

Clerk: June Gurry
Telephone: 01803 207013
E-mail address: governance.support@torbay.gov.uk
Date: Monday, 16 May 2022

Governance Support
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

COUNCIL - TUESDAY, 17 MAY 2022

I am now able to enclose, for consideration at the Tuesday, 17 May 2022 meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
8.	Temporary Accommodation Sufficiency Strategy	(Pages 2 - 4)
9.	Joint Statement of Conduct by Elected Members	(Pages 5 - 11)

Yours sincerely

June Gurry
Clerk

Record of Decisions

Temporary Accommodation Sufficiency Implementation

Decision Taker

Cabinet on 10 May 2022

Decision

1. That subject to final due diligence, the Divisional Director of Community and Customer Services in consultation with the Cabinet Member for Corporate and Community Services be authorised to either:
 - a) undertake the required actions to activate the Council's Registered Provider status and apply for Investment Partner status with Homes England; or
 - b) utilise TorVistato hold the properties once acquired;
2. Subject to Full Council approval of the Prudential Borrowing or use of appropriate Capital Receipts for the purchase and renovation of properties for temporary accommodation;
 - (i) that authority be delegated to the Divisional Director of Community and Customer Services in consultation with the Director of Finance, Cabinet Member for Economic Regeneration, Tourism and Housing and Cabinet Member for Community and Corporate Support, to award contracts to successful bidders on the Temporary Accommodation Development and Management Partner procurement;
 - (ii) That authority be delegated to the Divisional Director of Community and Customer Services in consultation with the Director of Finance, Cabinet Member for Economic Regeneration, Tourism and Housing and Cabinet Member for Community and Corporate Support, to award contracts to successful bidders on the Temporary Accommodation Property Management Procurement; and
3. That the Director of Place be requested to prepare a business case setting out the opportunity to use the contractor appointed under this procurement, to procure properties for use as Social Rent in Torbay. Such report to be presented to enable the Cabinet to make any recommendations to Council in July 2022; and

That the Cabinet recommends to Council:

4. That prudential borrowing of up to £10m or use of appropriate Capital Receipts to fund the purchase and renovation costs of properties for the provision of temporary accommodation, be approved and that approval for the purchase of individual properties be delegated to the Director of Finance in consultation with the Cabinet Member for Finance.

Reason for the Decision

Acquiring properties within Torbay will help ensure access to the required range and types of appropriate accommodation to meet the Council's statutory duties to homeless families. The Council will be able to secure properties and make them available for use within the shortest timeframe possible, addressing issues of both access and financial stability.

Implementation

The decision of the Cabinet will come into force and may be implemented on 23 May 2022 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

The recommendation of the Cabinet to Council will be considered at the meeting of the Adjourned Annual Council being held on 17 May 2022.

Information

The Council has a statutory duty to provide accommodation to homeless households. Torbay has no current contracts for temporary accommodation and is reliant on bed and breakfasts and other holiday-based accommodation.

The current housing crisis means more people need temporary accommodation (an increase in need of 150% compared to April 2018) and are staying in it for longer. To address the critical need to access accommodation for the provision of temporary accommodation for families in Torbay the Cabinet considered proposals to enable the rapid acquisition of 37 properties within Torbay. This would be undertaken via the Council re-activating its Registered Provider Status, or utilising TorVista, to hold the properties once acquired.

The submitted report included details of two procurements to be undertaken as part of this project, namely: a development and management partner to acquire and redevelop the properties; and a property management partner to oversee the maintenance and running of the accommodation once operational.

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

Alternative options are set out in the submitted report.

Is this a Key Decision?

Yes – Reference Number: I090927

Does the call-in procedure apply?

Yes

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

None

Published

13 May 2022

Signed: _____ Date: 13 May 2022
Leader of Torbay Council on behalf of the Cabinet

Meeting: Annual Council **Date:** 17 May 2022

Wards affected: All

Report Title: Joint Statement of Conduct by Elected Members

Cabinet Member Contact Details: Councillor Steve Darling, Leader of the Council,
steve.darling@torbay.gov.uk

Director/Divisional Director Contact Details: Amanda Barlow, Monitoring Officer,
Amanda.barlow@torbay.gov.uk

1. Purpose of Report

- 1.1 To adopt a Joint Statement of Conduct for all elected Members to sit alongside and support the Members' Code of Conduct and Local Protocols.

2. Reason for Proposal and its benefits

- 2.1 The reason for this decision is to ensure that as Community Leaders, Members are through their own actions demonstrating civil and respectful behaviour through robust but civil debate.
- 2.2 The proposals in this report help support the Council to be fit for the future by demonstrating behaviour that would entice and encourage new people to stand as Councillors

3. Recommendation(s) / Proposed Decision

1. That the Joint Statement of Conduct for Elected Members be adopted; and
2. That the Monitoring Officer be requested to include the Joint Statement of Conduct for all Elected Members in the Council's Constitution.

Appendices

Appendix 1: Joint Statement of Conduct for all Elected Members.

Background Documents

The 2017 Report of the Committee on Standards in Public Life, Intimidation in Public Life

1. Introduction

- 1.1 The Jo Cox Foundation and the Committee for Standards in Public Life prepared a Joint Statement of Conduct, setting out a high-level statement of principle which all political parties in Westminster have signed up to. The Joint Statement seeks to agree on a responsible framework for legitimate public debate and to help protect candidates during an election campaign. It sits alongside party codes of conduct and asks for minimum standards of behaviours expected at all times.

- 1.2 There are growing concerns on the impact of public intimidation and toxic debate for local and national democracy. This has an impact on our decision-making processes and preventing people speaking out/stopping people standing as Councillors. It is imperative for Councils to be representative of communities with good engagement with local democracy. Politicians are told to have broad shoulders and thick skin – it's a part of the cut and thrust of politics, but fewer are coming forward to stand for Councillors (particularly women and people with disabilities) as they are put off by the challenging environment. We need to protect Councillors and encourage robust, but civil debate.

- 1.3 At a local level, Torbay Council also supports and expects high levels of conduct and seeks to adopt a Joint Statement of Conduct for all Elected Members (as set out in Appendix 1), to sit alongside and support the Members' Code of Conduct and Local Protocols.

2. Options under consideration

- 2.1 An alternative option would have been to 'do nothing'. However, this was discounted, as it is important that the Council be represented by those that reflect the views of Torbay's population. If individuals are dissuaded from standing for election, the views of Torbay's residents will not be accurately reflected by the Council.

3. Financial Opportunities and Implications

- 3.1 None.

4. Legal Implications

4.1 None

5. Engagement and Consultation

5.1 Group Leaders have been involved in the development of the Joint Statement.

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 None

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 /	X		

Roma are within this community)			
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)			No differential impact
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			No differential impact

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None

Joint Statement of conduct by Elected Members

Adopted by Annual Council, May 2022

Introduction

The Jo Cox Foundation and the Committee for Standards in Public Life have prepared the Joint Statement of Conduct, a high-level statement of principle which all political parties in Westminster have signed up to. The Joint Standard seeks to agree on a responsible framework for legitimate public debate and to help protect candidates during an election campaign. It sits alongside party codes of conduct and asks for minimum standards of behaviours expected at all times.

At a local level, Torbay Council also supports and expects high levels of conduct and has adopted the following Joint Statement for conduct of its members to sit alongside and support the Members' Code of Conduct and Local Protocols.

The Joint Statement of Conduct

1. Representative democracy is a central and valued characteristic of our way of life. We believe it is in the interests of us all for Parliament and Local Authority's to reflect the diverse population it serves so that decisions that impact the public reflect the realities of life in the UK. In recent years, intimidation (see Annex A) experienced by Parliamentary candidates and others in public life has increased and has threatened the diversity, integrity, and vibrancy of our democracy.
2. This joint statement on conduct of Councillors (the Statement), Members' Code of Conduct and Local Protocols sets out the minimum standards of behaviour we expect from Councillors at all times.
3. The Seven Principles of Public Life (the Nolan Principles) - selflessness, integrity, objectivity, accountability, openness, honesty and leadership - have long been the basis for ensuring high standards in public life. This is the context for the behaviours set out below.

- a) take responsibility for setting an appropriate tone for campaigning and communication;
 - b) lead by example to encourage and foster constructive democratic debate and tolerance of other points of view; and
 - c) promote and defend the dignity of others, including political opponents, treating all people with courtesy and respect.
5. As a minimum, Councillors will not engage in intimidation by:
- a) using or threatening violence or other unlawful force;
 - b) damaging property or making threats to damage property;
 - c) engaging in bullying, harassment or victimisation, or unlawfully discriminating against another person or group;
 - d) using abusive or threatening words or behaviour, including the use of hateful or sexualised language or imagery;
 - e) making vexatious or malicious allegations of illegal or improper conduct; or
 - f) using violent metaphors or allusions to violence.
6. Councillors are expected to challenge unacceptable behaviour wherever it occurs.
7. Behaviour that falls within the unacceptable behaviour listed in this Statement will be dealt with under Torbay Council's Members Code of Conduct.
8. In some cases, including but not limited to offences against the person and damage to property, as well as credible threats of violence, the behaviour may be illegal. We will refer any breach of this Statement which appears to break the criminal law to the police

This statement was adopted by Annual Council in May 2022 and, on behalf of all Torbay's Councillors, we as the Council's political group leaders hereby sign this statement to demonstrate our joint commitment:

Councillor Steve Darling

Leader Liberal Democrat Group

Councillor David Thomas

Leader Conservative Group

Councillor Robert Loxton

Leader Independent Group

What is intimidatory behaviour?

The 2017 Report of the Committee on Standards in Public Life, *Intimidation in Public Life*, interpreted intimidatory behaviour as: ‘words and/or behaviour intended or likely to block or deter participation, which could reasonably lead to an individual wanting to withdraw from public life.’

1. Intimidation can include physical violence, threats of violence, damage to property, and abusive online and offline communications, amongst other behaviour. Sometimes, the collective impact of a number of individual actions can also be intimidatory, for example, co-ordinated social media attacks. A clear finding of Intimidation in Public Life is that intimidation is disproportionately likely to be directed towards women, those from ethnic and religious minorities, and LGBT candidates.
2. Robust political disagreement is part of the democratic process; highly personalised attacks are not. Intimidatory actions are not a way to apply legitimate political pressure. Instead, they are intended and likely to cause an individual to withdraw from a public space, including social media, public events, or from public life altogether. This can have the effect of limiting freedom of expression.