

Monday, 9 May 2022

Adjourned Annual Meeting of the Council

Dear Member

I am pleased to invite you to attend the Adjourned Annual Meeting of Torbay Council which will be held in **The Forum, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Tuesday, 17 May 2022** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,



Anne-Marie Bond
Chief Executive

(All members are summoned to attend the meeting of the Council in accordance with the requirements of the Local Government Act 1972 and Standing Orders A5.)

Together Torbay will thrive

Download this agenda via the free modern.gov app on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#). For information relating to this meeting or to request a copy in another format or language please contact:

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

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

Adjourned Annual Meeting of the Council Agenda

1. Apologies for absence

2. Declarations of interests

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

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

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

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

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

3. Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Lead Members

To appoint the Overview and Scrutiny Co-ordinator and the:

- Overview and Scrutiny Lead for Children's Services
- Overview and Scrutiny Lead for Adults and Public Health
- Overview and Scrutiny Lead for Place
- Overview and Scrutiny Lead for Corporate and Community Services.

(Note: Cabinet members shall not be appointed as the Overview and Scrutiny Co-ordinator or Overview and Scrutiny Leads.)

4. Appointments to Council Committees and Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2022/2023

(Pages 5 - 28)

To consider a report that seeks to appoint the Council's committees, working parties, Chairmen/women and Vice-Chairmen/women for the 2022/2023 Municipal Year.

5. **Composition and Constitution of the Cabinet and Record of Delegations of Executive Functions** (Pages 29 - 33)
To receive details from the Leader of the Council of the composition and constitution of the Cabinet for 2019/2020, together with the record of delegations of Executive functions (in accordance with Standing Order C2).
6. **Scheme of Delegation for Council Functions**
To agree the scheme of delegation for Council functions as set out in Part 3 of the Constitution in so far as they relate to Council functions.
- [Torbay Council's Constitution](#)
7. **Members' questions** (Pages 34 - 35)
To respond to the submitted questions asked under Standing Order A12.
8. **Temporary Accommodation Sufficiency Strategy** (Pages 36 - 58)
To consider the recommendations of the Cabinet on proposals to address the critical need for the provision of temporary accommodation for families in Torbay.
9. **Joint Statement of Conduct by Elected Members** (To Follow)
To consider a report that seeks the adoption a Joint Statement of Conduct for all elected Members.
10. **Appointment of Independent Person** (Pages 59 - 60)
To consider a report that seeks to appoint a new Independent Person.
11. **Overview and Scrutiny Board Annual Report 2021/2022** (Pages 61 - 76)
To receive the Overview and Scrutiny Annual Report for 2021/2022.
12. **Standing Order D11 (in relation to Overview and Scrutiny) - Call-in and Urgency** (Pages 77 - 78)
To note the schedule of Executive decisions to which the call-in procedure does not apply.

Meeting Attendance

Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering whilst moving around the building (unless exempt), the face covering can be removed once seated and using hand sanitiser). Our public meetings will continue to operate with social distancing measures in place and as such

there are limited numbers that can access our meeting rooms. 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.

If you wish to attend a public meeting, please contact us to confirm arrangements for your attendance.

Live Streaming

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

Meeting: Annual Council

Date: 17 May 2022

Wards Affected: All Wards

Report Title: Appointments to Council Committees and Working Parties and Appointment of Committee Chairmen/women and Vice-Chairmen/women for 2022/2023

Officer Contact Details: June Gurry, Head of Governance Support, email june.gurry@torbay.gov.uk

1. Purpose of Report

- 1.1 In accordance with annual appointing and the start of the new Municipal Year, to appoint the Council's committees, working parties, Chairmen/women and Vice-Chairmen/women for the new municipal year. In addition to ensure the committees and working parties have appropriate terms of reference and appointments to those bodies are made in accordance with the relevant statutory requirements.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver the ambition set out in the One Torbay: Working for all Torbay Community and Corporate Plan 2019-2023, by ensuring the Council complies with relevant statutory and Constitutional requirements thereby supporting the Council to be a Council fit for the future.
- 2.2 The Constitution requires Members at the Annual Meeting of the Council to determine which committees to establish for the forthcoming municipal year, their size and terms of reference and the allocation of seats in accordance with the rules of political balance.
- 2.3 The Council will establish the Licensing Committee for this municipal year and is also requested to establish the Licensing Sub-Committee at this stage in order to make effective and efficient use of resources and to ensure that the Council can continue to discharge its Licensing function prior to a full meeting of the Licensing Committee.
-

3. Recommendation(s) / Proposed Decision

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

- 3) That, subject to 1) and 2) above, the Terms of Reference and membership for the Council's Committee's and working parties be approved as set out in Appendix 3
- 4) That, subject to 3) above being approved, nominations from Group Leaders be received to fill the seats on the committees;
- 5) That, subject to 3) above, the Chairmen/women and Vice-Chairmen/women of those Committee's be approved as set out in Appendix 4;
- 6) That, a sub-committee of the Licensing Sub-Committee be established to comprise three Members of the Licensing Committee;
- 7) That the terms of reference of the Licensing Sub-Committee be to consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles);
- 8) That the Licensing Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations; and
- 9) That the Head of Governance Support be authorised to empanel Members from the Licensing Committee to serve on the Licensing Sub-Committee as and when required.

Appendices

Appendix 1: Political Balance of Committees

Appendix 2: Political Balance of Working Parties

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

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

Background Documents: None

Supporting Information

1. Introduction

1.1 The political composition of the Council is 14 members of the Conservative Group, 12 members of the Liberal Democrat Group and 10 members of the Independent Group. The political balance is:

Conservative Group	14 seats	= 38.89%
Liberal Democrat Group	12 seats	= 33.33%
Independent Group	10 seats	= 27.78%

1.2 The proportional distribution of seats on Committees between political groups is set out at Appendix 1.

1.3 Whilst not a legislative requirement, the Council has included in its Constitution for Working Parties to also be politically balanced. Proportional distribution of seats on Working Parties is set out at Appendix 2.

1.4 In order to ensure the Council uses its resources in an effective and efficient manner, it is proposed that Council appoints the Licensing Sub-Committee avoiding the necessity for a full Licensing Committee that would be convened solely to make this decision.

1.5 In accordance with, Committee and Sub-Committee Meetings Standing Order B1, the Council will also appoint the Chairmen/women and Vice-Chairmen/women for Committees, except for those Committees that meet on an ad hoc basis.

1.6 Appendix 3 reflects the recommendation from the Overview and Scrutiny Board to remove "8. to consider all matters and issues arising from the Council's power of scrutinising local health services in accordance with the Health and Social Care Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012" from its Terms of Reference as this now forms part of the Terms of Reference for the new Adult Social Care and Health Overview and Scrutiny Sub-Board.

1.7 Appendix 3 sets out the terms of reference for Council Committees and Working Parties.

2. How does this proposal support the ambitions, principles and delivery of the Corporate Plan?

2.1 The calculation of political balance of committees is a statutory requirement and supports all aspects of the Corporate Plan through the good governance of the Council.

3. How does this proposal contribute towards the Council's responsibilities as corporate parents?

3.1 There is no direct contribution towards the Council's responsibilities as corporate parents. The legislation ensures that nominations to the seats on committees reflects the representation of different political groups on the Council.

4 How does this proposal tackle deprivation?

As section 3 above.

5. What are the financial and legal implications?

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

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

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

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

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

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

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

5.4 Political balance requirements may be dis-applied under Section 17, Local Government and Housing Act 1989 and Regulation 20, Local Government (Committees and Political Groups) Regulations 1990. This would allow the relevant seats to be allocated to another group. Any decision to dis-apply would require a resolution of the Council with no member voting against.

5.5 In respect of Working Parties, the Council's Constitution states that Working Parties considering non-executive functions will be appointed in accordance with the principles of political balance.

6. What are the risks?

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

7. Public Services Value (Social Value) Act 2012

7.1 Not applicable.

8. Tackling Climate Change

8.1 No impact.

9. What consultation have you carried out?

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

Political Balance of Committees

Committee	Conservative Group	Liberal Democrat Group	Independent Group	Total
Appeals Committee (School Transport)	3	3	1	7
Audit Committee (excluding Cabinet Members)	3	2	2	7
Civic Committee	3	3	1	7
Employment Committee (to include a Cabinet member)	2	2	1	5
Harbour Committee	3	2	3	8
Licensing Committee (excluding Cabinet Member with responsibility for Licensing)	6	5	4	15
Overview and Scrutiny Board (excluding Cabinet Members)	3	3	3	9
Planning Committee (excluding Cabinet Member with responsibility for Planning)	3	3	3	9
Standards Committee	3	2	2	7

Political Balance of Non-Executive Working Parties

Working Party	Conservative Group	Liberal Democrat Group	Independent Group	Total
Airshow Working Party	2	2	1	5
Community Asset Transfer Panel (including appropriate Cabinet Member)	2	1	1	4
Corporate Parenting Board	2	2	1	5
Harbour Asset Working Party (plus external advisors and membership restricted to Harbour Committee)	2	1	2	5
Harbour Budget Working Party (plus external advisors and membership restricted to Harbour Committee)	2	2	1	5
Oldway Mansion and Grounds Steering Group (Working Party)	2	2	1	5
Transport and Parking Working Party	3	3	3	9

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

Name and Terms of Reference	Membership
<p>Appeals Committee (Transport):</p> <p>To determine appeals in respect of school transport.</p>	<p>7 members of the Council in accordance with the political balance requirements</p>
<p>Audit Committee:</p> <ol style="list-style-type: none"> 1. To consider the Head of Internal Audit’s annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council’s corporate governance arrangements. 2. To consider summaries of specific Internal Audit reports as requested. 3. To consider reports dealing with the management and performance of the providers of Internal Audit Services. 4. To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale. 5. To consider the External Auditor’s Annual Letter, relevant reports, and the report to those charged with governance. 6. To consider specific reports as agreed with the External Auditor. 7. To comment on the scope and depth of external audit work and to ensure it gives value for money. 8. To liaise with the Public Sector Audit Appointments Ltd over the appointment of the Council’s external auditor. 9. To commission work from Internal and External Audit within approved resources. 	<p>7 members of the Council excluding members of the Cabinet, in accordance with the political balance requirements</p>

Name and Terms of Reference	Membership
<p>10. To support the Council’s compliance with the CIPFA Code of Practice for Treasury Management in Public Services including the role as nominated Committee to be responsible for ensuring effective scrutiny of the capital strategy, treasury management strategy and policies.</p> <p>Regulatory Framework</p> <p>11. To maintain a strategic overview of the Council’s Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour (the primary responsibility for considering and ensuring that the constitution is fit for purpose lies with the Monitoring Officer and the Standards Committee in relation to the codes of conduct).</p> <p>12. To maintain a strategic overview of the Council’s compliance with the prevailing Accounts and Audit Regulations.</p> <p>13. To review any issue referred to it by the Chief Executive, a Director, the Monitoring officer, Section 151 Officer (Chief Finance Officer) or any Council body.</p> <p>14. To monitor the effective development and operation of risk management and corporate governance in the Council.</p> <p>15. To monitor council policies on ‘Raising Concerns at Work’ and the ‘Anti-fraud and corruption strategy’ and the Council’s complaints process.</p> <p>16. To consider the findings of reviews of the effectiveness of the system of internal control including the Annual Governance Statement and to recommend its adoption.</p> <p>17. To oversee the Council’s arrangements for corporate governance and consider necessary actions to ensure compliance with best practice.</p>	

Name and Terms of Reference	Membership
<p>18. To review the Code of Corporate Governance.</p> <p>19. To monitor the Council's compliance with its own and other published standards and controls.</p> <p>20. To maintain a strategic overview of the Council's compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).</p> <p>Accounts</p> <p>21. To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.</p> <p>22. On behalf of the Council, to consider and approve the annual statement of accounts.</p>	
<p>Civic Committee:</p> <p>1. To consider nominations for the title of Honorary Freeman and Honorary Alderman and make recommendations to the Council as necessary following unanimous voting on acceptance of any nominations.</p>	<p>7 members of the Council in accordance with the political balance requirements</p>
<p>Employment Committee:</p> <p>1. To make recommendations to Council on the appointment of the Head of Paid Service including the terms and conditions of his/her employment.</p> <p>2. To determine appointments to post of Director or equivalent positions of the Council and senior management positions at Hay Grade 528 or above, or for the most senior management position where this is lower, for its wholly owned companies, including the terms and conditions of contracts, appointment procedures and arrangements.</p>	<p>5 members of the Council in accordance with the political balance requirements (to include a Cabinet member)</p>

Name and Terms of Reference	Membership
<ol style="list-style-type: none"> 3. To consider applications for the position of Coroner and to recommend to Council the person to be appointed to that post. 4. To hear and determine appeals in relation to disciplinary matters, in relation to dismissal. 5. To consider any matters referred by the Chief Executive on the appointment of Non-Executive Directors on Council owned companies. 6. To consider any matters referred by the Chief Executive on strategic matters relating to pay and conditions. 7. To consider any disciplinary or grievance matters in relation to the Chief Executive. 8. To consider and determine requests for Flexible Retirement from Senior Officers. 	
<p>Harbour Committee</p> <p>To determine all matters relating to the strategic management of the Council’s function as a Harbour Authority, in line with the Tor Bay Harbour Port Masterplan, the Council’s Policy Framework. Specifically the Committee will:-</p> <ol style="list-style-type: none"> 1. manage all of the Harbour’s financial matters in accordance with approved financial procedures and the Council’s aspirations for the harbour to be self financing as outlined in the Tor Bay Harbour Port Masterplan and including (but not limited to): <ol style="list-style-type: none"> (a) the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums; 	<p>8 members of the Council in accordance with the political balance requirements, plus up to five external non-voting advisors appointed by the Committee on a four year term.</p> <p>(Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)</p>

Name and Terms of Reference	Membership
<p>(b) approving the annual revenue budgets within the ring-fenced harbour accounts;</p> <p>(c) receiving quarterly budget monitoring reports and to approve variances as appropriate; and</p> <p>(d) monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing;</p> <p>providing that no decision by the Harbour Committee shall impact adversely on the Council’s general fund or capital budget.</p> <p>2. to act as Duty Holder for the purposes of the Port Marine Safety Code, the accountability for which cannot be assigned or delegated;</p> <p>3. approve and monitor a business plan for Tor Bay Harbour, in line with the Council’s policy framework, and address any issues relating to performance;</p> <p>4. review these terms of reference annually and request the Council to make any necessary amendments and/or additions;</p> <p>5. review annually the powers delegated to the Head of Tor Bay Harbour Authority and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes;</p> <p>6. consider any other matters referred to the Committee by the Head of Tor Bay Harbour Authority;</p> <p>7. establish any sub-committee or working parties as the Committee sees fit, in particular a Harbour Appointments Sub-Committee for the recruitment of advisors;</p>	

Name and Terms of Reference	Membership
<p>8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;</p> <p>9. to provide strategic direction to the Head of Tor Bay Harbour Authority and the Leader of the Council in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.; and</p> <p>10. appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.</p>	
<p>Harbour Appointments Sub-Committee</p> <p>1. To consider ad hoc applications for external advisor positions on the Harbour Committee and recommend to the Harbour Committee the persons who should be appointed to those posts as and when vacancies arise, and to determine the rolling programme for advisors tenure.</p>	<p>5 members of the Council in accordance with the political balance requirements to include the Chairman and Vice-Chairman of the Harbour Committee appointed the Harbour Committee.</p>
<p>Marine Safety Sub-Committee</p> <p>1. To ensure appropriate insight and understanding of the organisations marine safety management system and supporting systems and when necessary make recommendations to the Harbour Committee regarding health and safety related matters.</p>	<p>5 members of the Council in accordance with the political balance requirements appointed the Harbour Committee.</p>
<p>Health and Wellbeing Board</p> <p>1. To encourage those who arrange for the provision of any health or social care services in the area to work in an integrated manner for the purpose of advancing the health and wellbeing of the people in its area.</p> <p>2. To provide advice, assistance and support, as it thinks appropriate for the</p>	<p>Membership: Leader of the Council or their nominee Director of Adults and Community Services Director of Children’s Services</p>

Name and Terms of Reference	Membership
<p>purpose of encouraging the making of arrangements under Section 75 (arrangements between NHS bodies and local authorities) of the National Health Service Act 2006 in connection with the provision of such services.</p>	<p>Director of Public Health A representative of Healthwatch Torbay</p>
<p>3. To encourage those who arrange for the provision of health-related services in its area to work closely with the Health and Wellbeing Board.</p>	<p>A representative of Devon Clinical Commissioning Group A representative of NHS England Cabinet Member for Children’s Services</p>
<p>4. To encourage those who arrange for the provision of any health or social care services in its area and those who arrange for the provision of any health-related services in its area to work closely together.</p>	
<p>5. To exercise the functions of Torbay Council and South Devon and Torbay Clinical Commissioning Group under sections 116 (health and social care: joint strategic needs assessments) and 116A (health and social care: joint health and wellbeing strategy) of the Local Government and Public Involvement in Health Act 2007, namely:</p> <ul style="list-style-type: none"> • Preparation of a Joint Strategic Needs Assessment; and • Preparation of a Joint Health and Wellbeing Strategy. 	<p>Non-voting Co-opted Members: Torbay and South Devon NHS Foundation Trust Police and Crime Commissioner Devon Partnership NHS Trust Torbay Community Development Trust Chairman of Safer Communities Torbay Chairman of Torbay Safeguarding Children Board Chairman of Torbay Safeguarding Adults Board Chairman of Torbay Together Representative from Devon and Cornwall Police Divisional Director for Community and Customer Services Representative of the Ageing Well Assembly Representative of Primary Care Representative of the Department for Work and Pensions Representative of Torbay</p>
<p>6. To assess needs for pharmaceutical services in Torbay and publish a statement of its first assessment and of any revised assessment.</p>	
<p>7. To provide the Council its opinion on whether the local authority is discharging its duty under section 116B (duty to have regard to assessment and strategies) of the Local Government and Public Involvement in Health Act 2007.</p>	
<p>8. To exercise the statutory duty to promote co-operation between Torbay Council, its relevant partners and other partners or bodies as the Council considers appropriate, to improve the well-being of children in the area.</p>	
<p>9. To consider the annual report of the Torbay Safeguarding Children’s Board.</p>	

Name and Terms of Reference	Membership
<p>10. To make any decisions that legislation or government guidance reserves to Health and Wellbeing Board's and/or proposes that Health and Wellbeing Boards would be appropriate forum for such decisions to be made.</p>	<p>Schools</p>
<p>Licensing Committee: To carry out the Licensing functions of the Council.</p>	<p>15 members of the Council in accordance with the political balance requirements</p>
<p>Overview and Scrutiny Board:</p> <ol style="list-style-type: none"> 1. To approve and co-ordinate the work programme for the overview and scrutiny function for the year. 2. To appoint sub-committees and/or working parties to perform the overview and scrutiny function (the membership of such bodies to be in accordance with Standing Order D2 in relation to Overview and Scrutiny). 3. To appoint the Council's representatives to the Heart of the South West Local Enterprise Partnership (LEP) Joint Scrutiny Committee. 4. To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are the responsibility of the Cabinet. 5. To make reports or recommendations to the Authority or the Cabinet with respect to the discharge of functions which are the responsibility of the Cabinet. 6. To make reports or recommendations to the Authority or the Cabinet with respect to the discharge of functions which are not the responsibility of the Cabinet. 7. To make reports or recommendations to the Authority or the Cabinet or the Council's partner authorities (as defined by the Local Government and Public Involvement in Health Act 2007) on matters which affect the Authority's area or 	<p>9 members of the Council in accordance with the political balance requirements (including the Overview and Scrutiny Co-ordinator and Overview and Scrutiny Lead Members) excluding Members of the Cabinet and the Chairman/woman of the Council plus 2 Diocesan and 2 Parent Governor Representatives</p>

Name and Terms of Reference	Membership
<p>the inhabitants of that area.</p> <p>8. To consider all matters and issues arising from the Council’s power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions in accordance with the Police and Justice Act 2006.</p> <p>9. To review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area in accordance with Flood and Water Management Act 2010.</p>	
<p>Adult Social Care and Health Overview and Scrutiny Sub-Board:</p> <p>1. to review how the needs and interests of adults are met by all departments, policies, services and decisions; and how performance is evaluated and improved;</p> <p>2. to review universal, targeted and specialist services for adults including:</p> <ul style="list-style-type: none"> • prevention and management of risk; • social care; • adults wellbeing; • education – supporting and enabling learning for adults; • internal and external partnership working for adults; • supporting adults and carers; and • relevant financial management; <p>3. to consider all matters and issues arising from the Council’s power of scrutinising local health services in accordance with the Health and Social Care Act 2001, the National Health Service Act 2006 and Health and Social Care Act 2012;</p>	<p>This is a Sub-Committee of the Overview and Scrutiny Board and comprises 5 members of the Council in accordance with the political balance requirements (excluding Members of the Cabinet), Chaired by the Scrutiny Lead for Health and Adult Services.</p> <p>Non-Voting Co-opted Members:</p> <p>Healthwatch (1):</p> <p>Chair of Voluntary Sector Network (1):</p>

Name and Terms of Reference	Membership
<p>4. to assess the effectiveness of decisions of the Cabinet in these areas of the Council’s statutory activity; and</p> <p>5. to make reports and recommendations as appropriate arising from this area of overview and scrutiny.</p>	
<p>Children and Young People’s Overview and Scrutiny Board:</p> <p>1. to review how the needs and interests of children and young people are met by all departments, policies, services and decisions; and how performance is evaluated and improved;</p> <p>2. to review universal, targeted and specialist services for children and young people including:</p> <ul style="list-style-type: none"> • prevention and management of risk; • social care; • children’s and young people’s wellbeing; • education – supporting and enabling learning for all children and young people; • internal and external partnership working for children and young people; • supporting parents and families; and • relevant financial management; <p>3. to assess the effectiveness of decisions of the Cabinet in these areas of the Council’s statutory activity; and</p> <p>4. to make reports and recommendations as appropriate arising from this area of overview and scrutiny.</p>	<p>This is a Sub-Committee of the Overview and Scrutiny Board and comprises 5 members of the Council in accordance with the political balance requirements (excluding Members of the Cabinet), Chaired by the Scrutiny Lead for Children’s Services.</p> <p>Statutory Education Co-opted Members:</p> <p>Statutory parent governor representatives (primary, secondary and academy trust) (3):</p> <p>Statutory Church of England representative (1):</p> <p>Statutory Roman Catholic Diocesan representative (1):</p> <p>Non-Voting Co-opted Members:</p> <p>Devon and Cornwall Police</p>

Name and Terms of Reference	Membership
	representative (1): Torbay Youth Trust representative (1): Care experienced young person (1): Imagine This Partnership Board representative (1):
<p>Planning Committee:</p> <ol style="list-style-type: none"> 1. At all times to have regard to the Development Plan (as defined in S.38 of the Planning and Compulsory Purchase Act 2004) for Torbay. 2. To consider and (if appropriate) determine (unless such determination is reserved by law to Council) all applications and all other matters (including issuing notices, making Orders and requesting the Monitoring Officer to issue civil or criminal proceedings) relating to: <ul style="list-style-type: none"> Town and Country Planning, including <ul style="list-style-type: none"> • Conservation Areas • Listed Buildings • Scheduled Ancient Monuments • The display of advertisements • Tree Preservation Orders • Complaints about high hedges • Public Rights of Way • Minerals • Highways matters • Waste • Enforcement; and 	9 members of the Council (excluding the Cabinet Lead with responsibility for Planning, in accordance with the political balance requirements) with membership comprising, if reasonably possible, members from the various areas of the Borough

Name and Terms of Reference	Membership
<ul style="list-style-type: none"> • Environmental Assessment <p>so far as they are set out in Schedule 2 of this Part 3 of the Constitution (Council Functions) or are identified as Council functions in Schedule 1 of this Part 3 (Local Choice Functions): i.e. so far as they are not Executive functions.</p> <p>3. The Committee shall not determine any application (or other matter) in a manner that would (in the opinion of the Divisional Director Planning, Housing and Climate Emergency or the opinion of the Director of Place) not be in accordance with the Development Plan for Torbay unless they recommend such determination and the determination is consistent with the Divisional Director’s recommendation.</p> <p>If, contrary to officer recommendation, the Committee consider that an application (or other matter) shall be determined not in accordance with the Development Plan for Torbay then (unless their determination is consistent with the recommendation of the Divisional Director Planning, Housing and Climate Emergency) the item shall be referred to Council for determination.</p>	
<p>Standards Committee:</p> <ol style="list-style-type: none"> 1. To promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives. 2. To assist councillors, co-opted members and church and parent governor representatives to observe the Members’ Code of Conduct. 3. To advise the Council on the adoption or revision of the Members’ Code of Conduct. 4. To monitor the operation of the Members’ Code of Conduct. 5. To advise, train or arrange to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members’ Code of Conduct. 	<p>7 members of Torbay Council in accordance with the political balance requirements</p>

Name and Terms of Reference	Membership
<p>6. To assist the Monitoring Officer in carrying out his/her responsibilities pursuant to the Code of Conduct and its protocols.</p> <p>7. To review the Council’s local protocols as contained in the Constitution.</p> <p>8. To review the Constitution in relation to ethics and probity issues.</p> <p>9. To advise others on probity and ethics.</p> <p>10. To consider any alleged breaches of local protocols by members.</p> <p>11. To share experience with other standards committees.</p> <p>The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.</p>	
<p>Airshow Working Party</p> <p>1. To enable Members to be kept fully briefed on the progress of the Torbay Air Show</p> <p>2. To monitor the budget allocated for the Torbay Air Show.</p> <p>3. To consider how the Torbay Air Show can provide an opportunity to create greater benefits which support the Council’s broader corporate objectives (including providing opportunities for the Council’s Looked After Children).</p>	<p>5 members of the Council in accordance with the political balance requirements</p>
<p>Community Asset Transfer Panel</p> <p>To assess applications made at Stage 1 and Stage 2 of the Community Asset Transfer process in accordance with the criteria set out in the Community Asset Transfer Policy.</p>	<p>4 members of the Council in accordance with the political balance requirements, to include the appropriate Cabinet Member</p>

Name and Terms of Reference	Membership
<p>Corporate Parenting Board</p> <p>1. To provide a forum for regular, detailed discussions of issues in relation to, and a positive link with, our Children Looked After, in accordance with the Council's Children Looked After and Corporate Parenting Strategy.</p>	<p>5 members of the Council in accordance with the political balance requirements</p>
<p>Harbour Asset Working Party (plus external advisors)</p> <p>1. To review all assets within Tor Bay Harbour and the Harbour Estate.</p> <p>2. To establish how each asset is performing.</p> <p>3. To identify any assets that are surplus.</p>	<p>5 members of the Council in accordance with the political balance requirements</p>
<p>Harbour Budget Working Party (plus external advisors)</p> <p>1. To scrutinise the draft Tor Bay Harbour Authority budget prior to presentation to the Harbour Committee and to review the full range of harbour charges.</p> <p>2. To assist Officers to monitor and review the budget ahead of each quarterly Harbour Committee meeting.</p>	<p>5 members of the Council in accordance with the political balance requirements</p>
<p>The Oldway Mansion and Grounds Steering Group (Working Party)</p> <p>1. To review any condition surveys for buildings on the site.</p> <p>2. To review proposals for use of buildings and grounds.</p> <p>3. To ascertain community views in respect of these matters.</p> <p>4. To make recommendations about how future use of building should be taken forward.</p>	<p>5 members of the Council in accordance with the political balance requirements</p>

Name and Terms of Reference	Membership
<p>5. To identify relevant members from the local community and relevant representatives from the business, public and voluntary sectors to be invited to meetings.</p> <p>6. To specify, fully cost and prioritise the works to Oldway as identified in Phase 1 of the DCA report (presented to Council on 21 June 2018).</p> <p>7. To explore with the community all potential sources of funding for the entirety of the Phases, including, but not limited to:</p> <ul style="list-style-type: none"> • Grant funding • Fund raising events • Crowd funding • Business opportunities and investment • Legacies • Philanthropic contributions <p>8. To produce a flexible programme of proposed delivery of restoration works which aligns with the availability of funding.</p> <p>9. To provide strategic oversight of commissioning and delivery of any restoration works.</p>	
<p>Transport and Parking Working Party</p> <p>1. To consider current and emerging highways and transportation issues and to make recommendations to the appropriate decision-maker.</p> <p>2. To consider current and emerging parking issues and to make recommendations to the appropriate decision maker.</p>	<p>9 members of the Council in accordance with the political balance requirements</p>

Nominations for Chairmen/women and Vice-Chairmen/women of Committee's 2022-2023

Committee	Chairman/woman	Vice-Chairman/woman
Audit Committee		
Harbour Committee		
Health and Wellbeing Board (Note: In accordance with Standing Order H3.1 nominations reflect the members of the Health and Wellbeing Board which includes officers and partners.)		
Licensing Committee		
Overview and Scrutiny Board		
Children and Young People Overview and Scrutiny Board (Sub-Committee of Overview and Scrutiny)		
Adult Social Care and Health Overview and Scrutiny Sub-Board (Sub-Committee of Overview and Scrutiny)		
Planning Committee		
Standards Committee		

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

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

This report is presented to the Adjourned Annual Meeting of Council on 28 May 2019 in accordance with Standing Order C4.2(a) for inclusion in the Council’s Scheme of Delegation (Schedule 5 of Part 3) of the Constitution of Torbay Council.

1. The names, addresses and wards of the people appointed to the Cabinet by the Leader of the Council are set out below:

Name	Address	Electoral Ward
Deputy Leader of the Council and Cabinet Member for Finance – Councillor Darren Cowell	Torbay Council Town Hall Torquay TQ1 3DR 07808 765486	Shiphay
Cabinet Member for Adults and Public Health – Councillor Jackie Stockman	Torbay Council Town Hall Torquay TQ1 3DR 01803 851255	Furzeham with Summercombe
Cabinet Member for Children’s Services – Councillor Cordelia Law	Torbay Council Town Hall Torquay TQ1 3DR 07733 550133	Tormohun
Cabinet Member for Economic Regeneration, Tourism and Housing – Councillor Swithin Long	Torbay Council Town Hall Torquay TQ1 3DR 07413 111648	Barton with Watcombe
Cabinet Member for Infrastructure, Environment and Culture – Councillor Mike Morey	Torbay Council Town Hall Torquay TQ1 3DR 01803 853316	Furzeham with Summercombe
Cabinet Member for Corporate and Community Services – Councillor Christine Carter	Torbay Council Town Hall Torquay TQ1 3DR 07848 829159	Roundham with Hyde

2. The Cabinet will carry out all the local authority’s functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. Executive functions will be exercised collectively unless the Leader of the Council directs otherwise in accordance with Article 6.06 of the Constitution.

Cabinet Member	Service Areas
Leader of the Council - Councillor Steve Darling	
Deputy Leader and Cabinet Member for Finance Councillor Darren Cowell	Finance: Creditors Debtors Payments Internal Audit Cashiers Procurement Systems Accountancy
Cabinet Member for Adults and Public Health Councillor Jackie Stockman	Adult Services (NHS Trust Provider): Adult Mental Health Adult Safeguarding Care Homes Commissioning & Management Community Alarms Community Equipment Domiciliary & Day Care Adult Social Care Commissioning: Community Engagement Healthwatch NHS Advisory Service Performance Management Public Health: Epidemiology Health Improvement Health Protection and Infection Control NHS Health Services and Support

Cabinet Member	Service Areas
<p>Cabinet Member for Children’s Services</p> <p>Councillor Cordelia Law</p>	<p>Children’s Safeguarding:</p> <ul style="list-style-type: none"> Early Help Targeted Support Services Multi-Agency Safeguarding Hub Single Assessment Children in Need/Child Protection Children Looked After/Care Leavers Children with Disabilities Fostering Adoption Independent Reviewing Youth Offending Service Integrated Youth Support Services Quality Assurance Professional Support to Torbay Safeguarding Children Board <p>Education, Learning and Skills:</p> <ul style="list-style-type: none"> Early Years and Childcare Pupil Place Planning Special Educational Needs and Disability School Admissions School Improvement and Commissioning School Transport Virtual School Children’s Centres
<p>Cabinet Member for Economic Regeneration, Tourism and Housing</p> <p>Councillor Long</p>	<p>Business Services:</p> <ul style="list-style-type: none"> TDA Commissioning Asset Management Investment Fund Management <p>Adult Social Care Commissioning:</p> <ul style="list-style-type: none"> Housing Strategy & Development <p>Community Services:</p> <ul style="list-style-type: none"> Housing Options Housing Standards Homes Improvement Agency

Cabinet Member	Service Areas
<p>Cabinet Member for Infrastructure, Environment and Culture</p> <p>Councillor Mike Morey</p>	<p>Business Services:</p> <ul style="list-style-type: none"> Resort Services (Beaches) Parking Services TOR2 (Commissioning) and Service Delivery Natural Environment, Parks and Open Spaces Flood Risk Management Culture and Events Heritage Geopark Sports Development Theatres, Arts and Museums Leisure Contracts Waste Disposal <p>Planning and Transport:</p> <ul style="list-style-type: none"> Local Transport and Strategic Transport Highways and Street Scene Building Control

Cabinet Member	Service Areas
<p>Cabinet Member for Corporate and Community Services</p> <p>Councillor Christine Carter</p>	<p>Corporate Services: Communications Community Engagement and Strategic Partnership Coroner Governance Support (Democratic and Electoral Services) Registrars Human Resources and Payroll Information and Freedom of Information Legal Services Performance and Business Development ICT Library Services Print and Post Room Website Support</p> <p>Transformation: Programme Management Project Management</p> <p>Community and Customer Services: Corporate Health and Safety Emergency Planning Food and Safety Safer Communities Licensing and Public Protection Trading Standards CCTV and Security Crematorium Customer Services and Connections Revenue & Benefits</p>

3. No executive functions have been delegated to area committees, any other authority or any joint arrangements at the present time.
4. The Leader of the Council has also (so far as lawful) delegated to officers the discharge of those functions that are referred to in Schedule 7 and are executive functions in the manner set out in that Schedule, in accordance with (and subject to) the Council’s Standing Orders in relation to the Cabinet .
5. So far as the Constitution requires officers to consult with “the relevant member”, the areas of responsibility of the Cabinet Members are as set out paragraph 2 above.

Questions Under Standing Order A12

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

First Round

<p>Question (1) from Councillor Douglas-Dunbar to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Please could the Cabinet Member for Infrastructure, Environment and Culture explain the rationale behind the method that trees are purchased for Torbay Council. Are they purchased directly by Swisco or by a third party on their behalf. Please include in your response the following details of the purchase contract:</p> <ul style="list-style-type: none"> • When was the contract instigated; • Does the contract contain a clause to ensure that where possible trees are sourced from UK growers, if so what percentage of the trees have been bought from Uk growers; • What premium, if any, is added to the cost of the tree purchase by the third party; • What has been the total cost since this practice was established; • Are the trees that have been purchased, British natives, if not why not; • Does the qualified arboriculturist employed by Swisco advise the third party on tree orders • What measures have been taken to measure the carbon footprint of transporting trees from outside the UK.
<p>Question (2) from Councillor O'Dwyer to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>The council secured funding from the Land Release Scheme a few years ago for Little Blagdon Farm, Land at Preston Down Road and Garfield Road, Paignton to support the area in providing additional homes to meet the determined need.</p> <p>Please could the Cabinet Member for Economic Regeneration, Tourism and Housing provide:</p> <ul style="list-style-type: none"> • details from the land Registry of who now owns the identified sites? • How the monies awarded were spent or are still to be spent and when they need to be spent by under the LRF scheme criteria. • Is there planning permission for any of the sites and how many new homes have been built so far and how many are anticipated to be social/affordable homes. • To aid the understanding of the level of homes required and the benefit the development of these sites would bring, could you also provide the current housing land supply in 'years' for Torbay and when will the public's response to the consultation on the five Housing Growth Scenarios be shared with Members.
<p>Question (3) from Councillor Kennedy to the Cabinet Member for</p>	<p>At the Council meeting held on 3 March 2022, I asked the Cabinet Member for Infrastructure, Environment and Culture a question regarding the LCWIP for which I have yet to receive an answer. Please would you</p>

<p>Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>provide the answers required by my residents tonight and numerate the answers as shown below:</p> <ol style="list-style-type: none"> 1. Residents of the Churston with Galmpton Ward were informed that, due to separate funding having been available for some time, the improvements to America Lane for cycling and walking would be one of the first of the walking and cycling route projects in the Bay. Please provide a timeline for these works. 2. Please also provide the date by which the funds provided in a Section 106 for America Lane have to be spent as those details are still not publicly available on our website. 3. Please provide an update with timescales regarding the proposed cycling and walking routes within the Galmpton with Churston Ward and how these will connect up with the routes in the neighbouring Wards.
<p>Question (4) from Councillor Chris Lewis to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Can the Cabinet Member for Infrastructure, Environment and Culture please provide an update on the position of the North Toilets on Preston Seafront. In particular, can he confirm that no arrangements will be made to give a lease/licence on the green to the south of the toilets before a full consultation has taken place with the local ward Councillors, Community Partnership and the Beach Hut Users Group. Also, will any of the beach huts be moved to accommodate the new development.</p>

Second Round

<p>Question (5) from Councillor O'Dwyer to the Cabinet Member for Corporate and Community Services (Councillor Carter)</p>	<p>Torbay Council as one of the Bays largest employers is currently offering substantial relocation payments of up to £11k, along with £500 'golden hello's' and £500 refer a friend bonuses for specific jobs within the authority, along with a £2000 annual retention payments for some roles. It is also offering permanent home working to others who can, as well as differing pensions offers across its subsidiary companies. How is the Council currently demonstrating and evidencing job evaluation, equality and fairness within the Council and across its different subsidiary companies in hiring and retaining staff?</p>
--	---

Third Round

<p>Question (6) from Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Considering the continued struggles of Swisco in delivering waste collection services during these difficult times. Could the Cabinet Member for Infrastructure, Environment and Culture advise if overtime payments have been made to staff to ease the current service and the current or expected costs of doing so. Please could you provide a per head of population comparison with our statistically equivalent and direct neighbouring local authorities of the cost of waste and recycling services.</p>
--	--

Meeting: Cabinet / Council **Date:** 10 May 2022 / 17 May 2022

Wards affected: All Wards

Report Title: Temporary Accommodation Sufficiency Implementation

When does the decision need to be implemented? Immediately

Cabinet Member Contact Details: Christine Carter, Cabinet Member for Corporate & Community Services, Christine.carter@torbay.gov.uk

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

1. Purpose of Report

- 1.1 To address our critical need to access accommodation for the provision of Temporary Accommodation for Families in Torbay this paper outlines the proposal to undertake a rapid acquisition (either through purchase or long-term leasing) of 37 properties within Torbay. To enable this Torbay Council will need to re-activate its Registered Provider status.
- 1.2 The report includes proposals for two procurements to be undertaken as part of this project;
 - A procurement for a development and management partner to support us in the acquisition and redevelopment of the required properties. This contract is proposed to be structured as a 1+1+1-year contract to ensure we have the flexibility to expand the programme further if future business cases identify the need to increase our levels of housing stock, either for Temporary Accommodation or more widely for social rent.
 - A procurement for a property management partner to oversee the maintenance and running of our temporary accommodation once secured and operational.
- 1.3 Demand for temporary accommodation is continuing to increase and access to suitable and appropriate accommodation for homeless families is becoming increasingly difficult to source.
- 1.4 The costs associated with the delivery of this statutory duty are likely to continue to rise and cause a significant cost pressure on Council budgets. Current spot purchasing

arrangements mean we are subject to market and seasonal fluctuations in accommodation costs that are difficult to predict, influence or control and render us unable to control the associated costs of providing temporary accommodation.

- 1.5 A procurement undertaken to source appropriate accommodation for the provision of temporary accommodation has not yielded the required quantity of accommodation for families and therefore an urgent alternative solution to address both the access and costs associated with this service is required.

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 ensuring we have access to the required range and types of appropriate quality accommodation to meet our statutory duties to homeless families. Having access to appropriate and adequate accommodation is essential in enabling citizens to thrive and turn the tide on poverty.
- 2.2 The proposal will enable the Council to gain stability on both the sufficiency of family based temporary accommodation and security of the financial costs associated with this statutory function.
- 2.3 The reasons for the decision are to ensure that we are able to secure properties and make them available for use within the shortest timeframe possible. This will address the current critical issues of both access and financial stability.

3. Recommendation(s) / Proposed 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 undertake the required actions to activate the Council's Registered Provider status and apply for Investment Partner status with Homes England;
2. Subject to Full Council approval of the Prudential Borrowing for the purchase and renovation of properties for temporary accommodation;

- (i) that authority be delegated to the Divisional Director of Community & Customer Services in consultation with the Head of Finance, Cabinet Member for Economic Regeneration, Tourism & Housing and Cabinet Member for Community and Corporate Support, to award contracts to successful bidders on the Temporary Accommodation Development & Management Partner procurement;
- (ii) That authority be delegated to the Divisional Director of Community & Customer Services in consultation with the Head of Finance, Cabinet Member for Economic Regeneration, Tourism & Housing and Cabinet Member for Community and Corporate Support, to award contracts to successful bidders on the Temporary Accommodation Property Management Procurement; and

That the Cabinet recommends to Council:

- 3. That prudential borrowing of up to £10m 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 Chief Finance Officer in consultation with the Cabinet Member for Finance.

Appendices

Appendix 1: Background Information: process and Implications of Torbay Council Activating its Registered Provider Status

Background Documents

None

Supporting Information

1. Introduction.

- 1.1 We have a statutory duty to provide accommodation to homeless households, required until either the duty ends, or alternative accommodation is secured. Torbay has no current contracts for temporary accommodation, and we are reliant on a handful of providers, bed and breakfasts and other holiday-based accommodation. We have tried to address this through a robust procurement exercise that has been run from 17th January to 6th May 2022, however the type and volume available has not been sufficient for our needs.
- 1.2 The current housing crisis means that more people need temporary accommodation and are staying in it for longer. There has been a 150% increase in temporary accommodation need compared to April 2018.
- 1.3 Not only have we experienced an increase in duration and demand for temporary accommodation services under our statutory duties but also we have seen an escalation in the costs associated with sourcing and supplying the accommodation required – which is often based in inadequate B&B and holiday type accommodation. The impact over the past few years of both the Covid pandemic and cost of living crisis has (which will continue for the foreseeable future) severely impacted on the demand, cost and availability of accommodation.
- 1.4 Benchmark data in relation to homelessness acceptances (see figure1) provides a number of headlines including:
- We need to increase the level of prevention activity undertaken
 - Levels of homelessness are high, but equivalent to Plymouth.
 - Our issues are compounded by the dynamics of the local housing market and the availability of stock.

Area	Total owed prevention or relief duty ⁱ	Households assessed as threatened with homelessness per (000s)	Households assessed as homeless per (000s)
England	268,560	5.07	6.34
South West	27,430	4.87	6.35
Exeter	1,140	11.93	9.11
Hastings	929	9.99	11.54
Plymouth	1990	4.74	13.11
Isle of Thanet	1,235	9.46	9.7
Torbay	1,051	3.61	13.17

- 1.5 A disproportionately low number of people, compared to other areas, are able to access affordable social housing with the main option for accommodation being sought through the private rented sector, where costs are escalating.

Area	Total owed relief duty	Relief duty ended with accommodation secured (no. & %)	PRS (no. & %) where accommodation secured	Social rent (no. & %) where accommodation secured	Other (no. & %) where accommodation secured.
England	149,160	66,240 (44.4%)	20,890 (31.5%)	31,580 (47.7%)	13,770 (20.8%)
South West	15,520	7,060 (45.5%)	2,610 (37%)	3,500 49.6%	192 (2.7%)
Exeter	497	171 (34.4%)	61(35.7%)	95 (55.6%)	15 (8.8%)
Hastings	498	75 (14.1%)	47 (62.7%)	25 (33.4%)	3 (4%)
Plymouth	1,462	747 (51/1%)	358 (47.9%)	287 (38.4%)	102 (13.7%)
Isle Of Thanet	625	161(25.8%)	125 (77.6%)	31 (19.3%)	5 (3.1%)
Torbay	825	379 (45.9%)	278 (73.4%)	75 (19.8%)	26 6.9%

(Figure 2: Relief Duty met by tenure 2020/2021)

- 1.6 The Homelessness Suitability of Accommodation Order 2003 outlines that housing authorities must not use B&B to accommodate families with children or pregnant women except in an emergency when there is no alternative available, and then for a maximum period not exceeding 6 weeks.
- 1.7 Torbay Council government HCLIC data returns for July to September, reported 16 family households in B&B accommodation, of which 7 breached the statutory period of 6 weeks. The government return for October to December, which is yet to be published will report 13, with the return for Q4, being 6. Since 4 April 2022, there have been no families in B&B for 6 weeks or more.
- 1.8 Grant conditions have been added to the Homelessness Prevention Grant from 2021/22 onwards that requires the authority to produce and agree a B&B elimination plan with their Government Housing Advice and Support Team (HAST) Adviser should they have more than 5 families in B&B accommodation for longer than the statutory period of 6 weeks.
- 1.9 This trigger has now been reached and as such an action plan has been developed and agreed with the HAST Advisor and Housing Minister, which will be reviewed on a monthly basis. Part of the action plan is to increase access to self-contained accommodation for families.
- 1.10 At the start of 2022 we reviewed our performance management arrangements. Systems now track families in B&B and triggers are set at 2 and 4 weeks where the Housing Options Manager reviews these cases with staff on a weekly basis and action plans enacted for each placement.

- 1.11 At the time of writing the report (3rd May 2022) there are a total of 157 households in Temporary Accommodation of which 62 are families. This equates to 39% of all accommodation placements. Of these 4 are in B&B accommodation. One family has been in for 6 weeks or more.
- 1.12 We are currently finalising a procurement exercise (contract award date due early May) which has been undertaken to secure the required accommodation for the provision of Temporary Accommodation Services. Pre-market engagement work was undertaken and indicated an interest from the market in the provision of all sizes of accommodation required. Despite this the procurement exercise currently indicates that whilst it will have been successful in securing some of the accommodation required for single households it has not yielded the accommodation required for homeless families. This is of significant concern due to both the difficulty in sourcing and accessing suitable family-based accommodation alongside the associated costs.
- 1.13 Figure 3 outlines the total units of accommodation required to run our Temporary Accommodation services based on our recent procurement exercise and needs assessment. This equates to 37 units of family self-contained accommodation. The procurement undertaken will not deliver the family accommodation we need and requires an immediate plan to cover this summer period but also a longer-term strategy to provide a sustainable cost effective solution.

Accommodation Unit Type	Number of Units
1. Single Bedroom Shared Facilities	36
2. Single Bedroom Self-Contained	
3. Single Bedroom Self-Contained (Adapted)	2
4. Single Bedroom Self-Contained (High Risk)	2
5. Two Bedroom Self-Contained	22
6. Three Bedroom Self-Contained	4
7. Four Bedroom Self-Contained	10
8. Five Bedroom Self-Contained	1

(Figure 3 – Accommodation requirements for temporary accommodation service by unit size)

2. Options under consideration

- 2.1 **Summer Arrangements** - To manage the immediate summer demand we have 12 units of leased accommodation coming online imminently. This will meet most of our 3 and 4 bed

need. This is coming from direct approaches on short term lease arrangements to stabilise supply.

- 2.2 We have also made direct approaches to Registered Providers (Housing Associations) to take a few properties out of general needs accommodation over the summer period.
- 2.3 We will secure some units of accommodation from the Temporary Accommodation procurement, but these will mainly be based around accommodation for single households.
- 2.4 For the summer period only we are looking to secure access to holiday accommodation.
- 2.5 **Autumn onwards** - To ensure to stability (both in access and costs) over the longer term we have explored several options.
- 2.6 Option 1 – Continue with spot purchase arrangements as we have been operating for the past 6 years – but this is not considered suitable due to fluctuations in availability, cost and no availability of appropriate accommodation to meet the needs of households – especially families.
- 2.7 Option 2 – Undertake a second procurement to secure the remaining properties required. Whilst the pre-procurement market engagement work indicated there was some interest in providing larger family-based accommodation (we offered both options for service delivery model and leasing model), the procurement has not realised this and there is no indication from the work undertaken to date that a second procurement exercise would result in an alternative improved outcome.
- 2.8 Option 3 – Seek the provision of temporary accommodation units from Registered Providers (RP's) in Torbay. Discussions with RP's have indicated that there is already insufficient stock within the current general needs stock to meet increased demand for social housing. Reducing the availability of this limited stock would only create further blockages within the system for people needing to move onto long term accommodation and increase the costs associated with providing temporary accommodation.
- 2.9 Option 4a – Capital Investment Programme – the purchasing and/or long-term leasing of properties to provide temporary accommodation for families (2+ Bed units) undertaken internally by Council staff. As we currently are a non-stock holding authority we need to look to establish a small stock holding of our own to ensure stability in both availability and costs. Option discounted as neither the capacity or skill set exist within our current staffing to deliver the scale of purchasing/leasing of properties at the scale and pace required to meet the current crisis situation.
- 2.10 Option 4b – Capital Investment programme with external development and management partner – Procure 3rd party assistance for the purchasing and/or long-term leasing of properties to provide our temporary accommodation. This is the preferred option and outlined in more detail below.

2.11 **Overarching proposal**

The overall purpose of this scheme would be to purchase and/or long-term lease 37 properties to meet our Temporary Accommodation requirements. This will enable the use of B&B accommodation as required in an emergency situation for very limited periods and for purchased self-contained accommodation to be used as move on accommodation until permanent homes are sourced. The first wave of properties would need to be ready for occupation by 30th September 2022 with all properties on board by the 31st December 2022.

- 2.12 For Torbay Council to own the stock and for the potential draw down of grant funding through Homes England (HE), this will require the activation of the Torbay Council Register Provider (RP) account and to obtain Investment Partners (IP) status.
- 2.13 Rental income will pay for the loan repayment costs, management and repairs (full financial model outlined below).
- 2.14 If a non-stock owning Council wishes to take ownership of dwellings for social housing purposes it can own up to 200 dwellings without being required to operate a Housing Revenue Account (HRA).
- 2.15 Alongside this we would also need to apply for Investment Partner status with Homes England to enable us to apply for Homes England grant funding (to support the acquisition).
- 2.16 Due to the urgent need to acquire properties at pace to meet the current crisis situation we need to enlist external expert support, management and development ability to source, acquire and refurbish properties to the standards we require. This will require a procurement exercise to be undertaken.

2.17 **Registered Provider Status**

The fact a Council intends to own property for social housing purposes by default reactivates its Registered Provider status. Local authorities that provide social housing are required to compulsory registration under section 114A of the Housing and Regeneration Act 2008. This is a straightforward process and has been activated within 2 days for other Local Authorities. This is very different than the process and requirements for other organisations.

2.18 **Investment Partner Status**

If the Council wishes to apply for Homes England (HE) grant funding, then it will need Investment Partner (IP) status to achieve this. The purpose of achieving IP status is to draw down HE grant funding. Applying for IP status is a case of completing a fairly straight forward application, within which the applicant needs to demonstrate its capacity and capability to manage and finance a grant funded affordable housing programme.

2.19 It is proposed that the Council will apply for IP status concurrently with a grant application to support acquisitions and this is an acceptable process by Homes England. Assessment of applications are undertaken within 8 weeks. Initial conversations have been undertaken with Torbay's Homes England representative on the process to understand any challenges. Conversations on both the notification of RP and applying for IP status have been very positive.

2.20 See Appendix 1 – Background Information: process and Implications of Torbay Council Activating its Registered Provider Status for further detail on RP status and Investment Partner status requirements.

2.21 **Grant Funding**

Discussions have taken place with Homes England to assess if the scheme would be eligible for grant funding under their Affordable Homes Programme. The scheme maybe eligible on the grounds of move on accommodation, where properties can still be occupied under licence.

2.22 Indicative grant levels are estimated to be approximately £50,000 per property but are assessed on a scheme-by-scheme basis. Based on these projections approximately £1.85m could be obtained through grant funding.

2.23 In an acquisition programme such as this, the properties may not have even been identified at the point of bid application and there is a greater level of uncertainty around purchase costs in a competitive market. As such, the submitted bid will be indicative of anticipated acquisition and refurbishment values.

2.24 If the properties are not needed in the future for temporary accommodation purposes, then they could be used for affordable general needs accommodation or sold. If not required and disposed of the grant would either be recycled or repaid.

2.25 **Procurement Process – Development & Management Partner**

To support us in delivering on this programme at the scale and pace required to meet the current crisis we require an external development and management partner with experience and expertise of delivering similar programmes successfully.

2.26 A full open tender will be undertaken imminently to secure an experienced partner – with requirements of experience of working on Homes England grant funded projects being a mandatory requirement, with award subject to the approval sought in this report.

2.27 The current proposed timeline for this procurement is:

Procurement Stage	Dates
-------------------	-------

Sent Call for Competition and Tender Documents Published	Wednesday 04 May 2022
Clarification Question Submission Deadline	Monday 23 May 2022
Clarification Responses Deadline	Monday 30 May 2022
Tender Submission Date & Time	Monday 06 June 2022
Evaluation Period	Tuesday 07 to Wednesday 15 June 2022
Contract Award Notification	Thursday 16 June 2022
Standstill Period	Friday 17 to Wednesday 29 June 2022
Contract Start	Monday 04 July 2022

(Figure 4: Procurement timetable for Property Development& Management Partner)

2.28 The contract for this procurement is structured as a 1(+1+1) year contract. Whilst the initial requirement is for 37 properties (2-5 bed), flexibilities have been incorporated to allow for both the reduction and increase in the number of properties that we will require over the full three-year period. This procurement therefore provides the opportunity and scope for the Council to undertake wider analysis and business case development for broader Social Housing requirements.

2.29 **Procurement process – Management of Temporary Accommodation**

The Housing Options team currently manage placements into accommodation. Once a placement is undertaken, people are visited by Resettlement Officers and contacted by their Housing Options case officer. This would continue and the accommodation occupied under license, issued by the Housing Options team along with reclaims for Housing Benefit.

2.30 It is proposed that the management of the properties be undertaken by a third party, so as not to distract from the provision of statutory services of the team. This would require a procurement process to be undertaken. This contract would include:

- the cleaning of the properties at short notice upon vacation (to reduce the void time)
- the arranging of repairs
- annual compliance checks
- general assessment of the property.

It is anticipated that the procurement process for this service contract will run from June - September 2022 so as to be in place and operational for new properties becoming available for occupation at the end of September 2022.

3. Financial Opportunities and Implications

- 3.1 Financial modelling has been undertaken to establish the level of funding required to support a capital investment programme to purchase 37 self-contained properties for families as detailed in figure 3 above. This also includes the costs of providing the programme through a third party to ensure deliverability and reduce the need for expensive spot purchased accommodation at the earliest opportunity.
- 3.2 In summary the costs of the borrowing associated with these properties will be funded from the use of these properties for temporary accommodation instead of using the “market” supply of accommodation for rent which is subject to competition. If at some point in the future these properties are not required by the Council, they can be sold.
- 3.3 A comprehensive full market assessment has been undertaken of the properties currently on the market that would meet the needs of the local authority. The price range of which have been assessed and an average property value assumed for the purpose of the modelling and assessment.
- 3.4 The financial modelling to assess the viability of the scheme, has also included the following:
- Full purchase cost, due diligence, compliance checks and legal requirements
 - A budget to undertake renovation cost associated with each purchase to ensure compliance and suitability.
 - Third party Agent fees for the purchase and project management of the scheme
 - Life cycle costs of the property, including additional expenditure as a result high wear and tear due to its use as temporary accommodation.
 - Utility costs as appropriate
 - Property Management fees associated with the use of the accommodation e.g., accommodation rotation costs (cleaning, checks), annual compliance checks etc.
 - The VAT implications of this activity on the Council’s VAT position will need to be kept under review.
- 3.5 The rental income received from the households in temporary accommodation, which is paid directly to the local authority, will be used to fund the loan repayments and the cost of housing management, repairs, and maintenance. The level of which are based on Temporary Accommodation Local Housing Allowance (LHA) rates (90% of 2011 LHA levels).

- 3.6 Temporary accommodation is currently, in part, funded through this mechanism. However due to the differential in costs of spot purchasing accommodation against the income received through LHA, the current rate of return varies between 33% to 50%.
- 3.7 Current temporary accommodation cost provided through the open market are detailed in Figure 5.

Property Size	Average rental (p.c.m)	Approximate costs Spot Purchased TA (weekly)
1 Bed	£450 - £650	£490
2 Bed	£600 - £800	£700
3 Bed	£800 - £1250	£840
4 Bed Plus	£1000 - £1500	£1050

(Figure 5: Average cost of TA in Torbay and private rental accommodation rates for comparison)

- 3.8 Compared to the average rentals in the table above the ongoing costs of a council owned property for temporary accommodation are as follows:
- Borrowing costs - on a 40-year loan period at 3% the cost on a £250,000 purchase and renovation costs would be £11,000 per annum (£211 per week).
 - Operational costs, to include ongoing repair and maintenance, utilities, council costs and the management of units are estimated to be £9,000 per annum (£173 per week).

Clearly to maximise the service and financial gains from purchasing properties then the periods of these properties being unused or void need to be minimised.

- 3.9 The borrowing allocation of £10m is sufficient to buy 37 properties at an average purchase and renovation cost of £270,000. Due diligence will be undertaken on all properties before purchasing. The delegation of the approval of individual properties is to be to Chief Finance officer in consultation with Cabinet Lead for Finance.
- 3.10 The financial implications in this report are on the basis that the properties are purchased by the Council. There may be an option to acquire these properties under a long-term lease (up to 40 years) with a purchase option at the end of the lease. If this option is taken the length of the lease and the purchase option will make this long-term lease transaction capital in nature so the prudential borrowing approval funding will still be required although the cash flows and accounting will be different. This option however is not the currently the preferred option.

- 3.11 The cost of borrowing will be reduced if any capital grant funding from Homes England is obtained.

4. Legal Implications

- 4.1 The Housing Act 1996 as amended, sets out the responsibilities of the Council to persons threatened with homelessness. There are various sections of the act which trigger a temporary accommodation duty. The Homelessness Code of Guidance sets out how these responsibilities should be met:
- S188 – the duty to provide temporary accommodation to anyone we have reason to believe may be homeless and believe may be in priority need.
 - S190 – in the event of an adverse decision, we have a duty to provide temporary accommodation for a reasonable period of time in order to give clients the opportunity to make their own arrangements.
 - 193 – following acceptance of what we call the main housing duty, we are required to continue to provide temporary accommodation until suitable, affordable alternative accommodation can be found.
- 4.2 In fulfilling these duties, the Council must have regard to the Code of Practice issued by the Secretary of State
- 4.3 If sufficient and appropriate accommodation is not provided the local authority will be open to legal challenge and scrutiny from central government.
- 4.4 It is recognised that further due diligence is needed with Legal Services in respect of the need to activate the Council's Registered Provider status, which will be undertaken.

5. Engagement and Consultation

- 5.1 The proposals in this report have been developed in consultation with:
- Housing Options Team
 - Finance Team
 - Procurement Team
 - Senior Insurance Officer
 - Information Governance Team

- 5.3 Consultation has also been undertaken with Registered Providers who currently are experiencing similar shortages of accommodation and as such do not have capacity to integrate/allocate properties to the provision of temporary accommodation.
- 5.4 As part of the Temporary Accommodation procurement a number of pre-procurement consultation activities were undertaken with market providers to inform the approach to the temporary accommodation procurement – this information has informed the development of this proposal based on the lack of family-based accommodation sourced from that process.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Whilst the implementation of this plan will involve the procurement of services it has been assessed by the Lead Specialist for Commissioning (with responsibility for Social Value) as having low opportunity for securing Social Value from these procurements. The key reasons contributing to this assessment include:
- Potentially limited marketplace – need to maximise accessibility of procurement to implement at the pace needed to secure the services required. Duration of any proposed contract to provide the services outlined will limit the amount of social value able to be procured. There is a risk that social value requirements may discourage some bidders and this needs to be factored in.
 - Make up of marketplace indicates they may need support to understand and implement social value within their business practices – due to the pace this project needs to be implemented at there is limited scope for providing support to bidders if required.
- 6.2 Work will be undertaken as part of any procurements associated with this project to maximise opportunities for securing Social Value from any associated spend (It is intended that there will be more opportunity to secure Social Value from the Management of Temporary Accommodation contract for which we will utilise the light Torbay TOMs Framework). The Lead Specialist for commissioning will be involved in all procurement developments to ensure appropriate consideration is undertaken at each stage and where it is possible use of the Torbay TOMs Framework for Social Value will be fully implemented within the procurement and contract management process.

7. Tackling Climate Change

- 7.1 Through the purchasing and upgrading of properties the Council can look to increase home energy efficiency savings on each property individually. As the properties will be owned and managed by the Council, we will have more opportunities to introduce energy saving improvements throughout the life course of the property.

- 7.2 Work can be undertaken as part of any procurement exercise to set a minimum efficiency rating for any properties purchased (or ensure upgrade to level is included) as part of any property improvements.
- 7.3 As owners of properties for temporary accommodation we can ensure any white goods for use in properties meet energy efficient ratings and ensure that all white goods are purchased and disposed of in a manner to reduce or neutralise any negative environmental impacts.
- 7.4 Purchase of our own properties for the provision Temporary Accommodation will reduce the need for out of area placements and reduce any transport related environmental impacts of families having to commute in and out of the Bay (to access education, work, medical appointments etc). By controlling our own stock of temporary accommodation and families placed in them we will be able to maximise opportunities for families remaining in their local communities (where this is of benefit) and reduce unnecessary additional travel.

8. Associated Risks

Associated risk of not implementing the proposal

- 8.1 The availability of larger self-contained accommodation remains a significant challenge and it is considered that this will remain the case for the foreseeable future due to external market influences.
- 8.2 If this proposal is not implemented then there is a significant risk the availability of suitable accommodation to meet the needs of families will not be able to accessed to meet the increasing demand for temporary accommodation.
- 8.3 The lack of accommodation on a spot purchase basis is becoming increasingly difficult to manage and the current open procurement for temporary accommodation services indicates that the market has been unable to offer forward the family-based accommodation we require to meet our statutory duties to relieve homelessness and provide sufficient accommodation.
- 8.4 The costs associated with spot purchase arrangements for family based temporary accommodation are likely to continue to rise and cause a significant cost pressure on Council budgets. Spot purchasing means we are subject to market and seasonal fluctuations in accommodation costs that are difficult to predict, influence or control and render us unable to control the associated costs of providing temporary accommodation.
- 8.5 The increasing inability to access accommodation within Torbay, increases wider corporate financial risk, such as school transport costs.

- 8.6 If this proposal is not implemented we are likely to continue to need to rely on spot purchased accommodation – much of this is likely to be holiday / B&B based accommodation which is not suitable for families and goes against statutory guidance.
- 8.7 Not implementing this proposal will impact on our ability to meet the statutory requirements under Homelessness Suitability of Accommodation Order 2003 and therefore we are at risk of being required to repay the Homelessness Prevention Grant.
- 8.8 By failing to deliver this proposal we risk not meeting the requirements of the B&B Elimination Action Plan overseen by the Housing Minister.

Associated risks of the proposal

- 8.9 It is considered a minimal risk that the accommodation acquired will not be required. If so, then the properties can be converted to general needs affordable accommodation or sold. In the current housing market, neither is considered to pose a significant risk.
- 8.10 The risk associated with the purchase of the properties and ongoing cost has been mitigated by building in sufficient wear and tear costs and a sink fund for the refurbishment of the accommodation. The saving however offered through the proposal are significant and therefore offset any risk.
- 8.11 The risk of managing the properties and reputational damage to the Council are mitigated through contracting out the property management of the service, allowing sufficient resource to manage the people element. Households are already accommodated within our community daily, with minimal impact.

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	<p>Access to secure quality provision of temporary accommodation will have a positive impact on both older and younger people presenting as homeless.</p> <p>Additional work is being undertaken as part of the wider sufficiency plan to ensure the</p>		

	temporary accommodation needs of 16-17 yr olds and care experienced young people/adults are addressed as a specific group.		
People with caring Responsibilities	Access to temporary accommodation based in Torbay will ensure anyone requiring the provision of temporary accommodation who has caring responsibilities will have an increased ability to continue with those roles whilst being temporarily housed.		
People with a disability	Buying and maintaining our own accommodation for the provision of temporary accommodation means we will be able to ensure that we have access to accommodation with appropriate adaptations for those with a physical disability wherever this is possible. For those people living with either/ both physical and/or mental disabilities, ensuring we are able to provide temporary accommodation within Torbay means they will continue to be able to access both medical and social support systems they have in place.		
Women or men			No differential impact
People who are black or from a minority ethnic background (BME) (Please note			No differential impact

Gypsies / Roma are within this community)			
Religion or belief (including lack of belief)			No differential impact
People who are lesbian, gay or bisexual			No differential impact
People who are transgendered			No differential impact
People who are in a marriage or civil partnership			No differential impact
Women who are pregnant / on maternity leave	Access to appropriate temporary accommodation should ensure that we do not need to temporarily house pregnant women or families with children in B&B accommodation		
Socio-economic impacts (Including impact on child poverty issues and deprivation)	This proposal is likely to positively impact on families experiencing the impact of deprivation and poverty – Access to a good standard of family-based temporary accommodation with cooking and laundry facilities will reduce the negative socio-economic impacts on families.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Access to secure, quality temporary accommodation will improve the mental wellbeing of residents.		

10. Cumulative Council Impact

10.1 Move On Accommodation - The reliance on the PRS for many low-income households makes people vulnerable to any changes within the sector. One of the reasons the Housing Options Team is struggling to place homeless households in the PRS is due to an increase in demand for accommodation in Torbay. The change in working habits and the impact on the housing market has yet to be fully understood along with a change to holiday type

accommodation, for example Air bnb. Also, landlords are deciding to leave the market and capitalise their assets. All are having a significant impact.

- 10.2 Due to the rapid change in the private rental market and increase in costs, the private rental market is now becoming unaffordable to those in receipt of Housing Benefit and Universal Credit housing element. There is now a significant difference between LHA rates and the average rental cost.
- 10.3 As such the ability to access affordable move on accommodation will remain a challenge. Further work will be undertaken with private landlords to access accommodation, as this is the main route of rehousing. This will also be accompanied by Right Sizing program with RP's and reducing the number of empty properties in Torbay.
- 10.4 Homelessness affects everyone, but severely affects families and children. Having access to stable appropriate temporary accommodation enables all support services from Universal to Safeguarding services to provide the appropriate support required for children and families. We need to ensure that we provide temporary accommodation that enable families to prioritise the health & wellbeing of their children without the stress and complications of repeated moves and uncertainty as to living arrangements. This will reduce the need for higher level interventions being required from Children's services to protect and safeguard children.
- 10.5 The lack of access to secure, stable, quality temporary accommodation can have wider cost implications within the Health & Social Care System. For example, it can lead to the need for higher cost placements within Children's services for 16–25-year-olds and children and families in instances where having stable accommodation is crucial in them implementing and prioritising interventions aimed at safeguarding them and keeping family units together.
- 10.6 It is considered likely that the current cost of living crisis is likely to impact on the need for temporary accommodation services (increasing demand). We need to ensure we have both the availability and stability in associated costs to manage this effectively going forward. Whilst we expect an increase in demand we anticipate that changes in the wider housing system (increased work focused on preventing homelessness) will help mitigate the impact of rising demand.

11. Cumulative Community Impacts

- 11.1 It is recognised that there may be community tension around the placement of temporary accommodation. Most accommodation provided within our community has minimal if no impact. Well managed and contracted accommodation will reduce the risk of any impact further and therefore forms part of the procurement process.
- 11.2 Any accommodation provided through this process will need to comply with the relevant legislation including any planning requirements.

ⁱ A prevention duty is owed if a person is threatened with homelessness within the following 56 days. During the prevention duty we will aim to prevent homelessness occurring and work with households to remain where they are living or help to find a private rented tenancy. The prevention duty ends if suitable accommodation is found, or if suitable accommodation is refused. If we have not been successful in being able to prevent homelessness then a Relief Duty is owed which lasts for up to 56 days. The relief duty ends when suitable accommodation is found by the Council or the individual or if suitable accommodation offered is refused.

Background Information: Process and Implications of Torbay Council Activating its Registered Provider Status.

1.0 Local Authority Registered Provider status

If a non-stocking owning Council wishes to take ownership of dwellings for social housing purposes, it can own up to 200 dwellings without being required to operate a Housing Revenue Account (HRA). [Housing Revenue Account - GOV.UK \(www.gov.uk\)](http://www.gov.uk) The following link provides a useful decision flowchart on the explanation of an HRA and the application. [HRA Flowchart.pdf \(publishing.service.gov.uk\)](#) The fact a Council intends to own property for social housing purposes by default reactivates its Registered Provider status. Local authorities that provide social housing are required to compulsory registration under section 114A of the HRA 2008. [Housing and Regeneration Act 2008 \(legislation.gov.uk\)](#) This is a straightforward process and has been activated within 2 days for other Local Authorities. This is very different that the process and requirements for other organisations. [Guidance for new entrants on applying for registration as a provider of social housing - GOV.UK \(www.gov.uk\)](#)

2.0 Investment Partner status and grant funding process

If the Council wishes to apply for Homes England (HE) grant funding, then it will need Investment Partner (IP) status to achieve this. If the Council acquires a property with an existing grant liability, then it does not need investment partner status.

The purpose of achieving IP status is to draw down HE grant funding. Applying for IP status is a case of completing a fairly straight forward application, within which the applicant needs to demonstrate its capacity and capability to manage and finance a grant funded affordable housing programme. [Apply to be an investment partner for the Affordable Homes programme - GOV.UK \(www.gov.uk\)](#) From a Torbay perspective we would need to demonstrate that the appropriate external management and development partnerships are in place to deliver the programme, given we have no internal capacity. Exploratory conversation have been undertaken with development and management partners to ensure that the market is available for this to be undertaken.

It is likely that the Council will apply for IP status concurrently with a grant application to support acquisitions and is an acceptable process by HE. Assessment of applications are undertaken within 8 weeks. Initial conversation have been undertaken with Torbay Homes England representative on the process and if there would be any challenges. Conversation on both the notification of RP and applying for IP status have been very positive.

3.0 Grant funding process

Applications for HE grants is by way of their Integrated Management System (IMS) – i.e. the grant bid system. This requires the applicant to input scheme details as far as they are known. This will include projected capital costs, operational costs, contribution from the RP which results in the residual grant required to fund the project. The timetabling of delivery is included within the bid system, including site acquisition, start on site and practical completion. In usual circumstances, applications for HE grants will be relate to a new build scheme where the costs are more certain as the scheme will usually be within the applicant's ownership and capital costs will be backed by a QS assessment if not a contract price. The construction costs should be updated as prices change- for example if a QS assessed price is submitted at the bid stage and the tendered price differs from this.

In an acquisition programme, the acquisition properties may not have even been identified and there is a greater level of uncertainty in a competitive market. As such, the submitted bids will be

indicative of anticipated acquisition and refurbishment values. For these types of programmes, an indicative scheme is bid. Simplistically the applicant inputs an indicative programme based on benchmark costs and values, and the grant ask to cover the funding gap. This is illustrated simplistically below (note the figures are for illustration purposes only):

Indicative programme (no.)	Cost of acquisition (incl. fees & taxes)	Cost of refurbishment (incl. fees)	RP funds (borrowing and/or other capital)	Grant bid
10	£1,000,000	£200,000	£900,000	£300,000
Per Unit	£100,000	£20,000	£90,000	£30,000

Inputs into the IMS system form the bid as stated. However, the bid can be subject to a degree of negotiation, if for example Homes England believe the grant ask is too high.

Once a bid is approved, then the applicant (the RP) will need to enter into contract with Homes England, the terms of which are not negotiable. The bid on IMS will form the basis of this contract and, as such the grant recipient, as the RP is now referred to in contract terms, is contracted to deliver the submitted scheme in accordance with the submission details. There will be an allowance to vary submission details with the agreement of the grant provider. Often this will relate to delays in the scheme and the key message from Homes England is about communication.

Every time a property is purchased through the scheme, then this individual property is set up as a separate 'firm scheme' within IMS. The indicative programme is then reduced by one unit and so this process continues every time a property is acquired. The point to note is that the indicative allocation is unlikely to divide equally across each acquired property. In the example below the RP has acquired the first unit at below the indicative per unit value and hence the residual grant is at a slightly rate per unit. This can work the other way and hence the programme needs to be carefully managed.

Firm scheme 1	Cost of acquisition (incl. fees & taxes)	Cost of refurbishment (incl. fees)	RP funds (borrowing and/or other capital)	Grant allocated
1 Akasia Av	£95,000	£15,000	£85,000	£25,000
Indicative programme (no.)	Cost of acquisition (incl. fees & taxes)	Cost of refurbishment (incl. fees)	RP funds (borrowing and/or other capital)	Grant allocated
9	£900,000	£180,000	£810,000	£275,000
Per Unit	£100,000	£20,000	£90,000	£30,556

The grant system through IMS may seem complicated, but operation of the system is more about familiarity. This is an aspect that Council could consider outsourcing to their development partner, although the Council will need some form of oversight for audit purposes.

4.0 Other Requirements

The other aspect that the Council needs to be aware of is the annual scheme audit. It is likely, if the Council is successful in bidding for grant funding, that one of its schemes (1 acquisition) will be audited. The audit is relatively straightforward for an acquisition programme and the key

consideration as with audits is transparency and clear audit records. There are audit templates that can be used, and this is an element where the processes can be outsourced to the development partner, although oversight is again required.

The Homes England audit will not be considering matters that the Council's internal and external auditors would consider, such as contractor procurement. The HE audits will focus on evidencing scheme costs and delivery timelines accord with what has been submitted on the IMS system.

The final piece of administration is that if the Council will need to provide a letter of good statement on an annual basis.

Meeting: Council

Date: 17 May 2022

Wards Affected: All

Report Title: Appointment of Independent Persons to assist the Council Standards Committee

Executive Lead Contact Details: Councillor Carter, Cabinet Member for Corporate and Customer Services; email: Christine.carter@torbay.gov.uk

Supporting Officer Contact Details: Amanda Barlow, Monitoring Officer, email: Amanda.barlow@torbay.gov.uk

1. Purpose and Introduction

- 1.1 To appoint a new Independent Person to assist in the consideration of complaints against Members under the Council's Code of Conduct for Members and to help promote and maintain the high standards of conduct by Members.

2. Proposed Decision

- 2.1 **That the Council appoints Dr Kathleen Lund as its Independent Person for a period commencing on 17 May 2022 and expiring on 17 May 2026.**
- 2.2 **That the Chief Executive, on behalf of the Council, write to Mr Peter Styler, thanking him for his time and guidance during his tenure as Independent Person.**

2.2 Reason for Decision

The Localism Act 2011 requires local authorities to promote and maintain the high standards of conduct by Members. Part of the arrangements require each local authority to appoint at least one independent person whose views are to be sought and taken into account before a decision is made by the Standards Committee on an allegation that has been investigated. The appointments must be confirmed by Full Council.

Supporting Information

4. Position

- 4.1 The Council has been operating with two Independent Persons, with recent notification that one wishes to step down. Under the Localism Act 2011, it is permissible to have one Independent Person, but it is felt that having two Independent Persons provides greater independence.

- 4.2 As set out in the Protocol for the Assessment and Determination of Allegation of Breaches of the Members Code of Conduct, the Monitoring Officer when considering a complaint of misconduct, may seek the views of the Independent Person. In accordance with this same Protocol, the subject Member may also seek the views of the Independent Person, though they are not to represent nor advise the Member, but there simply to provide a Member with a view on the complaint. Therefore, to ensure independence in the process of determining a complaint concerning a Members conduct, officers feel it is appropriate that the Council should operate with two Independent Persons thereby negating a situation where both the Monitoring Officer and subject Member are calling upon the same Independent Person.
- 4.2 Following an advertisement, Dr Lund was interviewed by the Monitoring Officer and a Deputy Monitoring Officer who unanimously agreed that Dr Lund was suitable for the role and as such, their recommendation has been brought to Full Council.

Appendices

None

Overview and Scrutiny Annual Report 2021/2022

April 2022



Contents

Foreword	4
1. Key information about Overview and Scrutiny	5
The operation of overview and scrutiny	5
Residents and stakeholders can get involved by	5
Scrutiny’s Role	5
Meetings	5
2. Snapshot of scrutiny development in 2021/2022	6
Focusing on the issues which matter	6
Equal importance placed on policy development.....	6
Complementing the work of the Cabinet.....	6
Pre-Briefings and Work Planning.....	6
3. Overview and Scrutiny in Numbers 2021/2022	7
Key:.....	7
4. Snapshot of some of the Key Achievements 2021/2022	8
Torbay’s Housing Crisis	8
Supporting Children’s Services Improvement Journey	9
5. Scrutiny of Adult Social Care and Health	10
6. Topic List	12
Overview and Scrutiny Board	12
Children and Young People’s Overview and Scrutiny Board	13

Panels.....	13
7. Current and Future Work Programme.....	14
8. Call-in of decisions	Error! Bookmark not defined.
9. Community involvement	15
How to get involved in overview and scrutiny	15

This document can be made available in other languages and formats. For more information please contact governance.support@torbay.gov.uk or telephone (01803) 207087

Foreword

This year has been a challenging year for Overview and Scrutiny, continuing to respond to the issues the Covid-19 pandemic has brought to Torbay as well as looking forward to new opportunities working with our communities and partners. Our first meeting of the Year was held remotely via hybrid arrangements before returning to meeting in person from 14 July 2021.

We continued to take a leading role in the Leader and Cabinet's Budget development for 2022/2023 and I am pleased that most of our recommendations informed the final budget proposals. In addition to the budget, the Board has investigated several issues and I believe has made a notable difference in some of the key decisions made by the Cabinet, especially those around children and young people and Torbay's Housing Crisis.

I would like to take this opportunity to thank everyone who has played a part in contributing towards the work of the Council's Overview and Scrutiny Boards and Panels. Overview and Scrutiny, the Cabinet and our key partners in Health, the voluntary sector and the Police have continued to work together to try to make a positive difference for the people of Torbay.

This report gives details of the work which has been undertaken by Overview and Scrutiny over the course of the 2021/2022 Municipal Year.

Councillor Maggi Douglas-Dunbar
Overview and Scrutiny Co-ordinator

1. Key information about Overview and Scrutiny

The operation of overview and scrutiny

Councillor Douglas-Dunbar has been the Overview and Scrutiny Co-ordinator since May 2021. She is supported by Scrutiny Lead Members:

- Councillor Bye – Children’s Services (and Vice-Chair of the Overview and Scrutiny Board);
- Councillor Mandy Darling – Health and Adult Services;
- Councillor Foster – Community and Corporate Services;
- and
Councillor Kennedy – Place.

The Overview and Scrutiny Board meets monthly with task and finish Panels created to consider topics in greater detail. The Overview and Scrutiny Board comprised of Councillors Atiya-Alla, Barrand, Brown, Bye, Mandy Darling, Douglas-Dunbar, Foster, Kennedy and Loxton.

The Children and Young People’s Overview and Scrutiny Board (a Sub-Committee of the main Board) was established in January 2021 to provide greater focus on issues in relation to Children and Young People and normally meets bi-monthly. This Board was Chaired by Councillor Bye and comprised of Councillors Barnby, Mandy Darling, Douglas-Dunbar and Mills (Vice-Chairwoman).

Residents and stakeholders can get involved by:

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

Scrutiny’s Role

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

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

Meetings:

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

2. Snapshot of scrutiny development in 2021/2022

Focusing on the issues which matter

The Overview and Scrutiny Board continued to undertake its health scrutiny duty providing oversight of health services in Torbay and clinical services across the peninsula by taking part in meetings of Devon County Council's Health and Adult Care Scrutiny Committee and holding Torbay and South Devon NHS Foundation Trust to account on their Care Quality Commission inspection through its own Board meetings.

The Board continued to receive regular reports on the Council's revenue and capital budgets. It has closely monitored the performance of Children's Services both in terms of outcomes for children and the costs of the service with the help of the Children and Young People's Overview and Scrutiny Board.

Equal importance placed on policy development

The Board provided feedback during the development of the Strategic Asset Management Plan, one of the Council's key Policy Framework Documents.

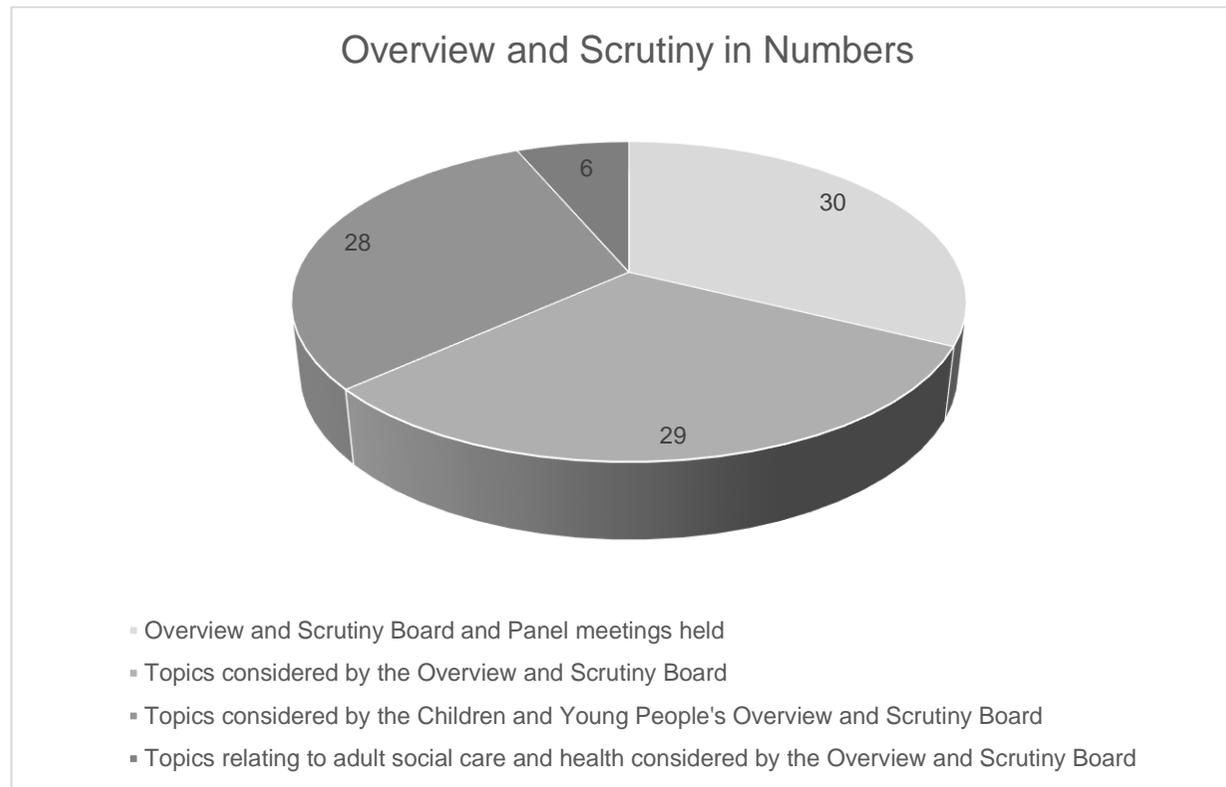
Complementing the work of the Cabinet

The Overview and Scrutiny Board continue to seek to complement the work of the Cabinet, with regular strategic meetings held between the Overview and Scrutiny Co-ordinator, Overview and Scrutiny Board Vice-Chairman and the Leader of the Council.

Pre-Briefings and Work Planning

Monthly briefings have enabled better member engagement and more focussed debate at Board meetings, developing key lines of questioning and exploring upcoming items to ensure relevant items are considered at the right time with key attendees invited to contribute towards discussions. The Forward Plan was also used as a tool to identify key issues for consideration by the Board.

3. Overview and Scrutiny in Numbers 2021/2022



Page 67

Key:

- 30 Overview and Scrutiny Board and Panel meetings held
- 29 Topics considered by the Overview and Scrutiny Board
- 28 Topics considered by the Children and Young People's Overview and Scrutiny Board
- 6 Topics relating to adult social care and health considered by the Overview and Scrutiny Board

4. Snapshot of some of the Key Achievements 2021/2022

Torbay's Housing Crisis

Following a review of the Council's Prioritised Business Plan for 2021/2022 the Board agreed that a key priority area for overview and scrutiny was Torbay's Housing Crisis, to explore what action was being taken to address the following key areas:

1. shortage of temporary accommodation;
2. implications of short term leases;
3. social and affordable housing and the work of TorVista Homes;
4. empty properties;
5. general housing supply; and
6. the work of the Strategic Housing Board.

The Overview and Scrutiny Board established a Torbay's Housing Crisis Task and Finish Group in July 2021. The Panel worked with key officers from the Council's Senior Leadership Team and external advisors (the Independent Chairman of the Strategic Housing Board and representatives from Citizen's Advice and Shekinah) as well as receiving valued contributions from a member of the public.

The review has resulted in:

- officers working with the Valuation Office to see what can be done to increase the level of Local Housing Allowance available to people in Torbay;
- officers reviewing the support for care experienced young people to help them secure suitable accommodation when they leave care as well as working with Registered Housing Providers and TorVista Homes;
- progress of the Rightsizing Project working with Registered Housing Providers to help people move into suitable sized accommodation to free up larger properties for families;
- reviewing the support to increase in the number of care experienced young people remaining longer with their foster carers through the Staying Put Policy;
- a process and policy review for care experienced young people to access properties more quickly through the Devon Home Choice Scheme;
- new posts created as part of the budget process to help with enforcement on poor standards of accommodation and to help bring empty properties back into use;
- greater promotion on what the Council is doing to raise awareness of the Housing Crisis and options and support available to local residents;
- the Housing Delivery Group exploring option on how Planning Policy can be improved and developed to increase the number of properties available in Torbay;

The full report of the Torbay's Housing Crisis Review and the Cabinet response can be found at <https://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=741&MId=18605&Ver=4>

Supporting Children's Services Improvement Journey

The Children and Young People's Overview and Scrutiny Board has had a busy year working with and holding to account the Chief Executive, Director of Children's Services and Cabinet Member for Children's Services across a wide range of topics. The Board is supported by the following key co-opted members:

- Tatiana Wilson, Church of England Diocesan;
- Laura Colman, Primary Parent Governor;
- Jo Morrell, Torbay Youth Trust;
- Mike Cook, Imagine This Partnership Board; and
- Edward Wright, Devon and Cornwall Police.

A care experienced young person also contributed towards the work of the Board and we are looking for a new person to represent the voice of cared for and care experienced young people.

The Board has regularly monitored the Children's Improvement Plan and challenged and sought assurance that appropriate and timely action was being taken to address areas of concern e.g. the implementation of Liquid Logic software and the impact on reporting of data.

The Board recognised the key role that all Members had as Corporate Parents and had regard to this when reviewing the refreshed interim Corporate Parenting Strategy which had an overall objective to ensure that all children, young people and care experienced young people and adults are safe, happy and healthy in order that they can fulfil their full potential. The Strategy also provided improved Governance and recognised the role of corporate parents across the whole of the Council and working with our partners. The Board recommended that in light of the high profile of this strategy the Council should include it in the key list of Policy Framework Documents as well as further engagement being carried

out with children and young people to inform an updated Corporate Parenting Strategy for presentation to full Council.

Exploitation and mental health were two key areas of concern that were considered and actions challenged by the Board to ensure a multi-agency approach to tackling these issues. The Board will continue to receive regular updates on these areas to ensure action is being taken in a timely manner.

The Board also sought to raise the profile of the excellent partnership work to support our children and young people such as the development of a Child Friendly Torbay Vision and the work being carried out through the Torbay Together who had set up the following groups:

- Priority 1 – Child Exploitation – Police lead;
- Priority 2 – Early Help – Children's Services lead;
- Priority 3 – Where I live – Imagine This lead;
- Priority 4 – Corporate Parenting – Children's Services lead; and
- Priority 5 – Ambassador programme – Torbay Together lead.

Members contributed towards the Torbay's Housing Crisis Review all of its recommendations to support children and young people were adopted by the Panel and taken forward to the Cabinet.

Members actively challenged responses to the following areas to ensure appropriate action was being taken to protect our children and young people:

- Youth Offending Team Inspection;
- Child Safeguarding Practice Review – Child C80;
- Care Quality Commission and Ofsted Joint Area Special Educational Needs and Disabilities Inspection; and
- A review of Leadership, Management and Governance.

5. Scrutiny of Adult Social Care and Health

Covid-19 has continued to impact on all our lives in 2021/2022 and the Overview and Scrutiny Board acknowledged their role in ensuring that the Council and key partners were still continuing to provide key services to our residents. Most notably the Board had regard to the impact on people's mental health and access to vital health and social care services.

9 June 2021 – The Board considered the draft Quality Account for 2020/2021 for Torbay and South Devon NHS Foundation Trust, whilst they acknowledged the commitment of staff and a number of improvements highlighted they also sought assurance that relevant action would be taken to:

- improve the performance of the stroke unit;
- provide greater assurance that appropriate support was being put in place to support ongoing staff welfare;
- ensure that the operational ratio of staff to patients is sufficient, in light of current working practices;
- ensure that staff receive relevant in person training, wherever possible, to enable them to be kept up to date with current working practices and processes;
- provide greater assurance as to how the Mental Capacity Act 2007 is being embedded into daily practices, including understanding and awareness of issues surrounding people with a learning disability;

- provide greater assurance that feedback from patients who have been discharged from hospital is being taken into account and that appropriate community support is being secured to support people leaving hospital to ensure that they are safe and cared for;
- address the number of medicine incidents and the number of bullying, harassment or abuse incidents towards staff;
- address the standards not being met for Standard 2 – emergency admission seen by a suitable consultant within 14 hours of admission;
- address the standard not being met for Standard 8 – high dependency patients seen twice daily and other patients once daily by a suitable consultant;
- reduce waiting times for referral to treatment; and
- increase feedback and engagement with inpatients.

15 September 2021 – The Board scrutinised the health and wellbeing support through GPs and recommended the Clinical Commissioning Group to continue to work closely with Healthwatch and other local partners to explore further:

- options to enable patients to access their GP in an accessible manner;
- what action has been taken to improve communication with patients to enable them to access the correct services at the appropriate time; and
- how learning is shared across practices.

13 October 2021 – The Board scrutinised the Adult Social Care Improvement Plan. This highlighted areas of concern in terms of staffing and suitable bed capacity across the whole of the adult social care sector and the need to act differently to improve outcomes for people requiring adult social care and mental health services.

The Board:

- encouraged the Council's Head of Adult Commissioning and the Torbay and South Devon NHS Foundation Trust's Associate Director of Operations for Torbay to continue to recognise our care workers, by raising their profile, exploring ways to enhance their career opportunities in care and investigate ways of providing sufficient additional key worker accommodation, to encourage more staff to come to work in Torbay and fill our vacancies in the care sector; and
- requested that the Devon Partnership NHS Trust and Torbay and South Devon NHS Foundation Trust be invited to a future meeting of the Overview and Scrutiny Board to outline the Community Mental Health Framework on how people are supported with severe mental health needs.

The Board also scrutinised mental health and wellbeing and the NHS Long Term Plan for Devon.

Whilst over the last year the Overview and Scrutiny Board has effectively challenged issues such as Mental Health and access to GPs, this has often been part of a larger agenda, which has limited the amount of time and focus available to the Board. A new inspection regime is being introduced for Adult Social Care and there are changes to the way the Health Services operate by way of an Integrated Care Organisation. There are also a lot of changes to our local and regional health service arising from the Devon NHS Long Term Plan and scrutiny has a critical role in ensuring additional and enduring challenge to these projects to ensure our residents receive the services they need.

It is therefore proposed from May 2022 that a Sub-Committee of the Overview and Scrutiny Board, namely an Adult Social Care and Health Overview and Scrutiny Sub-Board be established to fulfil the function of these two key areas.

This would work in the same way as the Children and Young People's Overview and Scrutiny Board and would include key co-opted members from Healthwatch and the Chair of the Voluntary Sector Network to help provide professional advice to the Board and represent members of the community and voluntary sector.

6. Topic List

Overview and Scrutiny Board

- Update on local policing matters in Torbay including current crime statistics and how the Police Community Support Officers (PCSOs) were working with the Council and the Community.
- Update on the Anti-Poverty Task and Finish Group Review Action Plan.
- Torbay and South Devon NHS Foundation Trust Draft Quality Accounts for 2020/2021.
- Initial Work Programme for 2021/2022.
- Update on the Board's Feedback to the Torbay and South Devon NHS Foundation Trust Draft Quality Accounts for 2020/2021.
- Review of Prioritised Council Business Plan.
- Budget Monitoring Outturn 2020/2021.
- Review of the Children and Young People's Overview and Scrutiny Board.
- Update on Review of Climate Change Emergency Actions.
- Health and Wellbeing Support through GPs.
- Budget Monitoring Quarter 1.
- Adult Social Care Improvement Plan.
- Impact on the Council of the increase in the Higher Needs Block of the Dedicated Schools Grant.

- Update on Review of Planning Service Action Plan.
- Update on local Police matters including staffing levels.
- Local Environmental Quality – Outline Plan.
- Strategic Asset Management Plan.
- Budget Monitoring Quarter 2.
- Mental Health and Wellbeing.
- Torquay Town Deal and Paignton Future High Streets Update.
- Climate Change Emergency Update.
- Turning the Tide on Poverty Review Update on Action Plan.
- Revenue Budget 2022/2023 – sign off of the Report of the Priorities and Resources Review Panel.
- NHS Long Term Plan for Devon.
- Review of Torbay's Housing Crisis – sign off of the Report of the Torbay's Housing Crisis Review Panel.
- Budget Monitoring Quarter 3 2021/2022.
- Torbay's Economic Strategy Refresh.
- Review of Kickstart and Next Steps.
- Overview and Scrutiny Annual Report 2021/2022 and draft Work Programme for 2022/2023.

Children and Young People's Overview and Scrutiny Board

- Virtual School Annual Report 2019-2020.
- Workforce Development and Sufficiency of Placements and Commissioning.
- Arrangements for Fostering and Residential Care.
- Children's Improvement Plan Quarterly Update.
- Children and Young People's Overview and Scrutiny Board Action Tracker.
- Children's Improvement Plan Quarterly Update.
- Corporate Parenting Strategy.
- Update on the implementation of the Youth Offending Team Action Plans.
- Children and Young People's Overview and Scrutiny Board Action Tracker.
- Updated Corporate Parenting Strategy.
- Exploitation Update.
- Engagement and participation of children and young people and their families – including Torbay Pledge.
- Family Friendly Vision.
- Torbay Children's Services – A Review of Leadership, Management and Governance.
- Children and Young People's Overview and Scrutiny Board Action Tracker.
- Child Safeguarding Practice Review Child C80 and Action Plan.
- Housing for Care Experienced Young People.
- Childcare Sufficiency Report 2021.
- Children's Improvement Plan Quarterly Update.

- Children and Young People's Overview and Scrutiny Board Action Tracker.
- Torbay Virtual School Annual Report 2020/2021.
- Response to the Care Quality Commission and Joint Area Special Educational Needs and Disability Inspection in Torbay.
- Children's Improvement Plan Quarterly Update.
- Our Promise to You – The Torbay Pledge to cared for and care experienced children/young people 2021-2022 Update.
- Updated Response to the Care Quality Commission and Joint Area Special Educational Needs and Disability Inspection in Torbay.
- Review of Child Safeguarding Practice Review Child C80 Action Plan.
- Exploitation Update.
- Children and Young People's Overview and Scrutiny Board Action Tracker.

Panels

- Review of Enforcement Activity – this panel was suspended due to staff shortages and agreement that the focus on Torbay's Housing Crisis was a greater priority for scrutiny.
- Review of Council Redesign Programme and Accessibility.
- Review of Torbay's Housing Crisis.
- Priorities and Resources Review Panel.

7. Current and Future Work Programme

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

Page 4
The future Work Programme will be agreed by the Overview and Scrutiny Board on 13 April 2022 although it will continue to have the flexibility to react to issues as they arise, recognising that the current pressures placed upon the Council's staff as a result of increasing financial pressures on our residents and different ways of working that have now been established as a result of Covid-19.

. Call-in of decisions

The call-in process is one of the mechanisms which can be used to hold the Cabinet to account.

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

There were no call-ins during 2021/2022.

9. Community involvement

The Overview and Scrutiny Boards and Panels engage with a wide selection of groups, organisations and individuals. We welcome the opportunity to hear from members of the public at our meetings and your input is important in understanding the concerns and needs from our communities. To support this approach and in addition to the statutory education co-opted members the Children and Young People's Overview and Scrutiny Board has appointed a number of non-voting co-opted members to provide expert advice, representing the following:

- Devon and Cornwall Police;
- Torbay Youth Trust;
- Care experienced young person; and
- Imagine This Partnership Board.

Contact Us

Overview and Scrutiny
Torbay Council
Town Hall
Torquay
TQ1 3DR

governance.support@torbay.gov.uk

www.torbay.gov.uk/scrutiny

How to get involved in overview and scrutiny

- **Attend meetings** – our scrutiny meetings are open to the public and you are welcome to come along and listen to the debate and discussion. Please note that reports may be considered in private if they contain confidential information.
- **Ask a question or make a point** – if you would like make a representation at a meeting, please email governance.support@torbay.gov.uk at least two days before the meeting so that we can let the Chairman know in advance. It is helpful to know what you would like to raise in order for it to be considered at the appropriate time during the discussions.
- **Request a review** – if there is something you think scrutiny could look at, then let us know via governance.support@torbay.gov.uk
- **Consultation and participation** – you could be asked for your views on an issue or be invited to provide specialist knowledge you might have by being a witness in a scrutiny review.

**Standing Order D11 (in relation to Overview and Scrutiny) – Call-in and Urgency
Council Meeting, 17 May 2022**

In accordance with Standing Order D11, the call-in procedure does not apply where the executive decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interests.

Before deciding whether a decision is urgent the decision making person or body must consult the Overview and Scrutiny Co-ordinator, or in his absence either:

- (a) (if the decision is a Key Decision and Standing Order E14 (General Exception) applies) each member of the Overview and Scrutiny Board shall be consulted; or
- (b) (in all other cases) the Civic Mayor, or (if there is no Civic Mayor appointed) the Deputy Civic Mayor, shall be consulted.

Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council, together with the reasons for urgency and a summary of the consultation undertaken.

The table below sets out this information:

Matter for decision	Decision-taker	Reasons for urgency	Consultation
County Deal Advisory Board	The Cabinet	<p>The Cabinet took a decision, at its meeting held on 22 March 2022, to appoint a County Deal Advisory Board (a working party of members who can be updated on and provide feedback on the ongoing discussions and negotiations towards a Devon, Plymouth and Torbay County Deal).</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the public and Council's interests.</p>	The Overview and Scrutiny Co-ordinator was consulted on 9 March 2022.

Matter for decision	Decision-taker	Reasons for urgency	Consultation
Written Statement of Action following the SEND inspection	The Cabinet	<p>The Cabinet took a decision, at its meeting on 12 April 2022, to approve the Written Statement of Action following the SEND inspection. The Written Statement of Action needed to be submitted for approval by the Department of Education before 14 April 2022.</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the publics and Council's interests.</p>	The Overview and Scrutiny Co-ordinator was consulted on 4 April 2022.
Contract for Live Streaming and Hybrid Meetings	The Cabinet	<p>The Cabinet took a decision, at its meeting on 19 April 2022, to award a Contract for Live Streaming and Hybrid Meetings in order for our Council, Cabinet and Planning Committee meetings to be live streamed/hybrid from May on a trial basis.</p> <p>The decision taken by the Cabinet needed to be implemented immediately as any delay likely to be caused by the call-in process would prejudice the publics and Council's interests.</p>	The Overview and Scrutiny Co-ordinator was consulted on 1 April 2022.