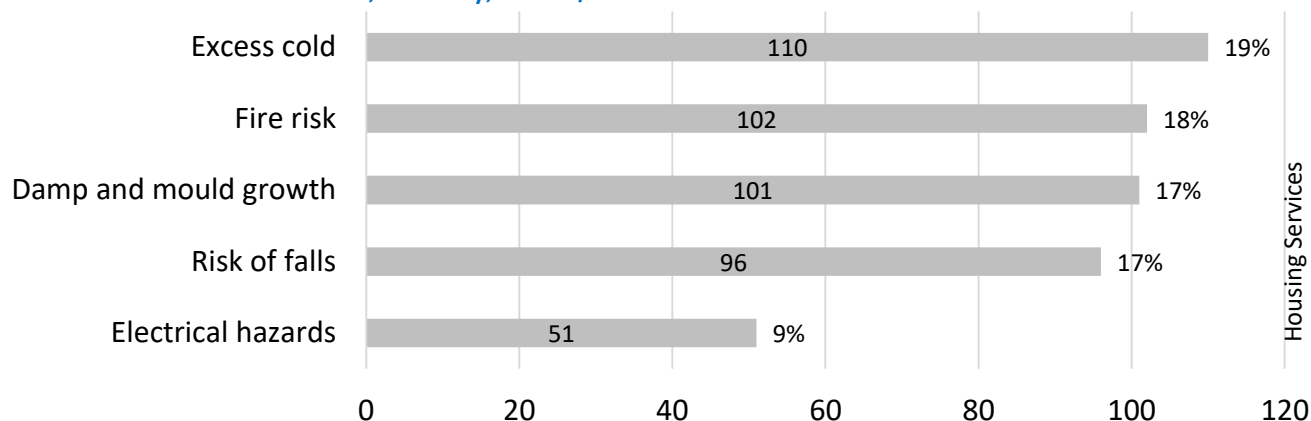
[Renting out your property: GOV.UK](https://www.gov.uk/renting-out-your-property)

7.1a Enforcement

Local housing authorities play a key role in protecting the health, wellbeing and the consumer rights of residents. Our Policy helps to promote efficient and effective approaches to regulatory inspection and enforcement that improve outcomes without imposing unnecessary burdens. It sets out what owners, landlords, their agents and tenants of properties can expect from us and what we expect of them.

We work with private landlords to drive up standards, but the Council will also take action against any landlords who do not comply with legislation, in line with our Housing Enforcement Policy.

Table 7.4: Main Category 1 and high scoring Category 2 hazards identified and remedied, Torbay, 2019/20



In 2019/20, the year prior the COVID-19 visiting restrictions, the Housing Standards Team received 848 enquiries and complaints (16 per week) about housing related issues in the private rented sector. From these, the Housing Standards Team identified and enforced against 578 Category 1 and high scoring Category 2 HHSRS hazards. Using the BRE health cost calculator, the hazards remedied resulted in a cost saving to the NHS and wider society of approximately £740,000.

The main issues identified relate to poor heating, risk of fire, damp and mould and falls. Whilst the Team address all hazards during inspections these four issues remain a strategic priority.

On average, Torbay Council serves 49 legal notices each year. These notices ensure that works are undertaken to remedy disrepair, establishing that we will use our powers of enforcement to drive up housing standards. We have also served a number of civil penalty notices as an alternative to lengthy and costly prosecutions of up to a maximum of £30,000. Although Torbay is a small unitary authority, we undertake similar levels of enforcement activity as that of some of the larger metropolitan areas.

[Housing Standards Enforcement Policy: Torbay.gov.uk](https://www.torbay.gov.uk/housing-standards-enforcement-policy)

The Planning Department also have discretionary powers to take enforcement action where unauthorised development has taken place. Unauthorised development includes building works, changes in the use of buildings or land, the appearance of buildings or land, or works to listed buildings

[Planning Enforcement Policy: Torbay.gov.uk](https://www.torbay.gov.uk/planning-enforcement-policy)

7.1b Houses in multiple occupation

The definition of a ‘House in Multiple Occupation’ (HMO) is complex and subject to various tests and interpretations. However, a simplified definition is: ‘any dwelling occupied by 3 or more people comprising of 2 or more households who share facilities, such as a kitchen, bathroom and/or toilet and occupy the property as their only, or main residence’.

In larger towns and cities, HMOs are commonly occupied by students, but there is a growing number of young professionals and migrant workers choosing this type of accommodation, as they are often more affordable, with bills included. HMOs are often occupied by the most vulnerable people in our society; in Torbay they are widely occupied by single households in receipt of benefits. These dwellings were often not built for multiple occupation, so the risk of overcrowding and fire can be greater in these dwellings than with any other type of accommodation.

In 2018 the national HMO licencing regulations were changed. As a result, the number of licenced HMOs in Torbay increased to 134. Licencing has been successful in driving up standards, making these larger dwellings safer places in which to live.

A robust assessment of various data sources, including Council Tax records, Housing Benefit claims, and bin collections were undertaken to identify unlicensed HMOs in the Bay. The public can also report suspected unlicensed HMOs via our website. Properties found to be operating without a licence are subject to action in accordance with our Housing Enforcement Policy and non-compliance may result in paying a higher licence fee, a civil penalty of up to £30,000, or even prosecution. As of July 2022, 9 civil penalties have been issued for unlicensed HMOs, with an additional 7 properties that were required to pay the higher application rate due to late licencing.

Identifying non-licensed HMOs remains a challenge to all local authorities in the absence of a much discussed, but not established national landlord registration scheme. It is estimated that approximately 1,450 buildings in Torbay are being used to house multiple households. Their identification remains a strategic priority for the Council.

[Houses in multiple occupation - Torbay Council](#)

7.1c Park homes

A park home is a permanently occupied, prefabricated building located with others in a dedicated area, or site. Downsizing to a park home is often viewed as the ideal move for cash-strapped pensioners. On the whole, park homes are cheaper than traditional bricks and mortar, but the costs don't stop at the purchase of the property. Residents will also need to pay a 'pitch fee' or ground rent to the site owner, which increase in line with retail prices index (RPI) inflation each year.

Additionally, heating is primarily provided through high cost fuels, such as liquefied petroleum gas (LPG), this coupled with their poor thermal structure this makes them difficult to heat and often count as 'fuel poor'. According to the latest Housing Condition Survey residential caravans had the highest rate of thermal comfort failure at 51%.

It should be noted that Torbay has a relatively low number of park homes compared to other Devon districts. In 2021/22 the Council recorded 239 park homes, over 6 sites.

[Park homes: torbay.gov.uk](http://torbay.gov.uk)

7.2 Improve energy efficiency and reduce fuel poverty

The carbon emissions from our area will fall as our homes and businesses become more energy efficient. The widespread reliance on gas as an energy source will mean few households will be immune from rising bills. However, homes with poor fuel efficiency will be hit hardest by energy price rises. Nationally, households who live in a property they own, or rent from a registered provider have the least likelihood of being fuel poor at 8% and 19% respectively. However, households living in privately rented accommodation are most likely to be fuel poor (25%).

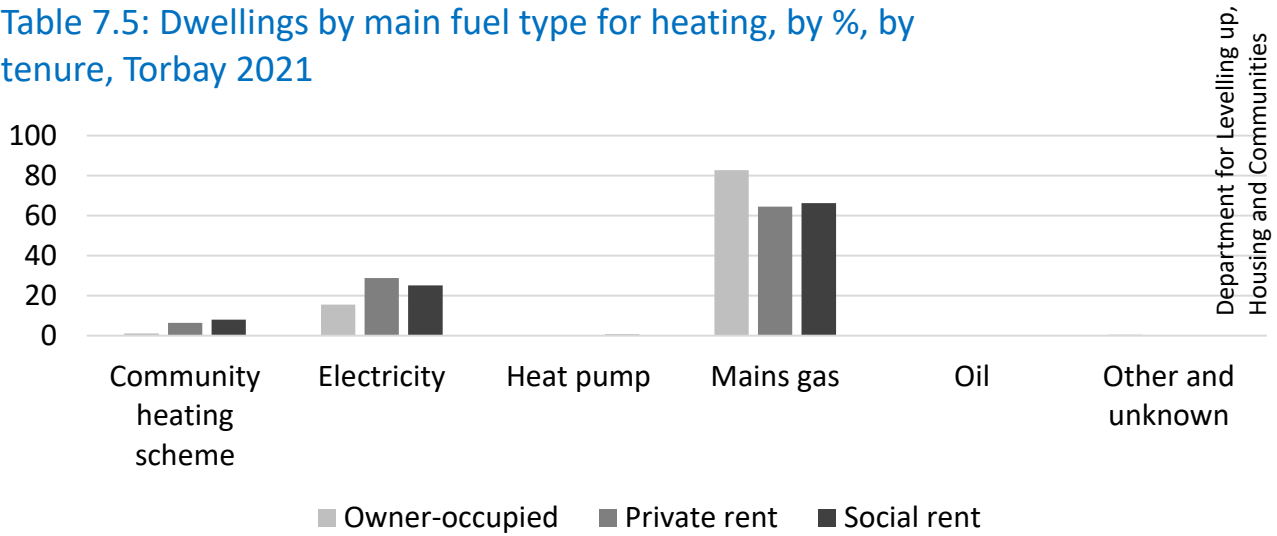
Nationally, 54% of homes in England have an EPC rating lower than band C, for Torbay it rises to 75%. For those with lower EPC ratings, energy bills can be considerably higher.

Fuel poverty is caused by a number of factors:

- Low income
- High energy prices, which are often made worse by higher tariffs for both low-volume users, those not able to pay via direct debit and those unable to access the cheapest 'online only' deals

- Poor energy efficiency – for example, inadequate insulation, inefficient heating systems and under-occupancy

Table 7.5: Dwellings by main fuel type for heating, by %, by tenure, Torbay 2021

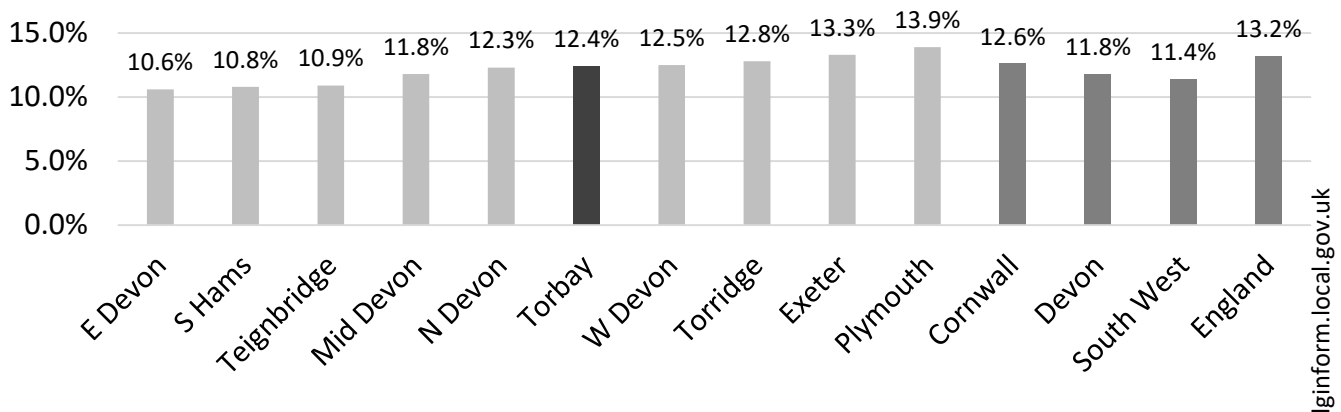


Department for Levelling up, Housing and Communities

Fuel poverty is most common among vulnerable households:

- Those on low incomes.
- People with children under the age of 16.
- People with disabilities or suffering from a long-term illness.
- Older people

Table 7.6: % households in fuel poverty, 2020

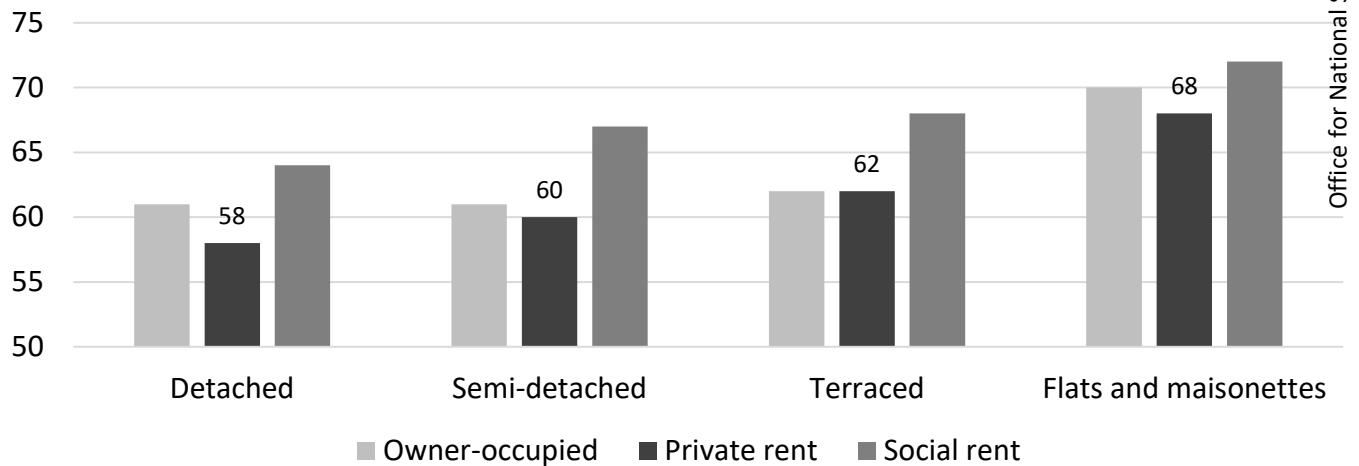


lginform.local.gov.uk

There are a number of factors that are associated with the energy efficiency of housing, including property type, tenure and when it was constructed.

Based on local data it is estimated that 4% of homes in Torbay have an EPC rating below band E compared to England at 2.7%. Nationally, this rises to 4.3% in the private rented sector, higher than for any other tenure. This figure has reduced year on year since 2020, when the Government stipulated that landlords could no longer let properties covered by the Minimum Energy Efficiency Standard Regulations (MEES) if they have an EPC rating below E, unless they have a valid exemption in place.

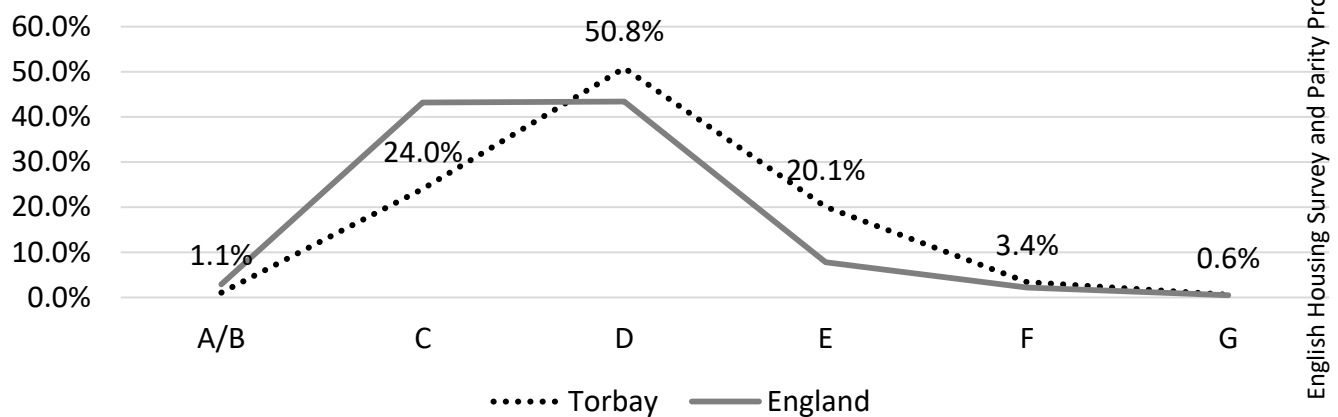
Table 7.7: Median energy efficiency score, by property type and tenure, England 2021



Office for National Statistics

By 2030 the Government aims for as many privately rented homes as possible to be upgraded to EPC band C, where practical, cost-effective, and affordable. Nationally, more than half (54%) of all dwellings fall below band C, for Torbay this increases to 75%. In fact, we generally fall behind the national average for energy efficiency.

Table 7.8: Energy efficiency rating bands, Torbay 2022, England 2020



English Housing Survey and Parity Projects

The Council has developed a ‘compliance and enforcement plan’ to contact all private rented properties in the Bay where the energy performance certificate (EPC) falls below band E, where it has expired, or where there is none. This requires the checking of approximately 19,000 records. By improving the energy efficiency of homes, we can increase our energy efficiency in the Bay, as well as help occupants save money on their fuel bills.

[MEES: GOV.UK](https://www.gov.uk/mees)

We have been working with partners in Torbay to utilise Government initiatives, such as ECOflex to target those most in need. Since 2019/20 an average of 214 homes a year have receive energy efficiency measures through the scheme.

[EcoFlex Scheme: Torbay.gov.uk](https://www.torbay.gov.uk/eco-flex)

7.3 Keep people independent at home

Getting housing right for people could have immense benefits for society and the economy. Although there are positive initiatives in the pipeline, they are not enough to respond to the rapidly expanding population of older people, in a way that significantly extends the options available.

Maintaining independence and the quality of life is one of the keys to ageing well and mitigates the increasing demand for more expensive care interventions and cost to the NHS. It is easier and less costly to adapt a house for people who develop a mobility problem, or disability, both young and old.

7.3a Disabled facilities grants (DFGs)

Households who need to adapt their home to allow them to live independently and safely, may be able to get help with a Disabled Facilities Grant (DFG). This grant is means-tested, which generally means that if you can afford to do the work yourself, you will not qualify for a grant.

Following an assessment by an occupational therapist, typical adaptations can include:

- external ramps, or internal stair lifts, or widening of doors, helping you move more easily into and around your home
- a level entry shower if you cannot use the bath safely
- providing lower level kitchen worktops for wheelchair users

Prior to the Pandemic, each year we were helping around 143 households to remain independent at home. On average £1,000,000 is spent each year in Torbay to undertake this work and assist people of all ages, including children.

The speed and efficiency with which adaptations are provided can make all the difference between people staying in the comfort and security of their own homes, or suddenly being forced into more expensive care options, such as residential care, or even hospital. Unfortunately, adaptations are often only considered in a crisis situation, so working to make people aware of their housing options in later life is a key consideration, not just for those who are eligible for the grants.

Regarding early assistance, the Council will work more closely with NHS partners to help households prepare their homes for the future. Where residents are admitted to more 'acute' care, such as hospital, it is important that we offer a rapid, co-ordinated response to undertaking works, to promote a safe, timely discharge.

8 Improve housing support

Homelessness has a serious and harmful effect on those who experience it. No household should ever have to experience homelessness. Our approach is to prevent homelessness at the earliest opportunity, before individuals, or families lose their home. We are developing a separate homelessness and rough sleeping strategy that will be published during the life of this strategy. It will contain a lot more detail about how we intend to tackle homelessness and its causes.

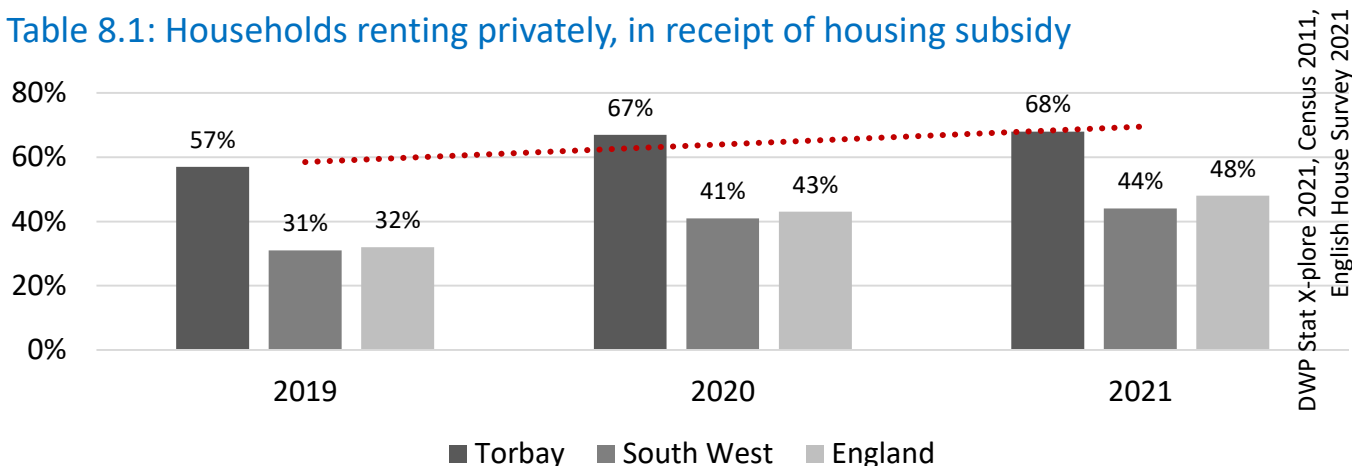
Due to the modest proportion of social housing and the low supply of new build affordable homes Torbay is reliant upon the private rented sector to discharge its homelessness duties. Due to the availability of converted flats, hotel and guest house accommodation in the Bay, Torbay not only draws low-income households, but also receives households from other authorities discharging their duties. In 2020/21, we

saw 43 households from other local authorities placed in temporary accommodation, 7% of all placements. Over time, these households may fall into the Torbay system, thereby exacerbating the problem.

Recent private rental increases, often £150 to £200 above the local housing allowance, have pushed rented accommodation beyond the reach of low-income households and families, also making the Council’s task of finding affordable accommodation more challenging. Additionally, there has been some constraint in private rented stock, as some landlords ‘cash out’ and some convert to the short-term lettings sector, particularly Air BnB style lettings for the holiday market.

The growing number of low-income households in Torbay who are reliant on housing subsidy, such as Housing Benefit, or the housing element of Universal Credit in the private rented sector is significantly higher than national and regional averages and at the upper end of the scale for benchmark authorities. Interestingly, Torbay has approximately twice as many households renting privately in receipt of housing subsidy than the total number of social homes.

Table 8.1: Households renting privately, in receipt of housing subsidy



8.1 Prevent homelessness

Prevention means helping those at risk of losing their home with the necessary resources and support to stabilise their housing situation and to ultimately reduce the risk of the repeat homelessness by improving social and economic integration. Over the last two years, the Housing Options Team received around 13,000 calls each year. In 2021/22 emergency calls about being ‘homeless tonight’ increased by 12%.

Whilst all calls are important to us, as potentially any call could lead to homelessness and early intervention, focussing on emergencies must be a priority for us to fulfil our homelessness duty.

Although there are many reasons for homelessness, last year, the most common reasons recorded locally were: the loss of a private rented home (34%), family and friends no longer willing, or able to accommodate (19%) and domestic abuse (12%). For many people there will be several reasons; for some there will be multiple, complex reasons. Our primary focus is upon helping households to remain in their own home, provided that it is safe and suitable for them to do so. There are a number of in-house services available to help households remain in their homes, including:

- financial and debt advice
- work with landlords and lettings agents
- mediation with family and friends, or landlords
- partnership work to tackle harassment and domestic abuse

- partnership work to deal with anti-social behaviour
- taking a trauma informed approach to supporting those with complex needs

In 2020/21, of the 3,454 calls made to Housing Options Team as ‘homeless tonight’, 30% were assessed as being owed a homelessness duty. A Housing Prevention Officer has been recruited to identify gaps in our prevention offer by reviewing and understanding trends based on data. By promoting a more holistic approach to tackle homelessness we hope to reduce the number of presentations.

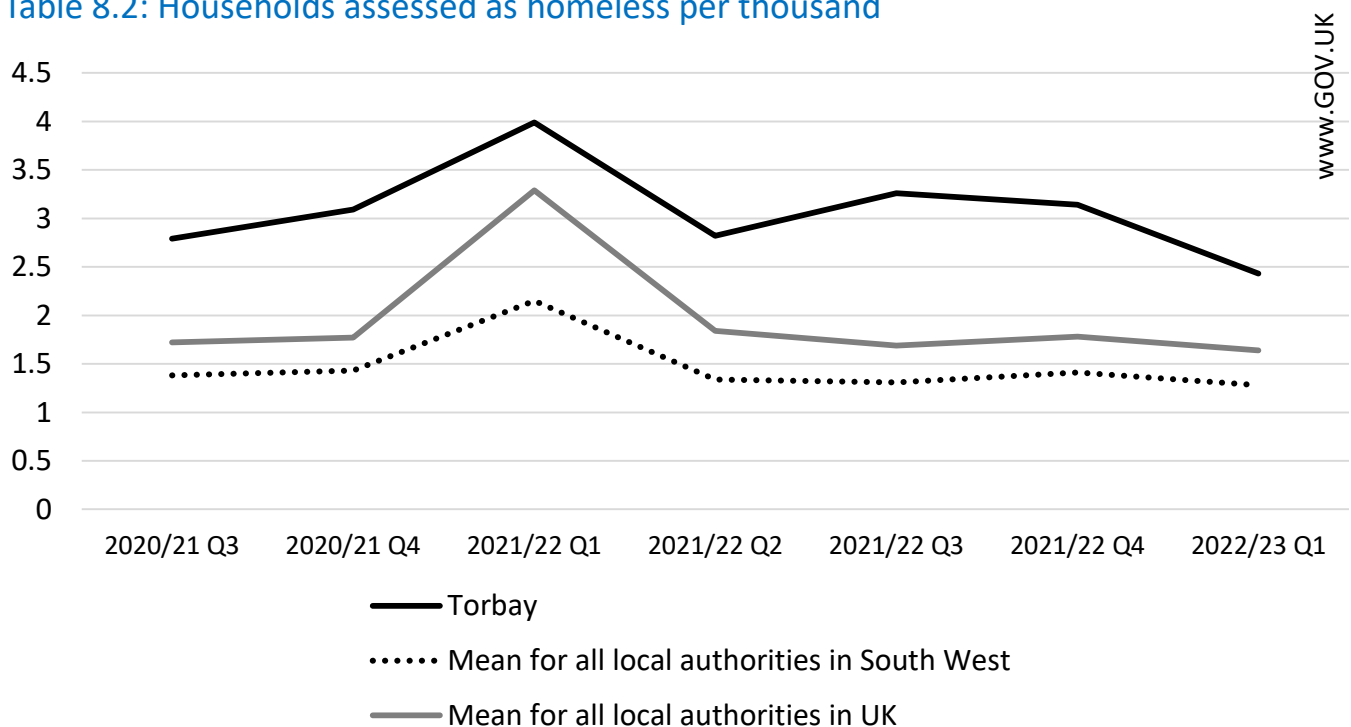
8.2 Offer intervention

It is not always appropriate for people to remain in their existing home and sometimes it is not possible to prevent homelessness. ‘Intervention’ covers a broad range of activities that ensure local people who are made homeless are given the support and help they need to access and sustain suitable accommodation.

To intervene effectively to relieve homelessness, we will:

- Act to minimise the use of unsuitable emergency accommodation
- Seek to improve access to a range of accommodation options, both temporary and permanent
- Improve access to, and the effectiveness of support services
- Continue to build on our commitment to end rough sleeping within the Bay using targeted outreach and the development of homelessness and health pathways

Table 8.2: Households assessed as homeless per thousand



Homelessness data across 2019/20 and 2020/21 shows the total number of households assessed as homeless. Over recent years Torbay saw a high proportion of households per thousand population assessed as homeless. This is more than both the national and regional figures.

Due to the large private rented sector and modest social housing sector, Torbay is heavily reliant upon the former to discharge its homelessness duties. For example, in 2021/22 we discharged our homelessness duties into the private rented sector in Torbay (59%) at above the national (34%) and regional (36%) rates.

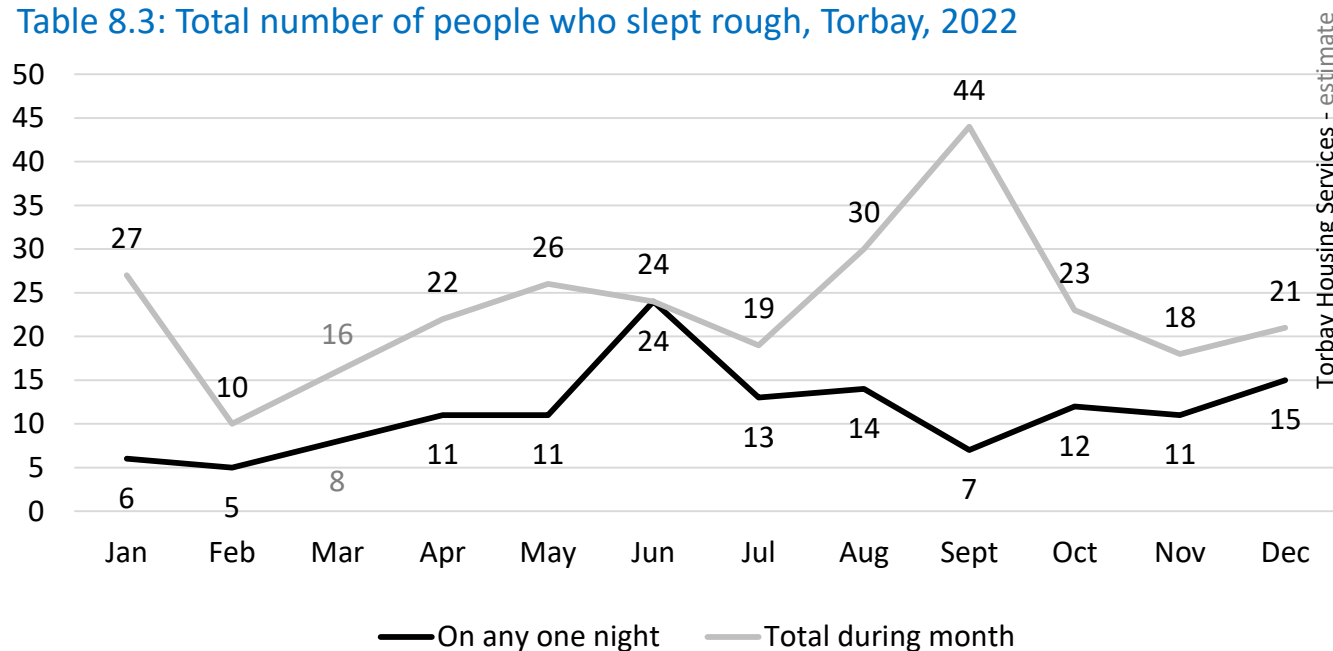
As discussed throughout the strategy, tenancies in the private rented sector are generally more volatile and likely to yield higher homelessness applications and acceptances (38%) than from any other tenure, thus creating a repeating cycle of homelessness.

Given increased demand and the recent price increases in the private rental market, pushing accommodation beyond the reach of low-income households, finding more permanent affordable accommodation has become more challenging. The Council is willing to work with local landlords who are willing to rent accommodation at affordable rents, in return for help and assistance to manage the properties. By providing support, guidance, and mediation, we hope to maintain tenancies and reduce the high churn within this sector.

8.2a Addressing rough sleeping

We continue to build on our commitment to end rough sleeping in the Bay by using targeted outreach and the development of homelessness and health pathways. Rough sleeping is the most extreme form of homelessness, and it is therefore right we take action to help people off the streets. The theme throughout this strategy is to make sure that the entire system is working to prevent all forms of homelessness, but also to work across the Council, and with partners to deliver more affordable homes, and work with the private rented sector to promote longer, more secure tenancies.

Table 8.3: Total number of people who slept rough, Torbay, 2022



Prevention is vital, but if we are to ensure no one has to sleep rough again, we must act and intervene to support the people who are experiencing it. We need to ensure that people have support in place to move into sustainable accommodation. A stable home is an essential element in a person’s recovery from rough sleeping and needs to go hand in hand with flexible support that is tailored to an individual’s needs. For this reason, we are developing a new routes into temporary and more permanent accommodation.

8.3 Help households sustain accommodation

We need to make sure that our interventions are focused towards helping people to sustain safe and suitable accommodation in the long term. Sustainment also means breaking the cycle of repeat and chronic homelessness and enabling people to lead healthy and productive lives.

There are now two resettlement officers within the Housing Options Team. Their role is to visit all households in temporary accommodation to ensure they are providing up to date information to assist timely homeless decisions. Visits also identify any support needs that are required and that clients are 'tenancy ready' by maximising their income, understanding budgeting, assisting applications to the Housing Register and arranging and accompanying clients to private sector viewings.

In most cases these actions reduce the time households spend in temporary accommodation. The Council is fully aware of the current crisis that the Council faces in relation to our temporary and permanent housing. Strategically, we are in a phase of horizon scanning and researching our next steps. As discussed, we intend to increase accessibility to affordable homes, in particularly family-sized accommodation, with new projects, such as the 'Purchase and Repair Scheme' and a 'Right Sizing Project', but we will also need to refocus our attention on prevention to help families to stay settled in the home where they live.

Where appropriate, we pay the top-up on rent for a fixed period to either give breathing space for alternative accommodation to be sought, or other activity such as maximising income through checking benefits and employment opportunities, that would allow the family to remain in their existing homes.

9 Action plans and governance

The Council has its own Housing Delivery Group, comprised of officers from: Children's Services, Planning, Housing Options, Housing Standards, Adult Social Care, TorVista, the Torbay Development Agency and elected members. In addition, an external Strategic Housing Board acts as a 'critical friend' to review any actions that the Council proposes to take, making other suggestions as appropriate. This group is made up of local registered providers, Public Health, NHS partners, as well as organisations from the voluntary sector.

Both groups meet every three months to monitor performance and discuss housing priorities, with the aim to tackle barriers and increase resources where required. Following review by the groups above, our action plans are updated and reported on quarterly basis to Council where they are publicly scrutinised under the Overview and Scrutiny Committee and Cabinet.

All actions will be assessed annually to make sure that they remain fit for purpose and relevant to addressing key housing issues. To this end we intend to regularly consult with elected members, partners and stakeholders every year before finalising plans and then putting them into action.

[Housing Services action plan](#)

10 Appendix A: national policy

This Strategy is informed by a wide legislative and policy context, with many changes to the national policy framework for housing and planning since the previous Housing Strategy 2020-2025. Key areas are outlined in this section by most recent.

Levelling Up the United Kingdom (2022)

Our aim is to improve pride in place in every area of the UK, with the gap between top performing and other areas narrowing (Mission Nine). Poor housing quality, overcrowding and a reliance on temporary accommodation for vulnerable families also contribute to unnecessarily poor health and quality of life for many. We will take action on two fronts. First, building more housing in England, including more genuinely affordable social housing. Second, we will launch a new drive on housing quality to make sure homes are fit for the 21st century.

[Levelling Up: GOV.UK](#)

National Planning Policy Framework (2021)

The NPPF was originally published in 2012 and was most recently revised in July 2021. It sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. The purpose of the planning system is to contribute to the achievement of sustainable development. It has three overarching objectives:

1. Economic objective – to help build a strong, responsive, and competitive economy
2. Social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations
3. Environmental objective – to protect and enhance our natural, built and historic environment, including making effective use of land, and mitigating and adapting to climate change, including moving to a low carbon economy

Paragraph 65 seeks that at least 10% of homes within major developments to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or seriously prejudice the ability to meet the identified housing needs of specified groups.

[Planning practice guidance; GOV.UK](#)

Heat and Buildings Strategy 2021

This Heat and Buildings Strategy sets out Government plans to decarbonise homes and commercial, industrial and public sector buildings, towards achieving net zero by 2050. The Strategy outlines 5 core principles to guide action over the next decade and longer-term transformation to net zero:

1. A whole buildings and whole-system approach needs to be taken to minimise costs of decarbonisation
2. Innovation is essential to driving down costs, improving options and informing future decisions
3. 'No- and low-regrets' action need to be accelerated now – prioritising actions to improve the energy performance of buildings, including retrofitting, fabric first approach for improved building thermal efficiency and build the market by developing technical expertise, growing the workforce and the UK's manufacturing capacity and capability. This includes building the market for hydronic heat pumps

4. Balance certainty and flexibility to provide stability for investment and an enabling environment for different approaches to be taken to address different buildings
5. Government will target support to enable action for those most in need

The Strategy confirms additional funding through the Social Housing Decarbonisation Fund (investing £800 million over 2022/23 to 2024/25) and Home Upgrade Grant (investing £950 million over 2022/23 to 2024/25) to improve the energy performance of low-income households' homes, support low-carbon heat installations, help reduce fuel poverty and build the green retrofitting sector.

[Heat and Buildings Strategy 2021](#)

Future Building Standard (consultation 2021)

The Government's Future Homes and Buildings Standard will come into force from 2025 and strengthen building regulations and result in significant reductions in the amount of carbon emissions new homes and buildings emit; 80% reduction in regulated carbon emissions. However, it is not expected to create carbon neutral homes and buildings and does not tackle operational emissions that arise.

[The Future Buildings Standard: GOV.UK](#)

Net Zero Strategy: building back greener 2021

This strategy sets out the Government's delivery pathway to net zero emissions by 2050. It covers all sectors of the economy including housing and buildings. Heating homes and buildings makes up about a third of all UK carbon emissions. Decarbonising the way we heat and power our homes is a key strand to delivering net zero by 2050. To reduce these emissions a range of actions are proposed to making the transition to low carbon buildings affordable and achievable for all.

[Net Zero Strategy: GOV.UK](#)

Rough Sleeping Strategy 2018

The Government announced a new Rough Sleeping Strategy in 2018, with the aim of halving rough sleeping by 2022 and end it by 2027, now brought forward to 2025. Funding has been provided through the Rough Sleeping Initiative and Rapid Rehousing Pathway for Councils to reduce rough sleeping.

[The Rough Sleeping Strategy 2018](#)

Domestic Abuse Act 2021

The Act focuses on significant procedural changes from a range of services, including the police, the courts and domestic abuse services, such as local authorities, particularly in relation to housing provision for survivors of domestic abuse. They include:

1. A duty to provide safe accommodation for all survivors of domestic abuse
2. Ensure that fleeing abuse does not result in the loss of right to lifetime or assured tenancies when these were in place
3. Ensure homeless people identified as survivors of domestic abuse are given priority
4. Prepare and publish a strategy for the provision of support, and monitor and evaluate the effectiveness of the strategy

The Council has received funding to assist in us fulfilling our new duties under the Act and is working in partnership with other local organisations to develop and deliver our response.

[Domestic Abuse Act 2021](#)

Homelessness Reduction Act 2017

The Homelessness Reduction Act 2017 took effect on 3 April 2018, placing new duties on councils to work with homeless families to prevent or relieve homelessness before a main homeless duty is accepted. The main changes brought in by the Homelessness Reduction Act 2017 are as follows:

1. Work to prevent homelessness of all eligible applicants likely to be homeless in 56 days
2. Work to relieve homelessness of all eligible applicants who become homeless
3. Take reasonable steps to secure accommodation for those who approach for assistance
4. New 'Duty to Refer' for public bodies working with homeless households to the Council Homelessness Team

[Homelessness Reduction Act 2017](#)

11 Appendix B: Local strategies and plans

Community and Corporate Plan 2019–2023

The Community and Corporate Plan delivers our ambition of making Torbay 'a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents'. Our challenges:

1. An ageing population
2. An unprecedented demand for services for children in need of safeguarding and the protection of care
3. The need for economic and housing growth
4. The climate change emergency
5. Substantial reductions in central government funding

To deliver our ambition we have identified four visions:

1. Thriving people
2. Thriving economy
3. Tackle climate change
4. Council fit for the future

These visions contain a number of housing priorities:

1. Improve the delivery, affordability and quality of housing
2. Reduce levels of deprivation in the Bay
3. Protect and involve children and young people
4. Reduce reliance on addictive substances
5. Work with partners to tackle crime and reduce offending
6. Work with partners to tackle domestic abuse and sexual violence and its effects
7. Focus on areas of significant deprivation
8. Regenerate and re-invent our town centres
9. Reduce Torbay's carbon footprint
10. Encourage a sustainably developed built environment

Prevention and early intervention will be a key component of all Council services. In providing services that help to address needs earlier and aim to deal with the wider causes of all problems, the Council will improve outcomes for communities and individuals.

We will work in partnership with the community and voluntary sector to build resilience and ensure they are equal partners on service design and delivery. We will continue to be part of the Torbay Together partnership, recognising that no organisation can deliver for the community on its own. At a local level, we will continue to work with our wide range of partner organisations, both within the public sector such as the NHS and Police, the private sector and the community and voluntary sector to ensure we maximise the opportunities to deliver services together.

[Community and Corporate Plan 2019-2023](#)

The Torbay Local Plan 2012 - 2030

It is the Torbay Local Plan that provides the Council's blueprint for housing distribution and the level of development, including affordable housing. It establishes the level and need for supporting infrastructure and sets out a raft of policies, proposals and actions to meet the environmental, social and economic challenges facing the area.

The Local Plan sets out policies and proposals for land use in the Bay that guides and shapes day-to-day decisions as to whether or not planning permission should be granted. It is an important document that sets out the planning vision for the area, delivering growth, jobs, homes, facilities and environmental protection. It guides the location of homes, employment land, business infrastructure and community facilities over the next decade.

Because the Local Plan was adopted more than 5 years ago, the housing requirement is set by a national formula, set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The national formula for calculating housing need gives a figure of at least 600 homes per year in 2022. This target is calculated based on household formation projections and the affordability of local housing and is updated on an annual basis.

Policy H2 of the Local Plan sets out thresholds for affordable housing. All housing developments that are of sufficient size should provide an element of affordable housing. The NPPF stipulates that affordable housing cannot be sought from non-major housing developments (broadly fewer than 10 dwellings), other than in the AONB. On this basis the Local Plan seeks affordable housing from brownfield sites of 15+ dwellings and greenfield sites of 10+ dwellings (3 in the AONB). To meet the housing needs of local people, affordable housing will be sought on a sliding scale of up to 30% on qualifying sites, as set out in Policy H2.

Policies ES1 and SS14 of the Local Plan seek to minimize carbon emissions from development. Applications for major development should include an 'energy statement' setting out how energy efficiency, low carbon design, and climate resilience has been incorporated into the development. The policy seeks to ensure that development minimises carbon emissions and maximises the use of natural resources through the consideration of construction methods and materials, design, energy, water consumption, waste management, travel planning and carbon offsetting.

The Planning Contributions and Affordable Housing Supplementary Planning Document (SPD) provides more detail on the implementation of affordable housing planning policies, and other developer Section 106 'obligations'. Affordable housing is the Council's highest priority for S106 obligations after directly necessary 'site delivery matters' such as access and ecological mitigation have been provided.

[Torbay Local Plan 2012-2030](#)

Torbay's Neighbourhood Plans

Neighbourhood plans help local communities play a direct role in planning homes and infrastructure in the areas where people live and work. The policies in these plans are related to the use of land and to characteristics that affect how a place works. They are the legal starting point for considering all planning applications in their respective areas, alongside the Local Plan.

There are currently 4 neighbourhood areas designated across the Bay, each with a neighbourhood plan:

1. Broadsands, Churston and Galmpton
2. Brixham Peninsula
3. Paignton
4. Torquay

These plans have all been through the statutory process, including local referendums and have been formally accepted ('made') by Full Council in 2019. They set out additional policies for development beyond the Local Plan, with a strong preference for previously developed land. Policy BH2 of the Brixham Peninsula Neighbourhood Plan sets out a local occupancy requirement for affordable homes in that area. The current plans are now more than two years old and are being refreshed by the Neighbourhood Planning bodies.

[Neighbourhood plans: Torbay.gov.uk](https://www.torbay.gov.uk/neighbourhood-plans)

Carbon Neutral Torbay 2019

In June 2019 Torbay Council declared a climate emergency. Torbay Council has responded by committing to making Torbay carbon neutral by 2030, as indicated in its Community and Corporate Plan. The Council is also working in partnership with the Devon Climate Emergency Partnership, and with Devon County Council to help deliver the forthcoming Devon Carbon Plan. This plan has a range of actions to reduce carbon emissions associated with homes across Devon.

[Carbon Neutral Torbay
Devon climate emergency](https://www.torbay.gov.uk/carbon-neutral-torbay-devon-climate-emergency)

Joint Health and Wellbeing Strategy 2022-2026

The Torbay Health and Wellbeing Board, has been preparing the next Joint Health and Wellbeing Strategy that has identified 5 priority areas:

1. Mental health and wellbeing
2. Good start to life
3. Supporting people with complex needs
4. Healthy ageing
5. Digital inclusion

In addition, there are six cross-cutting areas:

1. Housing
2. Physical activity
3. Tackling inequalities
4. Climate sustainability
5. Domestic and sexual violence and abuse
6. Supporting carers

The strategy responds to the latest Torbay joint strategic needs assessment and to the issues highlighted in the Chief Medical Officer's annual report on health in coastal communities 2021 and the Levelling Up Government White Paper. It also takes account of the developing Torbay economic strategy.

[Joint Health and Wellbeing Strategy 2022-2026](#)

12 Contact details and alternative versions

If you need this information in another format, please contact us.

Email: housing@torbay.gov.uk

Web: www.torbay.gov.uk/housing

Text

Tel:



www.facebook.com/torbaycouncil



www.twitter.com/Torbay_council

Meeting: Cabinet **Date:** 23 February 2023

Wards affected: All

Report Title: Domestic Abuse and Sexual Violence Strategy

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

Cabinet Member Contact Details: Councillor Carter, Cabinet Member for Community and Customer Services, Christine.carter@torbay.gov.uk

Director/Divisional Director Contact Details: Tara Harris, Divisional Director of Customer and Corporate Services, Tara.harris@torbay.gov.uk

1. Purpose of Report

- 1.1 The purpose of the report is to seek Cabinet's approval for the Domestic Abuse and Sexual Violence Strategy 2023 to 2023.
- 1.2 The Strategy has been updated following a 6 week public consultation on the draft Strategy which took place during October and November 2022, as approved by Cabinet on 18th October 2022.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver this ambition by creating safe spaces, supporting victims, and addressing the behaviours of those causing harm, so that our vulnerable residents and their children can thrive.

- 2.2 The reasons for the decision are that the previous Domestic Abuse and Sexual Violence Strategy is due to end early in 2023. The new Strategy has been developed following a strategic review of the system response in 2021, and with the approval of the Domestic Abuse and Sexual Violence Executive Group (DASVEG) that the new strategy would continue to address both domestic abuse and sexual violence, however with an increased focus on sexual violence.

3. Recommendation(s) / Proposed Decision

That Cabinet recommends to Council:

That the Domestic Abuse and Sexual Violence Strategy as set out in Appendix 1 to the submitted report, be approved.

Appendices

Appendix 1: Domestic Abuse and Sexual Violence Strategy

Appendix 2: Domestic Abuse and Sexual Violence Strategy – Report of the Overview and Scrutiny Board

Background Documents

None

1. Introduction

- 1.1 The current Domestic Abuse and Sexual Violence Strategy ends in March 2023. In preparation a strategic review of the domestic abuse response in Torbay was undertaken in 2021. The review incorporated a review of the Multi Agency Risk Assessment Conference (MARAC), the Safe Accommodation Needs Assessment as required by the Domestic Abuse Act 2021 (DAA21) and a lived experience listening exercise. All the recommendations have been incorporated into the findings to inform the direction and focus of the new Strategy.
- 1.2 The findings from the Call to Action sexual violence project that Torbay Council participated in during 2021 (with people with lived experience of sexual violence, Devon, Plymouth, the Office of the Police and Crime Commissioner, Devon CCG and the Innovation Unit); have been used to inform the focus and direction for sexual violence. In addition data about sexual violence services and demand has been gathered to inform a local position statement on sexual violence in Torbay.
- 1.3 A theory of change was devised following analysis of all the review findings, which has informed what change needs to happen, what outcomes have been identified and how we deliver them. This revealed a commonality of themes between both domestic abuse and sexual violence that are a focus for the strategy. A small number of themes specific to domestic or sexual violence are also included.
- 1.4 The Strategy focuses on lived experience, prevention, identification, disruption, evidence and understanding; aiming to:
 - a) Elevate responses to sexual violence to achieve parity with domestic violence over the lifetime of the Strategy
 - b) Ensure that all victims disclosing Domestic Abuse and/or Sexual Violence feel that they are believed
 - c) Hold those who harm accountable and not their victims
 - d) Change the narrative and address myths and victim blaming language and practice
 - e) Embed trauma informed practice and improve understanding of how trauma frames victims' responses
 - f) Develop a robust evidence base and consistent monitoring
 - g) Broaden knowledge and understanding of what constitutes domestic and sexual violence and abuse both in the workforce and across the general public, framed in the context of relationships.

1.5 Domestic Abuse and Sexual Violence needs to be considered as a whole system response across the life course. There is a risk that separating out various themes can lead to fragmentation and poor oversight of the overall strategic response. However, this is necessary as some areas of activity fit more appropriately with, for example, children’s safeguarding. It will be the responsibility of the Domestic Abuse and Sexual Violence Executive Group to ensure connectivity and line of sight between the main Domestic Abuse and Sexual Violence Strategy and related strategies or workstreams so that everything is aligned to the overall strategic direction. Changes to direction or focus resulting from legislative or policy changes will be incorporated into reviews of the strategy which will take place at regular intervals.

1.6 The Strategy has been updated to incorporate feedback from the public consultation, as outlined in 5 below.

1.7 The Delivery Plan that will sit below this Strategy will necessarily be a multi-agency, partnership document. In keeping with the Strategy principles it will be co-produced with people with lived experience as well as services and practitioners working with people experiencing domestic abuse and sexual violence. For this reason, the Delivery Plan is not yet in place however will be overseen by the Domestic Abuse and Sexual Violence Executive Group.

2. Options under consideration

2.1 An alternative option would be to do nothing. However this was discounted as the current policy was set to expire this year and would not take account of the information gathered from the review and the high profile nature of domestic abuse and sexual violence in Torbay.

2.2 An option of having two individual strategies for domestic violence and abuse, and sexual violence was discounted by the Domestic Abuse and Sexual Violence Executive Group (DASVEG) as this would fragment the strategic response, create areas of overlap and duplication and ineffective use of resources.

3. Financial Opportunities and Implications

3.1 None

4. Legal Implications

4.1 The Strategy sits above the statutory Safe Accommodation Strategy that is required by the Domestic Abuse Act 2021 and which was approved by Cabinet on 14 December 2021.

5. Engagement and Consultation

- 5.1 The draft Strategy was published for public consultation between 19 October 2022 and 30th November 2022. It was published on the Council's website and a link to the consultation was added to the Torbay Community Safety Partnership Are You OK website, which serves as a repository and resource for public information on domestic and sexual violence and abuse.
- 5.2 The draft Strategy and link to the consultation page was widely circulated by email to partner agencies and stakeholders, including the Office of the Police and Crime Commissioner, Devon and Cornwall Police, NHS Devon, internal Council stakeholders, the Standing Tall Community and Voluntary Sector Partnership, and commissioned and non-commissioned provider services and charities including the Sexual Assault Referral Centre and Devon Rape Crisis. The consultation was also promoted via social media and during the latter part of the consultation period, promotion was linked to the annual international 16 Days of Action campaign which raises awareness of domestic abuse and sexual violence.
- 5.3 There were 50 responses to the survey. The page was visited 397 times during the consultation period and related documents on the page were downloaded 170 times. The survey itself was viewed 159 times. Responses to the survey show that:
- 92.0% of respondents either agree or strongly agree with the areas for change identified in the draft strategy.
 - 88.0% either agree or strongly agree with the outcomes we want to achieve.
 - 84.0% either agree or strongly agree with the five key activities we will do to deliver the outcomes.
 - 86.0% either agree or strongly agree with the principles we will work to.
 - Most respondents to the survey live in Torbay (70.0%). The highest proportion of respondents live in Torquay (32.0%)
 - 72.0% of respondents were female.
 - The majority of respondents are aged between 35 and 64 (84.0%). There were no responses from people aged under 25.
 - 82.0% of respondents did not consider themselves to be disabled in any way.
- 5.4 The draft Strategy was also presented to Overview and Scrutiny Board on 9th November 2022 and provoked interest and discussion. The Board acknowledged that training was provided to Council staff and Councillors on safeguarding, bystander and domestic abuse but felt that more could be done to challenge our partners and our communities to encourage everyone to report any areas of concern. The Board unanimously approved that Cabinet be recommended to support the draft Strategy, subject to the inclusion of a glossary of terms and acronyms, which has now been added. The Domestic Abuse and Sexual Violence Strategy – Report of the Overview and Scrutiny Board is set out in Appendix 2 to the submitted report.

5.5 The demographic profile of the consultation responses revealed an absence of responses from people aged 16 to 25. To address this, steps are being taken to ensure involvement of this age group in co-producing the Strategy Delivery Plan, which will set out the actions and workstreams to delivering the Strategy outcomes.

5.6 The main themes from the survey feedback concerned:

- More emphasis required on addressing impacts on children and taking a whole family approach
- Education for children and young people on healthy relationships
- The need for a more systemic approach
- Community and Voluntary Sector is part of the solution
- Family court
- How the outcomes will be achieved

5.7 The Strategy has been updated to include taking a whole family approach, learning and education, challenging social norms, using existing resources more effectively, collaboration, and maximising funding opportunities to develop local support for those experiencing sexual violence; as fundamental to the approach to achieve culture change and parity for those experiencing sexual violence in Torbay.

6. Purchasing or Hiring of Goods and/or Services

6.1 Not applicable

7. Tackling Climate Change

7.1 Not applicable

8. Associated Risks

8.1 Domestic abuse and sexual violence rates are disproportionately high in Torbay and can have life-changing effects for those directly and indirectly victimised, it has been and continues to be a strategic priority for these reasons. An effective response can only come from coordinated efforts across the system, inclusive of our communities and the voluntary sector. Not having a strategy that unites, challenges and drives these efforts risks ineffective and inadequate responses, which ultimately would leave people at heightened risk, the perpetuation of all the harms associated which are significant and in worse case scenarios deaths.

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	DA and SV are generally under-reported. Prevalence across older people is recognised but requires more insight and response. Younger people form part of a priority group as a preventative measure to stop any abuse from happening, but also to prevent chances of repeat victimisation and negative outcomes across the lifecycle.		
People with caring Responsibilities			Impact is neutral (although may link to other groups)
People with a disability	Having a disability is a known risk factor associated with being vulnerable to DA and or SV		
Women or men	Women are more likely to experience DA and or SV than men. Although men are also victims too.		
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)	The strategy seeks to be more responsive to Torbay's diversity, in doing so will seek to ensure that people can identify with service responses and resources available		
Religion or belief (including lack of belief)			Neutral

People who are lesbian, gay or bisexual	Services offers have historically been less visible and responsive to LGBTQ community – Strategy seeks to address		
People who are transgendered	Services offers have historically been less visible and responsive to LGBTQ community – Strategy seeks to address		
People who are in a marriage or civil partnership			Neutral
Women who are pregnant / on maternity leave	Pregnancy is an identified risk factor for occurrence of DVA		
Socio-economic impacts (Including impact on child poverty issues and deprivation)	DA and SV cuts across socio-economic boundaries, although there is a correlation with Torbay's more deprived areas (in terms of reporting)		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Domestic Abuse and sexual violence are determinants of a range of social, economic, mental and physical ills – this strategy contributes very directly to promoting the general health of Torbay, including sexual health.		

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

- 11.1 None from the local perspective. However continuing and worsening economic hardship in our communities is expected to result in increased incidences of domestic violence and abuse.

Breaking the Chain Domestic Abuse and Sexual Violence Strategy

2023 – 2030



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Warning - this document contains references and quotes that may be triggering for some people.

Foreword

To be added

Foreword from Domestic Abuse and Sexual Violence Executive Group (DASVEG) Chair and/or lead Torbay Council portfolio holder (member) to be added, with reference to the phrase “Breaking the Chain”

maximum 1/2 to 1 page

Needs to include reference to all the people with lived experience of domestic and/or sexual violence and abuse who took time to share their experiences and reflect on what would have been better for them, during the DVA strategic review and the Devon wide Sexual Violence Call to Action work that informs this document.

Introduction

“it definitely started off completely mental, not physical, but it was just literally putting me down all the time. Keeping me in my place. Making sure I was where I was supposed to be”

Domestic abuse survivor, Torbay

Since our last Domestic Violence and Sexual Violence Strategy, which was launched in 2018, there have been a number of significant events and policy changes which have brought the emotive subjects of domestic violence and abuse (DVA) and sexual violence (SV) to the forefront of our attention.

Firstly, the Covid-19 pandemic led to an almost overnight change in the way front line domestic abuse and sexual violence services were delivered. Virtual (online) support, which had previously been unthinkable, became the norm. Practitioners and support workers had to develop skills in using unfamiliar technology to ensure they could still see clients face to face and keep them safe. Forensic services for victims of sexual violence had to find ways to continue to safely provide forensic examinations whilst keeping victims and their staff protected from the virus. Strategic partnerships between local authority domestic abuse and sexual violence commissioners, the Office of the Police and Crime Commissioner for Devon and Cornwall (OPCC) health colleagues in Devon and Cornwall Clinical Commissioning Groups, as well as Devon and Cornwall Police,

became stronger and more robust. New relationships were forged as together we worked through the pandemic to listen to and learn from our services and communities to ensure victims and survivors of domestic abuse and/or sexual violence were able to access and receive support.

In 2021 the Domestic Abuse Act came into force, and amongst a range of measures - for the first time - a statutory duty was placed upon local authorities to provide support to victims of domestic violence living in what is defined as "safe accommodation" (such as a refuge). Importantly, the Act provides for children to be recognised as victims of domestic violence in their own right.

The same year brought the terrible crimes of sexual violence and murders of Sarah Everard and Sabina Nessa, and closer to home of Bobbi-Anne McCleod in Plymouth; and the advent of the "Everyone's Invited" campaign. Ofsted carried out a themed inspection of sexual harassment and abuse in schools. The Home Office produced its End to End Rape Review. Torbay undertook a Multi-Agency Case Audit of harmful sexual behaviour across Torbay.

Torbay's Partnership commitment to addressing DVA and SV has remained steadfast throughout the events and change of this period, with much progress being made in developing and expanding our response. Some key activities have included:

- Expanding the number of Independent Domestic Violence Advocate roles, including within Torbay hospital, sexual health services and for the LGBTQ community
- Specialist roles within Children's Services
- IRIS pilot established sensitive clinical enquiry enabling identification of domestic abuse and sexual violence in primary care
- White Ribbon re-accreditation
- Standing Tall DASV CVS Partnership developed and delivering support within the community
- Numerous training opportunities, webinars and awareness campaigns delivered
- Meeting statutory requirements of the Domestic Abuse Act 2021
- Part of the NHS England Peninsula Sexual Violence Trauma Pathfinder with Peninsula Authorities, NHS Devon and the Office of the Police and Crime Commissioner

Torbay Council has procured a new Alliance of services that will work together - comprising the domestic abuse service, homeless hostel and adults' drug and alcohol services. These services, which go live in 2023, will work collaboratively with the Council as equal partners to provide trauma informed, integrated and holistic support for people experiencing a range of challenges in their lives. Instead of having to move around between different services and organisations, people can engage with one service that will work with them to address the underlying causes of their issues and support people in the way that best works for them.

"We need services to talk and listen to us rather than talk at us"

Domestic Abuse survivor, Torbay

Our understanding of the issues around domestic violence and the partnerships in which we work have matured considerably since the last Strategy was written. Sadly however, the same cannot be said of sexual violence. Sexual violence remains a taboo subject for general discussion, cloaked in discomfort and shrouded in prejudicial myths that are systemically prevalent. We have found there is an inadequacy of support for victims of sexual violence and assault, particularly if a criminal justice response is not wanted or is not successful. The rates for successful prosecution are low nationally and regionally.

In this Strategy we aim to elevate the issue of sexual violence and our systemic response to it so that it becomes equal to that of domestic violence. That is not to say that we will not continue to address and improve our response to domestic violence; instead that we approach this work in the knowledge that those experiencing sexual violence in Torbay receive limited support, unequal to the support received by those who experience domestic violence and abuse.

“It’s a cultural thing. As soon as you say: ‘I’ve been in a domestic violence relationship.’ ‘What did you do to deserve it? Or what did you do to annoy them’ as if that makes it all okay”

Domestic Abuse survivor, Torbay

To aid understanding and avoid stigmatisation we look to frame our conversations and language around relationships as this is the enduring context of most domestic abuse and sexual violence. We fully acknowledge that DVA & SV is perpetrated against women and girls and is rooted in gender based patriarchal, misogynistic, historic, and cultural norms. However, we want to make our response as inclusive as possible in consideration of the broader nuances of violence and abuse within relationships and in keeping with the Domestic Abuse Act 2021 definition of DVA, as well as gender identity and sexual orientation. As Torbay works to become a more trauma informed Council, we want to consider the impacts of trauma not only on victims and survivors of domestic and sexual violence and abuse, but also on those who are causing these harms; whilst still holding them fully accountable for their actions.

This Strategy is aligned to the **Council Fit for the Future** and **Thriving People** objectives set out in Torbay Council's Community and Corporate Plan, working in partnership to promote community resilience, promote good mental and physical health, and protect our children and young people.

Legal Framework and Definitions

“...I didn't see that I was in an abusive relationship because it wasn't physical”

Domestic abuse survivor, Torbay

Legal Framework

The list below sets out the key legislation, national policies and strategies relating to domestic violence and abuse and sexual violence:

- Domestic Abuse Act 2021
- National Violence Against Women and Girls Strategy 2021
- End to End Rape Review 2021
- Crown Prosecution Service Rape and Serious Sexual Offences Strategy (RASSO) 2020
- The Victims Code (2020)
- Victim's Bill 2022
- Police Crime, Sentencing and Courts Act 2022 - Serious Violence Duty
- Serious Crime Act 2015
- Domestic Violence, Crime and Victims Act (2004)
- The Care Act 2014
- The Children Act 1989
- Police Response to Violence Against Women and Girls Final inspection report -Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (September 2021)
- Violence Against Women and Girls National Statement of Expectations - Home Office (March 2022)
- "A Patchwork of Provision– How to meet the needs of victims and survivors across England and Wales" - Domestic Abuse Commissioner's Office (November 2022)

Regional and Local Strategies

The following regional and local strategies are relevant:

- Torbay Safe Accommodation Strategy 2021 to 2024
- Devon Clinical Commissioning Group Domestic Abuse and Sexual Violence GP Policy
- Devon & Cornwall Police Violence Against Women and Girls Delivery Plan 2022/2023

Definitions

The World Health Organisation defines **sexual violence** as:

"Any sexual act, attempt to obtain a sexual act, unwanted sexual comments, or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting including but not limited to home and work."

The Domestic Abuse Act 2021 defines **domestic violence and abuse** as follows:

Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if:

A and B are each aged 16 or over and are personally connected to each other, and the behaviour is abusive.

Behaviour is “abusive” if it consists of any of the following:

- physical or sexual abuse;
- violent or threatening behaviour;
- controlling or coercive behaviour;
- economic abuse;
- psychological, emotional, or other abuse; and it does not matter whether the behaviour consists of a single incident or a course of conduct.

“Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to:

- acquire, use, or maintain money or other property, or
- obtain goods or services.

For the purposes of this Act: A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).

Abbreviations and terms used in this document

Bystander Training/Approach	For the purposes of this document this refers to active bystander training in the community, whereby a person observes abusive or disrespectful behaviour, knows it is wrong and intervenes safely to prevent the situation escalating or to disrupt the situation.
Coercive Control	An act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse carried out by the abuser that is used to harm, punish, or frighten their victim in the context of people in or who have been in an intimate relationship.
Domestic Abuse Act 2021 (DAA21)	Legislation enacted in 2022 that created a new definition of domestic abuse, defined children as victims in their own right, and created a statutory requirement upon Tier 1 (county/unitary) Local Authorities to develop a Safe Accommodation Strategy overseen by an accountable Local Partnership Board.
Domestic Abuse and Sexual Violence Operational Group (DASVOG)	Multi agency group comprising representatives from Torbay Council community safety and children’s services, housing, domestic abuse services, sexual violence services, Devon and Cornwall Police, MARAC (as below), Health, community, and voluntary sector organisations. This operational group works on activities as directed by the DASVEG.
Domestic Abuse and Sexual Violence Executive Group (DASVEG)	Multi agency group comprising senior managers from Torbay Council community safety and children’s services, housing, domestic abuse services, sexual violence services, Devon and Cornwall Police, MARAC (as below), Health and community and voluntary sector organisations. This strategic group is responsible for the delivery of the statutory duties set out in the Domestic Abuse Act, takes the role of the local domestic abuse partnership board, and drives the activities needed to implement the DASV strategy

DA Champions	People who have undertaken Domestic Abuse Champions Training run by the organisation Reduce the Risk. Champions act as an access point in their workplace to provide guidance on domestic violence and signpost to appropriate services.
DVA/DA	Domestic Violence and Abuse – as defined in the Domestic Abuse Act 2021 above.
Health and Wellbeing Board	A partnership between the Local Authority and NHS overseeing the plans to improve the health and wellbeing needs of the local population.
Independent Domestic Violence Advocate (IDVA)	IDVAs are specially trained to work with the highest risk cases to address the safety of victims and their children within a multi- agency framework, acting as the victim's primary point of contact. Their tasks include risk assessment, safety planning and implementing actions from the MARAC (see below).
Independent Sexual Violence Advocate (ISVA)	ISVAs provide advocacy and support to victims and survivors of recent and non-recent rape, sexual abuse, and sexual assault. The Office of the Police and Crime Commissioner separately commission them.
Lived Experience	Personal knowledge of someone who has direct experience of domestic violence or abuse and/or sexual violence.
Multi –Agency Risk Assessment Conference (MARAC)	The Domestic Violence MARAC is a meeting where a range of agencies discuss the risk of future harm to people experiencing domestic abuse and draw up plans to help manage that risk
NHS Devon	A partnership of health and social care organisations working together with local communities across Devon, Plymouth, and Torbay to improve people's health, wellbeing, and care.
Office of the Police and Crime Commissioner for Devon and Cornwall (OPCC)	The Police and Crime Commissioner is an elected representative who makes sure that local police meet the needs of the community.
Person displaying harmful behaviour/person causing harm	These terms are what we prefer to use to describe those perpetrating DVA or SV – otherwise known as perpetrators
Safe Accommodation Strategy	The Strategy required by the Domestic Abuse Act 2021 which sets out how victim and survivors of domestic abuse will be supported in safe accommodation (such as refuge or safe houses
Safety Planning	A personal safety plan is a way for a person experiencing domestic violence or abuse to protect themselves and their children in the event of future abuse
Sexual Assault Referral Centre (SARC)	Provides specialist medical and forensic services for anyone who has been raped or sexually assaulted in a safe, private, and comfortable environment
Sexual Assault	Sexual assault is any act of physical, psychological, and emotional violation in the form of a sexual act, inflicted on someone without their consent. It can involve forcing or manipulating someone to witness or participate in any sexual acts

Sexual Violence (SV)	Sexual violence is any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting
Torbay Children's Safeguarding Partnership (TSCP)	The TSCP is comprised of the statutory Safeguarding Partners; Police, Clinical Commissioning Group and Local Authority, who work in close collaboration with other identified agencies to safeguard and promote the welfare of all children and young people in Torbay
Torbay Community Safety Partnership	Also known as Safer Communities. Community Safety Partnerships (CSPs) exist by law and their job is to bring agencies and people together to reduce crime and disorder and make areas safer.
Trauma Informed(Approach)	Where the signs and symptoms of trauma in people using services is recognised and understood. The service response takes into consideration the trauma that a person has experienced/ may have experienced in the past and how this may continue to affect them. TIA keeps an awareness of the effects of trauma at the forefront of the approach to providing support and seeks to avoid re-traumatization.
Victim Support (VS)	Charity supporting victims of crime in England Wales. In Devon and Cornwall, VS is the Strategic Delivery Partner of the Police and Crime Commissioner and is responsible for commissioning victim support services across the Peninsula including some domestic abuse and sexual violence services.
White Ribbon Ambassadors	Men (usually) who act as formal representatives of White Ribbon UK, part of a global movement to prevent men's violence against women and girls. They are positive role models taking a stand against all male violence against women and girls and encouraging other men and boys to do so too.
Whole Family Approach	Where the needs of all the individuals in the family are taken into consideration when carrying out support assessments and developing support plans. (In this context in relation to people using domestic abuse and sexual violence services and their children).

Data on Domestic Abuse and Sexual Violence

National Data

Sources: Crime Survey of England and Wales (CSEW) 2020; Office of National Statistics (ONS) 2020

- **74%** of victims of DVA crimes recorded by police In the year ending March 2020 were female
- In the year 2020 to 2021 unwanted sexual touching was **the most common type** of sexual assault experienced by both men and women
- Of sexual offences recorded by the police in the year ending March 2020, the victim was female in **84%** of cases. This is a prevalence rate of approximately 3 in 100 women and 1 in 100 men (ONS 2020)

- In **57%** of all adult rape cases the victim feels unable to pursue the case
- **One-third** of all female SV victims were aged under 15 years old
- More than half (**55%**) of all male victims were aged under 15 years.
- Adults with a disability **are more likely** to have experienced DVA in the last 12 months than non-disabled people (CSEW 2020)
- People from black and minoritised ethnic communities suffer DVA for **1.5 times** longer than those with White British or Irish backgrounds (Safelives 2020)
- LGBT+ victims of domestic abuse are more likely to be abused by multiple perpetrators - **15%** compared to **9%** of non-LGBT+ victims (Safelives 2018)
- Adults are **six times** as likely to experience rape or assault by a partner or ex-partner than a family member (ONS 2020)

“...constantly having to, like, justify everything because your abusers of the same sex, and it's really, really difficult. Because it's like 'oh a woman is capable of doing that?.' It's like 'yes, they're very capable.' A man is capable, a woman is capable, it doesn't matter. If somebody wants to be abusive, they're going to be abusive”-

Domestic Abuse survivor, Torbay

“we're not just talking about t-shirt sizes, it doesn't fit all, genders don't fit all, religion, doesn't fit all, you know, and trauma doesn't feel, it's all different and we all come out of it differently”

Domestic Abuse survivor, Torbay

Torbay Domestic Abuse Headlines

- There were **2,005 police incidents** of domestic abuse in Torbay in 2020/21.
- Domestic abuse accounts for **22% of all crimes** in Torbay.
- **217** Marac referrals in 2020/21
- **72%** of victims reporting to the police over the past 3 years have been female (2018-21)
- **84%** of domestic abuse offenders were male in 2020/21
- **126** Domestic Violence Protection Orders were granted in 2020/21
- Almost a quarter (**24%**) of DVA related crimes are for stalking and harassment.
- **80%** of DVA incidents are assessed as being standard or medium risk.
- **113** Victims of domestic abuse presented as homeless in Torbay in 2020-21
- It is projected that **30%** (667) of referrals to Children's Services in 2020/21 had domestic abuse as a factor. **40%** of these came from the police.
- **164** children became looked after where domestic abuse was a factor over the three years 2018-2021
- Almost half (**47%**) progressed to a Child Protection Plan

- It is estimated that only **33%** of people experiencing DVA in Torbay are known to services

Torbay Sexual Violence Data Headlines

The data below is sourced from:

- First Light Independent Sexual Violence Advocate (ISVA) service data 2021/22
 - Devon and Cornwall Police data provided to Torbay Council Community Safety Team
 - Devon Rape Crisis service data
 - Torbay Council online Are You OK survey 2021
- The police received **166** reports of rape in the year ending March 2022
 - There were **264** sexual offences reported to the police in 2021/22
 - 41.2%** of all ISVA referrals in 2021/22 were from Devon (including Torbay)
 - In **81%** of cases, the person causing the harm was known to the victim
 - In **43.5%** of cases the person causing harm was a family member, relative, or partner/ex-partner
 - In 2021/22 **31%** of referrals to Devon Rape Crisis were self-referrals, **36%** were from mental health providers
 - More than half** of females responding to the Are You OK survey who had experienced sexual abuse/violence, said they had been raped
 - More than half** of both males and females survey respondents who had experienced sexual abuse/violence reported they had experienced inappropriate touching.
 - 97%** of those whose drinks had been spiked or thought they probably had been spiked were female
 - 41%** of survey respondents did not recognise it as sexual abuse or violence at the time and **13%** were not sure.

Estimated of Proportion of Adults in Torbay who have experienced recent rape and/or sexual assault in the last 12 months, since the age of 16, or in childhood (based on self-reporting module of the CSEW¹ and MYE Population 2019):

	Males	Females
Since the age of 16	2,085	11,164
Last 12 months	406	1,542
In Childhood	1,655	5,613

¹ Local Authority Population Estimates MYE 2019 - <https://tinyurl.com/ybzvaomb>

“I thought it was you know, husband and wife or living partners. I didn't really think that domestic abuse applied to boyfriend and girlfriend”

Domestic abuse survivor, Torbay

Developing our strategy

“So it was controlling, it's like walking on eggshells. You just, you know, something flared up, you kind of try and diffuse a situation as quickly as you can”

Domestic abuse survivor

“This needs some sophisticated, cutting edge thinking and not the usual. While "dealing with" episodes of sexual violence is essential, it will not change anything. Finding the way to change is at least an equal priority.”

Respondent to public consultation on draft Domestic Abuse and Sexual Violence Strategy

In 2021 the Torbay Community Safety Partnership commissioned a strategic review of the system response to domestic violence in Torbay. The result was 241 pages of analysis of the strengths, weaknesses, and identifiable areas for change across the system's responses. It produced 44 recommendations of how and where improvements could be made, with further recommendations from accompanying reports. This work also incorporated:

- a review of Torbay's Multi-agency Risk Assessment Conference (MARAC),
- the Safe Accommodation Needs Assessment as required by the Domestic Abuse Act 2021 (DAA21)
- a lived experience listening exercise
- analysis of the responses to the Council's online Are You OK? Survey conducted in late 2021.

The draft Strategy was published for public consultation during October and November 2022. Responses and suggestions have been incorporated into this final version.

The findings and recommendations from all of these activities have been collated to inform the direction and focus of this new Strategy and will be directly referenced in its Delivery Plan.

The Safe Accommodation Strategy 2021 (required by the DAA21) sits beneath this Strategy.

Torbay Council also participated in the Call to Action sexual violence project with Devon County Council, Plymouth City Council, the Office of the Police and Crime Commissioner, the Devon Clinical Commissioning Group, and the Innovation Unit. This included a mapping exercise of the support available to victims of sexual violence across wider Devon, and a listening exercise with

people who have experienced sexual violence and abuse and practitioners working with them. The aim was to develop an understanding of what support victims and survivors want and need to help them recover and make sense of what has happened to them. The findings from this project have provided the strategic direction for sexual violence. In addition data about sexual violence services and demand has been gathered to inform a local position statement on sexual violence in Torbay.

There are some areas of DVA & SV activity which, out of necessity and pragmatism fit more appropriately with, for example, the children's safeguarding arena. This Strategy aims to consider DVA & SV in the context of a whole system response across the life course. There is a risk that the exclusion of some areas of work could lead to fragmentation and poor oversight of the overall strategic response. This risk will be addressed through the oversight and governance structures in place, ensuring connectivity and line of sight between the main DVA & SV strategy and related strategies or workstreams. Changes to the strategic direction or areas of focus resulting from legislative or policy changes will be incorporated into reviews of the strategy.

Scope of the Strategy

The scope of this Strategy includes adult victims of domestic abuse and violence (i.e. those aged 16+) and adult victims of sexual violence (including historic child sexual abuse).

The DAA21 statutorily defines children and young people as victims in own right. For the purposes of this Strategy the scope includes children and young people who are victims of domestic violence and abuse and who are occupying safe accommodation with their parent/carer as part of the DAA21 duties, as well as the wider needs of children and families experiencing DVA. We know that we need to better understand the profile of children and families who experience domestic violence and abuse in order to improve and mature the system response.

..it takes a while to get into and realise 'oh I can have a phone. I can wear t-shirt in the sun. I can put makeup on'

Domestic Abuse survivor, Torbay

Out of scope

There are number of areas that are out of the scope of this Strategy because they require a specialist response and/or because the safeguarding of children is involved. By separating out these different issues, the protection of children is ensured and the complex and specialist nature of subjects like child sexual abuse and exploitation can be addressed in detail. Overlaps and alignment of activities will be identified during the development of the Strategy Delivery Plan.

Issues which sit alongside but which are out of the scope of this Strategy are:

- Child Sexual Abuse – this is within the remit of Torbay Safeguarding Children’s Partnership (TSCP)³
- Child Sexual Exploitation – this is included in the TSCP Exploitation Strategy⁴
- Child against Parent Violence and Abuse (CAPVA) – this is within the remit of Children’s Services; except for those aged 16 and over which can be raised at MARAC where risk level indicates it is appropriate to do so
- Peer on Peer abuse – this is in the remit of Children’s Services except where both parties are aged 16 and over and there is evidence of coercive control. These will be raised at MARAC where risk level indicates.
- Human Trafficking – this is within the remit of the Devon and Torbay Anti-Slavery Partnership⁵
- Prostitution – this within the remit of the Devon and Torbay Anti-Slavery Partnership⁶

What people have told us

“... people need to be carried. Because you don't have the, just don't have the will to walk anymore. And for some of them, absolute horror, some of them don't have to will to live anymore”

Domestic Abuse survivor, Torbay

“We need the voices of children, young people, communities and people with lived experience to inform us about what activity we should take”

Call to Action project participant

People don’t always know that what they have experienced is domestic violence or sexual assault. This might be because they are not living together (so it’s not “domestic”), it’s not physical violence but coercion and control, or a rape took place within marriage. Some said that they did not feel what had happened was sufficiently serious to report to the police, many felt that they would not be believed.

Many described negative experiences of the system when they did report domestic violence or abuse to the Police, and Children’s Services becoming involved having been alerted by the Police.

³ <http://torbaysafeguarding.org.uk/cyp/cse/>

⁴ <http://torbaysafeguarding.org.uk/cyp/cse/>

⁵ <https://www.aspartnership.org.uk/devon-and-cornwall>

⁶ <http://www.torbaysafeguarding.org.uk/media/1483/tscp-business-plan-2021-2024.pdf>

Women spoke of feeling that they were being held accountable for the behaviour of the person causing the harm, because they had to take all the responsibility for protecting their children. Meanwhile the person who had harmed them was ignored or “invisible.” Many felt that professionals did not understand how domestic abuse affected their ability to take action, nor of how the Family Court system re-traumatises the victim survivor and their children and allows the person who caused the harm to continue to exercise control over them.

“... I'd call the police. They said, 'don't open the door,' but that's okay when they tell you not to open the door, but what they do is, they report it to social services. And social services then say that you're not protecting your kids. But you tell me how that works, if you phone the police and the police come and you've obviously phoned the police to get them removed and they removed them, how's that not you protecting your kids?”

Domestic Abuse Survivor, Torbay

“when you leave the abusive relationship that escalates the domestic violence more. But what people don't understand is it escalates even more four years, five years down the line. They get really, really bitter. And that's when they fight and they'll fight until they're blue in the face”

Domestic Abuse Survivor, Torbay

Those people who left their abusive relationships spoke of the difficulties finding somewhere to live and of navigating the rehousing process with the Council.

“the one thing that seems so hard at first was actually housing. It was literally one thing is you have nowhere to go. And first, obviously when I walked down that road, the first day, the hardest bit was walking and realising my children were still there. And so it was 'where am I gonna go?’”

Domestic Abuse survivor, Torbay

People feel guilt and shame about what has happened to them. This is reinforced by the prevailing myths and negative stereotyping surrounding rape and sexual assault, which hold the victim responsible for their attack because they were out late/drinking/of what they were wearing and so on. This is compounded by negative national media about the police – including sexual offences carried out by serving officers – the low conviction rate, the time it takes to progress to court (if the case does go to court), and the re-traumatisation of the court proceedings for what is often an unsuccessful outcome.

We heard that sexual violence is complex, often taking place in an intra-familial context, with patterns of behaviour repeating into the next generation. Victims and survivors of sexual violence suffer trauma long into adulthood – the stories we heard, information from Devon Rape Crisis, and the feedback in the Are You Ok survey show that many victims of Child Sexual Abuse (CSA) don't disclose their experiences until many years after the event/s occurred. People are holding years of unresolved trauma that can present in a number of ways – through poor mental health, physical illness, or self-medication in the form of substance misuse for example. When a number of these factors co-exist, we see people who might be rough sleeping, some being coerced into prostitution by drug dealers in order to feed their habit; adding to their sense of shame and poor self-worth.

“some people are so traumatised, that it's hard for them to reach out for help. It doesn't mean that they don't want help, it just means that person is a bit more fragile..... Spend time and I'll open up with you and you'll see that I'm not that person and I need more help than what I ever let onto”

Domestic Abuse survivor, Torbay

Practitioners working in a range of support services – not specialist rape and sexual assault services and including the community and voluntary sector – spoke of the challenges in trying to help victims who disclose sexual violence during support. The fragmented funding and commissioning arrangements for sexual violence services mean that there is a “postcode lottery” of support with very limited support in Torbay itself, making it difficult for both victim survivors and practitioners to navigate. The services that exist tend to be in Exeter or Plymouth and have long waiting lists. This sometimes leaves practitioners who are not trained in working with victims of sexual violence and trauma, “holding” the person because there is no specialist support immediately available to them. This is risky for both the practitioner and the individual.

Examples have been provided that demonstrate the “silo” nature of working in the system, with sexual violence victims being referred to mental health services because of their trauma, only to be referred on to a sexual violence service – there is limited recognition of the long term impacts of trauma. As the Chief Executive of Devon Rape Crisis told us:

“people are being referred to [Devon Rape Crisis] if they have any history of sexual violence or abuse, regardless of whether this is causing the most difficulty for them or not.”

When support is obtained, it is often constrained by time or a restricted number of support sessions is available. Victims of sexual violence may not want a criminal justice response and just want to be listened to by someone who understands their experience. Some may want to follow the criminal justice process a period of time after the incident/s, others want to be able to access support at different points of the process but don't have the choice.

“I think I would have found it easier if I was talking to somebody else who had been through it, rather than somebody who hadn't.”

Domestic Abuse survivor, Torbay

There is limited availability of targeted support for victims and survivors of sexual violence in Torbay. Much of what is available is not directly funded or commissioned by statutory agencies and is instead reliant on non- recurrent short term grant arrangements, or in some cases “topped up” with grant funding. This means that the support provision is insecure and therefore unstable.

Finally, loud concerns were voiced around the role of pornography on social media and how this is impacting on the attitudes and behaviours of children and young people. The suggested solutions to this were several and wide ranging – and cannot be solved through the Relationships and Sex Education curriculum in isolation.

“Schools work is vital - with teachers, pastoral care and students”

Respondent to public consultation on draft Strategy

We did also hear stories that were positive and complimentary about the support people had received, including praise for individual workers, organisations, and agencies. Those that shared their stories with us wanted to make sure that their experiences were used to make things better for others.

Summary of our Findings

While some of the quotes below are from survivors of domestic abuse, the underpinning narrative of lack of belief, victim stereotyping and re-traumatisation are equally as applicable to people who have experienced sexual violence:

“...they just need to believe the person that's sat in front of them. That's all anybody needed to do for me, and nobody did it. Nobody believed me”

Domestic Abuse survivor, Torbay

“You hear this criticism all the time about ‘Oh, why did she go back to him?’ It's very obvious why women go back, because they're convinced that it's their fault, that they deserve to be mistreated and it's so bloody difficult to get away. It's so hard”

Domestic Abuse survivor, Torbay

"I was a person that was middle age by that stage. I did have a disability and I was challenged because people often discriminated against me because of my race."

Domestic Abuse survivor, Torbay

"Feels like the system is organised to support perpetrators not victims."

Call to Action project participant

"The onus is on you to get out and escape, it kind of enables the abuser, doesn't it?"

Domestic Abuse Survivor, Torbay

"The whole court scenario is just horrendous. Family court is just the worst experience anyone could ever go through ever. So you go through all this horrible abuse, you try to come the other side and then you have to face family courts, where they tear you and your children apart in front of you..."

Domestic Abuse survivor, Torbay

Many consistent messages have been heard from the feedback that people have given us. These can be summarised as follows:

- Victims don't report because they think they won't be believed
- Victims are not always sure that what they have experienced is DVA/SV
- Victims are fearful of repercussions if they report, especially they fear statutory interventions (e.g. having their children removed) because the police inform Children's Services when they receive a report
- Victims who do report have negative experiences
- The impact on children and young people as victims is not being addressed
- The system focuses on the victim rather than placing accountability on the person who harmed them
- Victims find it difficult to find a safe place to live if they choose to leave
- System responses are not trauma informed - instead they re-traumatise
- Risk management by the MARAC could be more effective
- Culture of victim blaming and myths evident within parts of the system

- Limited or no understanding of the needs of victims from minoritised communities, or those with multiple and intersectional needs
- Lack of consistent and coordinated data recording – the strategic response is not always evidence based
- Response to sexual violence is limited and immature despite having a high public profile
- Voice of victims is unheard in strategic response
- People feel shame, guilt, blame and anger
- Victims and survivors of sexual violence feel let down by those supposed to help them and that their experiences are minimalised or not believed
- People want choice around when and how they access support.

What needs to change

“...I wasn't listened to, I was belittled. Can you imagine being stood in a dock with no, you've got no legal representation. Yet you've been told by judges and told by social services that the domestic violence isn't an issue now, because you're not in it. Now, my child is now suffering. He has a tracker on his phone when he's with me. So I'm being trapped when my son's with me. There's nothing I can do. I can't afford to go to court and if I could go back in time, I'd stay with him, I wouldn't have left him. I wouldn't. Because there's no ongoing support”

Domestic Abuse Survivor, Torbay

“Our society doesn't want to talk about sex so to talk about sexual abuse and intrafamilial harm is an underlying issue to address - we all need to feel confident to do this.”

Call to Action project

Based on all of the information collected, the following areas for change have been identified:

- We must listen to the voices of those with Lived Experience if we want to design services and responses that will effectively address DASV
- Understanding and addressing Sexual Violence must be brought to the forefront as it is the poor relation to DVA
- We need more focus on the impacts on children and young people as victims
- We must manage risk more effectively BUT
- We must stop holding the victim responsible for the behaviour of the person harming/who has harmed them

- We must believe victims and validate them to build trust and safety
- The system must stop re-traumatising victims
- We must address the fear of reporting - otherwise we will not address the causal link between high levels of DVA and the fear of statutory interventions
- We must better understand the needs of minoritised groups and those with intersectional needs so we can respond to them
- We need to understand the different drivers and typologies of DA & SV
- Professionals and practitioners must understand the dynamics of power and control - and the power they hold as actors within the system
- We must accept discomfort in order to challenge cultural norms and attitudes in the system
- We must accept that not all victims and survivors want a criminal justice response
- We must collect consistent, meaningful data and use it to inform and develop the system response.

Our Strategy

".. So, if you had somewhere where, you know, people that have been victims in the past could help people that were victims now, then that would be amazing because I don't think anybody else would believe it."

Domestic Abuse survivor, Torbay

"Dig deeper into the cultural imbalance of services and how to equalise it."

Respondent to public consultation on draft Strategy

We have built a strong base of evidence of the need to strengthen the strategic response to domestic and sexual violence and abuse in Torbay that will inform our work over the life course of this Strategy.

We want to:

Work in partnership with individuals, communities, and organisations to break the chain of domestic abuse and sexual violence in Torbay, to enable our residents to live safely and to thrive.

To achieve this:

- Support for victims and survivors and their families must be **trauma-informed**
- We must **prevent harm** in the first place whilst **disrupting harmful behaviour**

- We must hold those who harm accountable for their actions
- We must ensure that know they are believed
- We address victims and survivors fears about system generated reprisals
- We recognise that sexual violence is the poor relation to domestic abuse in terms of the strategic response and take bold steps to address the imbalance
- We must ensure we support children and young people as victims in their own right

Our Principles

We will work to the following principles and will proactively encourage and challenge others to do so:

1. Connect different parts of the system together to create a coordinated community response to domestic abuse and sexual violence
2. Hear and learn from people with lived experience
3. Be trauma informed and shame sensitive
4. Make the best use of existing resources and assets
5. Elevate, develop, and improve our responses to sexual violence.

When working with families, including those who are causing harm, a whole family approach will be taken to address the needs of each individual in the household.

What We Want to Achieve

From what people have told us, and the areas that have been highlighted for change, we have identified the outcomes that we want to achieve over the short, medium, and long term:

Short term outcomes

- People understand that domestic abuse is not just physical and can occur in any intimate relationships
- People understand consent, and that rape and sexual assault can occur in intimate relationships.
- Victims and survivors know that they will be believed
- Victims and survivors know how and where to get advice on their options in a range of ways, that responds to what they say they need at the time
- The response to domestic and sexual violence and abuse is designed with victims and survivors, and informed by their lived experiences and needs

Medium term outcomes

- Victims and survivors receive peer support and advice before, during and after their experiences to help them recover
- People who harm others by using domestic and/or sexual violence and abuse are identified and disrupted
- Professionals understand the impacts of DVA/SVA and trauma on victims and survivors and/or their families and the coping mechanisms they use to keep themselves and their children safe
- Professionals and statutory agencies understand the range of ways that people who harm use and continue to use coercive control and harassment to continue to abuse long after relationship has ended
- Professionals understand that coping mechanisms may be maladaptive and that someone choosing to remain in an abusive relationship does not mean they are complicit in the abuse

Long term outcomes

- A greater range of local support is available for victims and survivors of sexual violence
- A coordinated system response is in place that breaks the cycle of abuse
- Support and interventions are provided via a mixed market of statutory and voluntary sector organisations
- Services and interventions are informed by a developing evidence base supported by robust data and monitoring of trends; including understanding why people who harm do and the typologies of harmful behaviour.
- The strategic system response to sexual violence is prioritised and continually evaluated to achieve parity with the DVA response

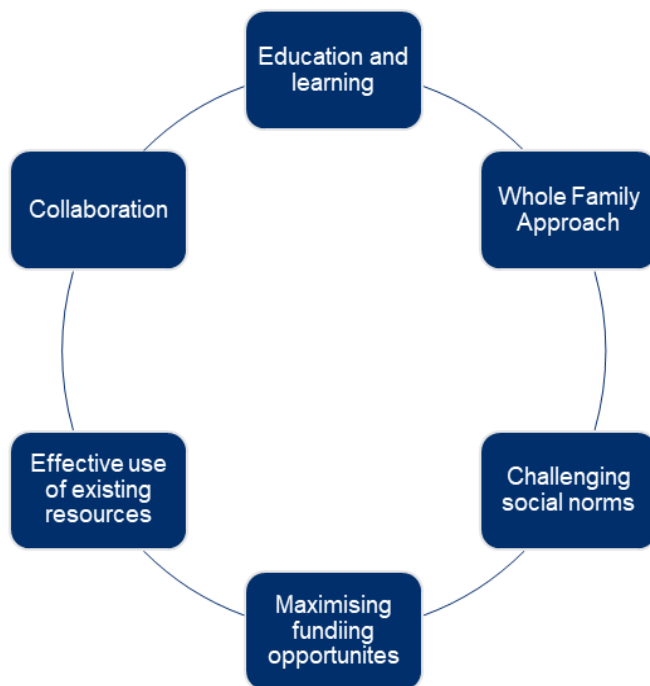
Delivering the outcomes

“Be compassionate and hold people safely when they disclose”

Call to Action Project participant

Our outcomes are ambitious and challenging, particularly in view of the resource and capacity pressures that exist in our systems in the aftermath of the Covid-19 pandemic. However the impact of Covid-19 and other external factors that are influencing our economy will also be affecting people living with, and those who carry out, domestic abuse and sexual violence.

Investment in services alone will not address the fundamental issues that lie behind sexual violence and domestic abuse. Changing the way people think will, however this change in culture and beliefs will be slow and difficult. Central to our approach will be the following:



These fundamentals will flow through the five key activities that we will undertake to meet the outcomes we want to achieve:

1. Embed lived experience and co-production
2. Prevent victimisation and harmful behaviours
3. Identify victimisation and harmful behaviours
4. Disrupt harmful behaviour
5. Develop data and understanding

These key activities will form the basis of a Strategy Delivery Plan, which will be co-produced with multi-agency partners, services, and people with lived experience. Beneath each activity there will be a range of actions and workstreams designed to deliver the outcomes over the life course of the Strategy.

Activity 1- Embed lived experience and co-production



We will:

- Develop mechanisms to hear and learn from people with experience of DA&SV, including children and young people
- Ensure contributions are recognised, valued, and appropriately reimbursed
- Utilise and build upon existing community assets

Activity 2 - Prevent victimisation and harmful behaviours

We will:



- Grow the Healthy Relationships Education offer in schools
- Implement the findings from the Harmful Sexual Behaviour Project
- Frame awareness raising and communications in the context of relationships
- Develop and deliver the Bystander training offer across Torbay
- Increase the pool of DA Champions and White Ribbon Ambassadors
- Implement relational approaches across the system
- Challenge cultural norms and attitudes in respect of victims of sexual violence and domestic abuse

Activity 3 – Identify victimisation and harmful behaviours

We will:



- Exercise belief and let victims know they will be and are believed
- Identify early people who harm others and work with them to address their behaviour
- Develop a skilled workforce that are confident in handling disclosures of DVA &/or SV and know what to do next (competency framework)
- Ensure that people working with victims and survivors of DVA & SV have an understanding of trauma (including the judiciary)
- Ensure that children and young people are recognised as victims and receive specialist support
- Ensure that services are inclusive and understand how DVA &SV may present differently amongst minority communities
- Establish simple pathways that easily connect services
- Ensure compliance with statutory requirements

Activity 4 - Disrupt harmful behaviour

We will:



- Implement the MARAC review recommendations
- Establish pathways to support for those who harm others
- Ensure effective safety planning with focus on the person causing the harm
- Ensure a co-ordinated approach to disrupt the person causing harm whilst supporting the victim survivor and any children as part of a Whole Family Approach

- Focus on the person who harms, not the victim
- Develop peer support and recovery options in the community for victims and survivors including children and young people

Activity 5 - Develop data and understanding



We will:

- Develop wider understanding of the different types of behaviour and motivations of those who harm to improve our system response to them and better protect victims and survivors
- Establish consistent data collection and monitoring including for protected characteristics and people with intersectional needs
- Establish a baseline dataset and evaluation to check how we are doing
- Consider a systems/case management system to improve reporting
- Develop a quality assurance approach to ensure the system response meets the needs and aspirations of all victims and survivors

Monitoring and Oversight

The Domestic Abuse and Sexual Violence Executive Group (DASVEG) will be responsible for strategic oversight of this Strategy and delivery of the action plans. This group also acts as the statutory Domestic Abuse Local Partnership Board for the purposes of the Domestic Abuse 2021 Part 4 and the delivery of the associated Safe Accommodation Strategy.

The Domestic Abuse and Sexual Violence Operational Group (DASVOG) will be responsible for undertaking the work required in the Delivery Plan. This includes connecting with other agencies and practitioners and involving them in specific workstreams.

DASVEG reports into Torbay Community Safety Partnership, Torbay Children's Safeguarding Partnership, and the Health and Wellbeing Board.

Review

The Delivery Plan will be kept under review to ensure that we are achieving our outcomes. As part of that review, consideration will be given to whether this Strategy remains fit for purpose. This will include consideration of the impact of any significant change in legislation or policy.

This document can be made available in other languages and formats.
For more information, please contact saferrcommunities@torbay.gov.uk

Domestic Abuse and Sexual Violence Strategy – Report of the Overview and Scrutiny Board

Report to Cabinet to be considered as part of the public consultation.

Background

1. The Overview and Scrutiny Board met on 9 November 2022 to consider the consultation draft Domestic Abuse and Sexual Violence Strategy. The Domestic Abuse and Sexual Violence Commissioning and Strategy Lead, Shirley Beauchamp, outlined the submitted Strategy (Policy Framework document) and responded to questions on the following:
 - the need for a cultural change and education from an early age as well as adults so that people can recognise what was good and not good in a relationship;
 - what work was being done to listen to the voice of the perpetrator to understand why they have behaved in a certain way, it may have been that they were victims of abuse themselves or have other problems and may need to be supported themselves;
 - how close the Domestic Abuse Team worked with the Drugs and Alcohol Team to see if they can recognise victims when working with their clients;
 - the need to ensure support for people who have suffered from historic sexual abuse;
 - the importance of a supportive approach so that victims know that people will believe them and support them;
 - the use of acronyms within the Strategy and the importance of a glossary of terms to help people to understand them; and
 - how do we challenge our partners, social landlords and others so that they can learn to spot signs and refer or report the issue to the appropriate agency.

The Board acknowledged that training was provided to Council staff and Councillors on safeguarding, by stander and domestic abuse but felt that more could be done to challenge our partners and our communities to encourage everyone to report any areas of concern.

2. The Board reflected and debated the information provided to them, both in writing and orally and formed the following recommendation to the Cabinet. On being put to the vote, the motion was declared carried unanimously.

3. That the Cabinet be recommended that the Overview and Scrutiny Board supports the draft Domestic Abuse and Sexual Violence Strategy, subject to the inclusion of a glossary of terms.

Meeting: Cabinet **Date:** 23 February 2023

Wards affected: Brixham

Report Title: Brixham Changing Places

When does the decision need to be implemented? 14th March 2023

Cabinet Member Contact Details: Councillor Jackie Stockman, Cabinet Member for Adult Services and Public Health, Jackie.stockman@torbay.gov.uk and Councillor Mike Morey, Cabinet Member for Infrastructure, Environment and Culture, mike.morey@torbay.gov.uk

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

1. Purpose of Report

- 1.1 The proposal is to install a Changing Places disabled toilet in the Brixham town centre carpark in place of the current derelict ticket office as part of the government funded Changing Places campaign.
- 1.2 The intended outcome of the project is to ensure that the residents of Brixham or those that wish to visit Brixham who have a profound disability have the toilet facilities necessary to support them and enables Brixham to be an inclusive environment for all. Currently Brixham does not have this type of facility and is not inclusive for those that require them.

2. Reason for Proposal and its benefits

- 2.1 The Equality Act 2010 includes a Public Sector Equality Duty (PSED), which requires public bodies to place equality at the heart of everything they do and extends the benefits across all protected characteristics. Under the general duty, all public authorities in the UK are required to actively promote disability and to take anticipatory measures to meet the reasonable needs of disabled people. This project will demonstrate that Torbay are committed to delivering this for the people of Brixham as we have done for those in Paignton.
- 2.2 The proposals in this report help will also help us to deliver the following Torbay Council aspirations and themes:

- 2.3 We want Torbay and its residents to thrive which includes the people of Brixham with profound disabilities who deserve to be able to access the town centre and their community without being hindered by the lack of appropriate toilet facilities.
- 2.4 There are over 250,000 potential Changing Places users in the UK. The campaign is supported by MDUK and once a unit is in place, they will identify Brixham as having these facilities, which will promote and allow further tourism to the Brixham area for those who depend on access to these facilities. This will support and aid in the delivery of the Councils aspiration to make Torbay to be the premier resort in the UK.
- 2.5 The addition of this facility will also make Brixham town centre and surrounding area more accessible and inclusive to residents and tourism which will support the local businesses and economy to thrive.

3. Recommendation(s) / Proposed Decision

- 3.1 That, subject to the Change request and associated funding from the Department for Housing and Levelling Up being agreed, the project for the delivery of the 1 Changing Places unit in Brixham town centre car park be approved; and
- 3.2 That the ongoing revenue maintenance and cleaning costs be added to the current council contract with Healthmatic.

Appendices

Appendix 1: Plan for Brixham Car Park Changing Places Installation

Appendix 2: Changing Places Fund Implementation Guidance updated V1

Background Documents

None pertinent to this report.

1. Introduction

- 1.1 A Changing Places toilet provides sanitary accommodation for people with multiple and complex disabilities who have one or two assistants with them. Without a suitable changing bench, many disabled people have to be laid on the floor to be changed. This is undignified, unhygienic and puts assistants at risk of injury. Changing Places toilets are designed for people who cannot use a standard accessible toilet and include enhanced adaptations and equipment to assist the user and their carers.
- 1.2 Within Torbay there is currently one Changing Places toilet which is located behind the Vue cinema on Paignton seafront. This was delivered and is currently maintained by Healthmatic, a leading delivery partner for these facilities associated with the Muscular Dystrophy UK (MDUK) and the government funded Changing Places campaign.
- 1.3 In March 2022 Torbay Council were successful in bidding for £180k of grant funding to support the installation of 2 Changing places units, one in Torquay around the Fleet Walk area and one in the Brixham town centre carpark.
- 1.4 Originally, of two proposed sites for Torbay we identified that the potential Torquay locations in Fleet walk or Palk Street were unviable due to the significant capital investment it would take to acquire a site suitable for a Changing Places unit, as site acquisition was not within the remit of the grant funding conditions.
- 1.5 We have therefore had to remove Torquay as a potential Changing Places site until we can identify and acquire an adequate space. A change request has been submitted to the government Delta site to reflect that we will not be proceeding with a Torquay location and will look to be proceeding with only the 1 changing places unit identified for the Brixham area.

2. Options under consideration

Proposed Location:

- 2.1 With the help of Healthmatic, we have assessed a location in Brixham town centre carpark as a potential site to install a changing places unit and have conducted feasibility studies on multiple locations within that carpark.
- 2.2 One option that was assessed was next to a current toilet block as it has the nearby utility and sewer connections which will be needed for any solution. However, this would have required us to expand the pavements to allow enough access around the unit, which would subsequently impact the flow of traffic in the carpark and reduce the loading space which was utilised by the adjacent Tesco store. Due to these considerations and the proximity to the main flow of traffic to potential users, it was decided to not proceed in this space.
- 2.3 Alternatively, we identified a derelict ticket office which was used for the previous multi storey car park which, when demolished, would provide a suitable space envelope, the required utility / sewerage connections, and is in close proximity to the current disabled parking spaces. With recommendations from Healthmatic and other key stakeholders, It has been decided by the project board to pursue this option.
- 2.4 The current issues which are being addressed with this particular space are the adjacent carpark ticket machines which would have to be relocated, and a CCTV hub which is currently located within the building we would have to demolish. We have engaged with CCTV and Parking services for the area and we would need to temporarily relocate the CCTV hub and ticket machine to allow demolition and installation of the new changing places unit.
- 2.5 We have considered that the area we are seeking to place the unit within the carpark could potentially be developed on in the future, however this is mitigated by the modular design of the unit, so if the need arose, we would have the option to relocate this unit to another appropriate location. We are also keeping this possibility in mind when looking at relocating the CCTV infrastructure within the current building, and are considering options on moving this equipment out of the carpark entirely to prevent the potential need for relocation in the future.
- 2.6 The benefit of utilising this site is that it replaces a so far unused and unattractive structure within the carpark, but also enables us to improve the access and paving areas around the unit and the adjacent disabled spaces which would have a positive impact to everyone using the disabled spaces, not just the changing places users. The access works fall within the grant conditions for ensuring adequate access to the unit, so these works are enabled as part of the Changing places grant funding.

3. Financial Opportunities and Implications

Capital Costs:

- 3.1 As previously stated we currently have £180k of government grant funding allocated to deliver 2 Changing places units, however a change request has been submitted to reduce this funding to £130K to enable the delivery of the 1 unit in Brixham. A breakdown of this funding is outlined below:
- Initially we will need to conduct more intrusive feasibility studies and surveys on the site prior to committing to this space which we will ask Healthmatic to carry out and will need advance funding of £5K (estimated) to progress the project further to enable the right approvals to proceed.
 - There is an estimated cost associated with the CCTV and ticket machine relocations in the region of £15,000 (£10K to move the CCTV and £5K for the ticket machines). These costs are still estimates which we are in the process of firming up with the CCTV supplier and parking services.
 - Healthmatic have produced indicative costs for their element of the delivery which equates to just under £90k which includes demolition, enabling works, modular unit construction (including fittings) and installation.
 - There is also an element of access works which would have to be conducted to ensure the level access to and around the unit is suitable for wheelchair users which has been provisionally estimated at around £20K until we can firm up the exact requirements for this.
- 3.2 The forecast spend profile is estimated to be:
- Q4 (22/23)
 - £5K - Feasibility studies and intrusive surveys
 - Q1&Q2 (23/34)
 - £15k - Relocation of adjacent equipment (CCTV / Ticket machines)
 - £90k - Ordering the unit and Healthmatic delivery (including demolition and installation)
 - Q3 (23/34)
 - £20k - Access works and finishes
- 3.3 The total costs as we expect it is estimated to be £130,000. These costs will be further defined within Q4 of 22/23 however engagement with the Department of Levelling Up Housing and Communities (DLUHC) has provided us with the assurances that as long as we can evidence reasonable costs, our section 151 officer will sign off on them and it sits

within the grant conditions, changes or increases to the funding to enable the delivery the scheme are likely to be approved.

Ongoing / Revenue costs:

- 3.4 Currently the ongoing maintenance and cleaning of the Changing Places toilet in Paignton is funded within our wider Torbay toilet repair and maintenance contract with Healthmatic. It is expected that the recurrent cost for this unit would be added to that contract value.
- 3.5 There is potential to mitigate this cost by exploring some efficiencies within the current Healthmatic contract which Swisco currently manage on behalf of Torbay Council.
- 3.6 This addition and/or any amendments to the contract would need to be agreed with Healthmatic and captured via a contract variation to the current Healthmatic contract (No: 6921).

4. Legal Implications

No known legal implications

5. Engagement and Consultation

- 5.1 The Director of Adult and Community Services will brief any additional councillors or members as required. Councillors Jackie Stockman and Mike Morey are fully engaged with the project and have conducted soft engagement with Brixham council around the project and the Director of Adult and Community Services has also formally reached out to Brixham Town Council to introduce and promote the project directly with them.
- 5.2 The governance for this project is maintained via a monthly project board which includes the following stakeholders to ensures areas of engagement are maintained throughout the project:
 - Director of Adult and Community Services
 - Director of Planning, Housing and Climate Emergency
 - 2 x Councillors for the Brixham area (Jackie Stockman & Mike Morey)
 - Head of ASC commissioning
 - ASC Project manager
 - Mencap representative
 - Carer representative from Hollacombe
 - TDA (Liam Montgomery & Paul Palmer)
- 5.3 We have also actively engaged with the following stakeholders:

- Director from Healthmatic who has been leading the initial project proposals from Healthmatic and was involved in the previous unit in Paignton. We remain actively engaged with Healthmatic and will be assigned project resource once a contract is agreed and signed.
- We have engaged with DLUHC to ensure we are compliant with the grant conditions and provide project updates and reports on a quarterly basis via the government Delta system. This is also the contact to request drawdowns of the approved grant funding.
- MDUK have been involved with input into the design and layout of the unit and once the unit is installed, we will register this with MDUK so they can promote it on their site. MDUK will also want to be actively engaged in any communications and promotion of the site and will support in any opening event.
- Parking services have been consulted around the impacts that this unit will have to the normal car park operation and the relocation of the adjacent ticket machines. It was agreed that the design proposals would have minimum impact to the normal operation during the off peak months and the ticket machines could be removed relatively easily.
- The CCTV department have also been consulted regarding the CCTV hub of equipment within the current building and have enabled us to open up discussions with the equipment provider Openview. We will continue to work with both of these stakeholders to find an adequate solution which ensures operability of the CCTV feeds throughout Brixham.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Healthmatic are a leading delivery partner for the Changing Places Campaign who work closely with MDUK on delivering these units across the country and were responsible for delivering the current facility in Paignton as well as holding the current cleaning and maintenance contract for all of Torbay's toilets. On this basis the intention is to procure the main unit (including the integral equipment), the site preparation and installation from Healthmatic who have quoted £95k capital costs and £9.3k annual recurring costs.
- 6.2 We will require OpenView, the providers of the CCTV equipment to relocate the CCTV hub to a temporary or alternative permanent location, and it is estimated that these works could cost £10k.
- 6.3 There will be some works to ensure level access to the unit which we have estimated to cost in the region of £20k. We have not yet identified a contractor for this work but are seeking assistance from TDA and Torbay Council procurement to acquire.

7. Tackling Climate Change

7.1 No direct impact to climate change.

8. Associated Risks

8.1 There is a risk that this unit will have to be relocated in the future should we wish to develop the carpark. This is mitigated by the unit being a modular construction, so we would have the option to move the unit to an alternative location. We have also taken this into consideration around the relocation of the CCTV equipment and are assessing options around moving this out the carpark entirely dependant on costs and agreement from the relevant stakeholders.

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 No known negative council impacts

11. Cumulative Community Impacts

11.1 No know negative community impacts

Plan for Brixham Car Park Changing Places Installation

The Changing Places toilet can be located on the site of what we believe to be the old attendants office.

This building has considerable street furniture adjacent to it, namely:

- 2 * Parking Machines
- 1 * CCTV column
- 1* Electrical Cabinet
- 2* Lighting Column (one small to light the parking metre)
- 4 * Planters

Inside the building, there is also the CCTV equipment.

In terms of utilities, there is water and electric running to the building. Although we have not been able to test either, we believe that there is adequate electricity (20 amps) and water (standard 28mm pipe) to provide these services.

The foul sewer runs approximately 2m to the South of the building and is easily accessible. We believe that this sewer is owned by the Council and therefore limited license requirements to make a connection. The sewer is currently running freely and no problems are envisaged on this.

Demolition

The area marked below will be herased off, all cars removed and appropriate signage erected.

Prior to demolition of the building, the Council will need to remove and relocate the CCTV equipment. This could easily be housed in a separate cabinet adjacent to the site. Alternatively, the whole system, Column plus equipment, could be moved if preferred.

The parking equipment will need to be moved. We believe that the Council may install new equipment, and therefore these current units will need to be scrapped.

The lighting column will also need to be moved.

All three of these moves above need to be handled by the Council prior to demolition. The planters can then be moved.



As part of the demolition, there will need to be an asbestos survey on the building. All the service connections will be terminated and capped off.

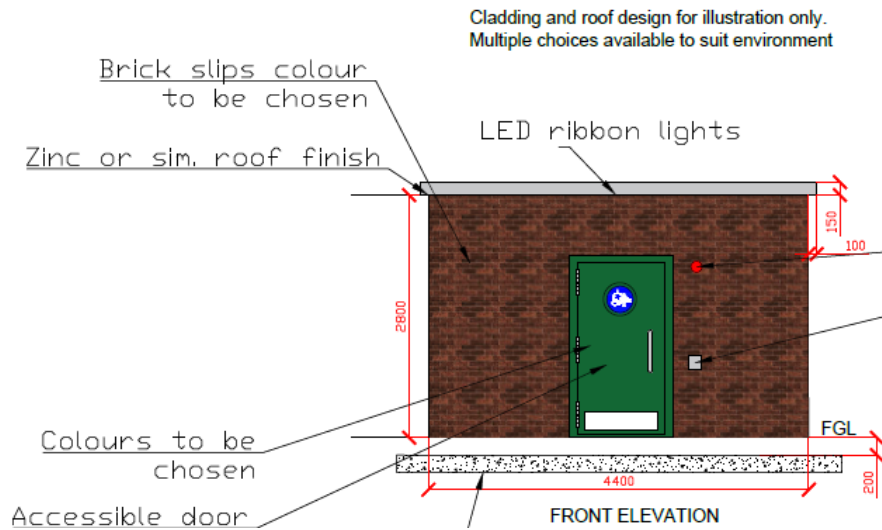
The demolition can then take place.

Installation of new base

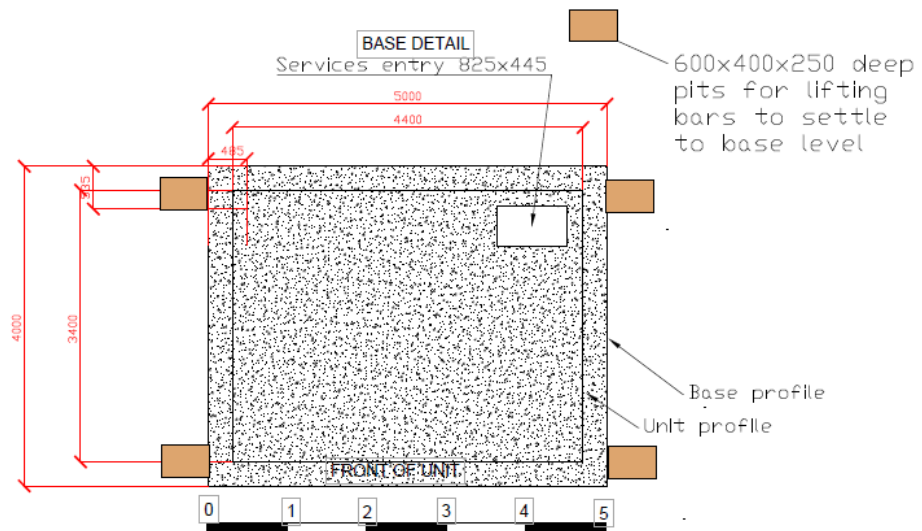
Depending on the preference of the Council, the toilet can be installed on the same footprint as the current building, while extending about 1m wider but a little shorter.

We would anticipate access to be from the top side, where level access is more achieved.

If preferred, the “long” side of the building could be on the top side, meaning access to the building would be on the 4m edge of the building rather than the 3m edge.



The base will be finished 200mm below access finished ground level.



The foul sewer connection will be made as per the line below, and the water and electrical tails prepared.



Installation

Once the base is installed and the utilities prepared, the toilet can then be delivered. It will arrive on the back of a lorry, and the lorry will have a Hi-Ab crane to then position the toilet on the base.

On site it would be typical to have a contingency of two weeks to prepare the toilet end ensure all the connections are reliable and operational.

We would expect the site work to be over a period of six weeks, and given the location, this will be best carried out in October/November 2023, or early Spring 24.

Project Plan

In order to achieve the November plan, we would need to have an order for April. This would give all parties adequate time to make sure everything was current and not too rushed on site.

Task Name	Duration	Start	Finish
Contract and Planning	93 days	Mon 17/04/23	Wed 23/08/23
Agree Contract	8 days	Mon 17/04/23	Wed 26/04/23
Building Design	5 days	Thu 27/04/23	Wed 03/05/23
Groundworks final design	5 days	Thu 27/04/23	Wed 03/05/23
Planning Submission & Building Control	80 days	Thu 04/05/23	Wed 23/08/23
PreSite	130 days	Thu 04/05/23	Wed 01/11/23
Confirm costs for Groundworks	10 days	Thu 04/05/23	Wed 17/05/23
Establish Utility Plan	10 days	Thu 04/05/23	Wed 17/05/23
Building Detailed Design	25 days	Thu 04/05/23	Wed 07/06/23
Appoint Contractors	2 days	Thu 08/06/23	Fri 09/06/23
Utility Agreements	40 days	Thu 24/08/23	Wed 18/10/23
Groundworker Lead In	30 days	Thu 24/08/23	Wed 04/10/23
Factory Build	50 days	Thu 24/08/23	Wed 01/11/23
ON SITE	38 days	Thu 05/10/23	Mon 27/11/23
Prepare Site - heras etc	2 days	Thu 05/10/23	Fri 06/10/23
Move Site encumbrances	5 days	Mon 09/10/23	Fri 13/10/23
Demolish current building	5 days	Mon 16/10/23	Fri 20/10/23
Groundworks - Foundations	20 days	Mon 23/10/23	Fri 17/11/23
Toilet Install	5 days	Mon 20/11/23	Fri 24/11/23
Utility Connections	2 days	Mon 20/11/23	Tue 21/11/23
Landscaping	5 days	Mon 20/11/23	Fri 24/11/23
Site Complete	1 day	Mon 27/11/23	Mon 27/11/23

CHANGING PLACES FUND IMPLEMENTATION GUIDANCE

The Secretary of State for the Department of Levelling Up, Housing and Communities has determined under Section 31 of the Local Government Act 2003 that grant has been awarded from the Changing Places Fund to Local Authorities for the sole purpose of the installation of Changing Places Toilets in existing buildings and the provision of modular Changing Places Toilets.

This document provides guidance on the implementation of the Changing Places Fund.

1. GENERAL

1.1. The Changing Places Grant Funding (the Grant) is confined to capital expenditure relating to the design, construction, and completion of Changing Places Toilets at the agreed venues. The Grant cannot be used for purposes other than eligible expenditure relating to the provision of Changing Places Toilets.

1.2. Local Authorities awarded the Grant will be asked to provide the Department of Levelling Up Housing and Communities (DLUHC) with:

- an updated (from the Expression of Interest) profile of expenditure for financial years 22/23 and 23/24
- a detailed breakdown of key milestones for implementation for each Changing Places Toilet
- a breakdown of expenditure for the duration of the implementation period for each facility and
- provide information requested by DLUHC to monitor progress.

2. ELIGIBILITY

2.1. To be eligible for funding Changing Places Toilets must be registered with the Changing Places UK Consortium on completion (via MDUK Changing Places Support Officers).

2.2. The Grant may only be used in respect of:

- a) Provision of Changing Places Toilets in venues agreed by the Secretary of State, details of which are included in annex A of the grant award letter issued to the

Local Authority.

- b) Design, construction, and completion of Changing Places Toilets in existing buildings.
- c) Design, purchase, construction, and completion of modular Changing Places Toilets.
- d) Design and construction of an addition to an existing structure to accommodate a Changing Places Toilet.
- e) Access improvements that are essential for the provision of a Changing Places Toilet.
- f) Purchase and installation of equipment required for a Changing Places Toilet.
- g) Professional fees associated with the points above.
- h) The design, purchase and installation of the required Changing Places fund plaque on completion

2.3. The grant may not be used in respect of:

- a) Toilet facilities that are not registered with the Changing Places UK Consortium, regardless of the specification.
- b) Changing Places Toilets installed as part of the construction of a new building.
- c) Privately accessible venues: Changing Places Toilets may be funded in premises where it is necessary to pay an entry charge if the public have accessibility, but not where public access is restricted.
- d) Changing Places Toilets installed on modes of transport e.g., ferries, trains.
- e) Cleaning, repair, and maintenance costs, including the costs of service and or maintenance agreements.
- f) Changing Places Toilets where the installation detracts from existing toilet provisions of any kind, meaning there is a net loss of existing toilet provision. A new Changing Places Toilet must be additional to existing provision or replace an existing toilet.
- g) Any building works, including access improvements that are not essential to the provision of a Changing Places Toilet.

3. WORKING WITH CHANGING PLACES DELIVERY PARTNER MUSCULAR DYSTROPHY UK (MDUK)

3.1. MDUK is the contracted delivery partner for the Changing Places Fund, acting on behalf of the Changing Places UK Consortium and DLUHC. MDUK Changing Places Support Officers will be assigned to support Grant recipients throughout the process.

3.2. Changing Places Support Officers will support Local Authorities by signposting to expertise and support in the design and construction of Changing Places Toilets. The Changing Places Support Officers will help ensure that registration requirements are understood and met. Changing Places Support Officers will share information, good practice and help guide Local Authorities through the registration process.

3.3. Local Authorities are expected to engage with the MDUK Changing Places Support Officers over the duration of the Grant, specifically:

- I. Identifying a **Single Point of Contact** within the Local Authority for communication with DLUHC and MDUK in respect of facilities that the Local Authority is delivering itself and those facilities developed by third parties.
- II. Engaging with the MDUK Changing Places Support Officers (via the single point of contact) to receive and provide information on progress, including regular progress reports, on all facilities supported by the Changing Places Fund.
- III. Participation by the Local Authority (not necessarily the single point of contact but an appropriate representative) in the mandatory Changing Places technical training conducted by the Changing Places UK Consortium.

4. CHANGING PLACES PRACTICAL GUIDE

4.1. The Changing Places UK Consortium has developed *Changing Places, A Practical Guide*, which provides information and guidance on all aspects of the specification plan, design and installation of a Changing Places Toilet. You can find a copy of the guide on the [Changing Places website](http://toiletmap.s3.eu-west-1.amazonaws.com/content/Changing%20Places%20a%20Practical%20Guide.pdf)¹.

¹ <http://toiletmap.s3.eu-west-1.amazonaws.com/content/Changing%20Places%20a%20Practical%20Guide.pdf>

4.2. The Changing Places UK Consortium recommends that all architects, suppliers and those third parties involved with the project should be signposted to *Changing Places, A Practical Guide* in order that the registration requirements are understood and adhered to.

5. DESIGN SPECIFICATION

5.1. To ensure the facility is developed in line with the requirements for registration, Local Authorities should submit a **design proposal** for each Changing Places Toilet to the Changing Places Support Officers for consideration and approval.

5.2. The design proposal must include, as a minimum: floor dimensions, ceiling height, door width, details of supplier, installer and/or contractor(s) (if different or additional), proposed equipment and positioning, accessibility (including access to/from and within the venue and/or location where the Changing Places Toilet will be sited), flooring and decoration.

5.3. To ensure on-going adherence to the registration standards, any changes to the design proposal that may occur during the build should be discussed with the Changing Places Support Officers before any building work commences.

5.4. It is strongly recommended that Local Authorities seek advice from an Access Consultant or accredited representative from the The National Register of Access Consultants (NRAC) <https://www.nrac.org.uk/> to support the development of Changing Places Toilet design proposals.

6. REGISTRATION

6.1. To be recognised and attract Changing Places funding, each Changing Places Toilet must be registered with the Changing Places UK Consortium.

6.2. Local Authorities must register a venue via the Changing Places Support Officers, this can be completed online. The registration must be completed before the facility is opened to the public.

6.3. The Changing Places UK Consortium will include registered Changing Places Toilets on the Changing Places Toilets website and toilet map to assist users.

7. PAYMENTS

7.1. During the financial years 2022/23 and 2023/24 (as appropriate²) Local Authorities should complete a return, quarterly, on the DELTA reporting system to receive funding for each completed venue.

7.2. Payments to Local Authorities are subject to the authority's Section 151 Officer certifying that:

- all costs have been defrayed on the intended purpose.
- registration has been secured.
- that sufficient revenue funding has been identified by those responsible for the cleaning, repair up-keep and maintenance of all the Changing Places Toilets delivered through the Grant for the lifetime of the asset.

8. MONITORING REPORTING AND EVALUATION

8.1. Local Authorities will be required to provide quarterly progress reports to DLUHC via the DELTA system, including those periods where no funding is being claimed. This will include updates on both completed and ongoing projects.

8.2. Regular contact should be maintained with the Changing Places Support Officers regarding the development of each facility.

8.3. Local Authorities are expected to participate in any Changing Places Fund evaluation activity, sharing their experience, insights, case studies, learning, good practice and the impact of the funding in the locality.

9. PROMOTIONAL ACTIVITY

9.1. Each Changing Places Toilet funded by the Grant is required to display a plaque including the Changing Places Toilet, Department for Levelling Up Housing and Communities and Muscular Dystrophy UK logos and branding. Details will be provided in a Changing Places Fund plaque design guide. Plaques should be displayed in a prominent external location at the facility. Plaques may also include the logo/branding

² For the duration of the local programme, returns will not be required once all of the Changing Places Toilets have been installed and the grant has been paid.

of any other third parties involved in the funding or location.

9.2. Local Authorities are required to work with the Department for Levelling Up, Housing and Communities and Changing Places Support Officers to co-ordinate any press or promotional activity in respect of the launch and opening of Changing Places Toilets.

9.3. Local Authorities should liaise with the Changing Places Support Officers regarding any launch/opening events and promotion, including via social media. The Changing Places Support Officers can provide guidance regarding the scheduled promotion.

10. ONGOING COSTS AND MAINTENANCE

10.1. Local Authority Section 151 Officers in submitting claims for reimbursement will certify that sufficient revenue funding has been identified by those responsible for the cleaning, repairs and maintenance of all Changing Places Toilets delivered through this Grant for the lifetime of the asset.

10.2. A maintenance and service agreement for the Changing Places Toilet equipment is a mandatory requirement of registration of each facility.

10.3. Changing Places Toilets funded by the Grant are expected to remain in use and be publicly accessible for the lifetime of the asset. In cases where Local Authorities pass the Grant on to a third party to install facilities in the latter's premises, it is recommended that the Grant is made under an agreement that enables the Local Authority to recover the Grant (or an element of it) should the facility cease to be available (for possible reinvestment in alternative facilities).

10.4. Any temporary change in the Changing Places Toilet's availability should be reported to a Changing Places Support Officer at the earliest opportunity, for its availability to be updated on the Changing Places website.

Contact information

The Department for Levelling Up, Housing and Communities can be contacted at changingplaces@levellingup.gov.uk.

The Changing Places Support Officers can be contacted at cpt.support@muscular dystrophyuk.org.

Meeting: Cabinet **Date:** 23rd February 2023

Wards affected: All

Report Title: Torbay Independent Reviewing Service (IRO) Annual Report 2021-22

When does the decision need to be implemented? For information

Cabinet Member Contact Details: Councillor Cordelia Law. Cabinet Member for Children's Services. cordelia.law@torbay.gov.uk

Director/Divisional Director Contact Details: Becky Thompson, Divisional Director of Safeguarding (Children's Services), 01803 208 100, becky.thompson@torbay.gov.uk.

1. Purpose of Report

1.1 An annual report of the Independent Reviewing Service (IRO) for cared for children is required in accordance with the Children and Young Person's Act 2008 and subsequent statutory guidance published by the Department for Children, Schools and Families in 2010 as set out in the IRO Handbook. The annual report should be presented to the Director of Children's Services, Lead Member for Children and the Corporate Parenting Board at minimum and should also be available as a public document on the relevant Council website. In line with our aspirational Corporate Parenting Strategy, the IRO Annual Report requires endorsement from Cabinet, reflecting each and every Member and Officers role as corporate parent.

2. Reason for Proposal and its benefits

2.1 There is a legislative need for the IRO Annual Report to be considered as part of the Council's corporate parenting responsibilities.

2.2 Torbay's vision is one whereby its people are able to thrive; in line with Torbay's corporate parenting responsibilities, our cared for and care experienced young people require particular focus and support, in order for them to achieve their goals and aspirations, and be safe, happy and healthy. This report evaluates the effectiveness and impact of the Independent Reviewing Service; Independent Reviewing Officers play a key role in ensuring that care plans for children are progressed with a central focus on their needs, their ascertainable wishes and feelings and what intervention and support is required to help children achieve their goals.

3. Recommendation(s) / Proposed Decision

1. That the Torbay Independent Reviewing Service (IRO) Annual Report 2021-22 be approved and published in accordance with the legislative requirements.

Background Documents

The IRO Handbook: [iro_statutory_guidance_iros_and_las_march_2010_tagged.pdf](#)
([publishing.service.gov.uk](#))

1. Introduction

- 1.1 The IRO Annual Report provides an overview of the activity of the Independent Reviewing Officer Service, which sits within the wider Safeguarding, Reviewing and Early Help service within the Children's directorate. The report also considers the staffing structure, developments within the service and the key improvement objectives for the service moving forward.
- 1.2 The report highlights that whilst the service was impacted upon by COVID-19 related sickness, as well as other long term staff sickness, the recruitment of a permanent Head of Service and Service Manager has brought stability and consistency and the service will be fully permanently staffed from January 2023. This has led to increased activity, with 709 reviews undertaken in the 2021-22 year, in comparison to 541 in 2020-21. The timeliness of reviews held also increased.
- 1.3 The report reflects a range of data in relation to cared for children. At the end of the 2021-22 year, Torbay cared for 299 children, in comparison to 320 at the same point in the year before. However, there is a notable increase in cared for numbers from August 2021 due to Torbay's engagement with the National Transfer Scheme and increasing numbers of Unaccompanied Asylum Seeking Children (UASC) being cared for by Torbay. The report also identifies that permanence for Torbay's cared for children has improved significantly, with an increase in Connected Carer or foster care arrangements being converted into Special Guardianship arrangements, an increase in long term stability and long-term matched placements and a greater proportion of cared for children benefitting from Staying Put arrangements as they transition into adulthood.
- 1.4 Key areas for improvement noted within the report which have been an area of focus for 2022-23 and will continue to be progressed beyond this include supporting sixteen and seventeen years old to engage in their review health assessments, the timeliness of dental checks for all cared for children and encouraging seventeen year olds to engage in their final cared for reviews.

2. Options under consideration

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

3. Financial Opportunities and Implications

- 3.1 The IRO Annual Report does not make recommendations in terms of any changes to the current service or staffing structure and therefore the decision to endorse does not carry with it any financial implications.

4. Legal Implications

- 4.1 The IRO Annual Report is required in accordance with the Children and Young Person's Act 2008 and subsequent statutory guidance published by the Department for Children, Schools and Families in 2010 as set out in the IRO Handbook. There are no legal implications as a result of the decision to endorse this Annual Report.

5. Engagement and Consultation

- 5.1 A priority of the Independent Reviewing Officer service has been to enhance and develop the opportunities for children to participate and engage with their own cared for reviews, and also service improvements. This feeds into a wider participation strategy, and a continuous and embedded culture whereby the views of our cared for children and young people are sought, listened to and acted upon.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 The endorsement of this Report does not involve the procurement of services, the provision of services together with the purchase or hire of goods or the carrying out of works.

7. Tackling Climate Change

- 7.1 None.

8. Associated Risks

- 8.1 Should this Report not be endorsed, Torbay will not be compliant with the statutory requirements as outlined. Should the Report not be endorsed, there will no change in terms of the fundamental function of the service however the Report would not be published, and could not be transparently published which would limit the ability of the service to share learning in respect of patterns and trends, and achieve clarity across the service about the priorities for improvement.

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 IRO Annual Report outlines the strengths, areas to strengthen and the	N/A	N/A

	priorities for the Independent Reviewing service who play a critical role in overseeing the implementation of plans in relation to cared for children.		
People with caring Responsibilities	The Report considers placement stability, and as part of this, feeds into the fostering service development plan in terms of continuing to enhance the support we provide to our fostering families.		
People with a disability	N/A	N/A	There is no differential impact.
Women or men	N/A	N/A	There is no differential impact.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)	N/A	N/A	There is no differential impact.
Religion or belief (including lack of belief)	N/A	N/A	There is no differential impact.
People who are lesbian, gay or bisexual	N/A	N/A	There is no differential impact.
People who are transgendered	N/A	N/A	There is no differential impact.
People who are in a marriage or civil partnership	N/A	N/A	There is no differential impact.
Women who are pregnant / on maternity leave	N/A	N/A	There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)	The ambition of the IRO Annual report is to ensure that any child, no matter their level of need or their		

	socio-economic status, has access to the highest quality support as a cared for child as possible.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The IRO service plays an integral part in overseeing the holistic care plan for a child, including their educational and health needs; as such, the provision of the highest quality IRO service can have a significant, positive impact on the longer term health outcomes for cared for children.		

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.



Torbay Independent Reviewing Service (IRO) Annual Report

2021-22

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Executive Summary

The Annual Report provides an account of the activity of the Independent Reviewing Officer Service between 1st April 2021 and 31st March 2022. It evaluates the effectiveness and impact of the Independent Reviewing Service in the planning and outcomes for Torbay's cared for children and young people and ensures that Torbay Council as a corporate parent is discharging its statutory responsibilities towards them and remains ambitious in what it achieves with its cared for children and young people in Torbay. The Independent Reviewing Officers have a pivotal role to play in ensuring that care plans for children effectively address their needs, consider Torbay's cared for children and young people's ascertainable views and opinions and improve outcomes for them.

During the period relevant to this report, we remained in the midst of a global pandemic that forced the service to work differently and enabled us to find different ways to connect with children and young people. The report demonstrates the continuous development of the Independent Reviewing Service over the last year and its role in the continuous journey of practice development in Torbay. The report also identifies areas of strength and areas for further development.

The stability of the service was impacted on during the year due to Covid-19 related staff sickness, long-term staff sickness for reasons other than Covid-19, and an over-reliance on agency staff that were not as invested in Torbay as permanent staff tend to be. There was also a gap at Service Manager level. However, the appointment of a permanent Head of Service during the end of quarter 3 brought some much needed stability and relief to a service that has had a significant turnover in terms of Heads of Service over the previous two and half year period. The lack of IRO and management stability is evident in the lower than acceptable performance across quarters 2 and 3.

Despite the above reported challenges, a significant increase in reviews were undertaken this year (709 compared to 541 the previous year). 12% of the reviews were held in March 2022. Furthermore, there was a slight increase in reviews being held on time compared to the previous year which arguably demonstrates the service was starting to stabilise during the final quarter of the year.

The number of cared for children decreased over the year and stood at 299 as of 31st March 2022 compared with 320 at the same point the previous year. There was however a steady increase in numbers towards the end of the year which can be partly attributed to the National Transfer Scheme for unaccompanied asylum seeking children. It is noted that this matter may result in a continued upward trajectory of cared for children running through the period 2022/23.

The number of babies being cared for decreased significantly compared to the previous year. With regards to gender, there was an increase in boys becoming cared for compared to girls. However, there was a shift towards girls going missing more than boys during the year.

Foster placement sufficiency is still identified as a key challenge in Torbay, and this is reflected in the still higher than England average number for children being placed more than 20 miles from their family home. This also however links to the National Transfer Scheme, and the wishes and feelings of UASC who express a wish to be placed in more urban settings. This percentage was down on the previous year which demonstrates some improvement here and the start of what appears to be a positive trajectory.

There is evidence to suggest that permanency for Torbay's cared for children has improved significantly over the year with an increase in Connected Carer foster arrangements being converted to Special Guardianship Orders, long-term stability increasing significantly for the 13 year old age group and a greater proportion of 17 year olds transitioning into adulthood with the familiarity and security of Staying Put arrangements in place.

The findings presented in this report demonstrate that more work needs to be done so that Torbay's cared for children remain healthy, with health assessments conducted in time slightly lower than the previous year. However, there has been a significant increase in dental checks, with both the timeliness of health and dental assessments impacted significantly by COVID-19, and the overall results from Strengths and Difficulty Questionnaires (SDQs) are higher than the England average and Torbay's statistical neighbours.

A long-standing challenge and area identified for continued improvement over the next year and beyond is children and young people's participation in their cared for reviews. The findings identified a particular concern with 17 year olds and non-attendance at their final cared for reviews which is considered extremely important in ensuring their needs are fully met and they are appropriately supported as they transition into adulthood either on a semi or fully independent basis.

The report summarises with a set of key improvement objectives for the service over the year 2022/23.

1. Introduction – Purpose of Service and Legal Context

1.1 The Safeguarding and Reviewing Service consists of the Independent Reviewing Officers (IROs) The Service is set within the framework of the IRO Handbook (2010) and is linked to the revised Care Planning Regulations and Guidance which was introduced in April 2011.

1.2 The functions and requirements of the IRO and the service as a whole are:-

- To ensure all Cared for Children and Young People have a named IRO who, as far as reasonably possible, remains a consistent figure in the child's life, during their journey through care.
- There should be the same IRO for sibling groups where this is reasonably possible and appropriate.
- The IRO should chair the child or young person's Cared for Child Reviews (within 28 days of the child being in care, then within 3 months after the initial review, and every six months thereafter).
- The IRO should promote, and ensure that due regard is given to, the voice of the child in their cared for child review, care plan, permanence plan and care arrangements.
- The IRO should ensure that plans for the child are based on a detailed and informed assessment, which is up to date, effective and provides a real and genuine response to each individual child's needs.
- The IRO should meet with the child and consult with him or her, making sure that the child understands what is happening to them, can make a genuine contribution to their plans, fully understands the implications of any changes, and understands how an advocate could help them in their cared for child reviews.
- The IRO should ensure the child is aware of his or her entitlements from the Local Authority.
- The IRO should ensure the child is aware that they are entitled to legal representation (either directly or via a court appointed CAFCAS guardian).
- The IRO should be alive to, and if necessary, take action to prevent any unnecessary delay in care and permanence planning for children in the care of the Local Authority as well as the delivery of services to them.
- The IRO should have full oversight of the Local Authority as the corporate parent in order to ensure care plans have given proper consideration and weight to the child's wishes, feelings, needs and aspirations.
- The IRO should provide challenge and support to social workers and their managers to ensure the best life chances for children via the delivery of purposeful social work that has clear outcomes leading to positive impacts for children.
- The IRO should have access to an effective means of challenging the Local Authority including, a Dispute Resolution Procedure, with the ability to convey concerns to CAFCASS and access to independent legal advice where appropriate.

2. Profile of Torbay's Independent Reviewing Service

- 2.1 The Safeguarding and Reviewing Service is a Local Authority wide service that sits within the Children's Services Directorate of Torbay Council. However, the service is managed independent of the statutory social work services to maintain objective oversight and provide appropriate challenge and support to social workers and Team Managers to ensure the needs of children are placed above any other matters that may give rise to conflicts of interest for the Local Authority.
- 2.2 Management capacity in the IRO Service includes a new permanent Head of Service (appointed December 2021) who reports to the Divisional Director for Safeguarding and a Service Manager who reports directly to the Head of Service. This has provided the service with the management capacity to lead and develop the service and provide the levels of support, supervision and monitoring necessary to deliver high quality practice. It should be noted however, that the service was without a Service Manager during quarter 4 of 2021/22 whilst a recruitment to the position of permanent Service Manager was ongoing.
- 2.3 As of 31st March 2022 the Safeguarding and Reviewing Service had a staffing establishment of 7.1 FTE IROs. The team consisted of:
- Permanent staff (4.3 fte).
 - Agency staff (2.3 fte).
 - Vacant posts (2.3 fte)
- 2.4 During Quarters 3 and 4, Covid-19 related sickness impacted on two of the permanent IROs coupled with one IRO being on long-term sickness for a known physical health condition. This inevitably impacted on the productivity of the service and was compounded by the impact a vacant Service Manager post during that time. Capacity was further impacted upon by a high reliance on agency IROs who were not as flexible and reliable as permanent staff.
- 2.5 All IROs are skilled, knowledgeable, and experienced children's social workers, with clear minimum requirements of five years post qualifying and some social work management experience being essential elements of the role. Some of the IROs in the Service have more than 20 years practice experience.
- 2.6 The average allocation of children for an IRO in Torbay has remained slightly higher than that recommended by the IRO handbook, but allocations reduced over the year as the numbers of children subject to child protection plans and the numbers of cared for children decreased across all services. Nevertheless, allocation of children to IROs were within the manageable range throughout the year despite having to manage higher than normal levels of sickness.

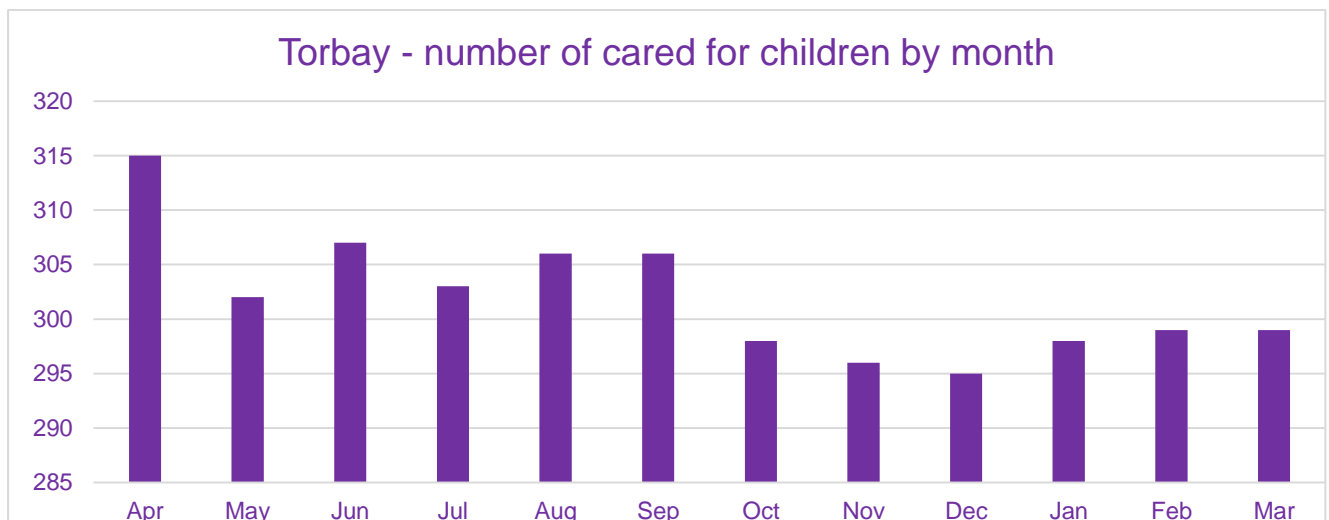
3. Profile of Torbay's Cared for Children

- 3.1 Torbay's cared for population stood at **299** children and young people on the 31st March 2022. This is down from 320 at the same time in 2021.
- 3.2 Although the rate of cared for children fell by 6.5% in 2021/22, it remains 23% higher than the statistical neighbour (SN) average.
- 3.3 The rate per 10,000 children also remains significantly higher than the national average of 177 in Torbay against 70 nationally.

Number / rate of children cared for during the year

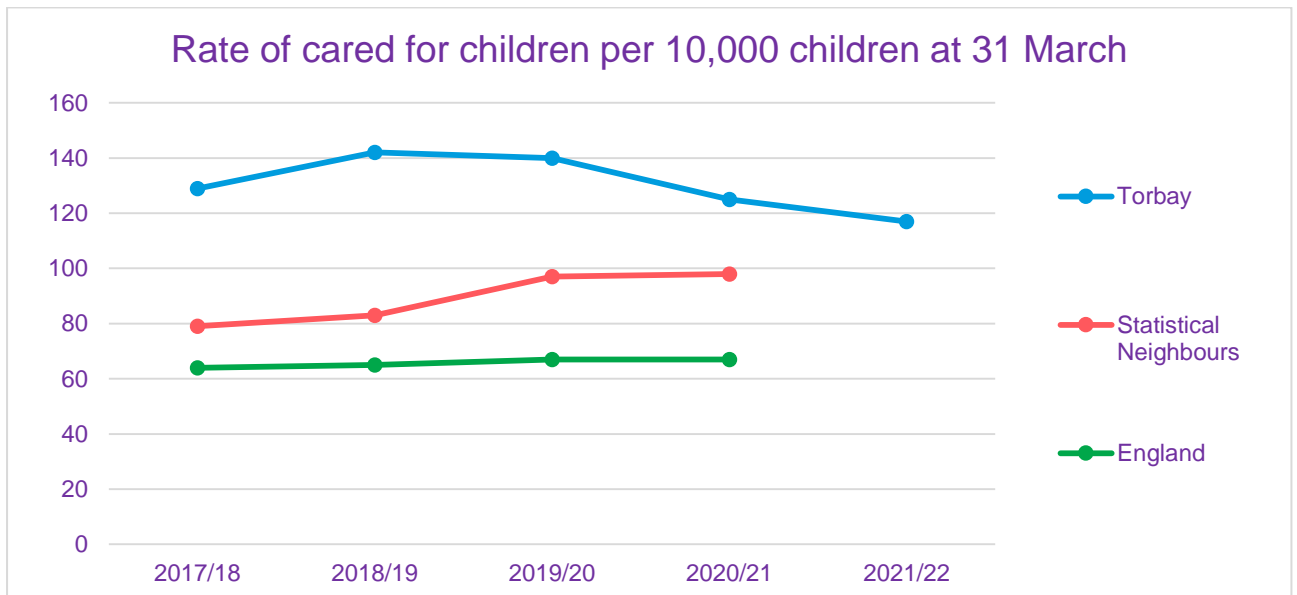
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Torbay	315	302	307	303	306	306	298	296	295	298	299	299

- 3.4 As can be seen from the graph below, a steady increase in cared for children commenced in January which is most likely a result of an influx of unaccompanied asylum seeking children (UASC) via the National Transfer Scheme. This is a matter that is projected to impact on the care for numbers going into 2022/23.



Rate of cared for children per 10,000 children on 31st March 2022

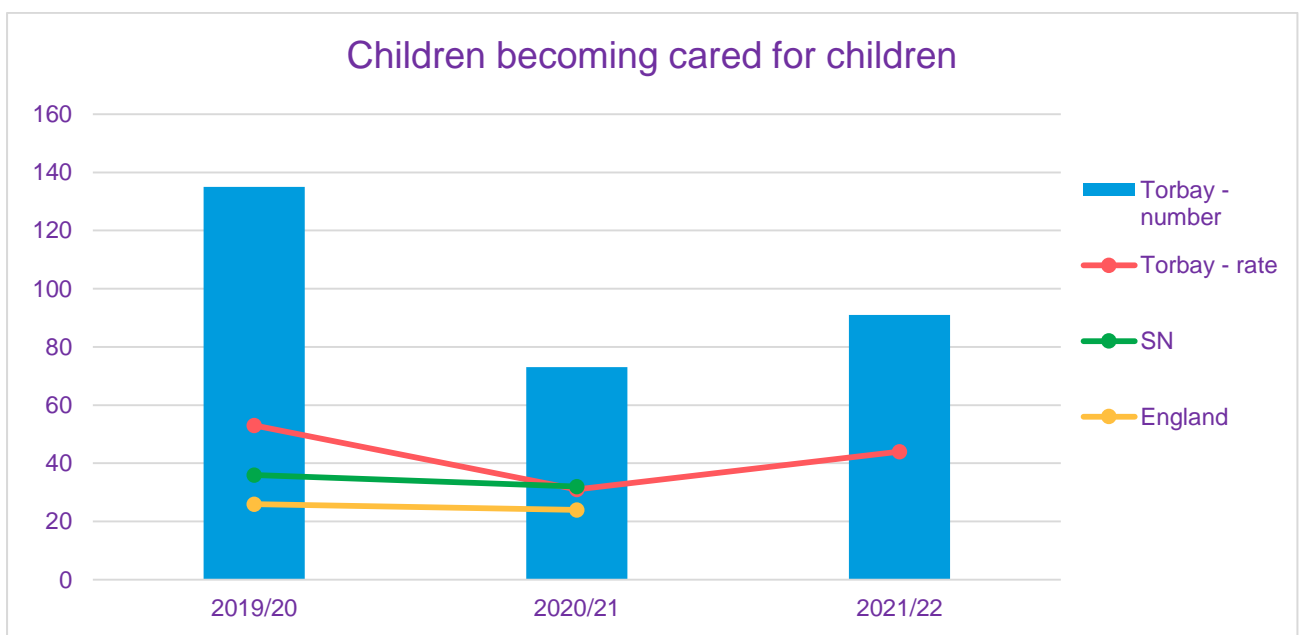
	2017/18	2018/19	2019/20	2020/21	2021/22
	Rate per 10,000 children aged 0 to 17				No
Torbay	129	142	140	125	117
Statistical Neighbours	79	83	97	98	
England	64	65	67	67	70



3.5 The rate of children becoming cared for children increased by 16% in 2021/22 with 91 new children becoming cared for during the year. As noted above, the National Transfer Scheme for UASC is a likely contributing factor here.

Children becoming cared for children

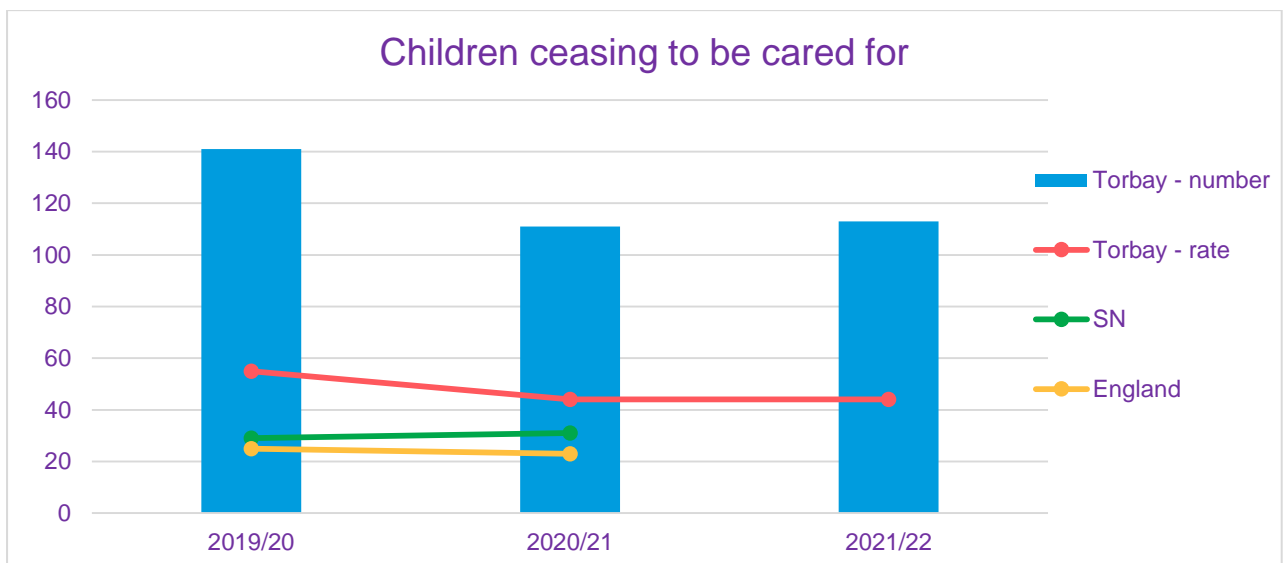
	2019/20	2020/21	2021/22
Torbay - number	135	73	91
Torbay - rate	53	31	36
SN	36	32	
England	26	24	26



3.6 The rate of children ceasing to be cared for children was similar to the previous year.

Children ceasing to be cared for children

	2019/20	2020/21	2021/22
Torbay - number	141	111	112
Torbay - rate	55	44	44
SN	29	31	
England	25	23	26

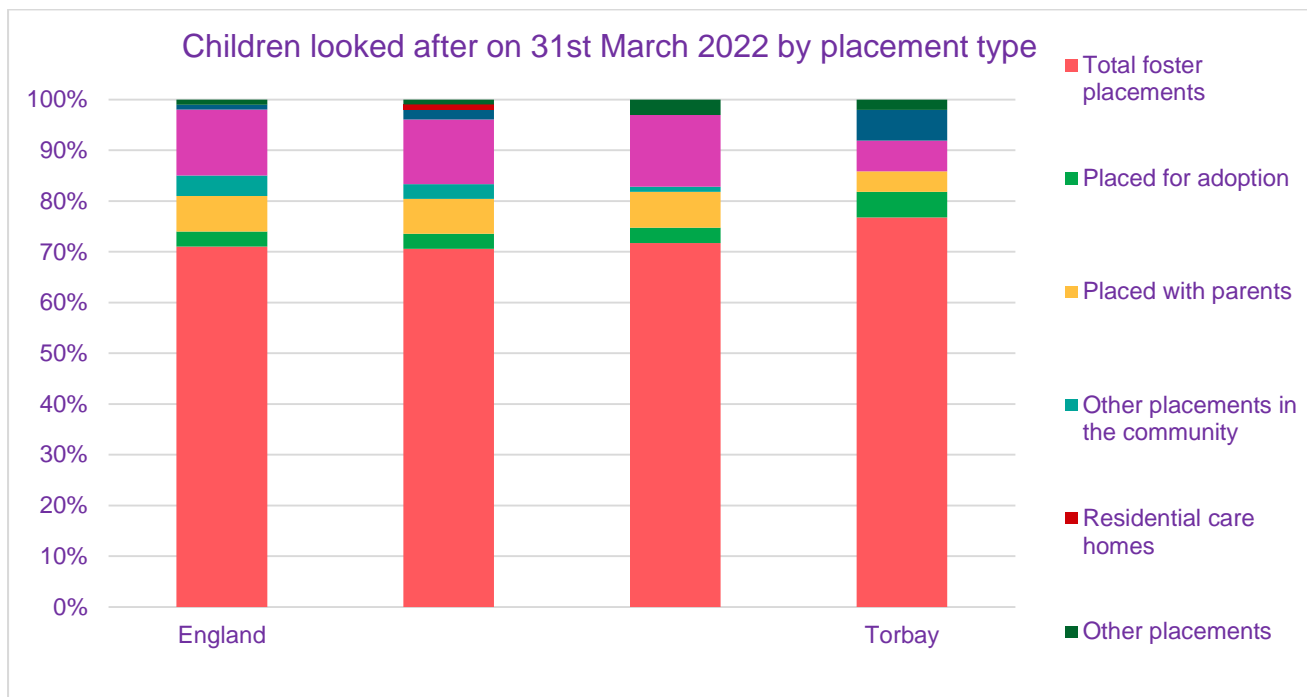


3.7 Torbay had a higher percentage of cared for children in foster care at the end of the year – 76% compared to 72% nationally. This is down slightly from 78% the previous year.

3.8 The number of children placed for adoption has increased from 3% the previous year to 5% in 2021/22.

Cared for children on 31st March 2022 by placement type

	Number	%
Placed for Adoption	15	5%
Residential accommodation	18	6%
Children’s Homes	19	6%
Placed with parents	13	4%
NHS	1	"
YOI	1	"
Foster placement - relative / friend	41	14%
Foster placement - other	184	62%
Other	7	2%
Total	299	



In-house foster care

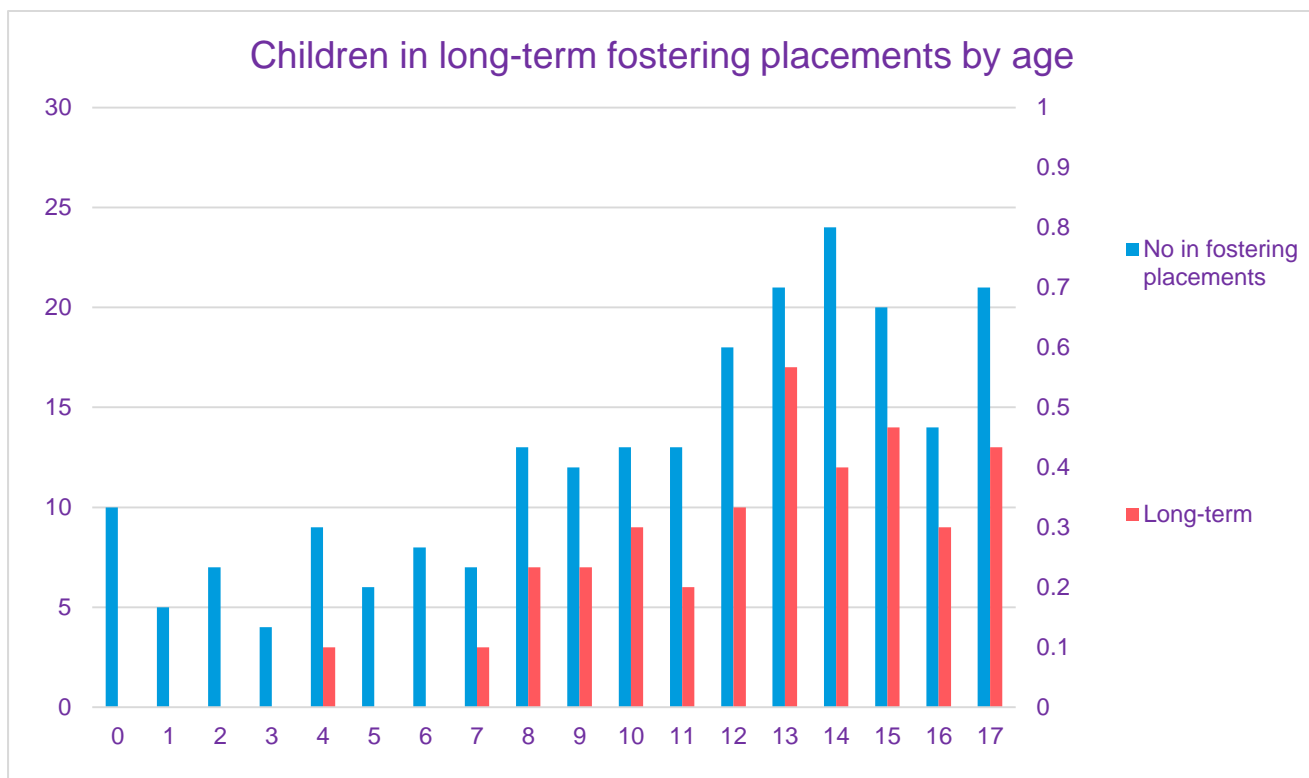
<i>Placement type</i>	<i>Own provision</i>	<i>Other LA</i>	<i>Private</i>	<i>Voluntary / third sector</i>	<i>Total children in placement type</i>
<i>U1 Foster placement with relative(s) or friend(s) – long term fostering</i>	15	0	0	0	15
<i>U2 Fostering placement with relative(s) or friend(s) who is/are also an approved adopter(s) – fostering for adoption /concurrent planning</i>	1	0	0	0	1
<i>U3 Fostering placement with relative(s) or friend(s) who is/are not long term or fostering for adoption</i>	24	0	1	0	25

<i>/concurrent planning</i>					
<i>U4 Foster placement with other foster carer(s) – long term fostering</i>	54	0	41	0	95
<i>U5 Foster placement with other foster carer(s) who is/are also an approved adopter(s) – fostering for adoption /concurrent planning</i>	3	0	1	0	4
<i>U6 Foster placement with other foster carer(s) – not long term or fostering for adoption /concurrent planning</i>	46	0	39	0	85
Number by provider type	143	0	82	0	225
% by provider type	57%	0%	33%	0%	
England % by provider type, 2021	48%	1%	37%	6%	

3.9 32% children in foster care were in long-term placements at the end of the year which is comparable with the previous year; boys were more likely than girls to be recorded as in long-term placements.

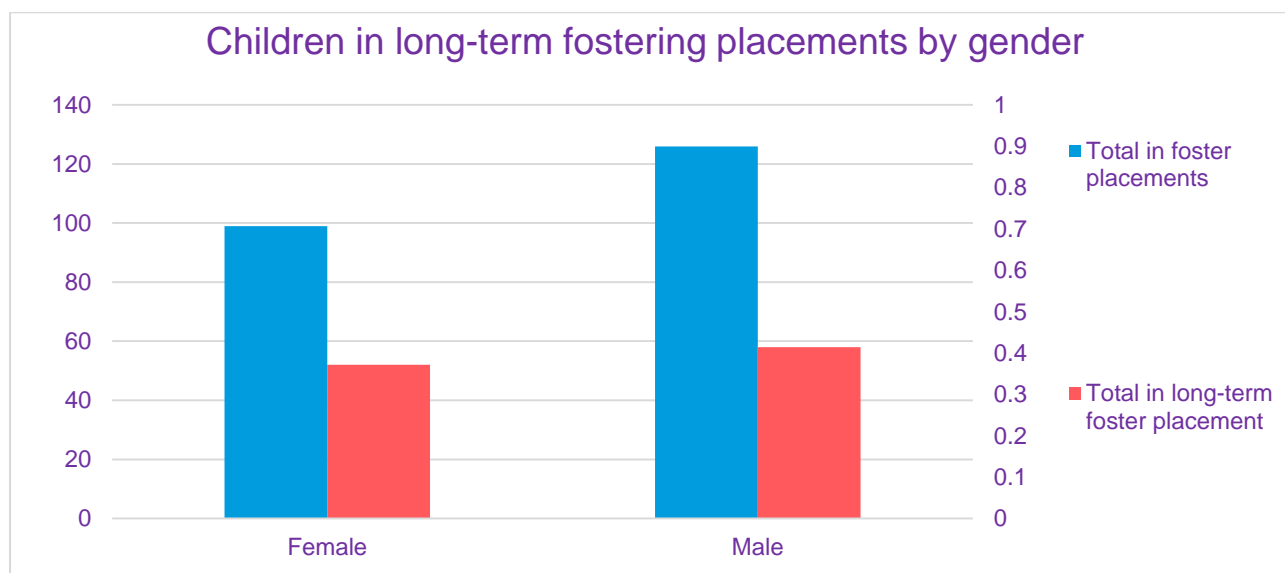
Number and % of children in long-term fostering placements by age

Age	No of CfC	No in fostering placements	Long-term
0	14	10	0
1	12	5	0
2	9	7	0
3	5	4	0
4	12	9	3
5	7	6	0
6	12	8	0
7	6	7	3
8	14	13	7
9	13	12	7
10	14	13	9
11	13	13	6
12	24	18	10
13	27	21	17
14	30	24	12
15	28	20	14
16	27	14	9
17	32	21	13
Total children	299	225	110



Number and % of children in long-term fostering placements by gender

	Number of CfC	Total in foster placements	Total in long-term foster placement	% in long-term foster placement
Female	156	120	49	31%
Male	165	132	56	34%
Total	321	252	105	33%



- 3.10 The number of babies aged under 1 becoming cared for children as a percentage of all newly cared for children fell significantly from 26% the previous year to 9% in 2021/22. Again, this is likely to have been impacted upon by the National Transfer Scheme, with UASC transferred through the scheme mainly aged sixteen and seventeen years old.
- 3.11 Looking at the proportion of children ceasing to be cared for by end reason compared to the England average, Torbay continues to have a higher proportion of children ceasing to be cared for because SGOs were made to former foster carers, friends, or relatives. There has been a significant increase here to 17% of all children ceasing to be cared for being made subject to SGOs compared to 3% the previous year. This suggests a high number of Connected Carer foster placements being converted SGOs at the final order or thereafter, as part of ongoing work through the Former Foster Carer SGO Offer. Thus, allowing children a greater level of permanency.

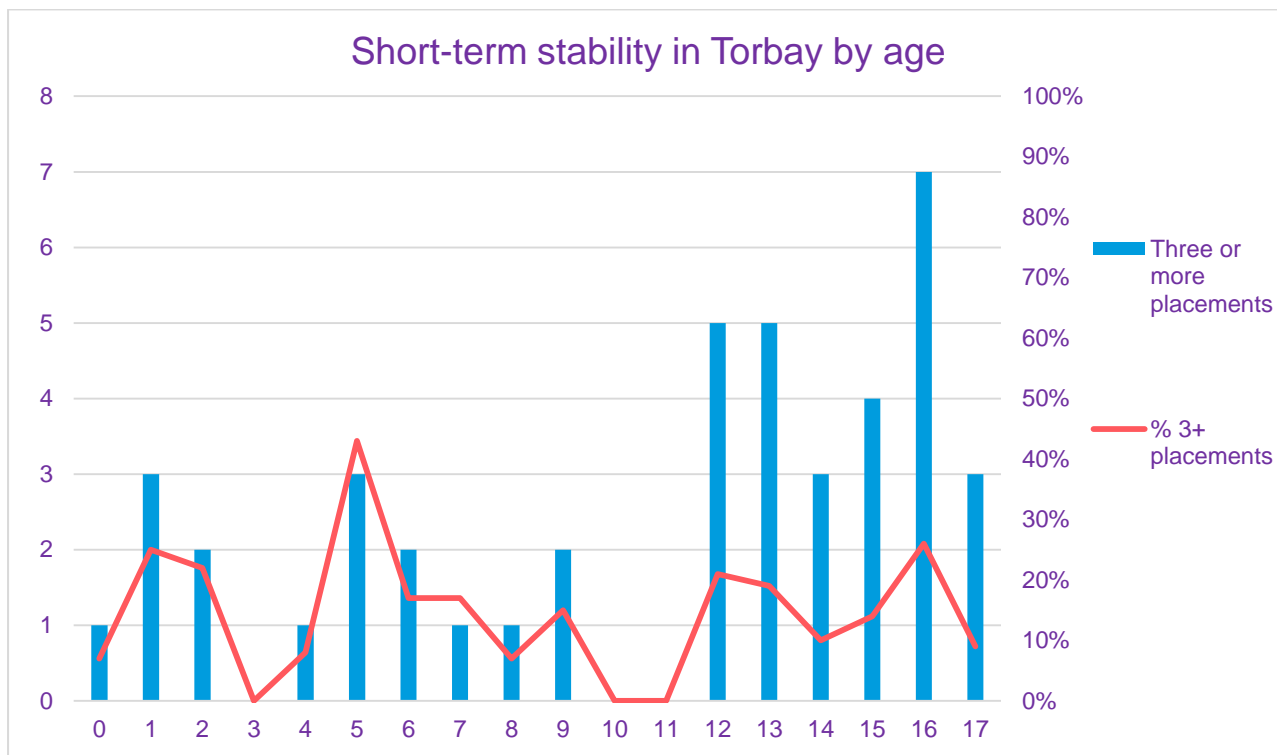
Reason for leaving care

Code	Description	Torbay: number of periods of care ending	Torbay %	SN 2019/20	England 2019/20
E2	Died	0	0%		
E3	Care taken over by another LA	1	1%		
E41	Residence order or Child Arrangements order	4	4%		
E45	Special guardianship order made to former foster carer(s), who was/are a relative(s) or friend(s)	19	17%	7%	7%
E46	Special guardianship order made to former foster carer(s), other than relative(s) or friend(s)	0	0%	3%	1%
E47	Special guardianship order made to carer(s), other than former foster carer(s), who was/are a relative(s) or friend(s)	0	0%	5%	4%
E48	Special guardianship order made to carer(s), other than former foster carer(s), other than relative(s) or friend(s)	0	0%		
E4A	Returned home, planned	21	19%	15%	18%
E4B	Returned home, unplanned	4	4%	7%	4%
E5	Independent living - supportive accommodation	6	5%		
E6	Independent living - no formal support	0	0%		
E7	Transferred to residential care funded by adult social care services	2	2%		
E8	Other	18	16%		
E9	Custody	0	0%		
E11	Adopted - unopposed	7	6%	7%	6%
E12	Adopted - consent dispensed with	9	8%	9%	5%
E13	Left care to live with parent(s), relative(s), or other person(s) with no parental responsibility	9	8%		
E14	Accommodation on remand ended	0	0%		
E15	Age assessment determined child is aged 18 or over	0	0%		
E16	Moved abroad	0	0%		
E17	Aged 18 and remained with current carers (inc under staying put arrangements)	13	12%		

- 3.12 A smaller percentage of children returned home in a managed way this year, 19% compared with 24% last year. However, the rate for Torbay is still favourable compared to the national average and SN.
- 3.13 The number of young people aged 18 that remained in their foster placements as a Staying Put arrangement has increased significantly over 2021/22 to 13 from zero the previous year. This inevitably provides stability for these young people as they transition into adulthood. However, this needs to be balanced against the impact on placement sufficiency.
- 3.14 Short-term stability is down in 2021/22 at 14% of children having three or more placements from 12% in 2020/21. The number of younger children (aged 5 and below) experiencing instability has increased significantly over 2021/22 compared to the previous year. However, the percentage increases need to be considered against the relatively small numbers in some of the age categories.

Short-term stability - three+ placements in 12 months

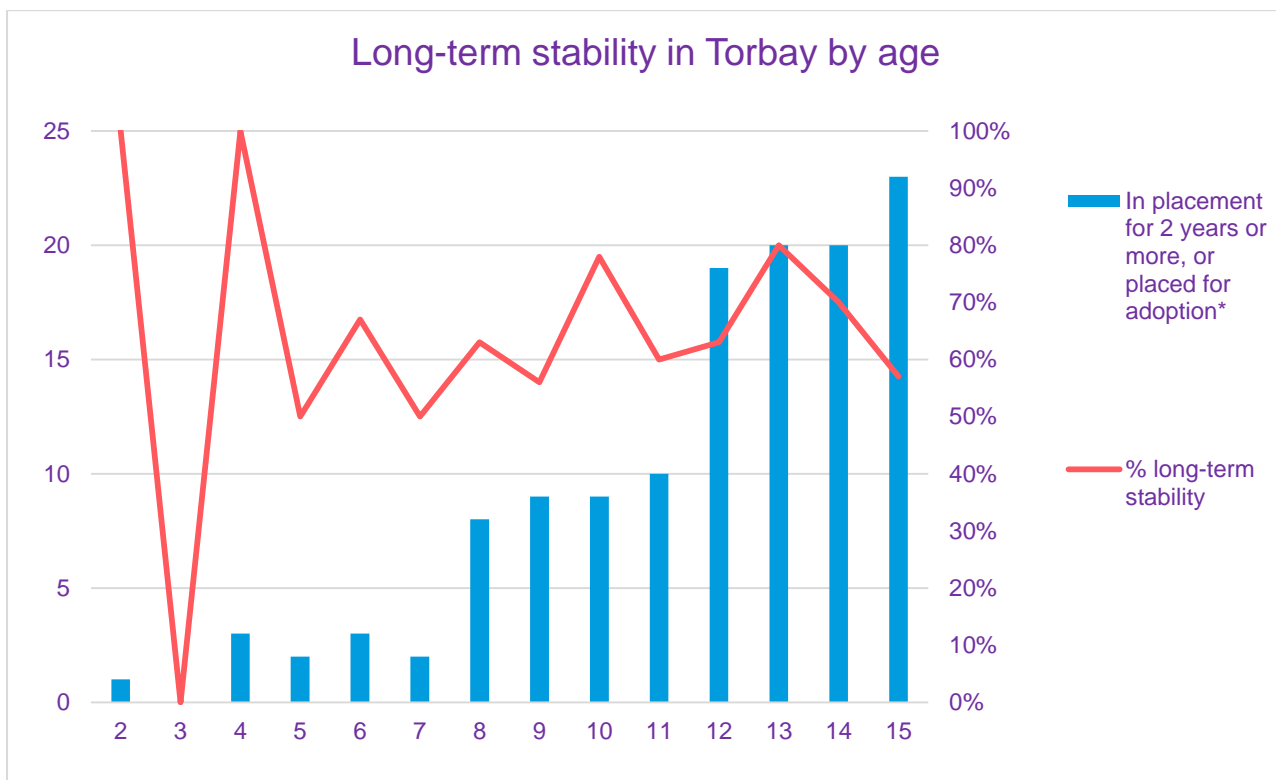
Age	Total children	Three or more placements	% 3+ placements
0	14	1	7%
1	12	3	25%
2	9	2	22%
3	5	0	0%
4	12	1	8%
5	7	3	43%
6	12	2	17%
7	6	1	17%
8	14	1	7%
9	13	2	15%
10	14	0	0%
11	13	0	0%
12	24	5	21%
13	27	5	19%
14	30	3	10%
15	28	4	14%
16	27	7	26%
17	32	3	9%
Total	299	43	14%



3.15 Long-term stability has improved slightly in 2021/22 with 67% of children remaining in placement for 2 years or more compared with 66% in 2020/21. There is a noticeable improvement for children aged 13 years with stability over the year for this age group at 80% compared with 60% in 2020/21. This bodes well for maintaining stability as children and young people transition to adulthood.

Long-term stability - three+ placements in 12 months

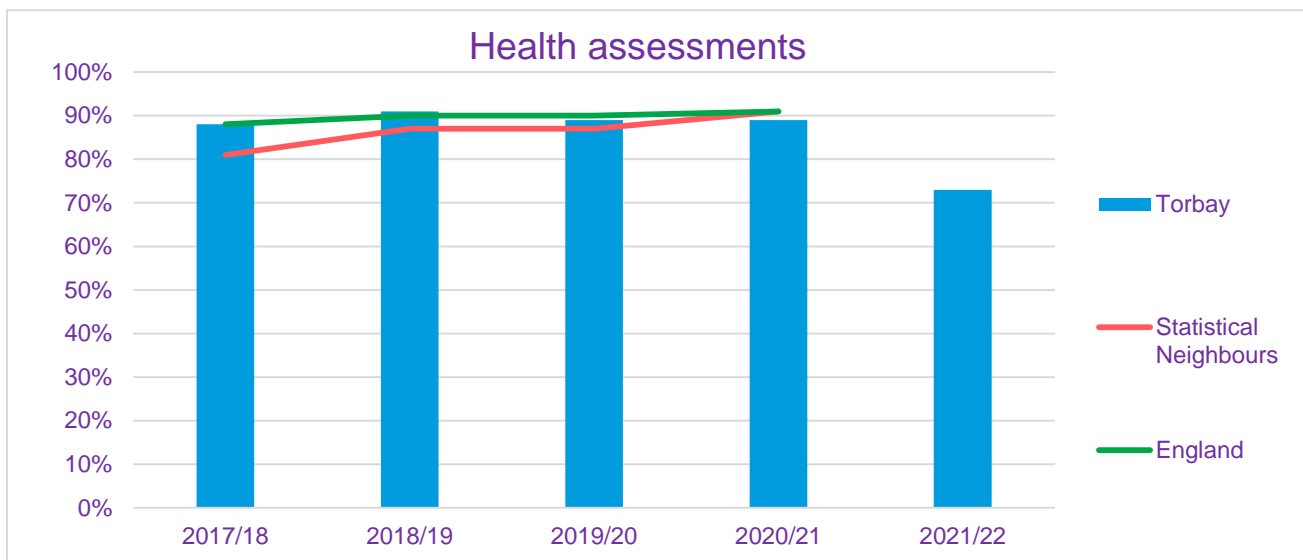
Year of age	Total children looked after for 2.5 years or more, and aged under 16	In placement for 2 years or more, or placed for adoption*	% long-term stability
2	1	1	100%
3	0	0	n/a
4	3	3	100%
5	2	1	50%
6	3	2	67%
7	2	1	50%
8	8	5	63%
9	9	5	56%
10	9	7	78%
11	10	6	60%
12	19	12	63%
13	20	16	80%
14	20	14	70%
15	23	13	57%
Total	129	86	67%



3.16 73% of children who had been cared for continuously for a year at the end of the year had up-to-date health checks which is down significantly on 2020/21 which was at 89%. Dental checks continue to remain low at 35% which is a consequence of a wider challenge within Torbay regarding dental practices taking new patients and the ongoing recovery from COVID-19. However, this figure is a marked increase on 2020/21 where only 8% of children cared for continuously for a year had dental checks and is comparable with our SN. Immunisations is slightly down in 2021/22 at 76% compared to 79% in 2020/21.

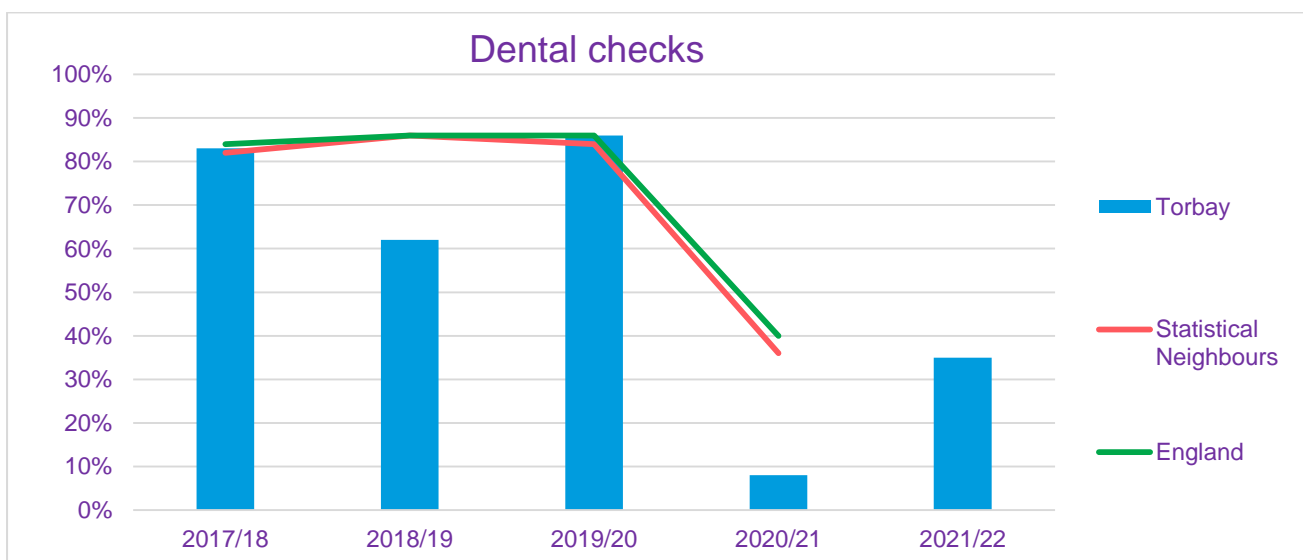
Health and Dental Checks and Immunisations

	2021/22		
	Cohort	Number	%
Health assessments	233	169	73%
Dental checks	233	82	35%
Immunisations	233	178	76%



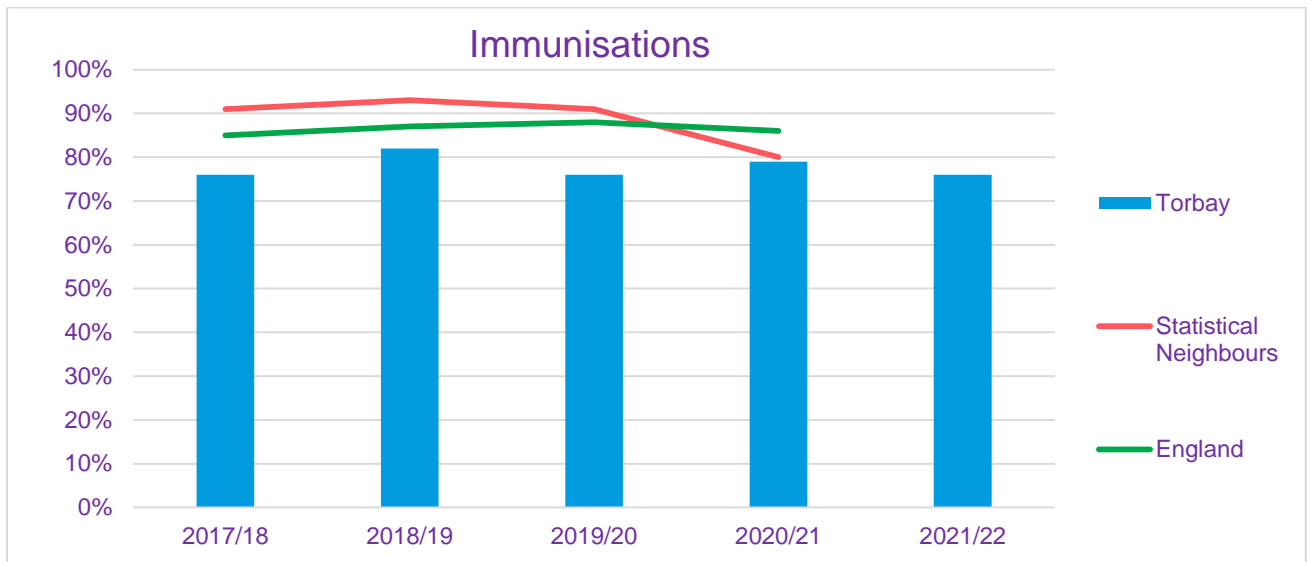
Dental checks

	2017/18	2018/19	2019/20	2020/21	2021/22
Torbay	83%	62%	86%	8%	35%
Statistical Neighbours	82%	86%	84%	36%	
England	84%	86%	86%	40%	



Immunisations

	2017/18	2018/19	2019/20	2020/21	2021/22
Torbay	76%	82%	76%	79%	76%
Statistical Neighbours	91%	93%	91%	80%	
England	85%	87%	88%	86%	



3.17 The proportion of cared for children for whom an SDQ score was received continued to fall and is much lower than the England average and SN. However, the average SDQ score has increased on the previous year and continues to be above that of the England average and SN.

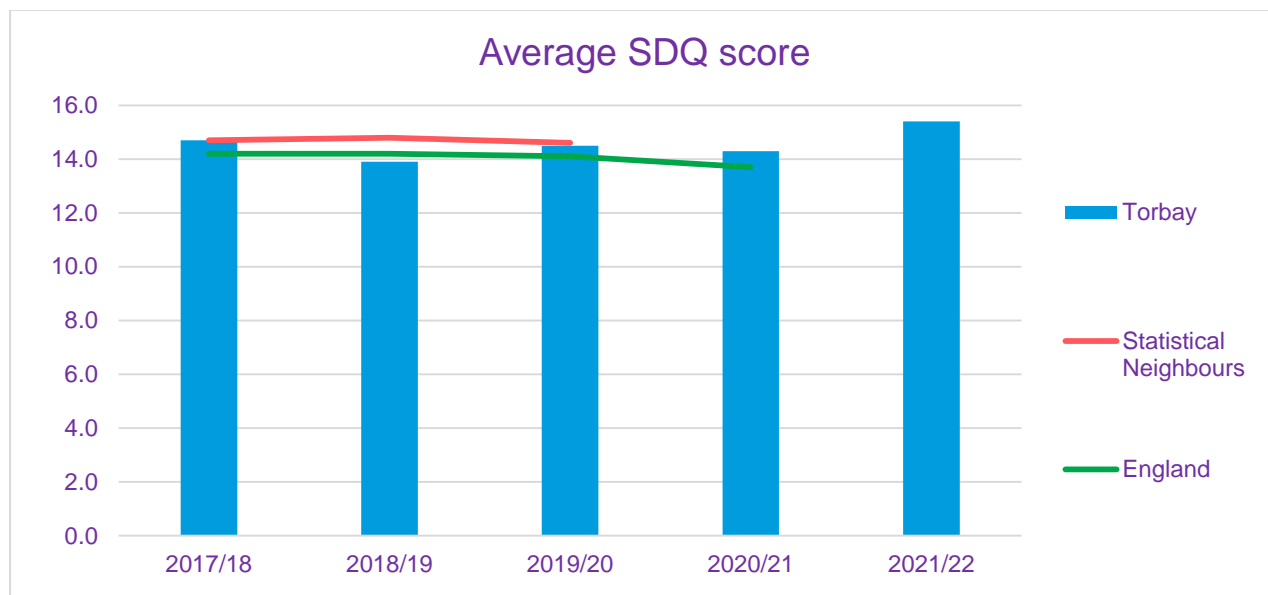
Children for whom an SDQ score was received

	2017/18	2018/19	2019/20	2020/21	2021/22
Torbay	69%	57%	60%	49%	30%
England	78%	78%	81%	78%	



Average SDQ Score

	2017/18	2018/19	2019/20	2020/21	2021/22
Torbay	14.7	13.9	14.5	14.3	15.4
Statistical Neighbours	14.7	14.8	14.6		
England	14.2	14.2	14.1	13.7	



3.18 Thirteen cared for children were recorded as having a substance misuse difficulty. This is a significant increase on the zero recording from 2020/21 but this is now considered to have been an inaccurate report.

3.19 There has been a gender shift with regards to the proportion of cared for children going missing in 2021/22 compared with the previous year with 48% of boys going missing versus 53% of girls. In 2020/21, the ratio was 55% boys to 45% girls. Cared for girls in Torbay going missing have now moved above the national average whereas boys have moved below the national average.

Cared for children going missing

	Children going missing by gender	
	Boys	Girls
England 2020/21	56%	44%
Torbay 2021/22	48%	53%

3.20 Children going missing as a percentage of all cared for children remains in line with the national average of 10%

Cared for children going missing

	Children going missing as a % of all cared for children after in the year
England 2020/21	10%
Torbay 2021/22	10%

3.21 As with 2020/21, the vast majority of cared for children going missing related to 1 or 2 episodes with this figure being static at 58%. Missing episodes related to 40 children in 2021/22 which is comparable with 2020/21 at 41 children.

Cared for children going missing

Episodes of missing - Torbay 2021/22	No of children	%
1 or 2	23	58%
3 to 5	6	15%
6 to 10	4	10%
11 to 15	2	5%
16 to 20	4	10%
21 to 30	0	0%
31+	1	3%
Total children	40	

3.22 The duration of missing episodes for cared for children over 2021/22 remained in line with the national average. However, it is noteworthy that the percentage of children going missing between 3 and 7 days increased to 7% from 2% in 2020/21.

Cared for children going missing

Duration of missing incidents	% of incidents of missing	
	Torbay 2021/22	England 2020/21
Incidents where duration is less than 1 day	38%	35%
Incidents where duration is between 1 and 2 days	55%	56%
Incidents where duration is between 3 and 7 days	7%	8%
Incidents where duration is between 8 and 10 days	0%	1%
Incidents where duration is between 11 and 15 days	0%	1%
Incidents where duration is between 16 and 20 days	0%	0%
Incidents where duration is between 21 and 30 days	0%	0%
Incidents where duration is more than 30 days	0%	0%

3.23 1.2% of Torbay's cared for population (2 children) received a conviction during the year which is significantly lower than SN and the England average based on 2020/21 data. This is also lower than the 2.4% (4 children) in 2020/21.

Offending

	Number
OC2 Cohort	233
CfC aged 10+	168
CfC with convictions	2

	2017/18	2018/19	2019/20	2020/21	2021/22
Torbay	-	-	-	2.1%	1.2%
Statistical Neighbours	5.5%	4.4%	4.0%	5.0%	
England	4.0%	3.0%	3.0%	2.0%	

3.24 The proportion of children placed more than 20 miles away from the address from which they came into care fell but remains relatively comparable with 2020/21. However, this is still approximately 10% higher than the national average and is in the main a reflection of placement sufficiency in the immediate locality, as well as this being reflective of some deliberate decision-making in respect of placements aligned with the wishes and feelings of young people, particularly UASC who have a preference for a more urban setting.

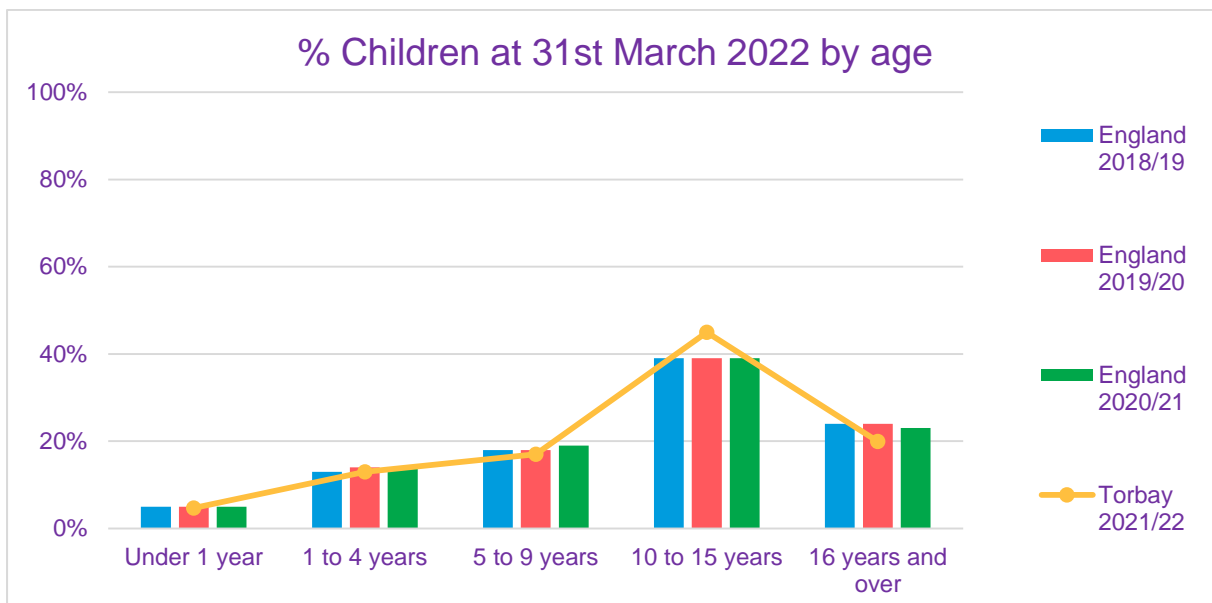
Distance from home

Cared for children on 31 March placed more than 20 miles from the address from which they came into care - Torbay 2020/21	Number	%
No	209	70%
Yes	90	30%
Total	299	

3.25 Children aged between 10 and 15 continue to be the highest represented within the Torbay cared for population with children under 1 years old being the lowest represented. This is in line with the national average for year 2020/21.

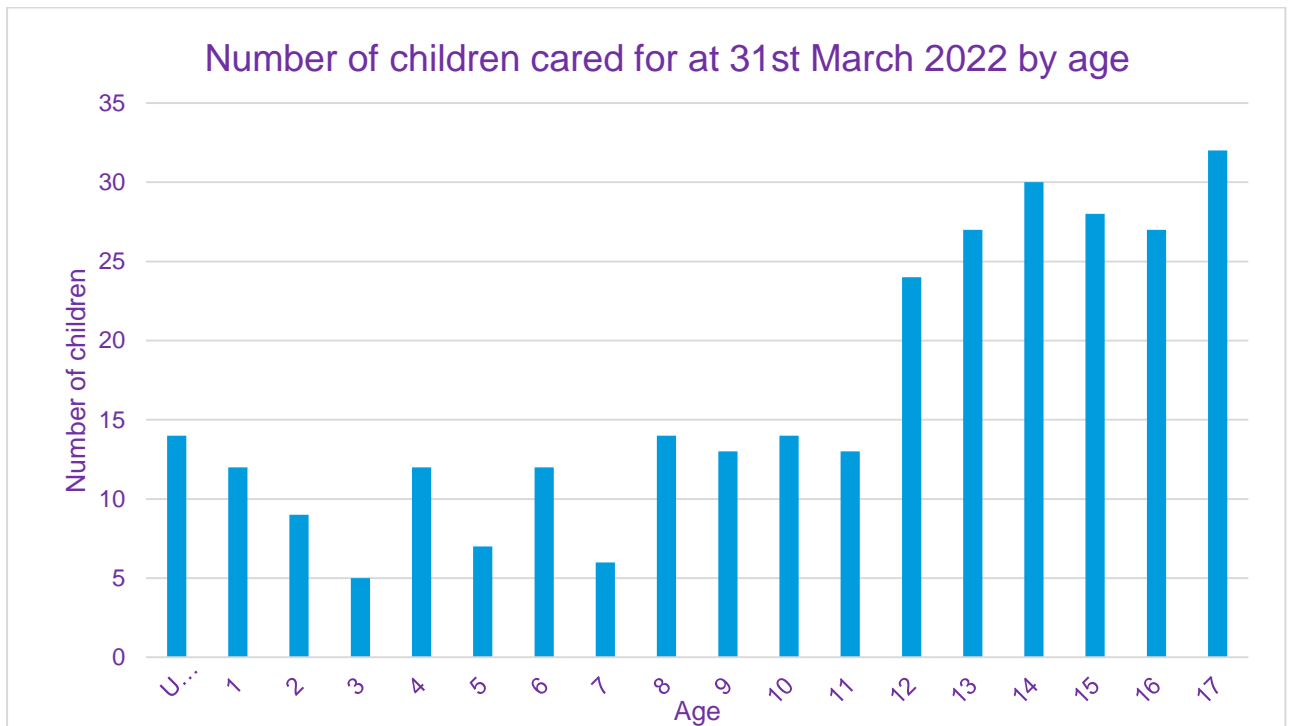
Cared for children age ranges by %

	England			Torbay
	2018/19	2019/20	2020/21	2021/22
Under 1 year	5%	5%	5%	5%
1 to 4 years	13%	14%	14%	13%
5 to 9 years	18%	18%	19%	17%
10 to 15 years	39%	39%	39%	45%
16 years and over	24%	24%	23%	20%



Cared for children age ranges by age and number

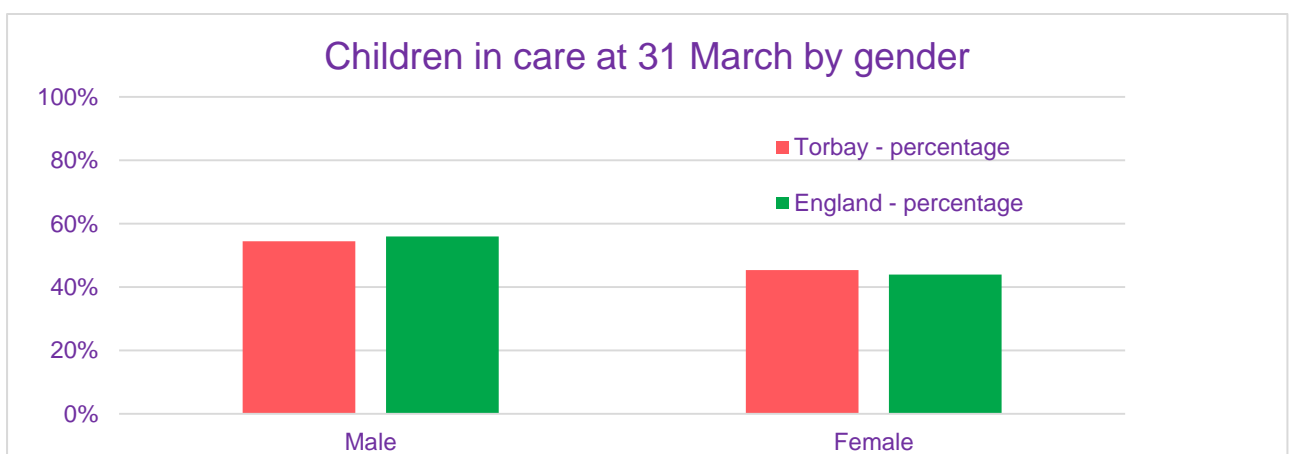
	Number
Under 1	14
1	12
2	9
3	5
4	12
5	7
6	12
7	6
8	14
9	13
10	14
11	13
12	24
13	27
14	30
15	28
16	27
17	32
Total	299



3.26 There were 55% of boys compared to 45% of girls in Torbay’s cared for on 31st March 2022 which demonstrates a significant increase in boys being cared compared to girls relative to the 51% boys to 49% girls in 2020/21.

Profile of cared for children on 31st March by gender and ethnicity

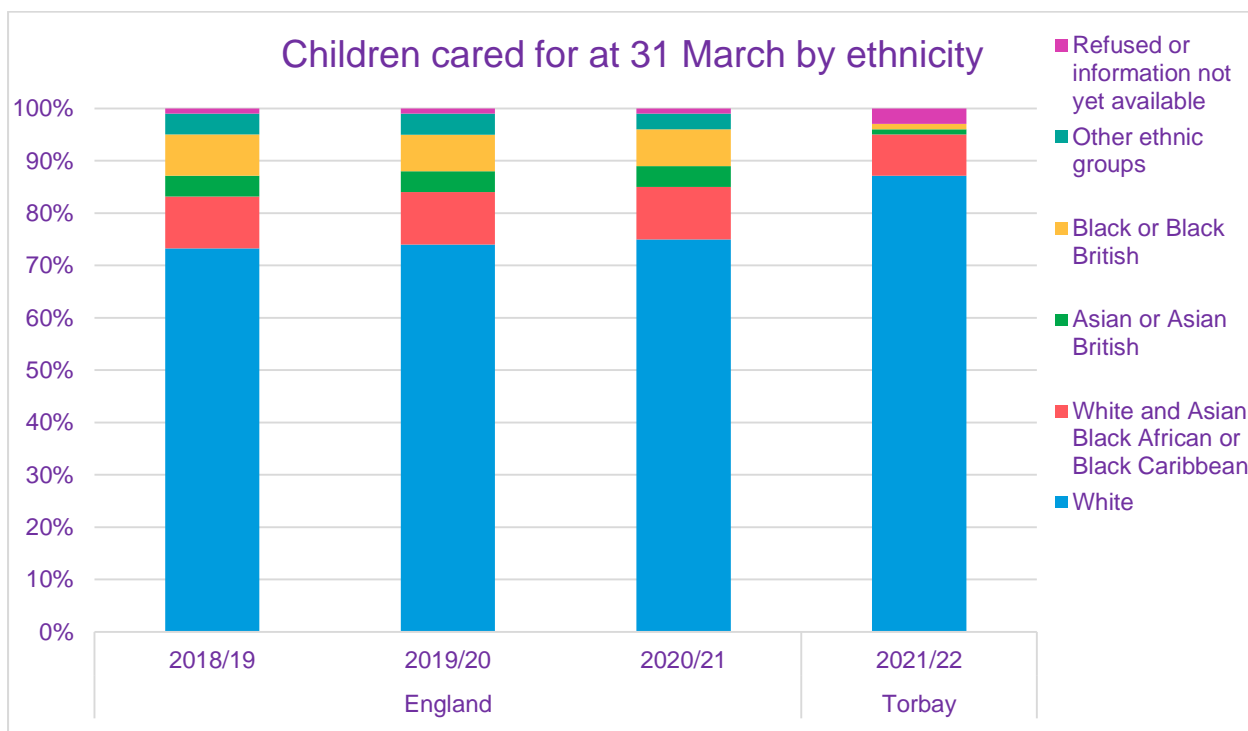
	Male	Female
Torbay - number	163	136
Torbay - percentage	55%	45%
England - percentage	56%	44%



3.27 Whites British remains the largest represented ethnicity (88%) by far which reflects the ethnic profile of Torbay being predominantly White British compared to the national average which has remained constant at around the 74% to 75% for the last four years. This figure is comparable to the 89% White British in 2020/21.

Cared for children by ethnicity

	England			Torbay
	2018/19	2019/20	2020/21	2021/22
White	74%	74%	75%	88%
White and Asian, Black African or Black Caribbean	10%	10%	10%	8%
Asian or Asian British	4%	4%	4%	1%
Black or Black British	8%	7%	7%	1%
Other ethnic groups	4%	4%	3%	0%
Refused or information not yet available	1%	1%	1%	3%

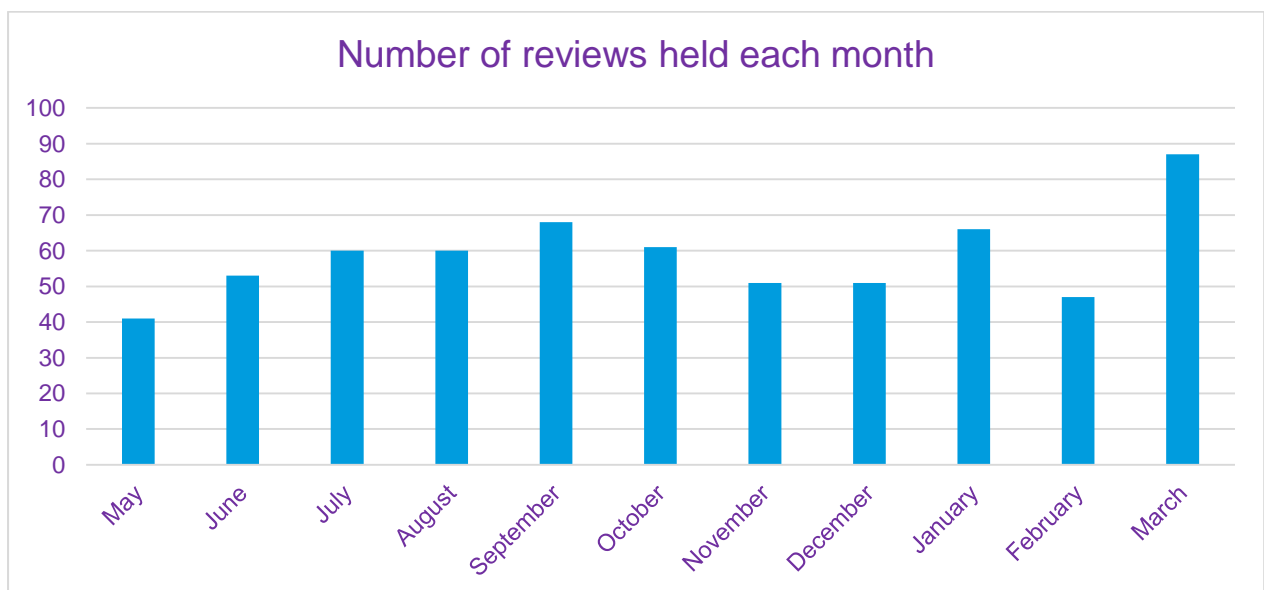


4. Timeliness of Review Records Completion

4.1 709 cared for reviews were held between 1st April 2020 and 31st March 2021. This is significantly higher than the 541 reviews held in 2020/21. 12% of all the reviews were held in March 2021.

Reviews over the year in Torbay

Month	Number of reviews held
April	64
May	41
June	53
July	60
August	60
September	68
October	61
November	51
December	51
January	66
February	47
March	87
Total	709



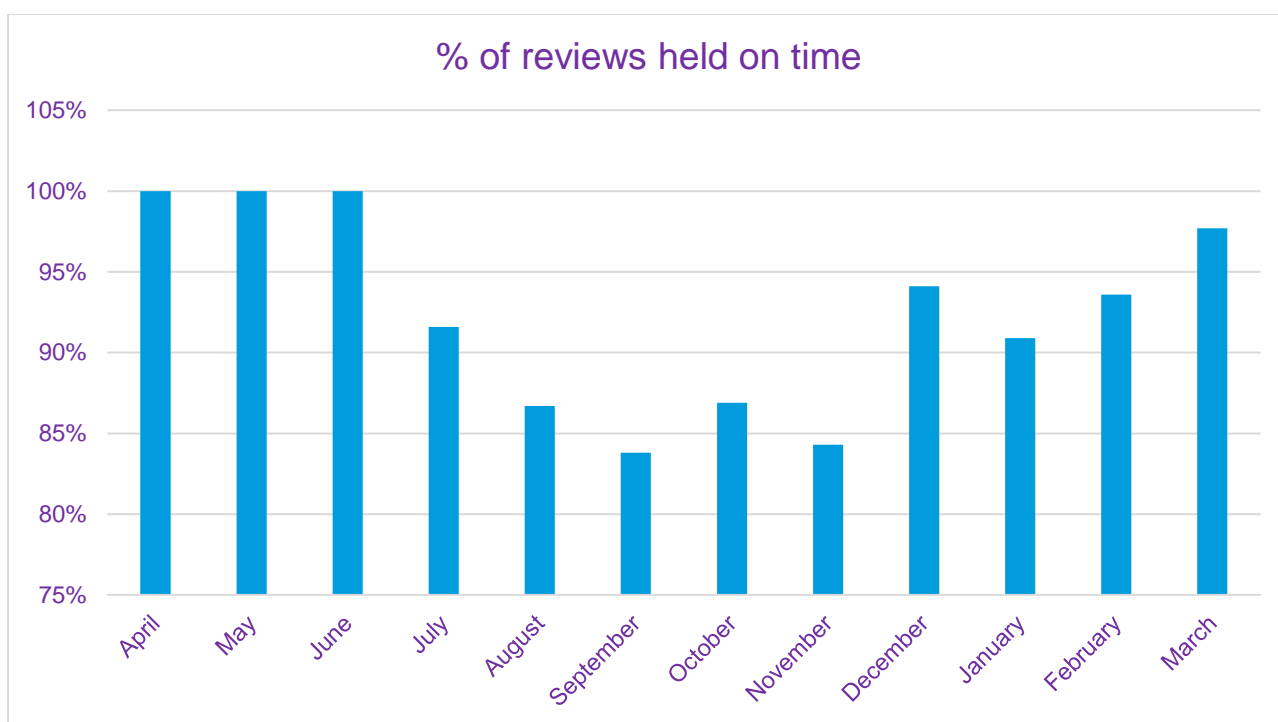
4.2 The service has continued to look at timeliness of completion of review records and sees this as a key measure of our effectiveness: for children's plans to be progressed effectively, the reviews and records that drive the plans need to be available to support moving plans forward and to ensure that the impact of the plan on children maximised.

4.3 Work to ensure timeliness of review records has continued through 2021/22, building on previous work. This year has seen relative a steady increase of cared for reviews within statutory timescale to 92% from 88% in 2020/21. Although good progress has been made here, we are still short of our local target of 95%.

4.4 It can be seen from the table and graph below that there were significant decreases in the timeliness of reviews over the quarters 2 and 3 which is a reflection of instability at both management and IRO level at that time as noted in previous sections of this report.

Percentage of reviews held on time

Month	% of reviews held on time
April	100%
May	100%
June	100%
July	92%
August	87%
September	84%
October	87%
November	84%
December	94%
January	91%
February	94%
March	98%

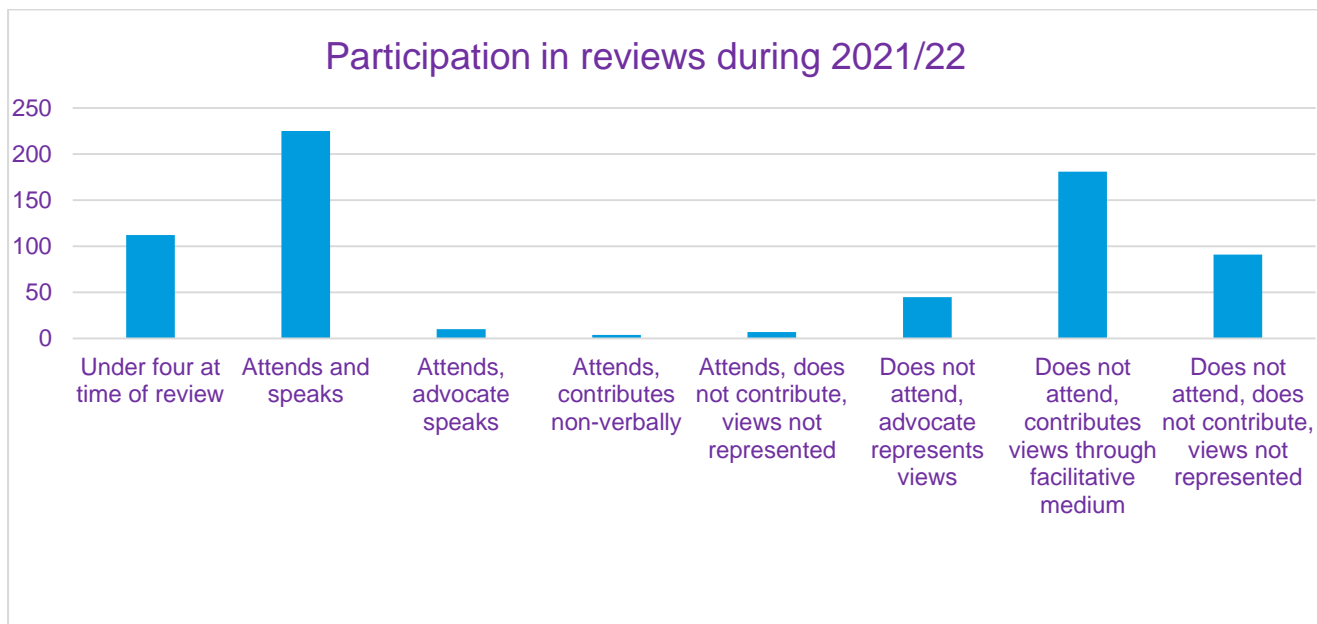


5. Voice of the Child and Young People Participation

- 5.1 A primary objective of the IRO is to ensure children are central to decisions about them and that their voice is evident in their care plans. A key element in delivering this objective is the measure of the young person's participation in the Statutory Review of their care plan and care arrangements.
- 5.2 Across the year from April 2021 - March 2022, 81% of cared for children aged 4 yrs and over had participated in their reviews. This demonstrates a drop from an already relatively low base of 88% in 2020/21. There continues to be room for improvement and plans are in place to encourage more children to not only participate in their reviews but to also co-chair them.
- 5.3 A further factor to be mindful of is the number of 17 year olds that did not attend their reviews. It is of paramount importance that this age group is supported to attend what is most likely going to be their last cared for child review before their transition to adulthood. This review needs to ensure all pathway and transition planning has been conducted and is robust and appropriate to the young peoples' needs. Lack of attendance by the young people at their final cared for reviews carries the risk of their needs such as education, health and housing not being fully considered as they move towards more independent living.

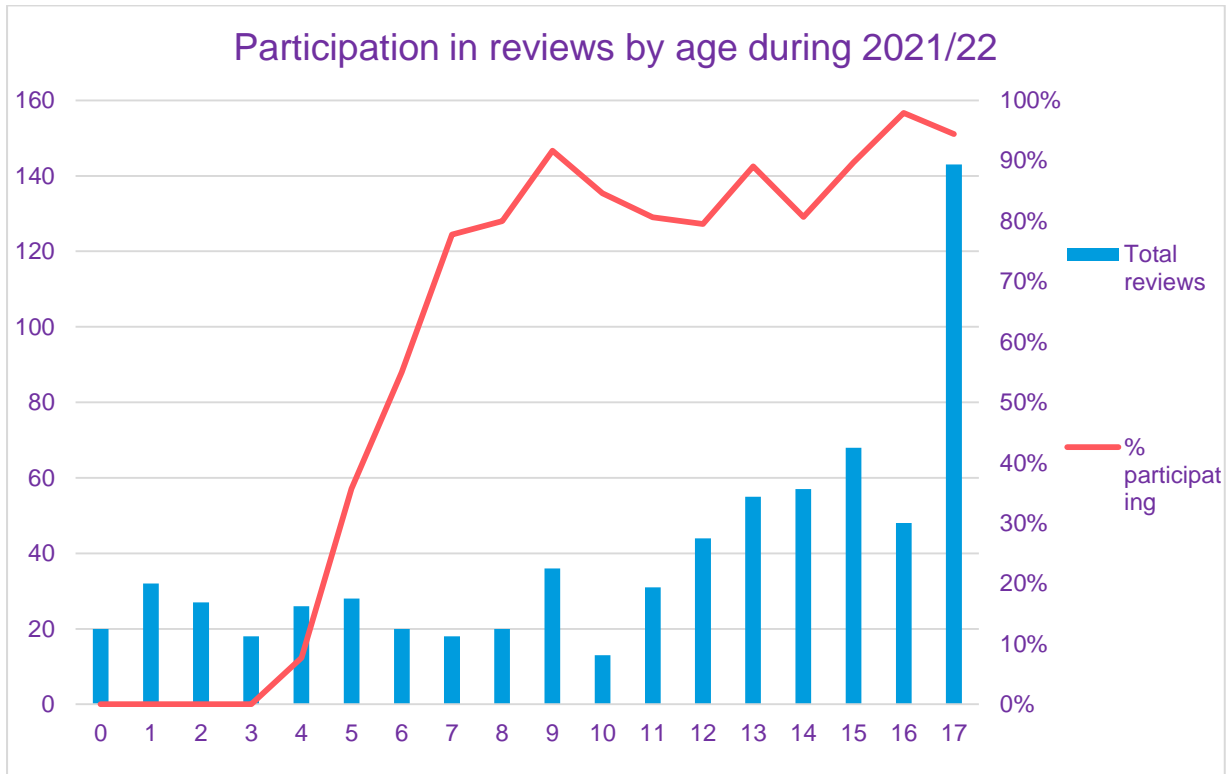
Participation - all reviews across the year

Participation code	Description	Number of reviews
PN0	Under four at time of review	112
PN1	Attends and speaks	225
PN2	Attends, advocate speaks	10
PN3	Attends, contributes non-verbally	4
PN4	Attends, does not contribute, views not represented	7
PN5	Does not attend, advocate represents views	45
PN6	Does not attend, contributes views through facilitative medium	181
PN7	Does not attend, does not contribute, views not represented	91
Blank		34
Total		709



Participation by age

Age	Attended but did not contribute	Did not attend, did not convey views	Too young	Participated	Total reviews	% participating
0			20		20	n/a
1	3		29		32	n/a
2		1	25	1	27	n/a
3		1	17		18	n/a
4		3	21	2	26	8%
5		12		10	28	36%
6		9		11	20	55%
7		4		14	18	78%
8	1	3		16	20	80%
9		3		33	36	92%
10		2		11	13	85%
11		6		25	31	81%
12		9		35	44	80%
13	2	6		49	55	89%
14		11		46	57	81%
15	1	7		61	68	90%
16		1		47	48	98%
17		13		135	143	94%
Total	7	91	112	496	706	
Total excluding under 4s	4	86	0	381	471	81%

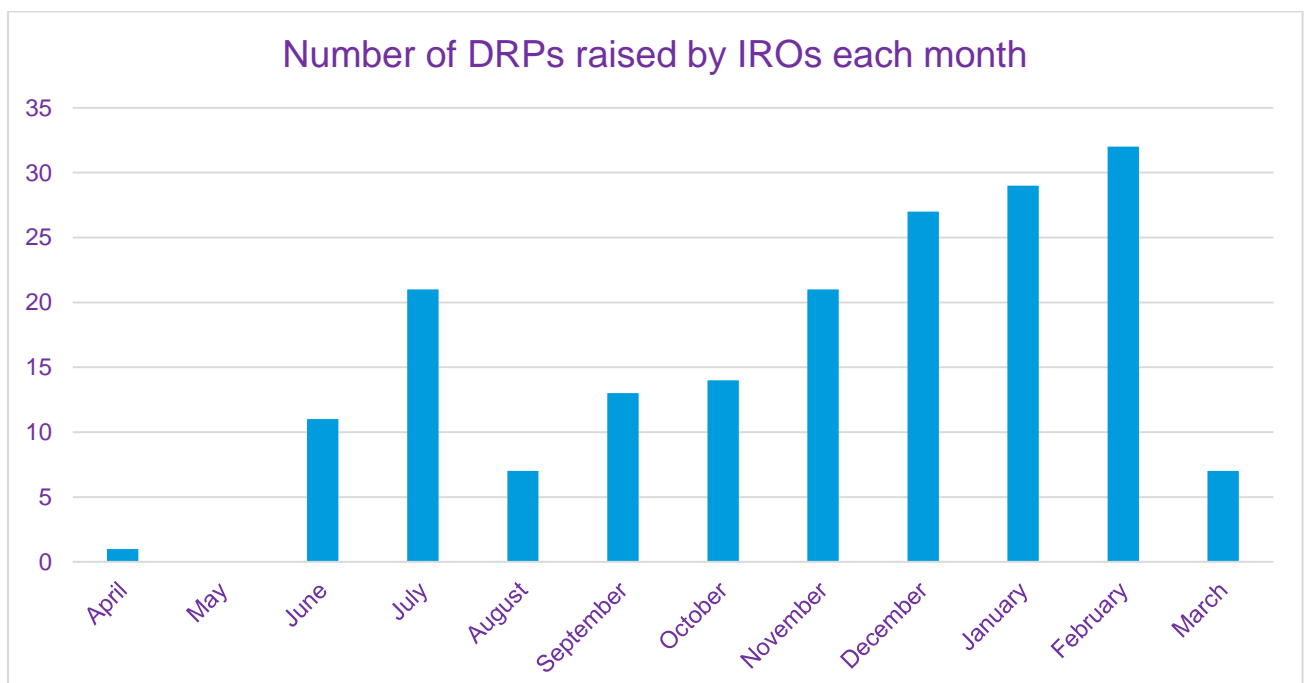


6. Dispute Resolution and Escalation

- 6.1 One of the pivotal roles of the IRO is to raise issues affecting a child’s care with the social work service where, for example, performance issues, care planning and resources are affecting the child or young person’s plans progressing and their needs being met.
- 6.2 There is an established Dispute Resolution and Escalation process available in Torbay’s procedures and practice standards. IROs continue to seek resolutions informally to issues through dialogue with the social worker or their manager before and at each stage of the procedure, but if no resolution is achieved the problem can and should be escalated to the attention of senior managers.
- 6.3 Between April 2021 to March 2022, there were 183 formal resolution and escalations completed and escalated across all the IROs which is comparable to 2020/21’s figure of 185
- 6.4 It is noteworthy that between August and September, the number of DRPs is relatively low whilst at the same time the number of cared for reviews conducted within statutory timescales was also low. This suggests a lack of IRO and/or management oversight during this period resulting in an impaired level of service performance and challenge.

Number of Dispute Resolution Processes raised by IROs each month

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Number of DRPs	1	0	11	21	7	13	14	21	27	29	32	7



7. Achievements and Impact of the IRO Service and Summary of Progress

- 7.1 The IRO Service is continuing to make steady and purposeful improvement on many of its key activities. Children and young people continue to be provided with an IRO within three working days of becoming cared care or within two days of notification to the service, and changes in IRO have reduced and have been kept to a minimum during the year.
- 7.2 The IRO service continues to challenge through formal and informal escalation means whenever there are concerns about children's care plans not being effective or there is delay in plans being pursued. In addition, the IRO footprint on children's files is improving, albeit from a low baseline.
- 7.3 The new Head of Service has been in post since December 2021 and has undertaken a full evaluation of the service and has created a service plan reflective of key improvements required, including the commitment to having a full team of permanent IROs in post along with a permanent Service Manager by January 2023. This will not only provide the IRO service with stability and consistency but also provide all cared for children an IRO that will follow them through their cared for journey in a way that agency workers may not be able to.
- 7.4 The IRO Service has adapted effectively and well during the year to respond to the demands of social distancing because of the need to contain infection during the coronavirus pandemic. The service has operated through and developed methods for undertaking effective reviews through technology enabling meetings to take place virtually. Throughout this year, the service has maintained effective reviewing of children's care plans and functions of the IRO to support outcomes and wellbeing for children in care, and at no point have had to accept less quality in our work with children. Learning here will be taken forward to develop a hybrid meeting model going forward.
- 7.5 Performance meetings now happen on a regular basis with data being looked from a child's lived experience perspective.
- 7.6 The IROs have continued to develop good links internally and externally with each IRO being tasked with being the link into other services throughout the Statutory care services in Torbay. These links have now extended to partners such as Health and in particular Education where a significant amount of joined up work is being done with the Virtual School to improve educational outcomes for cared for children.

8. Independent Reviewing Service Performance Planning Procedure

- 8.1 The IRO data set includes the following:-
- Timeliness and timescales for CfC reviews,
 - Timeliness of completion of review records and sharing of key decisions and Outcomes,
 - Availability of social work reports and plans for children,
 - The participation and attendance of children and young people at reviews,
 - Whether the child has a suitable plan for permanence,
 - Whether a midpoint check has been undertaken and progress of planning,
 - Details as to escalations both formal and informal,
 - Timeliness of health assessments.
- 8.2 The data set is reported to the Head of Service for Safeguarding, Reviewing and Early Help on a monthly basis and used as a basis for scrutiny and discussion during the monthly performance meetings.
- 8.3 Areas for learning and improvement are identified during the performance meetings and the minutes and plans shared with the Divisional Director for Safeguarding.
- 8.4 Supervision is an essential activity for providing support and development to individual IROs and to work toward creating consistency across the service in terms of practice, process, and overall service performance. The team's supervision consists of both case and personal. The latter ensured staff wellbeing was maintained during the latter part of the Covid 19 pandemic.

9. Areas for Development 2022/23 and beyond

9.1.1 There are several areas that have been identified for development across the Independent Reviewing Service for 2022/23 and beyond as follows:-

- i. **Service stability** – this will include the appointment of a permanent Service Manager and the appointment of a full crew of permanent IROs to replace all agency staff by the start of Quarter 4.
- ii. **Address the long-term sickness issues** – this will include the utilisation of the Human Resource absence review mechanisms for current staff on long-term sick as well as monitoring and addressing further absenteeism as it arises.
- iii. **Ensure reviews are held within Statutory timescales** – this will include a revision of the invite reminder system and tracking of reports that inform the reviews to ensure they are completed prior to the reviews and reduce the risk of reviews being rescheduled.
- iv. **Increased participation** – This will be a piece of work allocated to the new Service Manager to ensure all children have access to advocacy and further work is undertaken to support children to chair their own reviews.
- v. **Partner attendance at reviews** – work will be completed with partner agencies to ensure the right professionals are present to inform reviews and care planning for children.
- vi. **Cared for children’s health needs are met** – more work to be undertaken with social workers and health partners to ensure health assessments, dental checks and immunisations are completed in a timely manner.
- vii. **Restorative relational work** – more link work to be completed across all service areas to ensure more improved understanding of the IRO role across service areas through stronger relational and partnership working.
- viii. **Parent and child feedback** – the implementation of an online feedback form so the service can learn from the experiences of children, young people and their parents regarding the care planning and review processes.
- ix. **Practice improvement** – this will include more wider use of the DRP procedure to ensure poor practice is identified and addressed appropriately by translating concerns into learning opportunities across all the service areas.

Report authored by:	Shaun Evans (Head of Service – Safeguarding, Reviewing and Early Help)
Date:	1st December 2022

Meeting: Cabinet/Council **Date:** 23rd February 2023/7 March 2023

Wards affected: All wards in Torbay

Report Title: Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions

When does the decision need to be implemented? By 31st March 2023

Cabinet Member Contact Details: Christine Carter, Cabinet Member for Corporate and Community Services, (01803) 207087, Christine.Carter@torbay.gov.uk

Director/Divisional Director Contact Details: Anne-Marie Bond, Chief Executive, (01803) 207160, Anne-marie.bond@torbay.gov.uk

1. Purpose of Report

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a pay policy statement for each financial year. This is a statutory requirement, and the pay policy statement must be approved formally by Council. The pay policy statement draws together the Council's overarching policies on pay and conditions and will be published on the Councils Website.
- 1.3 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme.

2. Reason for Proposal and its benefits

- 2.1 The Annual Pay Policy Statement 2023/24 must be approved by the Council in order for the Council to be compliant with Section 38 (1) of the Localism Act 2011.
 - 2.3 The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.
-

3. Recommendation(s) / Proposed Decision

That Council be recommended to approve:

- the Torbay Council Annual Pay Policy Statement 2023/24 as set out in Appendix 1 to the submitted report be approved for publication.

- the Employers Pensions Discretions set out in Appendix 2 to the submitted report be approved for publication.

Appendices

Appendix 1: Torbay Council Pay Policy Statement Report 2023/24

Appendix 2: Torbay Council Pension Discretions

Background Documents

Copies of Torbay Councils associated Pay Policies will be made available upon request. All current policies are held on the Council's MyView system:-

<https://myview.torbay.gov.uk/dashboard/dashboard-ui/index.html#/landing>

The following documents/files were used to compile this report:-

Localism Act Pay Policy Guidance from the Local Government Association

<https://www.local.gov.uk/introduction-localism-act>

Supporting Information

1. Introduction

- 1.1 The publication of the Annual Salary Statement is a statutory requirement under Section 38 (1) of the Localism Act 2011. If Council does not approve the Salary Statement then the Council will be in breach of the legislation.

See Annual Pay Policy Statement, Appendix 1 for full details.

- 1.3 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme. The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.

See Pensions Discretions, Appendix 2, for full details of the existing and recommended discretions.

2. Options under consideration

- 2.2 There are no options to be considered in regard to the publication of the Pay Policy Statement as it is a statutory requirement of Section 38 (1) of the Localism Act 2011.

- 2.3 The Employers Pensions Discretions were last approved by Council in March 2022. Although there are no changes proposed, Council are required to approve these discretions on an annual basis.

3. Financial Opportunities and Implications

- 3.1 There are no financial opportunities. The implications are in relation to financial penalties that the Council could face for non-compliance, for example, under equal pay legislation.

4. Legal Implications

- 4.1 The Council would be in breach of its statutory obligation if it does not publish its Annual Pay Policy Statement in accordance with the Localism Act 2011.

- 4.2 The Pay Policy Statement and associated pay policies set out the processes and procedures by which the Council pays its staff. These practices are in accordance with the Equality Act 2010 and associated employment law and so must be complied with.

5. Engagement and Consultation

5.1 Trade Unions representing staff within Torbay Council will be consulted at Joint Consultative meetings.

6. Purchasing or Hiring of Goods and/or Services

6.1 There are no associated services or goods that need to be purchased or hired under these proposals.

7. Tackling Climate Change

7.1 There are no climate change implications associated with these proposals.

8. Associated Risks

8.1 Non-Compliance with Section 38 (1) of Localism Act 2011, please see above. It is currently not determined as to whether there would be a financial penalty for non-compliance with the Localism Act however, under employment law non-compliance could result in heavy penalties for the Council (e.g. Equal pay and discrimination claims).

8.3 In addition to the risk of enforcement action by the EHRC, the Council should also consider the potential damage to their reputation of non-compliance with equal pay legislation if pay and grading processes are not followed.

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			In regard to the Employers Pensions Discretions, these will only affect employees who are 55 years and above. A neutral impact as the proposal is that the discretions will not change since they were last reviewed in 2022.
People with caring Responsibilities			
People with a disability			

Women or men	An Equality Impact Assessment was undertaken for the Council's Pay and Grading structure in 2019 – this indicated that men and women are both positively impacted by the new pay and grading structure.		
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			
Religion or belief (including lack of belief)			
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)			Neutral, no public health impact identified as a result of proposals.

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.

Annual Pay Policy Statement 2023-24

February 2023

This document can be made available in other languages and formats.
For more information please contact hrpolicy@torbay.gov.uk

1. Purpose and Scope

- 1.1 Section 38 (1) of the Localism Act 2011 requires the Council to prepare an Annual Pay Policy Statement.
- 1.2 Supplementary guidance was published in February 2013 – “Openness and Accountability in Local Pay: Supplementary Guidance”. Due regard has been given to that guidance in preparation of this policy.
- 1.3 In dealing with staff pay it is the Council’s strategy to ensure that our Pay Policy facilitates the recruitment and retention of staff with the skills and capabilities the Council needs.
- 1.4 Arrangements for staff pay must comply with Equal Pay legislation.
- 1.5 Senior Officers – these are posts with specific responsibility such as Section 151 Officer and/or where the salary is above £50,000
- 1.6 This Pay Policy Statement is a supplement to Torbay Council’s overarching Pay and associated policies which form part of the terms and conditions of employees. These include but are not limited to:-
 - Torbay Council Pay Policy
 - Job Evaluation Scheme Policies (Greater London Provincial Councils Job Evaluation Scheme).
 - NJC Terms and Conditions of Employment (Green Book)

- JNC Terms and Conditions for Chief Executives
- JNC Terms and Conditions for Chief Officers (Directors within Torbay Council are appointed to these Terms and Conditions).
- NHS Terms and Conditions
- Torbay Council Local Government Pension Scheme Policy Discretions
- Employment of Apprentices Policy
- Re-evaluation Policy
- Temporary Acting Up Policy
- Temporary Additional Duties Policy
- Expenses Policy
- Market Supplement Policy
- Market Forces Policy
- Staff Travel Plan
- Key Skills Retention Policy
- Key Skills Golden Hello Scheme
- Key Skills Student Loans Allowance Scheme
- Key Skills Referral Scheme
- Key Skills Accommodation Allowance
- Flexible Retirement
- Retirement and Long Service Award
- Re-organisation and Redundancy Policy

1.7 Guidance from the Secretary of State makes reference to the Hutton Review of Fair Pay. This indicated that the most appropriate metric for pay dispersion is the multiple of Chief Executive pay to median salary. Tracking this multiple will allow the Council to ensure that public services are accountable for the relationship between top pay and that paid to the wider workforce. This annual pay policy statement will publish this multiple along with the following information:

The level of salary for each of the Officers as defined in 1.5 above;

The salary of the lowest paid employee - this information can be found in Appendix 1 of this policy.

2. Arrangements for officer pay

2.1 The general terms and conditions of employment are governed by the following national agreements:

- Chief Executive/Head of Paid Service - JNC for Chief Executives of Local Authorities
- Directors and Divisional Directors - JNC for Chief Officers of Local Authorities
- Senior Officers - NJC for Local Government Services
- Educational Advisors and Inspectors/ Educational Psychologists – Soulbury Pay and Conditions
- All other Employee Groups – NJC for Local Government Services
- Public Health – NHS Terms and Conditions of Service (for employees who have transferred under TUPE)

2.2 The Council uses two forms of Job Evaluation to identify officer pay. This is either through the Council’s GLPC Job Evaluation Scheme or the Hay Evaluation Scheme. The Hay Evaluation scheme produces both a Know How Score and a total points score for each post evaluated. Torbay Council pays salary (with a pay band of 4 spinal points) on the basis of the Know How Score only (not the final points score). Know-How is the sum of every kind of knowledge, skill and experience required for standard acceptable job performance.

2.3 The Hay Job Evaluation scheme is used to evaluate the following roles within the Council:-

- Chief Executive/Head of Paid Service
- Directors and Divisional Directors
- Senior Officers

All Grade N and O roles are evaluated under GLPC and Hay (this is due to the cross over point of the two schemes).

Public Health posts are evaluated on the Council’s GLPC Job Evaluation Scheme. Public Health posts can also be evaluated using the “Agenda for Change” evaluation scheme in order to ensure pay parity for similar clinical roles in the NHS.

All other posts within the Council are evaluated under the Torbay Council GLPC evaluation scheme in accordance with the agreed policies.

2.4 A review of Hay salary data was purchased in 2018 and salaries were reviewed in line with this and with South-West public and private sector data. Since 2018 there has been annual benchmarking of salary rates. This salary information, together with corresponding job descriptions, is available from the Council’s internet page, link as follows:- <http://www.torbay.gov.uk/council/finance/salary-levels/>

2.5 In determining the salary for the Chief Executive/Head of Paid Service within the Council, and in the absence of appropriate data from Hay, the Council will take advice from the

Head of Human Resources. In such a scenario independent advice may be taken from South West Councils (HR and Employment Services) and other professional organisations to advise the Council as to the appropriate level of remuneration to be awarded.

- 2.6 The Chief Executive under the general scheme of delegation within the Council will determine the terms and conditions of employment of all officers. Advice will be sought from the Head of Human Resources as required.
- 2.7 Following significant changes in duties, any post can be re-evaluated. The evaluation will be based on a Job Evaluation Questionnaire which will be assessed by an independent panel of Job Evaluation trained assessors. External advice and benchmarking will also be undertaken if necessary to ensure that market conditions are taken into account for pay and grading.
- 2.8 Salary increases in relation to cost of living will be applied to all posts according to the awards made by the appropriate National Joint Council as described in paragraph 2.1.

The Council's pay and grading structure is available from the Council's website :-
<https://www.torbay.gov.uk/council/jobs/what-we-offer/salary-and-grades/>

- 2.9 No additional payments are made to in respect of:
- Bonus payments or Performance payments to the Senior Officers defined in 1.5, unless where given as a result of protections under TUPE, i.e. a transfer from another employer.
 - Additional enhancements are paid to NJC Employees who are employed on SCP 23 or below of the Torbay Council Salary Scale. These enhancements were varied in accordance with a Collective Agreement with our Trades Unions, dated 13th December 2016.
- 2.10 Additional payments are made to any Council Officers who act as Returning Officers, Deputy Returning Officers and those who carry out specific duties at elections. These payments are calculated according to the approved scale or set by a government department depending on the nature of the election. This is treated as a separate employment as and when required.
- 2.11 In comparing the Chief Executive/Head of Paid Service pay with the wider workforce the Council will use the following definitions:
- The lowest-paid employee: the employee or group of employees with the lowest salary (full-time equivalent) employed by the Council at the date of assessment.

- The median: the mid-point salary when full-time equivalent salaries are arranged in order of size (highest to lowest). Based on salary levels of staff on the date of assessment.

This excludes those employed on casual contracts of employment but includes part time employees where their salaries are normalised to the full-time equivalent. It also excludes Apprentices who are employed on the Torbay Council apprentice pay grade.

3. Pensions contributions and other terms and conditions

- 3.1 All staff who are members of the Local Government Pension Scheme make employee contributions to the scheme in accordance with the following LGPS contributions table 2023/24.

Band	Salary Range	Contribution Rate	Contribution Rate
1	£0 To £16,500	5.50%	2.75%
2	£16,501 To £25,900	5.80%	2.90%
3	£25,901 To £42,100	6.50%	3.25%
4	£42,101 To £53,300	6.80%	3.40%
5	£53,301 To £74,700	8.50%	4.25%
6	£74,701 To £105,900	9.90%	4.95%
7	£105,901 To £124,800	10.5%	5.25%
8	£124,801 To £187,200	11.4%	5.70%
9	£187,201 or more	12.5%	6.25%

- 3.2 The Torbay Council employer pension contribution rate is 18.4% from 1 April 2023.
- 3.3 All employees are currently able to apply for a Car Parking permit, which enables employees to park on Council property for a reduced daily rate.

4. Termination payments - Chief Officers

- 4.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, at retirement age or prior to this, is set out within its Redundancy policy and is in accordance with Regulation 5 of the Local Government (Early termination of Employment) (Discretionary Compensation) Regulations 2006 and Regulations 8 and 10 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007. Final payment details are submitted to Full Council for approval.

5. Salary packages upon appointment

- 5.1 Any salary package offered in respect of a new appointment for a Chief Executive /Head of Paid Service will be approved by Full Council. This will include any new salary package equating to £100,000 or more.
- 5.2 In the case of salary packages for Directors and Divisional Directors, this will need to be approved by the Council's Employment Committee, acting on behalf of Full Council. This will include any salary package equating to £100,000 or more

6. Settlement agreements

- 6.1 Torbay Council will only enter into Settlement Agreements in exceptional circumstances where it is in the Council's overall commercial and financial interests to do so. Any Settlement Agreement for the Chief Executive/Head of Paid Service will be approved by the Full Council. This will include any severance package including associated pension costs equating to £100,000 or more.
- 6.2 In the case of Settlement Agreements for Directors and Divisional Directors, this will need to be approved by the Council's Employment Committee acting on behalf of full Council. This will include any severance package including associated pension costs equating to £100,000 or more.
- 6.3 Settlement Agreements for any other member of staff will need to be authorised by the Director of the service following consultation with the Chief Executive/Head of Paid Service.

7. Gender pay gap reporting

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires Torbay Council to calculate and publish the pay gap between male and female employees every year. Pay data must be based on a 'snap-shot' of the pay situation as at 31st March the preceding year and must be published by 30th March annually to the Government and also on Torbay Council's website.

The Council's Gender Pay Gap Report will be reported separately on 30th March 2023 for the snapshot date of 31st March 2022: <https://www.torbay.gov.uk/council/information-and-data/transparency-and-data/annual-pay-policy-statement/#c7>

The Government publishes the results on their Gender Pay Gap Viewing Service:- <https://gender-pay-gap.service.gov.uk/>

8. Publication

- 8.1 Once approved by Full Council, this Policy and any subsequent amendment will be published on the Council's website. Human Resources Policy will be responsible for the annual review to ensure an accurate pay policy is published ahead of each financial year.
- 8.2 In accordance with the Code of Practice on Local Authority Accounting, the annual Statement of Accounts includes pay details of Senior Officers reporting directly to the Chief Executive/Head of Paid Service and statutory posts where the salary is above £50,000 per annum.
- 8.3 Full Council decisions in relation to staff pay matters are available from the Council's internet page, link as follows:
<http://www.torbay.gov.uk/DemocraticServices/ieDocHome.aspx>

Current Salary Levels for Chief Executive/Head of Paid Service, Directors, and other Senior Officers

Torbay Council publishes a Salary Levels list with post details, salary bands and full-time equivalent salaries, available from Torbay Council's website:-

<https://www.torbay.gov.uk/council/finance/salary-levels/>

This policy applies equally to all Council employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

Appendix 1 - Multipliers

The idea of publishing the ratio of the pay of an organisation’s top salary to that of its median salary has been recommended in order to support the principles of Fair Pay and transparency. These multipliers will be monitored each year within the Pay Policy Statement.

In comparing the highest paid salary with the wider workforce the Council will use the following definitions:-

- The lowest-paid employee: the employee or group of employees with the lowest rate of pay (full-time equivalent) employed by the Council at the date of assessment. This includes all types of employment within the Council.
- The median: the mid-point salary when full-time equivalent salaries of all core council staff are arranged in order of size (highest to lowest). Based on the salary levels of staff on the date of assessment. This includes all types of employment within the Council.

The Council’s current ratio in this respect is 4.78:1, i.e. the highest salary earns 4.78:1 times more than the Council’s median salary. The lowest full-time salary is £20,258 which is Grade A, scale point 1. When measured against the lowest salary the ratio between highest and lowest is 7.27:1.

Date of assessment: December 2022.

	Annual Salary	Ratio to Highest
Highest Salary	Within the banding £145,000 - £149,999	
Median (Mid-point) value	£30,769	4.78:1
Lowest full-time salary	£20,258	7.27:1

The difference in ratio between the median and lowest points in this year’s pay policy statement is smaller than the 2022/23 Annual Pay Policy Statement. In 2022/23 it was 5.18:1 for the median point and 8.13:1 between the highest and lowest point values. This shows a smaller difference in the ratio between the highest and lowest salaries. This can be attributed to the 2022 NJC Pay Award that took effect in November 2022 which uplifted the lowest spinal column points considerably, in some cases by £1, therefore narrowing the difference between the highest and lowest paid employees.

Sources of Information:-

GOV.UK – Openness and accountability in local pay: guidance

<https://www.gov.uk/government/publications/openness-and-accountability-in-local-pay-guidance>

LGA – Pay Policy and Practice in Local Authorities

<https://www.local.gov.uk/sites/default/files/documents/guide-pay-and-rewards-mem-4b6.pdf>

Policy Feedback and History

Should you have any comments regarding this policy, please address them to the HR Policy mailbox –

HRpolicy@torbay.gov.uk

History of Policy Changes

This policy was first agreed by members of the Torbay Joint Consultative Committee in March 2012

Date	Page	Details of Change	Agreed by:
November 2012	Various	Amendment from Chief Executive to Chief Operating Officer	SSG 8.11.12 Approved by Full Council
6th December 2012	5-6	Update to pension ranges re: LGPS contribution rates Addition of Payments upon Termination Section	Approved by Full Council

6th December 2012	7	Update to Ratio + Multiplier information (Appendix 2)	Approved by Full Council
6th December 2012	6	Update to current salary levels + addition of newly appointed posts (Appendix 1)	Approved by Full Council
5th December 2013	Various	Update to current salary levels and reference to Chief Executive Officer throughout. Inclusion of Public Health information.	To be approved by Full Council – 5.12.13
5th December 2014	Various	Update to current salary levels and pension rates, reference to Executive Head of Commercial Services.	To be approved by Full Council – 4.12.14
November 2015	Various	Update to reflect structure changes, e.g. Chief Officer/Head of Paid Service and Assistant Director roles. Reference to National Living Wage from 1.4.16. New section (5) relating to approval process for Chief Officer/Head of Paid Service appointments and changes to Section 6 (Settlement Agreements) to reflect approval process, i.e.	Approved by Full Council – 10.12.15

<p>January 2019</p>	<p>Various</p>	<p>Insertion of new section 2.9 re:- pay and grading structure changes.</p> <p>Update to Pensions information – Section 3</p> <p>Update to Appendix 1 – multiplier information.</p> <p>Update of Appendix 2 – Gender Pay Gap Report</p> <p>Amendment to Scope of Gender Pay Gap Report – pay calculations no longer include Schools data.</p>	<p>Full Council Approval 21st February 2019.</p>
<p>January 2020</p>	<p>Various</p>	<p>Update to Appendix 1 – multiplier information.</p> <p>Update of Appendix 2 – Gender Pay Gap Report.</p> <p>ONS Annual Earnings Survey Results included for private and public sectors.</p>	<p>Full Council Approval 27th February 2020.</p>

January 2021	Various	<p>Update to Appendix 1 – multiplier information.</p> <p>Update of Appendix 2 – Gender Pay Gap Report</p> <p>ONS Annual Earnings Survey Results figures updated for private and public sectors.</p> <p>Inclusion of Restriction of Public Sector Exit Payment Regulations 2020.</p>	Full Council Approval 24th February 2021.
December 2021	Various	<p>Update to Appendix 1 – multiplier information.</p> <p>Update of Appendix 2 – Gender Pay Gap Report</p> <p>ONS Annual Earnings Survey Results figures updated for public sector and all employers.</p> <p>Addition of Key Skills Accommodation Scheme and Key Skills Employee Referral Scheme.</p> <p>Removal of Restriction of Public Sector Exit Payment Regulations 2020.</p> <p>Update to LGPS contribution rates and bandings.</p>	Full Council Approval 3rd March 2022.

December 2022	Various	<p>Update to Appendix 1 – multiplier information.</p> <p>Update to LGPS contribution rates and bandings.</p> <p>Removal of Gender Pay Gap Report, to be reported separately.</p>	<p>Pending - Full Council Approval 23rd February 2023.</p>
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Policy to be reviewed December 2023



Looking forward to your retirement

Employer Pensions Discretions Policy

The LGPS Regulations 2013

and

The LGPS Regulations 2014

(Transitional Provisions and Savings)

and

The LGPS Regulations 2008

(Benefits, Membership and Contributions)

(as at 14th May 2018)

Employer name: TORBAY COUNCIL

Policy effective from: 01/04/2023

These policies may be subject to review from time to time. Affected employees will be notified of any subsequent change to this Policy Statement.

Print name of authorised officer: Anne-Marie Bond

Job title: Chief Executive

Date:

Signature of authorised officer:

Mandatory LGPS 2013 & 2014 discretions

Power of employing authority to grant additional pension Regulation R31

An employer can choose to grant extra annual pension* (at full cost to themselves) to:

- a) an active member; or
- b) to a member, within 6 months of leaving, whose employment was terminated on the grounds of redundancy or business efficiency

**(Current maximum additional pension allowed is £6,822 (figure at 1 April 2018))*

Please state your decision below:

Torbay Council will not normally exercise the discretion to grant additional pension except in exceptional circumstances.

Shared Cost Additional Pension Scheme Regulation R16 (2) (e) and R16 (4) (d)

Where an active member wishes to purchase extra annual pension by making additional pension contributions (APCs)*, an employer can choose to voluntarily contribute towards the cost of purchasing that extra pension via a shared cost additional pension contribution (SCAPC)

**(Current maximum additional pension allowed is £6,822 (figure at 1 April 2018))*

NOTE: this discretion does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work (or such a longer period as the Scheme employer may allow) to pay a SCAPC to cover the amount of pension 'lost' during that period of absence. That is because, in those cases, the Scheme employer must contribute 2/3rds of the cost to a SCAPC; there is no discretion [regulation 15(5) of the LGPS Regulations 2013].

Please state your decision below:

Torbay Council will not normally enter into a Shared Cost Additional Pension Contribution contract to count towards a member's APC purchase except in exceptional circumstances.



Flexible Retirement

Regulation R30 (6) and TP11 (2)

Under the regulations, once an employee reaches age 55, they may remain in employment and draw their retirement benefits.

However, there are certain conditions that must be met:

- a) The employer must agree to the release of the pension.
- b) The employee must reduce either their hours, and/or their grade. *(The specific reduction required is not set out in the regulations, but instead must be determined by the employer, whom must specify the requirements within their flexible retirement policy).*

In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives reduction on compassionate grounds or a member has protected rights).

If flexible retirement is permitted, employers will need to publish a Flexible Retirement Policy and send Peninsula Pensions a copy. This can be done on the final section of this template.

Please state your decision below:

Torbay Council will take all reasonable steps to accommodate an employee's request for Flexible Retirement.

The Council will consider waiving a reduction to pension benefits where flexibility will enable the Council to retain key skills within critical service areas.

The Council will also consider requests where an employee is aged between 55 and 60, satisfies the 85 year rule and in which case the decision incurs a pension strain cost. Such requests will be considered by the Head of Paid Service and/or the Council, dependent on the seniority of the role and the associated cost, in line with the Local Government Transparency Code 2015.

Waiving of actuarial reduction

Regulation R30 (8) , TP3 (1), TPSch2, Para 2(1), B30 (5) and B30 (A) (5)

Employers have the power to waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits paid on the grounds of flexible retirement.

Employers may also waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits for deferred members and suspended tier 3 ill health pensioners who elect to draw benefits on or after age 60 and before normal pension age.

Please state your decision below:

Torbay Council will consider waiving a reduction to pension benefits in the event of Flexible Retirement where flexibility will enable the Council to retain key skills within critical service areas.

The Council will not waive the actuarial reduction applied to deferred member's benefit requests, suspended tier 3 ill health pensioners

Employers also have the power to waive, in whole or in part, the actuarial reduction applied to active members' benefits when a member chooses to voluntarily draw benefits on or after age 55 before age 60 and on or after age 60 and before Normal Pension Age (NPA).

or active members who retire voluntarily and draw benefits from age 55 to Normal Pension Age.

Power of employing authority to 'switch on' the 85 year rule (excludes flexible retirement) upon the voluntary early payment of benefits.

TP1(1)(c) Sch2

The 85-year rule does not (other than on flexible retirement) automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their benefits on or after age 55 and before age 60.

An employer can therefore choose whether to switch on the 85-year rule for members:

- 1) who voluntarily draw their benefits on or after age 55 and before age 60 and,
- 2) former members who ceased active membership between 1st April 2008 and 31st March 2014 and choose to voluntarily draw their suspended tier 3 ill health pension (on or after 14 May 2018) on or after age 55 and before age 60.
- 3) former members who ceased active membership between 1st April 1998 and 31st March 2014) and elect for voluntary early payment of any deferred benefits

Please state your decision below:

Torbay Council will not 'switch on' the 85 year rule for current or former members who voluntarily draw their pension benefits early, except in exceptional circumstances.

Non-Mandatory/Recommended LGPS 2013 & 2014 discretions

Regulation R17 (1) and TP15 (1) (d) and A25 (3) and definition of SCAVC in RSch 1

Shared Cost Additional Voluntary Contribution Arrangement

An employer can choose to pay for or contribute towards a member's Additional Voluntary Contribution via a shared cost arrangement (SCAVC). An employer will also need to decide how much, and in what circumstances to contribute to a SCAVC arrangement.

Please state your decision below:

Torbay Council will not currently contribute to a member's Shared Cost Additional Voluntary Contribution arrangement.

Non-mandatory policies but recommended by Peninsula Pensions:

Reg 16(16) - An employer can extend the 30-day deadline for a member to elect for a SCAPC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave).

Reg 22(7) and (8) - Whether to extend the 12-month time limit for a member to elect not to aggregate post 31st March 2014 (or combinations of pre-April 2014 and post March 2014) deferred benefits.

Reg 27 of the LGPS (Amendment) Regs 2018 - Whether to extend the 12-month option period for a member to elect to aggregate pre-1st April 2014 deferred benefits.

R100 (6) - Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS

R9(1) & R9(3) - Determine rate of employees' contributions and when the contribution rate will be assessed

Please state your decision below:

Reg 16(16) – Torbay Council will not extend the 30-day deadline upon return from a period of absence allowing for a member to elect for a SCAPC unless the Council have not provided sufficient time to enable the member to make the election.

Reg 22(7) and (8) – Torbay Council will not extend the 12-month time limit except in exceptional circumstances.

Reg 27 of the LGPS (Amendment) Regs 2018 - Torbay Council will not extend the 12-month option period except in exceptional circumstances.

R100 (6) – Torbay Council will consider member requests for the acceptance of transfer values on an individual basis.

R9(1) & R9(3) – Torbay Council will assess and determine an employee's contribution rate on a monthly basis.



Pre LGPS 2014 discretions

To cover scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014 (no need to complete if not applicable).

Reg 30(5) , TP2(1) Sch2, Reg 30A(5) TP2(1) Sch 2

Early payment of benefits

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65

Policy decision

Torbay Council will not waive the actuarial reduction to the early payment of a deferred benefit except in exceptional circumstances.

Torbay Council will not waive the actuarial reduction to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65.

To cover scheme members who ceased active membership between 1 April 1998 and 31 March 2008 (no need to complete if not applicable).

Regulation 31(2), 31(5), 31(7A) of the LGPS Regulations 1997 and paragraph 2(1) of Schedule 2 to the LGPS (TP) Regs2014

Early payment of benefits

Employers can allow the early payment of deferred benefits to former members of the LGPS between the ages of 50 and 55.

Employers can also choose, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65

Regulation D11(2)(c) of the LGPS Regulations 1995

In relation to members who ceased active membership before 1 April 1998:

Policy decision

Torbay Council will consider requests for the early payment of deferred benefits to former members between age 55 and 55 where there is no cost to the Authority.

Torbay Council will not waive any actuarial reduction that would apply to benefits paid before age 65 where there is a cost to the Council.

Reg D11(2)(c) of the LGPS Regs 1995 – Torbay Council will only grant applications for early release of deferred pension benefits on

Whether to grant applications for the early payment of deferred pension benefits on or after age 50 and before NRD on compassionate grounds.

compassionate grounds to former members between age 50 and NRD where there is no cost to the Council.



Flexible Retirement Additional Policy

Flexible Retirement (Regulation R30 (6) and TP11 (2))

This must be completed if you allow flexible retirement

You will need to consider; -

1. The minimum reduction in hours or grade required.
2. Whether the employee should commit to a reduction in hours or grade for a minimum period.
3. Whether the employee should commit to remaining in employment with the employer for a minimum period

You should also state; -

1. Whether, in addition to the benefits the member has accrued prior to 1st April 2008(which the member must draw) to permit the member to choose to draw;
 - All, part, or none of the benefits they accrued after 31st March 2008 and before 1st April 2014 and/or,
 - All, part, or none of the benefits accrued after 31st March 2014, and,
 - Whether to waive, in whole, or in part, any actuarial reduction which would normally be applied to the benefits for Flexible retirement taken before normal retirement age.

Please state your decision below:

1. The minimum recommended reduction in hours is 40%, however, reductions of 20% will also be considered. The minimum reduction in grade is one full grade.
2. The employee must commit to a permanent reduction in hours or grade.
3. The employee must commit to remaining in employment for a minimum period of 1 year, however, the Council can terminate that employment prior to the 1 year deadline.
 - Torbay Council will permit Flexible Retiree's to draw all of their benefits accrued after 31st March 2008 and before 1st April 2014.
 - The Council will permit members to draw all of their benefits accrued after 31st March 2014.
 - The Council will not waive, in whole, or in part, any actuarial reduction which would normally be applied to benefits taken before NRA except in exceptional circumstances.

