

Wednesday, 24 January 2024

Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **The Burdette Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 1 February 2024** 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

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Meeting of the Council Agenda

1. **Opening of meeting**
2. **Apologies for absence**
3. **Minutes** (Pages 4 - 19)
To confirm as a correct record the minutes of the meeting of the Council held on 7 December 2023.
4. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Communications**
To receive any communications or announcements from the:
 - Civic Mayor including the presentation of the Long Service Awards;
 - Leader of the Council;
 - Overview and Scrutiny Co-ordinator; and
 - Chief Executive.
6. **Members' questions** (Pages 20 - 22)
To respond to the submitted questions asked under Standing Order A12.
7. **Notice of Motion - 20 MPH Neighbourhoods** (Pages 23 - 27)
To consider the submitted motion and associated report from the Director of Finance, notice of which has been given in accordance

with Standing Order A13 by the members indicated.

8. **Amendment to the Resources and Waste Management Strategy 2020-2023** (Pages 28 - 34)
To consider the recommendation of the Cabinet on an amendment to the Resource and Waste Management Strategy.
9. **Treasury Management Mid - Year Review 2023/24** (Pages 35 - 52)
To note the Treasury Management Mid – Year Review 2023/24
10. **Civic Mayor Elect and Deputy Civic Mayor Elect 2024/25**
In accordance with the Council's Standing Orders (A9.1) to select, the Civic Mayor-Elect and Deputy Civic Mayor-Elect for the 2024/2025 Municipal Year.
11. **Composition and Constitution of the Cabinet and Record of Delegation of Executive Functions** (Pages 53 - 55)
To receive details from the Leader of the Council of the composition and constitution of the Cabinet for the remainder of 2023/2024, together with the record of delegations of Executive functions (in accordance with Standing Order C2).

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>.

Minutes of the Council
(Council decisions shown in bold text)

7 December 2023

-: Present :-

The Worshipful the Mayor of Torbay (Councillor Spacagna) (In the Chair)
Deputy Civic Mayor of Torbay (Councillor Stevens)

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

48 Opening of meeting

The meeting was opened with a prayer.

Following the opening, Members observed a minute's silence as a mark of respect in memory of former Councillor and Chairman of the Council, Michael Hytche, who had recently passed away on 2 December 2023.

49 Apologies for absence

The Chief Executive advised Councillor Atiya-Alla was due to arrive later in the meeting.

(Note: Councillor Atiya-Alla arrived during consideration of Minute 59.)

50 Minutes

The Worshipful the Mayor of Torbay proposed and Councillor Stevens seconded a motion, which was agreed (unanimously) by the Council as set out below:

that the Minutes of the meeting of the Council held on 20 September 2023 be confirmed as a correct record and signed by the Worshipful the Mayor of Torbay.

51 Declarations of interests

Councillors Harvey and Nicolaou declared Section 106 of the Local Government Finance Act 1992 applied to them.

52 Communications

The Worshipful the Mayor of Torbay welcomed, Karen Thomson, Award Founder of Torbay & Devon Civic Awards for schools who gave a presentation to the Council on the Awards. On behalf the Council, the Worshipful the Mayor of Torbay thanked Ms Thomson for running the Awards for year six pupils.

The Leader of the Council updated members on the report on Oldway Mansion, which was considered by the Cabinet on 5 December 2023, and advised £54 million had been estimated to deliver the proposals. Members heard that the project would be supported by funding from external partners and that the Cabinet had requested officers to investigate identifying £1 million to commence phase 1 of the project to ensure that Oldway Mansion was wind and watertight.

53 Order of Business

In accordance with Standing Order A2.2 in relation to Council meetings, the Worshipful the Mayor of Torbay varied the order of business as follows:

Item 6 (Members' Questions) to be considered at the end of the agenda;

Items 7A to 7D (Notice of Motions) to be considered after Item 15 (Review of Political Balance);

Item 9 (Community and Corporate Plan 2023-2043) to be considered after Item 17 (Appointment of Chairman/woman of the Standards Committee); and

Item 18 (Composition and Constitution of the Cabinet and Record of Delegation of Executive Functions) to be received/noted before Item 8 (Future Structure and Operation of TorVista Homes).

54 Notice of Motion - 20 MPH Neighbourhoods

Members received a motion in relation to £100,000 of one-off funding being identified to introduce 20 mph neighbourhoods (for schemes as listed in the Notice of Motion), notice of which was given in accordance with Standing Order A13.

In accordance with Standing Order A13.2(d), the Worshipful the Mayor of Torbay reported that consideration of the motion stood deferred to a subsequent meeting of the Council to enable a report from the Council's Chief Finance Officer to be prepared on the financial implications resulting from the motion.

55 Composition and Constitution of the Cabinet and Record of Delegation of Executive Functions

Members noted the submitted report which provided details of changes made by the Leader of the Council to Cabinet members' portfolios.

56 Future Structure and Operation of TorVista Homes

Following the decision of the Council on 20 September 2023 (Minute 37/9/23 refers), the Council considered the recommendations of the Cabinet and the submitted report proposing to dissolve TorVista Homes (TVH), to enable the Council to achieve its strategic objectives through a more cost effective and sustainable approach.

Councillor Tyerman proposed and Councillor Cowell seconded a motion, which was agreed (unanimously) by the Council as set out below:

- 1. that TorVista Homes be dissolved with effect from 1 April 2024, (or immediately following transfer of all social housing units, if this is beyond this date), with mandatory de-registration to the Regulator of Social Housing by TorVista Homes in advance and:**

the Director of Pride in Place be instructed to:

- a. commence tenant consultation (in line with current requirements by the Regulator of Social Housing) in relation to the proposal to transfer the social housing units, income and liabilities into Torbay Council;**
- b. instruct TorVista Homes to maintain a continuous level of service to their tenants (in accordance with all requirements for Registered Providers of social housing, to at least the same standard as they currently receive), including continuing to achieve mandatory compliance standards until transfer of the homes has been completed; and**
- c. develop detailed delivery plans, in consultation with the Cabinet Member for Housing, Finance and Corporate Services and all Group Leaders (or their nominees), setting out how the Council will accelerate:**
 - i. the provision of new Affordable Housing, targeted to meet Torbay's local housing need, specifically including:**
 - 1. Social Rented Housing; and**
 - 2. Affordable Rented Housing**
 - ii. the provision of accommodation for strategic priority areas, including:**
 - 1. Extra care**
 - 2. Supported housing (for various client groups)**
 - 3. Temporary accommodation, and**
 - 4. Care experienced young people;**

the Director of Finance, in consultation with the Monitoring Officer and Cabinet Member for Housing, Finance and Corporate Services, be given delegated authority to:

- a. subject to satisfactory completion of all necessary due diligence, (and tenancy engagement), enter into the Capital funding grant agreements with Homes England and to transfer all social housing units, assets, liabilities and income from TorVista Homes into the ownership and management of Torbay Council; and**
- b. upon completion of all satisfactory due diligence, transfer any land or development assets owned by TDA or TorVista Homes into the ownership of Torbay Council, as required; and**

the Head of Strategic Housing and Delivery, in consultation with Cabinet Member for Housing, Finance and Corporate Services, be given delegated authority to:

- a. subject to completion of a satisfactory procurement, agree a suitable scope and extend the Council's existing Temporary Accommodation and property maintenance contract for a further 12 months, with additional provision to include the maintenance and compliance of any homes currently owned by TorVista Homes that transfer to the Council, should this be required; and**
 - b. apply for Investment Partner status on behalf of the Council, and secure Homes England funding for any eligible future directly provided affordable housing scheme; and**
- 2. that Council approve an annual revenue budget of £150,000 for 2024/25 for the Council to fund and provide in house, the management and operation of activities previously undertaken by TorVista Homes.**

57 Licensing Act 2003 - Cumulative Impact Assessment 2024 - 2027

The Council received the recommendations of the Cabinet and the submitted report setting out the statutory three yearly review of the Cumulative Impact Assessment and the consultation responses on the cumulative impact assessment areas which were proposed to be adopted.

Councillor Tranter proposed and Councillor Strang seconded a motion, which was agreed (unanimously) by the Council as set out below:

- 1. that the Cumulative Impact Assessment is maintained, and the revised assessment contained in Appendix 1 to the submitted**

report is adopted and published and will come into effect from 7 January 2024; and

2. that the Licensing Committee be authorised to approve future reviews and adoption of the Cumulative Impact Assessment. Since the introduction of section 5A of the Licensing Act 2003, all matters regarding Cumulative Impact Assessments are now the responsibility of the statutory Licensing Committee, by virtue of section 7(1), as it is no longer part of the Licensing Act 2003 Statement of Policy.

58 Council Tax Support Scheme 2024/2025

The Council considered the submitted report on a review of the current local Council Tax Support Scheme and recommendations for a replacement Scheme to be introduced for 2024/25, and in accordance with statutory requirements. Members noted that the Council Tax Support Scheme provided financial support to households that were on a low income or were unemployed, to assist them in paying their Council Tax. The review recommended a revised Scheme which introduced a less complex banded scheme for residents of working age in Torbay and a change in the level of support provided.

Councillor Tyerman proposed and Councillor Bye seconded a motion, which was agreed (unanimously) by the Council as set out below:

1. that the Council Tax Support Scheme be amended as follows:
 1. Introduction of an income banded scheme where a discount will be applied to the Council Tax liability with the maximum level of discount (for working age residents), to be raised to 75% of the Council Tax liability.
 2. Removal of the restriction to the equivalent of Council Tax property band D for households that occupy property in bands E to H.
 3. Removal of the requirement for non-dependant deductions.
 4. Lowering of the number of hours used to calculate the self-employed minimum income floor for lone parents from 35 to 25 hours.
 5. Retention of the number of hours used for calculating the self-employed minimum income floor for single people, couples, and couples with children at 35 hours.
 6. Removal of the Extended Payment provision.
 7. Retention of the Additional Earnings disregard. Provision of a new disregard for Carer's Allowance.
 8. Provision of a new disregard for the support related and work-related activity components for Employment and Support Allowance.
 9. Provision of a disregard of £75 per week where the applicant, partner or dependant is in receipt of a disability benefit; and

2. **that the allocation of funding to facilitate the new scheme be approved as follows:**
 - (a) **£529,000 to meet the on-going increased benefit allocated through the new banded scheme and the increased maximum level of benefit; and**
 - (b) **£20,000 increase in the Exceptional Hardship Fund to support any residents adversely affected by the scheme change.**

(Note: Prior to consideration of Minute 58, Councillors Nicolaou and Harvey declared Section 106 of the Local Government Finance Act 1992 applied to them. They did not take part in the debate or vote on the matter.)

59 Council Tax Base 2024/2025

Members considered the submitted report which set out the Council tax base for council tax purposes for 2024/25.

Councillor Tyerman proposed and Councillor Bryant seconded a motion, which was agreed (unanimously) by the Council as set out below:

1. **that the calculation of the Torbay Council Tax Base for the year 2024/25 be approved as detailed in Appendix 1 as set out in the submitted report;**
2. **that the calculation of the Brixham Town Council Tax Base for the year 2024/25 be approved as detailed in Appendix 2 as set out in the submitted report;**
3. **that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as its Council Tax base for the year 2024/25 should be 47,374.08;**
4. **that, in accordance with the Local Authorities (Calculation of Tax base) (England) Regulations 2012, the amount calculated by Torbay Council as the Council Tax base for Brixham Town Council for the year 2024/25 should be 6,251.14;**
5. **that, from April 2025 the Council adopts a 100% Council Tax premium in respect of second homes (as previously approved at Council on 8th December 2022); and**
6. **that, from April 2024 the Council adopts a 100% Council Tax premium in respect of empty premises that have been left unoccupied and substantially unfurnished for a period of between**

1 and 2 years (as previously approved at Council on 8th December 2022).

(Note 1: Prior to consideration of Minute 59, Councillors Nicolaou and Harvey declared Section 106 of the Local Government Finance Act 1992 applied to them. They did not take part in the debate or vote on the matter.)

(Note 2: Councillor Aitya-Alla joined the meeting during consideration of Minute 59 declared Section 106 of the Local Government Finance Act 1992 applied to him. He did not take part in the debate or vote on the matter.)

60 Budget Monitoring 2023/2024 - April to September 2023 Revenue and Capital Outturn Forecast

The Council received the submitted report on the high-level budget summary of the Council's revenue and capital income and expenditure for the end of quarter 2 (up to 31 September 2023) of the 2023/24 financial year and the Cabinet's recommendations. It was noted the revenue budget was predicting an overspend of £1.3 million, a reduction of £200,000 on the forecast made at quarter 1.

The submitted report included recommendations for new projects to be added to the Council's Capital Programme.

Councillor Tyerman proposed and Councillor Tolchard seconded a motion, which was agreed (unanimously) by the Council as set out below:

that Council approves:

- 1. the addition of the following new projects (full details in para 8.4 of the submitted report) to the current capital programme:**
 - a. Paignton Academy STEPS Relocation – project totalling £1,250,000.**
 - b. EPIC Centre X-Ray equipment –A new project totalling £150,000; and**
- 2. the provision of a £60,000 grant to the Shoalstone Seawater Pool Community Interest Company, subject to them being successful in their funding bid to the Community Ownership Fund (COF). This match funding (from reserves) will provide support towards the costs of major repairs required to the pool.**

61 Proposed Withdrawal and Dissolution of the Heart of the South West Joint Committee

The Council received the submitted report on proposals for the Constituent Authorities to consider their withdrawal and dissolution of the Heart of the South West (HotSW) Joint Committee. It was noted that changes in Government policy, the development of the devolution deal and the forthcoming integration of the HofSW

Local Enterprise Agency into local authorities meant that the HofSW Joint Committee had been largely superseded, and other existing partnership arrangements could deliver the Constituent Authorities' aims.

Councillor David Thomas proposed and Councillor Chris Lewis seconded a motion, which was agreed (unanimously) by the Council as set out below:

that Council agrees to serve notice of its withdrawal and that the Heart of the South West Joint Committee be dissolved on 31 December 2023.

62 Review of Political Balance

The Council considered a report on a review of political balance on committees and working parties following the creation of the Prosper Torbay Group.

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

1. that Council adopts Option 1 for the overall political balance of the committees as set out at Appendix 1 of the submitted report;
2. that, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 of the submitted report be approved;
3. that it be noted that the political balance of the Adult Social Care and Health and Children and Young People's Overview and Scrutiny Sub-Boards of the Overview and Scrutiny Board and the Harbour Appointments Sub-Committee of the Harbour Committee remain unchanged; and
4. that the Overview and Scrutiny Board be requested to review the political balance of its Review Panels.

During the debate Councillor Cowell proposed and Councillor Steve Darling seconded an amendment to the motion as follows:

1. that Council adopts Option 4 2 for the overall political balance of the committees as set out at Appendix 1 of the submitted report;
2. that, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 of the submitted report be approved;
3. that it be noted that the political balance of the Adult Social Care and Health and Children and Young People's Overview and Scrutiny Sub-Boards of the Overview and Scrutiny Board and the Harbour Appointments Sub-Committee of the Harbour Committee remain unchanged; and

4. that the Overview and Scrutiny Board be requested to review the political balance of its Review Panels.

The amendment was put to the vote and declared carried.

The amended (substantive) motion was then considered by members, which was agreed by the Council as follows:

1. that Council adopts Option 2 for the overall political balance of the committees as set out at Appendix 1 of the submitted report;
2. that, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 of the submitted report be approved;
3. that it be noted that the political balance of the Adult Social Care and Health and Children and Young People's Overview and Scrutiny Sub-Boards of the Overview and Scrutiny Board and the Harbour Appointments Sub-Committee of the Harbour Committee remain unchanged; and
4. that the Overview and Scrutiny Board be requested to review the political balance of its Review Panels.

63 Notice of Motion - Appointment of Overview and Scrutiny Co-ordinator and Scrutiny Leads

Members considered a motion in relation to the appointment of the Overview and Scrutiny Co-ordinator and Scrutiny Leads, notice of which was given in accordance with Standing Order A13.

Councillor Cowell proposed and Councillor Maddison seconded a motion, which was agreed by the Council as set out below:

1. that the decision of the Council to appoint Councillor Twelves as Overview and Scrutiny Co-ordinator be rescinded (Minute 44/9/23 refers) and that Councillor Steve Darling be appointed as Overview and Scrutiny Co-ordinator and Chairman of the Overview and Scrutiny Board in accordance with Article 5.04);
2. that the Council notes the Leader of the Liberal Democrat Group's allocation of a Liberal Democrat seat on the Overview and Scrutiny Board to the Prosper Torbay Group (as set out in the Notice of Variation to Membership of Committees dated 22 November, 2023 and in accordance with Standing Order B2.1) and therefore reaffirms Councillor Joyce's appointment as the Overview and Scrutiny Lead for Adults, Community Services, Public Health and Inequalities;

3. that the decision of the Council to appoint Councillor Maddison as Overview and Scrutiny Lead for Economic Growth and Culture be rescinded (Minute 11(2)/5/23 refers) and Councillor Long be appointed as Overview and Scrutiny Lead for Place Development, Economic Growth and Culture; and
4. that the decision of the Council to appoint Councillor Hutchings as the Overview and Scrutiny Leads for Finance, Corporate and Place Based Services be rescinded (Minute 44/9/23 refers) and that Councillor Twelves be appointed as the Overview and Scrutiny Lead for Finance, Corporate and Place Based Services.

(Note: In accordance with Standing Order A15.8, Councillor Cowell altered the original motion with the consent of Councillor Maddison as seconder.)

64 Notice of Motion - Appointment of Chairmen/women of Committees

Members considered a motion in relation to appointment of Chairmen/women of Committees, notice of which was given in accordance with Standing Order A13.

It was proposed by Councillor Steve Darling and seconded by Councillor Cowell.

1. that the decision of the Council to appoint the following Chairmen/women and Vice-Chairmen/women be rescinded (Minute 12(5)/5/23 refers):

Councillor Jackie Thomas – Chairwoman of Planning Committee
Councillor Strang – Chairman of Harbour Committee
Councillor Barbara Lewis – Chairwoman of Licensing Committee
Councillor Douglas-Dunbar – Vice-Chairwoman of Licensing Committee
Councillor Brook – Chairman of Audit Committee
Councillor Penny – Vice-Chairman of Audit Committee
Councillor Joyce – Chairman of Standards Committee
Councillor Cowell – Vice-Chairman of Overview and Scrutiny Board; and

2. that the following be appointed as Chairmen/women and Vice-Chairmen/women:

Councillor Maddison – Chairwoman of Planning Committee
Councillor Amil – Chairwoman of Harbour Committee
Councillor Johns – Chairwoman of Licensing Committee
Councillor Barbara Lewis – Vice-Chairwoman of Licensing Committee
Councillor Penney – Chairman of Audit Committee
Councillor Brook – Vice-Chairman of Audit Committee

Councillor Twelves – Vice-Chairwoman of Overview and Scrutiny Board
 Councillor Barbara Lewis – Chairwoman of Standards Committee

During the debate Councillor Billings proposed and Councillor Tyerman seconded an amendment to the motion as follows:

1. that the decision of the Council to appoint Councillor Jackie Thomas as Chairwoman of the Planning Committee be confirmed;
- ~~1.~~ 2. that the decision of the Council to appoint the following Chairmen/women and Vice-Chairmen/women be rescinded (Minute 12(5)/5/23 refers):
~~Councillor Jackie Thomas – Chairwoman of Planning Committee~~
 Councillor Strang – Chairman of Harbour Committee
 Councillor Barbara Lewis – Chairwoman of Licensing Committee
 Councillor Douglas-Dunbar – Vice-Chairwoman of Licensing Committee
 Councillor Brook – Chairman of Audit Committee
 Councillor Penny – Vice-Chairman of Audit Committee
 Councillor Joyce – Chairman of Standards Committee
 Councillor Cowell – Vice-Chairman of Overview and Scrutiny Board;
 and
- ~~2.~~ 3. that the following be appointed as Chairmen/women and Vice-Chairmen/women:
~~Councillor Maddison – Chairwoman of Planning Committee~~
 Councillor Amil – Chairwoman of Harbour Committee
 Councillor Johns – Chairwoman of Licensing Committee
 Councillor Barbara Lewis – Vice-Chairwoman of Licensing Committee
 Councillor Penney – Chairman of Audit Committee
 Councillor Brook – Vice-Chairman of Audit Committee
 Councillor Twelves – Vice-Chairwoman of Overview and Scrutiny Board
 Councillor Barbara Lewis – Chairwoman of Standards Committee

The amendment was put to the vote and declared lost.

During the debate Councillor Chris Lewis proposed and Councillor Tyerman seconded an amendment to the motion as follows:

1. that the decision of the Council to appoint Councillor Strang as Chairman of the Harbour Committee be confirmed;
- ~~1.~~ 2. that the decision of the Council to appoint the following Chairmen/women and Vice-Chairmen/women be rescinded (Minute 12(5)/5/23 refers):

Councillor Jackie Thomas – Chairwoman of Planning Committee
~~Councillor Strang – Chairman of Harbour Committee~~
Councillor Barbara Lewis – Chairwoman of Licensing Committee
Councillor Douglas-Dunbar – Vice-Chairwoman of Licensing Committee
Councillor Brook – Chairman of Audit Committee
Councillor Penny – Vice-Chairman of Audit Committee
Councillor Joyce – Chairman of Standards Committee
Councillor Cowell – Vice-Chairman of Overview and Scrutiny Board;
and

2. 3. that the following be appointed as Chairmen/women and Vice-Chairmen/women:

Councillor Maddison – Chairwoman of Planning Committee
~~Councillor Amil – Chairwoman of Harbour Committee~~
Councillor Johns – Chairwoman of Licensing Committee
Councillor Barbara Lewis – Vice-Chairwoman of Licensing Committee
Councillor Penney – Chairman of Audit Committee
Councillor Brook – Vice-Chairman of Audit Committee
Councillor Twelves – Vice-Chairwoman of Overview and Scrutiny Board
Councillor Barbara Lewis – Chairwoman of Standards Committee

The amendment was put to the vote and declared lost.

At this juncture, a procedural motion (in accordance with Standing Order A14.1(x)) to move to the vote was proposed by Councillor David Thomas and seconded by Councillor Cowell, put to the vote and was declared carried. Accordingly, Councillor Steve Darling's and Councillor Cowell's original motion was then put to the vote and was agreed by the Council, as set out below:

- 1. that the decision of the Council to appoint the following Chairmen/women and Vice-Chairmen/women be rescinded (Minute 12(5)/5/23 refers):**

Councillor Jackie Thomas – Chairwoman of Planning Committee
Councillor Strang – Chairman of Harbour Committee
Councillor Barbara Lewis – Chairwoman of Licensing Committee
Councillor Douglas-Dunbar – Vice-Chairwoman of Licensing Committee
Councillor Brook – Chairman of Audit Committee
Councillor Penny – Vice-Chairman of Audit Committee
Councillor Joyce – Chairman of Standards Committee
Councillor Cowell – Vice-Chairman of Overview and Scrutiny Board; and

2. **that the following be appointed as Chairmen/women and Vice-Chairmen/women:**

Councillor Maddison – Chairwoman of Planning Committee
Councillor Amil – Chairwoman of Harbour Committee
Councillor Johns – Chairwoman of Licensing Committee
Councillor Barbara Lewis – Vice-Chairwoman of Licensing Committee
Councillor Penney – Chairman of Audit Committee
Councillor Brook – Vice-Chairman of Audit Committee
Councillor Twelves – Vice-Chairwoman of Overview and Scrutiny Board
Councillor Barbara Lewis – Chairwoman of Standards Committee

(Note: In accordance with Standing Order A15.8, Councillor Steve Darling altered the original motion with the consent Councillor Cowell as seconder.)

65 Notice of Motion - Appointment to Devon and Somerset Fire and Rescue Authority

Members considered a motion in relation to the appointment to Devon and Somerset Fire and Rescue Authority, notice of which was given in accordance with Standing Order A13.

Councillor Maddison proposed and Councillor Steve Darling seconded a motion, which was agreed by the Council as set out below:

that the decision of the Council to appoint Councillor Tolchard to the Devon and Somerset Fire and Rescue Authority be rescinded (Minute 12(8)/5/23 refers) and Councillor Carter be appointed to the Devon and Somerset Fire and Rescue Authority.

(Note: In accordance with Standing Order A15.8, Councillor Maddison altered the original motion with the consent Councillor Steve Darling as seconder.)

66 Notice of Motion - Time of Planning Committee

Members considered a motion in relation to the commencement time of the Planning Committee, notice of which was given in accordance with Standing Order A13.

Councillor Pentney proposed and Councillor Cowell seconded a motion as set out below:

that the decision of the Council for Planning Committee meetings to commence at 2.00 pm be rescinded (Minute 13(1)/5/23 refers) and the Planning Committee meetings to commence at 5.30 pm.

During the debate Councillor David Thomas proposed an amendment as follows:

that the decision of the Council for Planning Committee meetings to commence at 2.00 pm be rescinded (Minute 13(1)/5/23 refers) and the Planning Committee meetings to commence at ~~5.30 pm~~ 4.00 pm.

At this juncture and in accordance with Standing Order A11.1, the Worshipful the Mayor of Torbay advised the meeting had exceeded four hours in duration and invited members to put a motion to the Council whether to continue the meeting or adjourn.

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

that the meeting be adjourned.

The motion was put the vote and declared lost.

Councillor Long proposed and Councillor Steve Darling seconded a motion which was agreed by the Council as set out below:

that the meeting continue.

Councillor Chris Lewis then seconded the amendment proposed by Councillor David Thomas.

The amendment was put to the vote and declared lost.

At this juncture, a procedural motion (in accordance with Standing Order A14.1(x)) to move to the vote was proposed by Councillor Steve Darling and seconded by Councillor Pentney, put to the vote and was declared carried. Accordingly, Councillor Pentney's and Councillor Cowell's original motion was then put to the vote and was agreed by the Council, as set out below:

that the decision of the Council for Planning Committee meetings to commence at 2.00 pm be rescinded (Minute 13(1)/5/23 refers) and the Planning Committee meetings to commence at 5.30 pm.

(Note: Councillors Tyerman and Twelves left the meeting after the vote to continue the meeting.)

67 Appointment of Scrutiny Leads

The Worshipful the Mayor of Torbay announced that this item had already been determined under Minute 63 and was therefore withdrawn.

68 Appointment of Chairman/woman of the Standards Committee

The Worshipful the Mayor of Torbay announced that this item had already been determined under Minute 64 and was therefore withdrawn.

69 Community and Corporate Plan 2023-2043

The Council considered the Cabinet's recommendation and the submitted report setting out the draft Community and Corporate Plan 2023-2043, which set out the vision of a healthy, happy and prosperous Torbay. It was noted the Plan set out the priorities of the Council for the next twenty years and the approach the Council would take in delivering against the vision.

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

that the Council be recommended to approve the Community and Corporate Plan 2023-2043 subject to the following amendment, the sentence 'we will build strong working relationships with our community police' under the community and people theme, be moved to the bottom of the summary section of the community and people theme.

The motion was put the vote and declared lost.

70 Members' questions

Members received a paper detailing questions, notice of which had been given in accordance with Standing Order A12. The paper also contained the answers to the questions which had been prepared by Councillors Brook, Bye, Billings, Fellows, Fox, Chris Lewis, Maddison, David Thomas, Jackie Thomas, Tolchard, Tranter and Tyerman, and was circulated prior to the meeting.

Supplementary questions were put and answered by Councillors Billings, Bye, Chris Lewis, arising from their responses to the questions in respect of questions 3, 5, 6, 16, 19, 27, 28, 34, 35 and 37.

In respect of the supplementary question arising from question 17 and in Councillor Tyerman's absence, Councillor David Thomas advised a written response would be provided.

Councillor Billings advised he would provide written responses in respect of the supplementary questions arising from questions 20 and 36.

The Worshipful the Mayor of Torbay

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Meeting of the Council, Thursday, 1 February 2024

Members' Questions Under Standing Order A12

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

First Round

Question 1

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

The Rifles Regiment hold the Freedom of Torbay and for a number of years they have wanted to formally reaffirm their Freedom of the Borough by holding a parade. Torbay Council have been in discussion with the regiment regarding an appropriate commemorate tribute to them as part of Torbay's parks and gardens offer. Can you please update the council on progress on these two interlinked projects?

Answer: to Question 1 provided by Councillor Jackie Thomas

Question 2

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

The Garfield Road multi storey car park, has been, and still is, experiencing anti-social behaviour. The anti-social behaviour happens mainly in the evenings with car drivers , meeting up in the car park, then racing up and down the car park floors and also racing out of the entrance at great speed into Garfield Road. There has been damage to cars in Garfield Road and a great deal of noise from the vehicles, but there is also a concern for the safety of pedestrians in the area from these vehicles. The police are aware of this situation and do patrol the area but cannot be there all the time.

Could the Council see how they could mitigate this anti-social behaviour maybe by putting a barrier on the exit of the car park so that cars have to stop and wait for the barrier to go up before exiting from the slope out of the car park?

Answer: to Question 2 provided by Councillor Billings

Question 3

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

I am pleased to see that Crossways has been successfully demolished and would like to know if the Council have a new end game for that piece of land?

Answer: to Question 3 provided by Councillor Chris Lewis

Question 4

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

As the Cabinet Member responsible for economy, please advise what our administration has done to support local businesses since May 2023?

Answer: to Question 4 provided by Councillor Chris Lewis

Second Round

Question 5

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

Please could you explain why the Clifton with Maidenway Community Ward Fund from 2022 has still not been actioned especially as the neighbouring ward, Kings Ash, were able to submit their 2024 ward fund within 24 hours of a public announcement on the Foxhole Community Centre closing?

Answer: to Question 5 provided by Councillor Jackie Thomas

Third Round

Question 6

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

What is the totality of the cost to the council of our response to homelessness and rough sleeping? This should include inter alia the cost of all services, associated staff costs (including on-costs) accommodation provision, health and associated monitoring, related town cleansing, liaison with police and agencies (including charities), communications and town centre staff related to homelessness and rough sleeping?

Answer: to Question 6 provided by Councillor Tyerman

Council

7 December 2023

20 MPH Neighbourhoods

There continue to be high levels of concerns over road safety which have been expressed to us by residents in many parts of Torbay about the excessive speed of traffic in residential areas particularly on arterial routes near or outside schools.

We believe that this is putting the safety of pedestrians at risk, including parents with young children in prams and buggies, as well as for wheelchair users, the frail and elderly, and anybody attempting just to cross a road.

We believe that some of the roads in greatest need of urgent action to control vehicle speeds include our older ex-Council estates and high density areas, which often have a predominance of terraced housing.

The principle has already been agreed by the Council to introduce 20mph neighbourhoods especially in close proximity to our schools and in relation to areas which have a high concentration of accidents. At the 22 February 2023 Transport and Parking Working Party, it was stated that there was strong support from schools across Torbay suffering from speeding traffic impacting on their pupils for such 20mph neighbourhoods. The following schemes were earmarked for action:

Phase One

Hayes School (Totnes Road & St Michael's Road) (Hayes Road already has permanent 20mph zone)

Cockington School (Avenue Road & Mill Lane areas)

Sacred Heart School (Cecil Road area)

Barton Academy (Barton Hill Road)

Torquay Academy (Barton Road & Cricketfield Road areas)

St Cuthbert Maine (Teignmouth Road & Westhill Road areas) (could include St Margaret's and Homelands Schools)

Phase Two

Roselands Primary School (Roselands Drive area)

White Rock Primary School (Davies Avenue/Gibson Road areas)

Sherwell Valley Primary School (Upper Cockington Lane/Drake Avenue/Hawkins Avenue areas)

Curledge Street Primary School (will be included within the proposed Fisher Street zone

but consideration to expanding zone into Dartmouth Road area)

Ilsham Primary School (Ilsham Road and Babbacombe Road areas)

Eden Park Primary School (in quiet residential area, no 20 limit in place)

St Margaret Clitherow School (in quiet residential area, no 20 limit in place)

Chestnut Primary School (in quiet residential areas, no 20 limit in place)

As at the 19 October 2023 we note with concern that the above schemes which have been earmarked for action are not being delivered at pace. One particular example where the need for reduced traffic speeds is overdue is Barton Hill Road, from the Barton shopping centre, to Hele roundabout, via Barton Academy, where there is an urgent need to reduce traffic speeds. We are also aware that accidents continue to happen in the neighbourhood of St Cuthbert Mayne with a motorcycle accident where the motorcyclist was hospitalised in early October.

In light of this and in the interests of community safety, therefore the Council is recommended:

That the Director of Finance be instructed to identify £100,000 of one-off money to provide the capacity to take these schemes (as set out above) forward within the next 12 months.

Proposer: Councillor Fox
Seconder: Councillor Virdee

Meeting: Council **Date:** 1 February 2024

Wards affected: All

Report Title: Director of Finance Report on Financial Implications of Notice of Motion regarding 20 MPH Neighbourhoods

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

Director Contact Details: Malcolm Coe, Director of Finance and Section 151 Officer,
Malcolm.coe@torbay.gov.uk

1. Context and Advice

1.1 Council Standing Order A13.2(d) states:

‘Motions which result in financial implications for the Council must include an outline of such implications together with advice from the Council’s Finance Officer (including an officer report where required). Where there is insufficient time to enable a robust assessment of the financial implications the Motion will stand deferred to a subsequent meeting.’

1.2 The Notice of Motion regarding 20 MPH Neighbourhoods was submitted and deferred by Council on 7 December 2023 in order for a robust assessment of the financial implications of the motion to be undertaken.

1.3 In essence the motion asks for £100,000 one off money to be identified to provide the capacity to take the following schemes forward:

Phase One

Hayes School (Totnes Road & St Michael’s Road) (Hayes Road already has permanent 20mph zone)

Cockington School (Avenue Road & Mill Lane areas)

Sacred Heart School (Cecil Road area)

Barton Academy (Barton Hill Road)

Torquay Academy (Barton Road & Cricketfield Road areas)

St Cuthbert Maine (Teignmouth Road & Westhill Road areas) (could include St Margaret’s and Homelands Schools)

Phase Two

Roselands Primary School (Roselands Drive area)

White Rock Primary School (Davies Avenue/Gibson Road areas)

Sherwell Valley Primary School (Upper Cockington Lane/Drake Avenue/Hawkins Avenue areas)

Curledge Street Primary School (will be included within the proposed Fisher Street zone but consideration to expanding zone into Dartmouth Road area)

Ilsham Primary School (Ilsham Road and Babbacombe Road areas)

Eden Park Primary School (in quiet residential area, no 20 limit in place)

St Margaret Clitherow School (in quiet residential area, no 20 limit in place)

Chestnut Primary School (in quiet residential areas, no 20 limit in place)

Section 151 Officer advice

- 1.4 The issue is not just about identifying new funding to enable this work, it is more about prioritising limited budgets, and corresponding spend, on transport investment / road safety improvements. The Council already has an existing budget, and governance arrangements, (including Member representation), in place to determine a work programme for such investment being the Transport and Parking Working Party.
- 1.5 A request for one-off money, to provide additional capacity, should be an issue considered by the existing governance route and within the context of overall road safety improvements rather than in isolation i.e the Transport and Parking Working Party should consider the prioritisation of the schemes within the existing budget and put forward recommendations to the Director of Pride in Place. Should overall demand for such work exceed the budget available, then Members can propose an increase to the relevant budget as part of the 2024/25 budget consultation process.
- 1.6 As the Council's Director of Finance, with statutory Section 151 responsibilities, I need assurance that public spending represents Value for Money hence, as such, it is my clear advice that the request made in this Notice of Motion, or for any future similar Notices, needs to be appropriately prioritised within the existing overall funding available. To use one off reserves for that which should be funded from base budgets sets a concerning precedent as to the use of reserves, which I cannot recommend to Members.
- 1.7 The review of Council reserves has now been completed which gives Members transparency of the reserves held, whilst highlighting the governance for their appropriate use and drawdown. The Council's Reserve Policy is contained within the 2024/25 draft budget papers which were published in January 2024.

- 1.8 It is essential that commitments for significant spend requires a proper assessment as to whether the funding optimises outcomes for Torbay and its residents compared with investment in alternative projects / schemes – hence the need for consideration through an established structured governance and prioritisation process.
- 1.9 Should Full Council not accept my advice that the Transport and Parking Working Party consider the prioritisation of this work, for recommendation through to the Director of Pride in Place, then I would advise that rather than using reserves Members consider whether an additional revenue allocation should be made within the budget setting for 2024/25.

Record of Decisions

Resource and Waste Management Strategy

Decision Taker

Cabinet on 21 November 2023.

Decision

That the Council be recommended to:

1. Amend the sixth paragraph under Action 2 of the Resource and Waste Management Strategy to read:

“Whilst we will maintain fortnightly residual waste collections, We will develop operational waste collection policies. **This will include** a robust side waste policy with associated reporting by collection crews, which will help to target support to the correct households. Controls over residual waste delivered to the Household Waste Recycling Centre will also be implemented.”

2. Extend the timeframe for the strategy to 2025 so that work can continue against the Actions within the Strategy.

Reason for the Decision

To provide clarity within the Council’s Policy Framework about the future plans for the collection of residual waste.

Implementation

The recommendation of the Cabinet will be considered by Council in due course.

Information

The Resource and Waste Management Strategy 2020 – 2023 was approved by Council in February 2021. Amendments were agreed to the Strategy in August 2022 to remove reference to undertake a trial of a reduction in the frequency of residual waste collections. The Members of the Cabinet expressed a wish to make a further amendment to the Strategy to include a positive statement that fortnightly residual waste collections would continue.

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

Alternative Options considered and rejected at the time of the decision

The alternative option would be to make no changes to the Resource and Waste Management Strategy. However, it was felt that the amendment in relation to the frequency of collection of residual waste provides clarity of the Council’s future plans in this regard.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None.

Published

24 November 2023

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

Meeting: Cabinet

Date: 21 November 2023

Wards affected: All Wards

Report Title: Amendment to the Resources and Waste Management Strategy 2020-2023

Cabinet Member Contact Details: Councillor Adam Billings, Cabinet Member for Pride in Place, Culture, Events and Parking, adam.billings@torbay.gov.uk

Director/Divisional Director Contact Details: Alan Denby, Director of Pride in Place, alan.denby@torbay.gov.uk

1. Purpose of Report

- 1.1 The Resource and Waste Management Strategy 2020 – 2023 was approved by Council in February 2021. Amendments were agreed to the Strategy in August 2022 to remove reference to undertake a trail of a reduction in the frequency of residual waste collections.
- 1.2 The members of the Cabinet expressed a wish to make a further amendment to the Strategy to include a positive statement that fortnightly residual waste collections would continue.
- 1.3 As part of the Policy Framework, amendments to the Resource and Waste Management Strategy need to be subject to consultation and to this end the Chief Executive made a decision on it 5 October 2023 to launch that consultation.
- 1.4 The current Resource and Waste Management Strategy is available at: www.torbay.gov.uk/waste-management-strategy

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver our ambition by ensuring that there is a sustained focus on increasing recycling rates across Torbay.
- 2.2 The reason for the decision is to provide clarity within the Council's Policy Framework about the future plans for the collection of residual waste.

3. Recommendation(s) / Proposed Decision

That the Council be recommended to:

- a. Amend the sixth paragraph under Action 2 of the , with the Resource and Waste Management Strategy to read:

“Whilst we will maintain fortnightly residual waste collections, wWe will develop operational waste collection policies. This will , including a robust side waste policy with associated reporting by collection crews, which will help to target support to the correct households. Controls over residual waste delivered to the Household Waste Recycling Centre will also be implemented.”

- b. Extend the timeframe for the Strategy to 2025 so that work can continue against the Actions within the Strategy.

Supporting Information

Introduction

- 1.1 The Resource and Waste Management Strategy 2020 – 2023 was approved by Council in February 2021. Amendments were agreed to the Strategy in August 2022 to remove reference to undertake a trail of a reduction in the frequency of residual waste collections. The current strategy is available at: www.torbay.gov.uk/waste-management-strategy
- 1.2 The members of the Cabinet expressed a wish to make a further amendment to the Strategy to include a positive statement that fortnightly residual waste collections would continue.
- 1.3 As part of the Policy Framework, amendments to the Resource and Waste Management Strategy need to be subject to consultation and to this end the Chief Executive made a decision on it 5 October 2023 to launch that consultation.
- 1.4 Consultation of the proposed change to the Strategy took place between 10 October and 21 November 2023. This report includes the feedback from the consultation up to 17 November 2023 and any further feedback received up to the closing date will be reported to the Cabinet at its meeting.

2. Options under consideration

- 2.1 The alternative option would be to make no changes to the Resource and Waste Management Strategy. However, it is felt that the amendment in relation to the frequency of collection of residual waste provides clarity of the Council’s future plans in this regard.

3. Financial Opportunities and Implications

- 3.1 The Council and SWISCo will continue to encourage an increase in recycling and therefore a reduction in residual waste. Recovering more materials for recycling reduces the cost of

disposing of residual waste, and gives a double benefit because in most cases the material is recovered as recyclate which will have an associated income.

4. Legal Implications

4.1 There are no legal implications arising from the recommendation.

5. Engagement and Consultation

5.1 Consultation on the proposed change to the Resource and Waste Management Strategy was undertaken between 10 October and 21 November 2022. The consultation was promoted via the Council's social media channels and through articles in One Torbay (our weekly e-newsletter).

5.2 757 people visited at least one page of the consultation website, with 41 contributing to the poll on the proposed change to the Strategy. 207 people were "informed" in that downloaded a document from the website or visited multiple pages.

5.3 The consultation poll asked:

How strongly do you agree or not agree with the suggested amendment to the Resource and Waste Management Strategy?

20 people (50%) strongly agreed or agreed with the amendment

9 people (23%) disagreed or strongly disagreed

11 people (27%) didn't know whether they agreed or disagreed

(1 person skipped the question)

6. Purchasing or Hiring of Goods and/or Services

6.1 Not applicable

7. Tackling Climate Change

7.1 The Council remains committed to increasing recycling rates as part of tackling climate change. Work is continuing through a variety of means to encourage residents to recycle.

8. Associated Risks

8.1 There are no risks associated with this recommendation.

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

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

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None

Meeting: Council **Date:** 1st February 2024

Wards affected: All wards in Torbay

Report Title: Treasury Management Mid – Year Review 2023/24

When does the decision need to be implemented? Immediate

Cabinet Member Contact Details: Councillor Alan Tyerman, alan.tyerman@torbay.gov.uk

Director/Divisional Director Contact Details: Pete Truman, Principal Accountant, pete.truman@torbay.gov.uk

1. Purpose of Report

- 1.1 This report provides Members with a review of Treasury Management activities during the first part of 2023/24. The Treasury function aims to support the provision of all Council services through management of the Council's cash flow and debt & investment operations.
- 1.2 The report has been prepared based on performance and data at 30th September 2023 but updated for significant post-period events.
- 1.3 The key points in the Treasury Management review are as follows:
 - Interest rates have risen steadily with Bank Rate reaching 5.25% in August 2023
 - Gilt yields and therefore PWLB rates are around 1% higher than those at the start of the year.
 - No new borrowing has been undertaken and internal resources used to fund capital expenditure.
 - A proportion of cash balances have been locked into longer duration deposits at peak rates.
 - Early repayment of an element of the debt portfolio was made after the period covered by this report.
 - All decisions have complied fully with adopted principles and the Council's approved Treasury Management Strategy.

2. Reason for Proposal and its benefits

- 2.1 The preparation of a mid-year review on the performance of the treasury management function forms part of the minimum formal reporting arrangements required by the CIPFA Code of Practice for Treasury Management.

3. Recommendation(s) / Proposed Decision

- 3.1 that the Treasury Management mid-year review for 2023/24 be noted.

Appendices

Appendix 1: Economic commentary

Appendix 2: Non-Treasury Management Investments

Background Documents

Treasury Management Strategy 2023/24

1. Introduction

- 1.1 In February 2019 the Council adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which requires the Council to approve treasury management semi-annual and annual reports.
- 1.2 The Treasury Management strategy for 2023/24 was approved at a meeting on 7th March 2023. The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Council's treasury management strategy.
- 1.3 Treasury Management decisions and strategies have been made in consultation with the Council's advisors, Arlingclose Ltd.

2. Economic Commentary

- 2.1 The significant economic events impacting the Treasury Management strategy during the year were:
 - Persistently high inflation levels at the start of the period pushed up forecasts of Bank Rate rises. However inflation data at the end of the period was below expectations with markets reassessing the peak in rates.
 - The Monetary Policy Committee continued to raise Bank Rate reaching 5.25% in August. Against expectations the rate was maintained at that level in September.
 - Gilt yields rose steadily at the start of the year, peaking in August and then falling back.
- 2.2 A full economic commentary covering the first quarter 2023/24 by Arlingclose Ltd is provided at Appendix 1 to this report.
- 2.3 Arlingclose's key observations for the remainder of 2023/24 are set out below:
 - Bank Rate has likely peaked at 5.25% and could stay at that level for a further 9 months before falling back.
 - Inflation will fall over the next 12 months with interruptions from higher energy prices.
 - Gilt yields are expected to fall from their current levels reflecting the medium-term path of Bank Rate. However, gilt yields will remain relatively higher than in the recent past.
 - Geo-political events will give rise to heightened risk of substantial volatility in yields.

3. Local Context

3.1 On 31st March 2023, the Council had net borrowing of £294m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31st March 2023 Actual £m	31st March 2024 Forecast (at 30.9.23) £m	31st March 2024 Forecast (Current)* £m
Total Capital Financing Requirement (CFR)	428	453	453
Less: Other debt liabilities	(15)	(14)	(14)
Borrowing CFR	413	439	439
Financed by:			
External borrowing	385	378	359
Internal borrowing	28	61	80
Total	413	439	439
Internal Resources for investment:			
Useable Reserves	(96)	(86)	(86)
Working Capital/Other	(23)	(50)	(50)
Less: Cash resource applied to Internal Borrowing	28	61	80
Total Treasury Management Investments	(91)	(75)	(56)
Net Treasury Management Position			
External Borrowing	385	378	359
Investments	(91)	(75)	(56)
Net Total	294	303	303

* updated for post-period transaction – see paragraph 4.9

3.2 The treasury management position (nominal values) on 30th September 2023 and the change over the six months is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.23 Balance £m	Movement £m	30.9.23 Balance £m	30.9.23 Rate %
Long-term borrowing	385	(2)	383	2.98
Short-term borrowing	0	0	0	0
Total borrowing	385	(2)	383	2.98
Long-term investments	(15)	0	(15)	4.27
Short-term investments	(75)	7	(68)	4.90
Cash and cash equivalents	(1)	(8)	(9)	1.70
Total investments	(91)	(1)	(92)	4.67

4. Borrowing

- 4.1 There was a substantial rise in the cost of both short- and long-term borrowing over the last 18 months. Gilt yields, and consequently PWLB borrowing rates, rose and broadly remained at elevated levels. On 30th September, the PWLB certainty rates for maturity loans were 5.26% for 10-year loans, 5.64% for 20-year loans and 5.43% for 50-year loans. Their equivalents on 31st March 2023 were 4.33%, 4.70% and 4.41% respectively. More recently, rates have fallen back slightly, and current forecasts are for a further slow decline in borrowing levels.
- 4.2 As outlined in the Treasury Management Strategy, the Council's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should long-term plans change being a secondary objective. The Council's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio.
- 4.3 The Council's strategy for 2023/24 to use internal resources to fund capital spend has been reinforced by a rationalisation of the Capital Plan, reducing the forecast of Capital Financing Requirement in the short to medium term. New borrowing decisions are likely to be delayed and exposed to lower forecast rates in the future.
- 4.4 No new borrowing was undertaken while a £2m existing loan has been allowed to mature without replacement. A further loan of £7m maturing 31st March 2024 will also likely not be replaced.
- 4.5 The Council will continue to monitor with the support of its Treasury advisor's any alternative borrowing options.
- 4.6 Outstanding loans on 30th September 2023 are summarised in Table 3 below.

Table 3: Borrowing Position

	31.3.23 Balance £m	Net Movement £m	30.9.23 Balance £m	30.9.23 Weighted Average Rate %	30.9.23 Weighted Average Maturity (years)
Public Works Loan Board	375	(2)	373	2.935	26
Banks (LOBO)	5	0	5	4.395	55
Banks (fixed term)	5	0	5	4.700	51
Total borrowing	385	(2)	383	2.977	27

- 4.7 LOBO loans: The Council continues to hold £5m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Council has the option to either accept the new rate or to repay the loan at no additional cost. The lender option does not commence until 2028.
- 4.8 After £0.7m repayment of prior years' Private Finance Initiative debt, the balance outstanding stood at £15.0m on 30th September 2023, taking total debt to £398m.
- 4.9 **Update.** Recently (November 2023), the Director of Finance negotiated the early repayment of £18.7M of PWLB loans for the purpose of realigning the borrowing portfolio with revised capital plans over the medium term. The average rate of loans removed from the loans book was 4.585% and included the highest coupon loans held at the time (5.875% - 8.750%). A net revenue saving of £0.9M is forecast, accounted for over the term of the remaining life of the repaid loans.
- 4.10 The effect of the repayment on the borrowing figures in paragraph 4.9 is illustrated in the revised Table 3 below:

Table 3: Borrowing Position (re-stated)

	30.9.23 Balance £m	Net Movement £m	Current Balance £m	Current Weighted Average Rate %	Current Weighted Average Maturity (years)
Total borrowing	383	(19)	364	2.894	26

5. Treasury Investment Activity

- 5.1 The CIPFA TM Code defines treasury management investments as those which arise from the Council's cash flows or treasury risk management activity that ultimately represents balances which need to be invested until the cash is required for use in the course of business.

5.2 The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year investment balances ranged between £83m and £102m due to timing differences between income and expenditure. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	31.3.23 Balance £m	Net Movement £m	30.9.23 Balance £m	30.9.23 Income Return %	30.9.23 Weighted Average Maturity days
Banks & Building Societies	5.8	3.1	8.9	1.70	1
Government	20.0	9.5	29.5	5.22	78
Local Authorities	48.0	(10.0)	38.0	4.59	279
Money Market Funds	8.5	1.8	10.3	5.29	1
Other Pooled Funds:					
- Short-dated bond funds	4.0	(4.0)	0.0	-	-
- Property fund*	4.6	(0.1)	4.5	3.87	-
Total Investments	90.9	0.3	91.2	4.56	149

5.3 Both the CIPFA Code and government guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

5.4 Bank Rate increased by 1%, from 4.25% at the beginning of April to 5.25% by the end of September. Short-dated cash rates rose commensurately, with 3-month rates rising to around 5.25% and 12-month rates to nearly 6%. The rates on Government Debt Management Account Deposit Facility, (DMADF) deposits also rose, ranging between 5.17% and 5.29% by the end of September and Money Market Rates between 5.19% and 5.32%

5.5 Towards the latter part of the period a number of deposits of one-year duration were made with local authorities at rates of 5.85% and 5.95% in anticipation of falling market rates, reacting to improved inflation figures. Otherwise investments were kept short with the government DMADF facility and in Money Market Funds.

5.6 The progression of risk and return metrics are shown in the extracts from Arlingclose's quarterly investment benchmarking exercise (Q2 to end September 2023) in Table 5 below.

Table 5: Investment Benchmarking – Treasury investments managed in-house

	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (days)	Rate of Return %
30.06.2023	4.56	A+	25%	132	4.09%
30.09.2023	4.45	AA-	22%	149	4.56%
Similar LAs	4.47	AA-	59%	42	4.79%
All LAs	4.57	A+	65%	13	4.71%

- 5.7 The benchmarking results reflect the Council’s appetite for longer dated deposits with safest counterparties (DMADF, LA’s) and the return has been weighed down by deposits taken in the previous financial year which will unwind when these mature after October 2023.
- 5.8 **Externally Managed Pooled Funds:** £5m of the Council’s investments is held in an externally managed strategic pooled property fund where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability. Over a year (30/09/22 to 30/09/23) this fund has generated an average total loss of 0.8m (-14.3%), comprising a £0.2m (3.9%) income return which is used to support services in year, and a £1.0m (-18.2%) reduction in the capital valuation of the Fund. (This reduction reverses a similar capital growth in the previous year.)
- 5.9 In view of the forecast for falling interest rates the Director of Finance is reviewing opportunities for further diversification into strategic investments. A process is being put in place and the outcome of the review will be reported within the next appropriate Treasury Management report.

6. Non-Treasury Investments

- 6.1 The definition of investments in the Treasury Management Code now covers all the financial assets of the Council as well as other non-financial assets which the Council holds primarily for financial return. Investments that do not meet the definition of treasury management investments (i.e. management of surplus cash) are categorised as either for service purposes (made explicitly to further service objectives) and/or for commercial purposes (made primarily for financial return).
- 6.2 A full list of the Council’s non-treasury investments is presented at Appendix 2.

7. Impact of Treasury Performance on the Revenue Budget

- 7.1 The net revenue budget for treasury management is projected to be underspent (as reported to Overview and Scrutiny Board in November 2023) as a result of reduced external borrowing expectations and the rise in investment returns, as shown in table 6 below.

As at 30 th September 2023	Budget 2023/24	Projected Outturn 2023/24	Variation
	£m	£m	£m
Investment Income	(1.3)	(2.9)	(1.6)
Interest Paid on Borrowing	12.2	11.8	(0.4)
Net Position (Interest)	10.9	8.9	(2.0)
Minimum Revenue Provision	7.6	7.6	(0.0)
Net Position (Other)	7.6	7.6	(0.0)
Net Position Overall	18.5	16.5	(2.0)

8. Compliance

- 8.1 The Chief Finance Officer reports that all treasury management activities undertaken during the period complied fully with the principles in the TM Code and the Council's approved Treasury Management Strategy. Compliance with specific limits is demonstrated in tables 7 and 8 below.

Table 7: Debt Limits

	2023/24 Maximum	30.9.23 Actual	2023/24 Operational Boundary	2023/24 Authorised Limit	Complied? Yes/No
Borrowing	£385m	£383m	£500m	£600m	Yes
PFI & Finance Leases	£15m	£15m	£20m	£20m	Yes
Total Debt	£400m	£398m	£520m	£620m	Yes

Table 8: Investment Limits

	Maximum in period	30.9.23 Actual	2023/24 Limit	Complied? Yes/No
Any single organisation, except the UK Government	£9m	£9m	£15m	Yes
UK Central Government	£30m	£30m	Unlimited	Yes
Money Market Funds	£20m	£10m	£60m	Yes

Treasury Management Indicators: The Council measures and manages its exposures to treasury management risks using the following indicators.

Security: The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating/credit score of its investment portfolio. The credit score is calculated by applying a value to each investment (AAA=1, AA+=2, A=6 etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	31.9.23 Actual	2023/24 Target	Complied?
Portfolio average credit rating (score)	AA- (4)	A (6)	Yes

Liquidity: The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling one-month period, without additional borrowing.

	30.9.23 Actual	2023/24 Target	Complied?
Total cash available within one month	£19m	£10m	Yes

Interest rate exposures: This indicator is set to control the Council's exposure to interest rate risk.

The Council's debt portfolio is virtually all at fixed rate and therefore has no exposure to fluctuations in interest rates. As such no specific limits are proposed on interest rate exposure but any new borrowing will be restricted to a maximum 30% of the total portfolio exposed to variable interest rate. No new borrowing has been undertaken during the first part of the year.

Maturity structure of borrowing: This indicator is set to control the Council’s exposure to refinancing risk. The upper and lower limits on the maturity structure of borrowing will be:

Refinancing rate risk indicator	30.9.23 Actual	Upper limit	Lower limit	Complied?
Under 12 months	3%	40%	0%	Yes
12 months and within 24 months	1%	40%	0%	Yes
24 months and within 5 years	4%	30%	0%	Yes
5 years and within 10 years	10%	40%	0%	Yes
10 years and within 20 years	17%	50%	0%	Yes
20 years and within 30 years	7%	60%	0%	Yes
30 years and within 40 years	39%	50%	0%	Yes
40 years and above	19%	50%	0%	Yes

Principal Sums Invested for Periods Longer than a year: The purpose of this indicator is to control the Council’s exposure to the risk of incurring losses by seeking early repayment of its investments. An increase to the limit set within the Strategy 2023/24 was approved by Council in September 2023 and reflected in the table below:

	2023/24	2024/25	2025/26
Actual principal invested beyond year end	£15m	£5m	£5m
Limit on principal invested beyond year end	£30m	£30m	£30m
Complied?	Yes	Yes	Yes

Appendix 1

Economic Commentary (provided by Arlingclose Ltd, October 2023)

UK inflation remained stubbornly high over much of the period compared to the US and euro zone, keeping expectations elevated of how much further the Bank of England (BoE) would hike rates compared to the regions. However, inflation data published in the latter part of the period undershot expectations, causing financial markets to reassess the peak in BoE Bank Rate. This was followed very soon after by the BoE deciding to keep Bank Rate on hold at 5.25% in September, against expectation for another 0.25% rise.

Economic growth in the UK remained relatively weak over the period. In calendar Q2 2023, the economy expanded by 0.4%, beating expectations of a 0.2% increase. However, monthly GDP data showed a 0.5% contraction in July, the largest fall to date in 2023 and worse than the 0.2% decline predicted which could be an indication the monetary tightening cycle is starting to cause recessionary or at the very least stagnating economic conditions.

July data showed the unemployment rate increased to 4.3% (3mth/year) while the employment rate rose to 75.5%. Pay growth was 8.5% for total pay (including bonuses) and 7.8% for regular pay, which for the latter was the highest recorded annual growth rate. Adjusting for inflation, pay growth in real terms were positive at 1.2% and 0.6% for total pay and regular pay respectively.

Inflation continued to fall from its peak as annual headline CPI declined to 6.7% in July 2023 from 6.8% in the previous month against expectations for a tick back up to 7.0%. The largest downward contribution came from food prices. The core rate also surprised on the downside, falling to 6.2% from 6.9% compared to predictions for it to only edge down to 6.8%.

The Bank of England's Monetary Policy Committee continued tightening monetary policy over most of the period, taking Bank Rate to 5.25% in August. Against expectations of a further hike in September, the Committee voted 5-4 to maintain Bank Rate at 5.25%. Each of the four dissenters were in favour of another 0.25% increase.

Financial market Bank Rate expectations moderated over the period as falling inflation and weakening data gave some indication that higher interest rates were working. Expectations fell from predicting a peak of over 6% in June to 5.5% just ahead of the September MPC meeting, and to then expecting 5.25% to be the peak by the end of the period.

Following the September MPC meeting, Arlingclose, the Council's treasury adviser, modestly revised its interest forecast to reflect the central view that 5.25% will now be the peak in Bank Rate. In the short term the risks are to the upside if inflation increases

again, but over the remaining part of the time horizon the risks are to the downside from economic activity weakening more than expected.

The lagged effect of monetary policy together with the staggered fixed term mortgage maturities over the next 12-24 months means the full impact from Bank Rate rises are still yet to be felt by households. As such, while consumer confidence continued to improve over the period, the GfK measure hit -21 in September, it is likely this will reverse at some point. Higher rates will also impact business and according to S&P/CIPS survey data, the UK manufacturing and services sector contracted during the quarter with all measures scoring under 50, indicating contraction in the sectors.

The US Federal Reserve increased its key interest rate to 5.25-5.50% over the period, pausing in September following a 0.25% rise the month before, and indicating that it may have not quite completed its monetary tightening cycle.

Having fallen throughout 2023, annual US inflation started to pick up again in July 2023, rising from 3% in June, which represented the lowest level since March 2021, to 3.2% in July and then jumping again to 3.7% in August, beating expectations for a rise to 3.6%. Rising oil prices were the main cause of the increase. US GDP growth registered 2.1% annualised in the second calendar quarter of 2023, down from the initial estimate of 2.4% but above the 2% expansion seen in the first quarter.

The European Central Bank increased its key deposit, main refinancing, and marginal lending interest rates to 4.00%, 4.50% and 4.75% respectively in September, and hinted these levels may represent the peak in rates but also emphasising rates would stay high for as long as required to bring inflation down to target.

Although continuing to decline steadily, inflation has been sticky, Eurozone annual headline CPI fell to 5.2% in August while annual core inflation eased to 5.3% having stuck at 5.5% in the previous two months. GDP growth remains weak, with recent data showing the region expanded by only 0.1% in the three months to June 2023, the rate as the previous quarter.

Financial markets: Financial market sentiment and bond yields remained volatile, with the latter generally trending downwards as there were signs inflation, while still high, was moderating and interest rates were at a peak.

Gilt yields fell towards the end of the period. The 5-year UK benchmark gilt yield rose from 3.30% to peak at 4.91% in July before trending downwards to 4.29%, the 10-year gilt yield rose from 3.43% to 4.75% in August before declining to 4.45%, and the 20-year yield from 3.75% to 4.97% in August and then fell back to 4.84%. The Sterling Overnight Rate (SONIA) averaged 4.73% over the period.

Credit review: Having completed a review of its credit advice on unsecured deposits at UK and non-UK banks following concerns of a wider financial crisis after the collapse of Silicon Valley Bank purchase of Credit Suisse by UBS, as well as other well-publicised banking sector issues, in March Arlingclose reduced the advised maximum duration limit for all banks on its recommended counterparty list to 35 days. This stance continued to be maintained at the end of the period.

During the second quarter of the period, Moody's revised the outlook on Svenska Handelsbanken to negative from stable, citing concerns around the Swedish real estate sector.

Having put the US sovereign rating on Rating Watch Negative earlier in the period, Fitch took further action in August, downgrading the long-term rating to AA+, partly around ongoing debt ceiling concerns but also an expected fiscal deterioration over the next couple of years.

Following the issue of a Section 114 notice, in September Arlingclose advised against undertaking new lending to Birmingham City Council, and later in the month cut its recommended duration on Warrington Borough Council to a maximum of 100 days.

Arlingclose continued to monitor and assess credit default swap levels for signs of ongoing credit stress and although no changes were made to recommended durations over the period, Northern Trust Corporation was added to the counterparty list.

Heightened market volatility is expected to remain a feature, at least in the near term and, as ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remains under constant review.

Document is Restricted

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

This report is presented to the meeting of Council on 1 February 2024 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
Cabinet Member for Place Development and Economic Growth and Deputy Leader – Councillor Chris Lewis	Torbay Council Town Hall Torquay TQ1 3DR	Preston
Cabinet Member for Pride in Place, Transport and Parking – Councillor Billings	Torbay Council Town Hall Castle Circus Torquay TQ1 3DR	Churston with Galmpton
Cabinet Member for Housing, and Finance – Councillor Tyerman	Torbay Council Town Hall Torquay TQ1 3DR	Churston with Galmpton
Cabinet Member for Adult and Community Services, Public Health and Inequalities – Councillor Tranter	Torbay Council Town Hall Torquay TQ1 3DR	Goodrington with Roselands
Cabinet Member for Children’s Services - Councillor Bye	Torbay Council Town Hall Torquay TQ1 3DR	Wellswood
Cabinet Member for Tourism, Culture & Events and Corporate Services – Councillor Jackie Thomas	Torbay Council Town Hall Torquay TQ1 3DR	Kings Ash

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
<p>Leader of the Council</p> <p>Councillor David Thomas</p>	<p>Oversight of all areas</p> <p>Strategy and Place Leader, Regional Policy and external relations</p>
<p>Cabinet Member for Place Development and Economic Growth and Deputy Leader</p> <p>Councillor Chris Lewis</p>	<p>TDA Services</p> <p>Economic Growth, Development Management, Strategic Planning (excluding Transport), Building Control, Harbours, Beaches and Climate Emergency</p>
<p>Cabinet Member for Pride in Place, Transport and Parking</p> <p>Councillor Billings</p>	<p>SWISCo Services</p> <p>Transport and Parking</p>
<p>Cabinet Member for Housing and Finance</p> <p>Councillor Tyerman</p>	<p>Housing, Finance, Procurement, Debt Recovery, Council Tax, Business Rates,</p>
<p>Cabinet Member for Adult and Community Services, Public Health and Inequalities</p> <p>Councillor Tranter</p>	<p>Adult Social Care delivery Adult Social Care Inspection regime Market Management</p> <p>Customer Services Housing Standards Housing Options Anti Social Behaviour and Vulnerability</p> <p>Public Health Improvement Health Protection Equalities (Directorate crossing)</p>
<p>Cabinet Member for Children's Services</p> <p>Councillor Bye</p>	<p>Children's Social Care Education Youth Justice</p>

Cabinet Member	Service Areas
Cabinet Member for Tourism, Events & Culture and Corporate Services	Tourism, Culture & Events , Legal, IT, Business Improvement and Change, Libraries, Coroner, Emergency Planning, Health and Safety, Policy, Performance and Community Engagement, Governance, Human Resources

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.