

Friday, 4 July 2025

**CABINET**

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

**Monday, 14 July 2025**

commencing at **5.30 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

**Members of the Committee**

Councillor David Thomas (Chairman)

Councillor Billings

Councillor Jacqueline Thomas

Councillor Bye

Councillor Tranter

Councillor Chris Lewis

Councillor Tyerman

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**A Healthy, Happy and Prosperous Torbay**

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

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) - [www.torbay.gov.uk](http://www.torbay.gov.uk)

# CABINET AGENDA

1. **Apologies**  
To receive apologies for absence.
2. **Minutes** (Pages 5 - 10)  
To confirm as a correct record the Minutes of the meeting of the Cabinet held on 9 June 2025.
3. **Disclosure of Interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda.  
  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.  
  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**  
To consider any other items the Chairman decides are urgent.
5. **Matters for Consideration**
6. **Former Police Station at Bolton Cross, Brixham (now Brixham Museum) - Relisting of Asset of Community Value** (Pages 11 - 32)  
To consider a report on an application to nominate the Former Police Station at Bolton Cross, Brixham (now Brixham Heritage Museum) as an Asset of Community Value.
7. **Acquisition of four properties to deliver Local Authority Housing Fund Round 3** (Pages 33 - 60)  
To consider a report that seeks approval to proceed with the acquisition of four residential properties.

8. **Housing Standards Civil Penalty Policy & HMO Licence Conditions Review** (Pages 61 - 100)  
To consider a report that seeks approval to adopt an updated Housing Standards Civil Penalty Policy and to update the Houses-in-Multiple Occupation Licence Conditions.
9. **Adult Social Care Self-Assessment** (Pages 101 - 148)  
To consider a report on the updated self-assessment with respect to the new Care Quality Commission's (CQC) inspection of Adult Social Care.
10. **Adult Social Care Market Position Statement** (Pages 149 - 210)  
To consider a report that seeks endorsement for the publication of the updated Market Position Statement for Adult Social Care 2025-2029.
11. **Licensing Act 2003 - Draft Licensing Statement of Principles (Licensing Policy) 2026 - 2031** (Pages 211 - 294)  
To consider a report that seeks approval to launch for public consultation the Draft Licensing Statement of Principles 2026-2031.
12. **SWISCo Annual Report** (Pages 295 - 380)  
To consider a report that seeks approval of the SWISCo Annual Report.
13. **Council Business Plan 2023-2027 - Refresh 2025** (Pages 381 - 440)  
To consider a report on the above.
14. **Torbay Council Pensions Discretions** (Pages 441 - 460)  
To consider a report that sets out a requirement to amend the current Employer Pension Discretions to introduce a Shared Cost Additional Voluntary Contribution arrangement.

#### **Live Streaming and Hybrid Arrangements**

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

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

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**Minutes of the Cabinet**

**9 June 2025**

**-: Present :-**

Councillor David Thomas (Chairman)

Councillors Billings, Bye, Chris Lewis, Jacqueline Thomas, Tranter and Tyerman

(Also in attendance: Councillors Bryant (virtual), Cowell, Law (virtual), Barbara Lewis (virtual) and Twelves (virtual))

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**129. Minutes**

The Minutes of the meeting of the Cabinet held on 13 May 2025 were confirmed as a correct record and signed by the Chairman.

**130. Disclosure of Interests**

No interests were declared.

**131. Matters for Consideration**

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

**132. Community Grant Fund 2025/2026**

**133. Budget Monitoring 2024/2025 Quarter 4 Outturn**

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Chairman/woman

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## Record of Decisions

### Community Grant Fund Policy 2025/2026

#### Decision Taker

Cabinet on 09 June 2025.

#### Decision

That the Community Grant Fund Policy 2025/2026 set out at Appendix 1 to the submitted report be approved and opened to applications in accordance with the policy, subject to Paragraph 3.1 being amended to read 'the fund is primarily designed to provide support for organisations providing projects of a capital nature but up to 25% of the total grant funding available may be allocated to applications for projects requiring revenue funding. Revenue funding applications will need to demonstrate lasting benefit to residents living in the communities they are designed to support.'

#### Reason for the Decision

To provide further funding to the voluntary and community sector organisations in support of the Council's long-term objectives for the Bay.

#### Implementation

This decision will come into force and may be implemented on 23 June 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### Information

Torbay Council is introducing a Community Grant Fund for 2025 to further support the voluntary and community sector organisations because the Council believed that a vibrant Third Sector was vital to the community.

The Council was committed to supporting organisations that delivered projects which had a beneficial impact on the local community and supported one or more of the Council's strategic themes from the Torbay Community and Corporate Plan. This grant fund aimed to further enable work in Torbay's deprived areas outside of Torquay, which was benefiting from other significant place-based funding.

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

#### Alternative Options considered and rejected at the time of the decision

This fund was considered in the approval of the budget for 2025/2026. The option to not spend this allocation has been discounted as it does not meet the aims and objectives.

#### Is this a Key Decision?

No

**Does the call-in procedure apply?**

Yes

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

None

**Published**

13 June 2025

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

## Record of Decisions

### Budget Monitoring - Revenue and Capital Outturn 2024/25

#### Decision Taker

Cabinet on 09 June 2025.

#### Decision

That the Cabinet recommends to Council:

- a. that Council notes the revenue outturn position and approves the use of £0.351m year-end surplus to be transferred into a specific reserve to be allocated across the following indicative priority initiatives:
  1. updated condition surveys of Community Centres circa £10,000;
  2. better Resident Communications circa £50,000;
  3. accelerate Adult Social Care Customer Management System – Paris replacement circa £50,000;
  4. support voluntary, community and social enterprise youth provision transitional arrangements (pending procurement) circa £50,000;
  5. events – ice skating rink circa £40,000;
  6. Operation Brighter Bay circa £81,000;
  7. Operation Town Centre – improving CCTV circa £40,000; and
  8. Enterprise Fund (Town Centre) £30,000; and
- b. that Council approves the revisions to the Capital Investment Plan, as set out in Appendix 1 to the submitted report.

#### Reason for the Decision

To ensure the Council operates in a prudent manner and works to maintain a balanced budget.

To respond to the recommendations of the Overview and Scrutiny Board regarding the allocation of funding for condition surveys for Community Centres.

#### Implementation

The Cabinet's recommendations will be considered at the Council meeting on 24 July 2025.

#### Information

The Budget Monitoring 2024/25 report set out a high-level budget summary of the Council's revenue and capital position based on the final outturn figures for the year ending 31 March 2025.

The Council had delivered an end-of-year surplus of £0.351m on the revenue budget. This was an improved position on the forecast at Quarter 3, which projected a breakeven position.

The Overview and Scrutiny Board considered the Budget Monitoring 2024/25 report on 4 June 2025 and made recommendations to Cabinet. At the Cabinet meeting, Councillor Tyerman proposed and Councillor David Thomas seconded a motion that was agreed unanimously, as

set out above.

**Alternative Options considered and rejected at the time of the decision**

Various options for the allocation of the year-end surplus were discussed at the Overview and Scrutiny Board on 4 June 2025, with the Cabinet taking on board their recommendation.

**Is this a Key Decision?**

No

**Does the call-in procedure apply?**

No

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

None

**Published**

13 June 2025

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet

**Meeting:** Cabinet

**Date:** 14 July 2025

**Wards affected:** Furzeham and Summercombe

**Report Title:** Former Police Station at Bolton Cross, Brixham (now Brixham Museum) – Relisting of Asset of Community Value

**When does the decision need to be implemented?** 21 July 2025

**Cabinet Member Contact Details:** Councillor Jacqueline Thomas, Cabinet member for Tourism, Culture & Events and Corporate Services, [jacqueline.thomas@torbay.gov.uk](mailto:jacqueline.thomas@torbay.gov.uk)

**Director Contact Details:** Director of Corporate Services, Matthew Fairclough-Kay  
[matthew.fairclough-kay@torbay.gov.uk](mailto:matthew.fairclough-kay@torbay.gov.uk) 01803 207449

## 1. Purpose of Report

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- 1.1. An application to nominate the Former Police Station at Bolton Cross, Brixham (now Brixham Heritage Museum) has been received from Brixham Museum Trust (a Charitable Incorporated Organisation) as an Asset of Community Value.
- 1.2. This property was previously included on the Council's list of successful nominations; however, that listing expired on 31 March 2025. The new nomination seeks to re-list the asset for a further five years.
- 1.3. The nomination has been considered by Officers who recommend approval of the application and the listing of the property as an Asset of Community Value.

## 2. Reason for Proposal and its benefits

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- 2.1. The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by empowering the community to safeguard a valued public asset for at least five more years. The museum preserves local heritage and supports learning through educational programs for the community. The museum further enhances the cultural tourism offer and enriches visitor experience to Brixham and the Bay.
- 2.2. The reasons for the proposal, and need for the decision are the previous listing expired on 31 March 2025; a new nomination has been submitted to maintain the asset's protected status. The asset continues to serve as a cultural and educational resource for residents and visitors, justifying its re-listing. The nomination reflects ongoing community interest and support in the museum, which is led by a local charitable organisation and run by dedicated volunteers.

### 3. Recommendation(s) / Proposed Decision

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- 3.1. That the listing of the **Former Police Station, Brixham** as an **Asset of Community Value** be renewed for a further period of five years, in accordance with the Localism Act 2011.

### 4. Appendices

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**Appendix 1:** Completed nomination form received on 09/06/2025.

**Appendix 2:** Official copy title plan

### 5. Background Documents

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- Assets of community value - Torbay Council

## Supporting Information

### 6. Introduction

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A valid nomination has been received to list the above building (as shown in Appendix 2 of the report) as an Asset of Community Value under the Localism Act 2011. The nomination has been assessed against the statutory criteria set out in Section 88 of the Act. The asset continues to further the social wellbeing and social interests of the local community and is likely to do so in the future.

There has been no change in the use of the premises, which has operated continuously as a museum since 1976. The nomination is therefore considered to meet all the necessary criteria for listing.

### 7. Options under consideration

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- 7.1. **Option 1** If the Council is minded to refuse the nomination, despite the asset meeting the statutory criteria for listing under the Localism Act 2011, such a decision could be subject to legal challenge. In accordance with the legislation, a written statement outlining the reasons for refusal must be provided to the nominating party.
- 7.2. **Option 2** In light of the above, it is recommended that the asset be listed on the Council's register of Assets of Community Value for a further period of five years. This will ensure the asset retains its ACV status and continues to be protected for community use.

### 8. Financial Opportunities and Implications

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- 8.1. In recognition of the potential impact on landowners, the Asset of Community Value Regulations contain provisions for landowners to seek compensation from the local authority for any loss or expense suffered as a result of the listing. The provision of compensation is available to all owners except public authorities, consequently it does not apply in this case.

## 9. Legal Implications

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None.

## 10. Engagement and Consultation

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- 10.1. Torbay Council is the freehold owner of the land and is the only party directly affected by the proposals.

The author of this report has sought the views of the Estates Manager who has no concerns regarding the nomination.

## 11. Procurement Implications

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- 11.1. None.

## 12. Protecting our naturally inspiring Bay and tackling Climate Change

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- 12.1. None.

## 13. Associated Risks

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- 13.1. If the Council fails to determine the application by 04 August 2025, it will be in breach of its statutory duty to do so, which would leave the Council vulnerable to a potential ombudsman complaint.
- 13.2. The legislation does not provide a statutory appeal mechanism to an applicant. The only remedy available to the applicant if they were not happy with the decision, would be to challenge the Council's decision by way of judicial review.

## 14. Equality Impact Assessment

In exercise of its functions, the Council is required to have due regard to the Public Sector Equality Duty set out in section 149 of the Equality Act 2010.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age Page 14	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	No differential impact		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	No differential impact		
Disability	In the 2021 Census, 23.8% of Torbay residents answered	No differential impact		

	that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.			
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	No differential impact		
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	No differential impact		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	No differential impact		

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	No differential impact		
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	No differential impact		
Sex	51.3% of Torbay's population are female and 48.7% are male	No differential impact		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	No differential impact		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	No differential impact		

	5.9 per cent of the population have previously served in the UK armed forces.			
<b>Additional considerations</b>				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Positive: improved access to cultural education. ACV status could help the museum to secure grants and funding ensuring the museum remains accessible to all (inc free entry).		
Public Health impacts (Including impacts on the general health of the population of Torbay)		None		
Human Rights impacts		None		
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	Positive: the museum is child friendly and educational		

## 15. Cumulative Council Impact

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None.

## 16. Cumulative Community Impacts

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16.1. None.

## Assets of Community Value Nomination Form

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Please complete this form fully. The details you place in this form will be the basis for which the Council will come to an informed decision on whether the asset can and should be placed on the List of Assets of Community Value, or not.

### How we use your personal information

What personal information do we need?

In order to process a nomination we require the name, address, telephone number and email address of the nominating body and the owner/occupier of the nominated asset. In cases of applications made by unincorporated bodies with at least 21 individual members, all the 21+ members' names and addresses should also be provided.

Who is collecting it?

The data controller is Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR.

Why is it being collected?

Under the Localism Act 2011: Assets of Community Value (England) Regulations 2012, we have a statutory duty to receive, process and make a decision on nominations for Assets of Community Value.

How will it be used?

Personal information is used to process the nomination, to make a decision on the nomination, and inform the owner(s) and other interested parties of the nomination, its progress and the eventual decision.

Who will it be shared with?

We will share the personal contact details used to process the nomination with internal departments within the Council e.g. Local Land Charges, Legal Department, Governance Support and Elected Representatives Information will also be shared with the Torbay Development Agency as the Council's Asset Management body.

How long will the information be kept for?

Nomination forms and information relating to the nomination will be kept for 6 years.

Your rights

If you feel that the information the Council holds about you is incorrect, you have the right to request it is rectified. You are also able to request a copy of the personal data the Council holds about you. To see more information about your rights, please see our Information Rights Policy.

If you wish to raise a complaint about how the Council has processed your information please contact the Council's Data Protection Officer via [infocompliance@torbay.gov.uk](mailto:infocompliance@torbay.gov.uk)

## Important notes

The assessment period will commence once the Council is in receipt of a **fully valid application**. **Incomplete application forms and forms missing required documentation will not be accepted as valid and will be returned to the applicant to provide the missing information.**

A landowner/occupier is entitled to see this form during the 8 week consultation period (once the nomination is validated) or following any decision to list the asset concerned as an Asset of Community Value.

Please complete this form electronically, or if completing by hand, only use **BLOCK CAPITALS and black or blue ink**.

## Section 1. About your Organisation

1a. Nominating Organisation's Name and Address:	
Organisation Name*:	BRIXHAM MUSEUM CIO
Address:	The Old Police Station, Bolton Cross, New Road, Brixham, TQ5 8LZ
<i>*full name as written in your constitution or rules (if appropriate)</i>	

1b. Please provide a named contact for us to get in touch with, should we need to discuss your nomination:	
Name:	██████████
Address:	The Old Police Station, Bolton Cross, New Road, Brixham, TQ5 8LZ
Telephone / Mobile Number:	██████████
Email Address:	██████████

1c. Please specify which of the following categories your organisation relates to		
Category of Organisation		
Description:	Please tick only <b>one</b> box:	Registration / Charity number (if applicable)
Town or Parish Council	<input type="checkbox"/>	

Body designated as a neighbourhood forum under the Town and Country Planning Act	<input type="checkbox"/>	
Unincorporated bodies with at least 21 individual members and which does not distribute any surplus it makes to its members	<input type="checkbox"/>	
Charity	<input checked="" type="checkbox"/>	1213037
Company limited by guarantee which does not distribute any surplus it makes to its members	<input type="checkbox"/>	
Industrial and provident society which does not distribute any surplus it makes to its members	<input type="checkbox"/>	
Community interest company	<input type="checkbox"/>	

#### 1d. Evidence Organisation

Please provide a copy of the following as relevant to your organisation (tick all documents provided):

Memorandum of Association	<input type="checkbox"/>
Articles of Association	<input type="checkbox"/>
Companies House return	<input type="checkbox"/>
Trust Deed	<input type="checkbox"/>
Constitution / Terms of reference	<input checked="" type="checkbox"/>
Standing Orders	<input type="checkbox"/>
Interest Statement for Community Interest Company	<input type="checkbox"/>

#### 1e. Evidence of a local connection

All nominating organisations must have a local connection, please tick all the relevant statements that apply, or provide a description of how your organisation is connected to Torbay, or a neighbouring authority's area (South Hams or Teignbridge):

The body's activities are wholly or partly within Torbay, South Hams and/or Teignbridge	<input checked="" type="checkbox"/>
At least 21 of the members of the body are local (see point 1f. below)	<input checked="" type="checkbox"/>
Any profits made by the body are wholly or partly applied for the benefit of Torbay, South Hams or Teignbridge	<input checked="" type="checkbox"/>
It is a parish council within Torbay's boundary or it shares a boundary with Torbay	<input type="checkbox"/>

Description / additional information:

**1f. Membership of unincorporated bodies**

For unincorporated bodies please confirm that at least 21\* members are included on Torbay's register of electors and provide their names, addresses and signatures below:

Name:	Address:	Signature:
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
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18.		
19.		
20.		
21.		

*\* if you have more than 21 members, please provide additional details on a separate page annexed to this application.*

## Section 2. About the Asset you are nominating:

2a. Please provide the name of the asset (if relevant), and the location/address of the asset:

Name: THE OLD POLICE STATION

Address: Bolton Cross, New Road, Brixham, TQ5 8LZ

Postcode: TQ5 8LZ

Is the asset defined as operational land under section 263 of the Town and Country planning Act 1990, or owned by statutory undertakers such as utility companies? Please provide details:

**2b. Please provide details of the boundary of the asset. Please submit a boundary map/plan at the end of this application which helps to clarify the exact location and extent of the asset being nominated. Where possible this should be a Land Registry Title and Title Plan for the asset (less than one month old).** You can get electronic copies of the Land Registry Title and Title Plan from the Land Registry at <https://www.gov.uk/search-property-information-land-registry> (there is a fee for this service).

If the asset is unregistered, alternatives include a Site Location Plan, or OS map with boundaries clearly marked in red, with a North point, and a scale.

Please note that you are required to provide correct boundary and ownership information for the asset you wish to nominate. Incorrect or ambiguous information will be considered an incomplete application form and not be accepted as valid.

**2c. Owner and occupier details** (Please provide all information available to you, and copies of the Land Registry Titles and Plans. Note: where there is leasehold(s) and freehold, please provide copies of the Land Registry Titles and Plans for both the leasehold(s) and freehold):

	Name	Address	Delete as appropriate
Owner/s	TORBAY COUNCIL	Town Hall Castle Circus TorquayTQ1 3DR	Current
Lawful occupiers	BRIXHAM MUSEUM CIO	THE OLD POLICE STATION, BOLTON CROSS, NEW ROAD, BRIXHAM, TQ5 8LZ	Current
Holder/s of freehold estate (if not the Owner)	TORBAY COUNCIL	Town Hall Castle Circus Torquay TQ1 3DR	Current
Holder/s of any leasehold estate	BRIXHAM MUSEUM CIO	THE OLD POLICE STATION, BOLTON CROSS, NEW ROAD, BRIXHAM, TQ5 8LZ	Current
Further detail / other:			

**2d. Current use of asset**

What is the asset / What is the <u>current</u> main use of the asset? e.g. shop, pub, community facility, playing field	FREE MUSEUM
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Describe fully how you consider that the current and main use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community?

We have occupied the (asset) building since 1976. We serve initially, as an accredited museum displaying, preserving, protecting and promoting the heritage of Brixham.

We are a service point for the Devon Records Office holding parish records for Brixham, Churston and Kingswear. We also provide a family history service for the public using not only parish records but our extensive records of all the fishing and trading boats that have used Brixham over the years. We also handle general historic enquiries.

The museum is open to the public free of charge. We undertake active research and have published many books in the past, one recent publication about the building of the Mayflower II at Brixham and another about the maritime history of Brixham.

We provide interest for the local community and have around 50 volunteers who give the museum over 1,000's of hours of their time every year. When procuring for contractors we always look to source local trades people.

As a museum we respect the heritage of Brixham but we also respect the heritage of the building we occupy as it was the old police station built in 1902. In acknowledgement of this we have refurbished one of the original police cells and returned it to how would have looked when it was first built. We also have signs all around the building stating what part of the police station it was originally. We have recently been in contact with the Museum of Policing in Devon & Cornwall with a view to protecting & renovating the building.

We are an integral part of Brixham and we are seeing an increase in the number of locals and tourists coming to the museum. We have approximately 7000 visitors to the museum yearly.

The museum is usually the first point of contact for the film and TV companies who approach us for information of historical content. In recent times the BBC actually filmed inside the museum concerning the Mayflower II and also during the more recent 80<sup>th</sup> year commemorations of the various WW2 events such as D-Day, P Party Divers who were trained off the Brixham coast.

We work with many local organisations and all the primary schools in Brixham use the museum for school trips at least once. We also have links with South Devon College who have visited the museum on many occasions and we hope to be a resource centre for the students to do research. We also work with many local charities, businesses & other participating organisations to welcome newcomers moving to Brixham.

The asset is used to preserve the history of Brixham and has done so since the society took over the building in 1976. This is carried out through the preservation of artefacts, records, verbal recordings, organized school visits and lectures. The museum is open to the public free of charge for 5 days a week for approximately 44/46 weeks each year and is run almost exclusively by local volunteers. The building was originally a Police Station built 1902/03 and its contribution to the town's history is celebrated here too.

A recent independent feasibility study was conducted by Torbay Council as to its best future use, which concluded with it staying as a public museum building.

We have a paid Curator, Administrator & Cleaner.

We have recently transferred our charitable status to that of a CIO – Foundation Model – to enable access to larger funding opportunities & in turn secure the future and historical collection of Brixham.

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<p>Over what period is this main use of the asset anticipated to continue?</p>	<p>Indefinitely. We have been in existence for over 60 years and aim to continue as long as we can remain financially viable. We are transitioning to a CIO to secure the future of the Museum with access to larger funding opportunities.</p>
<p>Does the local community have legal and authorised use of the land or property?</p>	

<p>If the main use of the asset does not <u>currently</u> further the social wellbeing or cultural, recreational or sporting interests of the local community, did it do so at some stage in the recent past? <i>(Please provide details of how the asset was used in the past and dates of this usage)</i></p>	<p>n/a</p>
<p>Can you demonstrate / how do you anticipate that the asset would return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?</p>	<p>n/a</p>
<p>When do you consider that the asset could realistically return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?</p>	<p>n/a</p>

### Section 3. Supporting Information for your Nomination

#### 3a. Please provide any further information to support your nomination

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#### Declaration

I confirm that I am authorised to submit this nomination form on behalf of the applicant organisation and that all of the information given or referred to in this form is true, accurate, and complete and that all relevant information has been submitted.

Name: [REDACTED]

Signature: [REDACTED]

Date: 4<sup>th</sup> April 2025

**Please return to Legal Section, Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR or [ACVLegal@torbay.gov.uk](mailto:ACVLegal@torbay.gov.uk)  
Tel: 01803 207157**

*We will acknowledge receipt of your nomination and will check through your form and let you know if any information is missing or if any further information is required.  
If all the requested information is provided, we will accept the form. We have 8 weeks from formally accepting the form to determine whether the asset you have nominated should be placed on the List of Assets of Community Value.*

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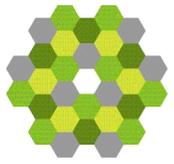
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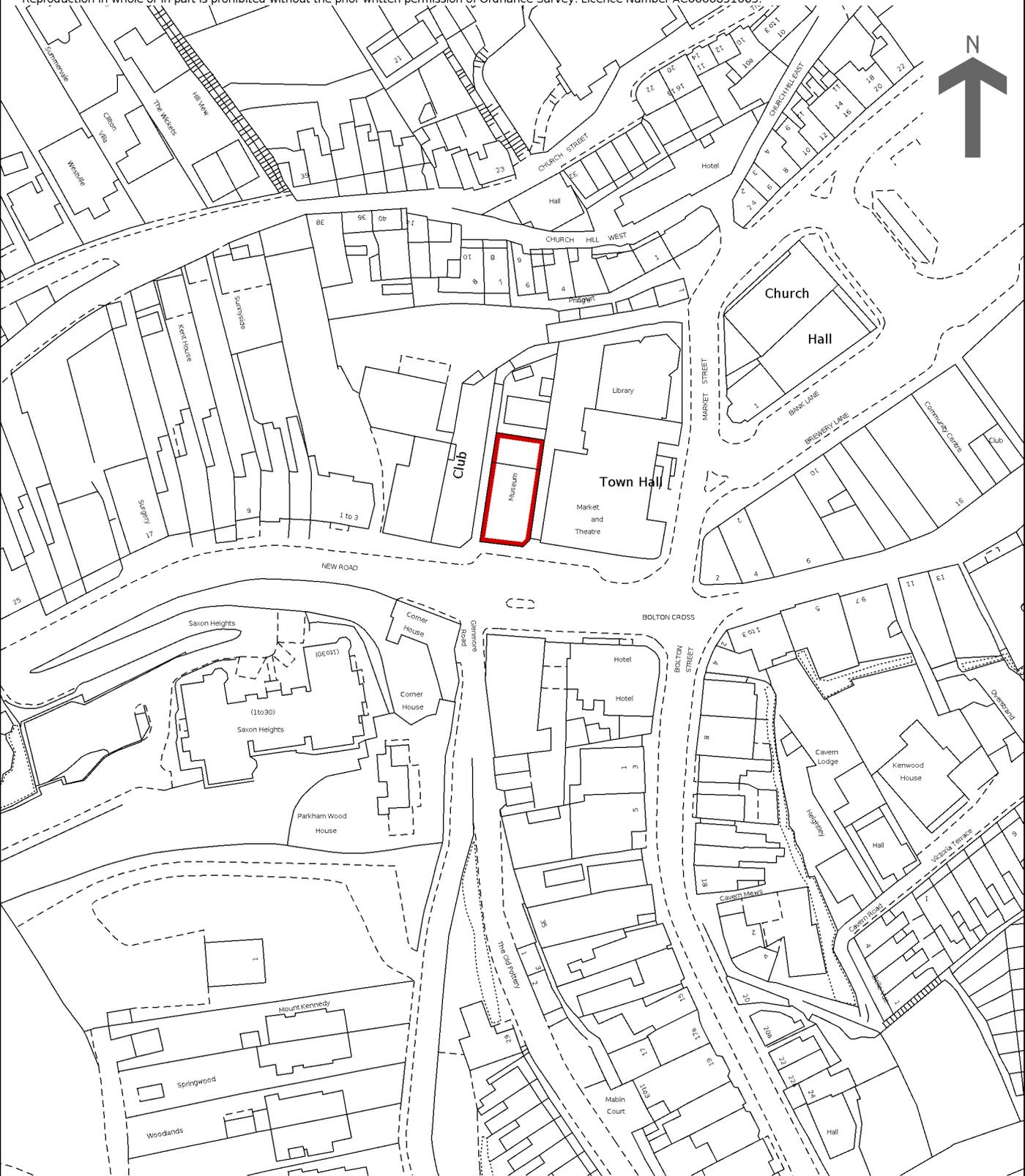
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**Meeting:** Cabinet and Council

**Date:** 14 July and 24 July 2025

**Wards affected:** All Wards; Churston & Galmpton

**Report Title:** Acquisition of four properties to deliver Local Authority Housing Fund Round 3

**When does the decision need to be implemented?** September 2025

**Cabinet Member Contact Details:** Cllr. Alan Tyerman, Cabinet Member for Housing and Finance, [alan.tyerman@torbay.gov.uk](mailto:alan.tyerman@torbay.gov.uk).

**Director Contact Details:** Alan Denby, Director of Place, [Alan.denby@torbay.gov.uk](mailto:Alan.denby@torbay.gov.uk)

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## 1. Purpose of Report

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- 1.1. To endorse the proposed package of acquisitions funded through the Local Authority Housing Fund Round 3 (LAHF3) programme.
- 1.2. To specifically endorse the acquisition of the first three identified new build properties in Paignton.
- 1.3. To approve the necessary delegations to enable officers to progress with the acquisition of four units in total, in accordance with Council governance procedures.

## 2. Reason for Proposal and its benefits

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- 2.1. This report seeks Cabinet approval to proceed with the acquisition of four residential properties, supported by a £551,500 grant from the Ministry of Housing, Communities and Local Government (MHCLG) from LAHF3.
- 2.2. Of these, three homes must be used to support families that require (or would otherwise require) temporary accommodation (TA), that have a local connection to Torbay. Officers have identified and reserved these homes, and this paper seeks approval to purchase the properties identified.
- 2.3. A condition of this grant is that the Council must also purchase a single family home for a household accepted on to the government's Afghan Resettlement Programme. This provides support for families that assisted the UK's Armed Forces in Afghanistan prior to military withdrawal in 2021 (interpreters etc.). This home has not yet been identified, but delegation is sought for the Director of Finance, in consultation with the Cabinet Member for

Housing and Finance to acquire this property in due course, once it has been identified and a purchase/financial model agreed.

- 2.4. The proposed acquisitions directly support the Council's strategic aims to increase the supply of social housing in Torbay. Torbay continues to experience acute pressures on its housing system, including:
- A notable increase in homelessness presentations, with over 1,400 households assessed under homelessness duties in 2024/25.
  - Consistently high numbers of households in temporary accommodation, with over 160 households currently placed, reflecting both increased demand and limited availability of local options.
  - A growing need for more social housing in Torbay by local families, through Devon Home Choice.
  - Ongoing need to support Afghan families under the government's resettlement programme, with Torbay having committed to helping a family in need of secure and stable accommodation.
- 2.5. The acquisition of additional homes will directly contribute to achieving the Council's goal of increasing emergency housing placements within the Bay, reducing reliance on costly and less suitable out-of-area or hotel accommodation. It also helps reduce the occurrence of families with children being forced to live in unsuitable bed & breakfast style accommodation, which is not suitable for long-term occupation. The first three homes proposed for purchase through this paper are modern, well-insulated and efficient – providing a stepping stone for vulnerable families on a pathway towards settled housing.
- 2.6. The three identified homes, would subject to the Cabinet decision, be available to be handed over to the Council in September 2025. The Council has already acquired a small portfolio of TA, which this will complement; however, unlike the existing portfolio which was funded entirely by council-borrowing, officers have been able to secure grant funding to significantly contribute towards the cost of provision through the LAHF3.
- 2.7. It should be noted that the grant terms allow the Council to re-designate these homes for general needs social housing (or 'council housing') once there is no longer a local need for either TA or by an eligible Afghan refugee family (respectively). Therefore, the homes will provide a tangible benefit to Torbay more widely, in the medium-term through adding to the social housing stock.
- 2.8. The grant does not provide 100% of the cost of acquiring the homes, the balance of which needs to be funded by the Council. However, the cost of providing homes in this way is less than the equivalent cost of housing a family in TA. Furthermore, the rent charged to the occupants is expected to be largely sufficient to cover the cost of any prudential borrowing (should it be necessary), making allowances for management and maintenance costs etc. Of the total £551,500 grant; £393,000 must be used to part-fund the identified

first three homes; the remainder is allocated to support the acquisition of the remaining property.

- 2.9. The proposed acquisitions align with the Council's Housing Delivery Plan, which prioritises increasing both the quantity and quality of affordable housing; and the Corporate and Community Plan, which seeks to ensure that Torbay is a place where people are safe, supported, and have access to secure housing. Increasing the availability of self-contained TA also helps to reduce dependency on expensive private nightly lets, as outlined in recent housing reviews and the Council's accommodation strategy, reducing the Council's annual revenue cost. These homes will support local families in need and are ideally located in terms of access to key facilities such as schools, healthcare and public transport. They also accord with the grant requirement of being delivered by 31<sup>st</sup> March 2026.
- 2.10. This proposal represents a cost-effective and timely opportunity to deliver against multiple strategic objectives, supported by external grant funding. By endorsing the acquisition of the identified units (and the programme of four homes overall), the Council will strengthen its response to local homelessness pressures, support refugee resettlement, and enhance its affordable housing stock for future generations.

### 3. Recommendation(s) / Proposed Decision

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#### 3.1. That Cabinet:

1. Support the acquisition of four residential properties in Torbay, supported by £551,500 of Local Authority Housing Fund Round 3 (LAHF3) grant awarded by the Ministry of Housing, Communities and Local Government (MHCLG);
2. Approve the specific acquisition of the first three identified units, being three 3-bedroom houses as outlined in Exempt Appendix 1 (subject to the satisfactory conclusion of all necessary due diligence). Such properties to be used as either Temporary Accommodation, or for families that would otherwise be living in Temporary Accommodation that have a local connection to Torbay and require this type of assistance.
3. Provide delegated authority to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance, to identify a suitable 4-bedroom home, and to approve the purchase of such a property (subject to the satisfactory conclusion of all necessary due diligence) to support the Afghan Resettlement Programme (ARP), as outlined in Exempt Appendix 1 (and as a condition of the LAHF3 grant).
4. Provide delegated authority to the Head of Strategic Housing and Delivery, in consultation with the Cabinet Member for Housing and Finance to agree and finalise the terms to acquire all of the homes and procure all necessary support services to facilitate the acquisitions, including any necessary legal and financial arrangements.

3.2. That Cabinet recommend to Council that:

5. The Capital Programme be uplifted by a maximum of £1,301,500 to acquire the four properties, part-funded by a grant of £551,500 from the Ministry of Housing, Communities and Local Government. The remaining balance of £750,000 to be funded by a combination of: prudential borrowing; revenue savings from existing Temporary Accommodation budgets; or any other relevant internal subsidy or receipts that may be appropriate. With delegated authority to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance to agree the precise balance of funding sources to be deployed.

## Appendices

- (Exempt) Appendix 1 – Full Business Case

## Background Documents

### 4. Introduction

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- 4.2. Torbay Council, like many coastal and rural authorities, continues to face significant and growing challenges in meeting local housing need – particularly in the provision of both temporary accommodation (TA) and longer-term affordable housing. This report outlines a strategic opportunity to address some of these pressures through the acquisition of four new-build residential units, supported by a £551,500 grant from MHCLG under the LAHF3 programme.
- 4.3. Currently, Torbay has low levels of self-contained temporary accommodation and a limited new supply of affordable rented housing, due to a combination of historic under-delivery, high housing market pressures, and a lack of suitable and available land for development. These challenges have been further exacerbated by:
  - Rising homelessness demand, with over 1,400 homelessness applications received in the last year;
  - Consistently high demand for temporary accommodation, with over 160 households currently in TA;
  - Significant use of hotels and bed & breakfasts as emergency accommodation – often at high cost to the Council with limited appropriateness for longer stays, particularly for families and vulnerable individuals.
- 4.4. The Council is seeking to commercially acquire four homes. The intention is to immediately acquire three of these for TA/families that would otherwise be in TA on a site identified in Exempt Appendix 1. The final property has not yet been identified but will be purchased to support the ARP as required by the grant terms.

- 4.5. Over time, as demand for temporary accommodation is alleviated through wider housing interventions (such as those endorsed by Cabinet at the meeting of May 2025), these units will be redeployed within the Council's social housing portfolio and re-let as general needs social rented housing through Devon Home Choice, to local households.
- 4.6. As outlined in a previous section, this proposal presents a pragmatic and timely solution that enables the Council to make best use of available grant funding within the limited timescales provided under the LAHF3 programme. Acquiring the homes identified in Exempt Appendix 1 is considered the most cost-effective route to securing accommodation within the required timeframe – by 31<sup>st</sup> March 2026 – and ensures that the grant is fully utilised to support both immediate and long-term housing need.

## 5. Options under consideration

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- 5.2. In developing this proposal, the Council has considered two principal options:
- 5.3. **Option 1** Is to proceed with the purchase of four homes, including the first three identified in Exempt Appendix 1, prioritising new build homes where possible. In the longer term, these homes would be retained as part of the social housing stock and let through Devon Home Choice to eligible local households.
- 5.4. This would enable additional, self-contained accommodation within the Bay, reducing reliance on unsuitable and expensive hotel/B&B accommodation. It would also meet LAHF3 grant conditions and secure £551,500 of external investment that would otherwise be lost. This proposal provides immediate and long-term benefits, with permanent use as social rented homes once temporary accommodation need subsides. It also supports strategic objectives in the Housing Delivery Plan and Corporate and Community Plan; reduces financial pressures over time through more cost-effective TA provision and reduced nightly let costs; Ensures local control over the units, enabling sensitive placement and long-term asset management.
- 5.5. This requires upfront capital investment by the Council, although significantly offset by the grant. The acquisition must be completed by 31<sup>st</sup> March 2026. The proposal would require the Council to increase the capital programme by a maximum of £1,301,500, with £551,500 funded by MHCLG subsidy, and up to £750,000 funded by the combination of funding outlined in Paragraph 3.2 above.
- 5.6. **Option 2** is not to proceed with the purchase. This option would involve returning the LAHF3 grant and continuing to manage housing need through existing arrangements, including temporary accommodation placements in hotels and B&Bs. This will avoid capital outlay and associated financial risk. It will also not support additional households, and no revenue savings will be derived. As such, we would continue to rely upon high-cost, often inappropriate nightly lets, leading to worsening budget pressures. It would also be reputationally damaging for the authority and mean Torbay misses an opportunity to increase its TA and social housing stock, through a significant subsidy allocation.
- 5.7. On the balance of considerations, officers recommend proceeding as set out in **Option 1**.

## 6. Legal Implications

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- 6.2. The Council will be entering into a commercial arrangement to purchase assets on the open market. External conveyancers have been appointed to undertake the conveyance, and the transaction will not proceed unless and until the relevant due diligence has been undertaken to a satisfactory conclusion.
- 6.3. Once we have exchanged contracts, the Council will not be able to withdraw from the purchase without considerable penalty.

## 7. Engagement and Consultation

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- 7.2. The community is consulted on the principle of a sites' redevelopment through the planning process.
- 7.3. The Head of Strategic Housing & Delivery has engaged extensively with the Housing Options Team and has also briefed our in-house Housing Manager. The Cabinet Holder for Housing and Finance is fully aware of the proposal and has endorsed the course of action recommended. Cabinet are also aware of the scheme through information sharing sessions, and through the development of the Housing Delivery Plan. Senior Council officers have also been briefed, and the proposal has been endorsed by the Capital & Growth Board.
- 7.4. Additionally, the Head of Strategic Housing will offer to meet the elected members that represent the ward, prior to the cabinet meeting. A briefing will also be provided to the relevant Shadow Portfolio Holder.

## 8. Procurement Implications

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- 8.2. Property transactions, such as land and residential property acquisitions, are exempt from the Public Contracts Regulations 2015, which excludes contracts relating to the acquisition of buildings or land. Therefore, a formal competitive procurement procedure is not required for this acquisition.
- 8.3. However, the Council will still comply with its own internal Contract Procedure Rules and demonstrate best value in line with the Local Government Act 1999, this includes:
- Evidence that the acquisition represents value for money;
  - A clear and transparent decision-making process;
  - Appropriate financial and legal due diligence;
  - Compliance with the grant conditions under the Local Authority Housing Fund.

- 8.4. In respect of the first of these, it should be noted that officers have secured both a discount against sale price, and an additional specification upgrade to the homes, through the acquisition of multiple properties in a single transaction.
- 8.5. The Council has appointed a conveyancing firm through a competitive process to act on its behalf in managing the legal aspects of the property transactions. This firm brings relevant market knowledge, experience in public sector conveyancing, and capacity to work within the required grant timelines. The appointment of this firm not only ensures a compliant and well-managed transaction but also supports the delivery of a value-for-money acquisition in line with the Council's legal and procurement responsibilities.

## 9. Protecting our naturally inspiring Bay and tackling Climate Change

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- 9.1. The properties proposed for immediate acquisition are modern, energy-efficient new builds delivered by a well-known housebuilder. These homes are expected to meet or exceed current Building Regulations, incorporating features such as:
- Improved thermal insulation and airtightness;
  - High-efficiency heating systems;
  - Low energy lighting and water-efficient fittings;
  - Reducing carbon emissions and energy costs for residents.
- 9.2. Currently, the Council relies heavily on hotels, guesthouses, and B&Bs – many of which are not designed for long-term residential use and often operate with high energy consumption and poor environmental performance. By shifting households from these settings into purpose-built, energy efficient homes, the council will lower the overall carbon footprint associated with temporary accommodation provision; reduce transport emissions by enabling placements within Torbay (avoiding out-of-area travel); and provide healthier and more sustainable living environments for vulnerable households including children
- 9.3. The proposed acquisition supports the long-term development of stable, sustainable communities by ensuring homes remain available as social rent units beyond their initial use as temporary accommodation.
- 9.4. Climate change disproportionately affects vulnerable populations, including homeless households and displaced/refugee households. Providing safe, secure, and energy-efficient housing contributes to climate resilience by reducing exposure to extreme weather conditions; helping low-income households better manage rising costs; and support equitable access to housing that meets modern environmental and health standards.

## 10. Associated Risks

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- 10.1. There are risks associated with any commercial activity. The risks associated with this scheme are described throughout this paper.

## 11. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18% of Torbay residents are under 18 years old.</p> <p>55% of Torbay residents are aged between 18 to 64 years old.</p> <p>27% of Torbay residents are aged 65 and older.</p>	<p>It is recognised that refugees seekers may have experienced trauma and that providing safe and secure accommodation will promote wellbeing regardless of age.</p>		<p>Housing Options and Housing Management.</p>
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>Safe and secure accommodation will promote positive wellbeing for carers.</p>	<p>Services need to work holistically with individuals to fully understand their needs.</p>	<p>Lettings and Housing Management.</p>
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>As the first three properties (at least) are newbuild, the homes will adhere to Building Regulations. Any additional support needs would be assessed at the time of letting the properties.</p>	<p>Consider accessibility and mental health needs in designs of conversions.</p>	<p>Strategic Housing</p>

Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	No adverse impacts are anticipated however, local data and intelligence is limited.	N/A	ALL
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	The marital status of occupants should not influence the suitability of the homes. No adverse impact expected.	NA	ALL
Pregnancy and Maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all areas.	As the three properties identified are of three bedrooms and the ARP unit is expected to be a larger four bedroom family home, we anticipate occupants are likely to have dependent children.	NA	Lettings and Housing Management
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as	No adverse impact expected as we would not discriminate on the lettings of the TA homes based on ethnicity.  However, it should be noted that the 4-bedroom home will be reserved for an eligible ARP household until	NA	Lettings and Housing Management

	being amongst the 20% most deprived areas in England.	such time as this is no longer needed locally.		
Religion and belief	64.8% of Torbay residents stated that they have a religion in the 2021 census.	No adverse impact expected as religion would not be a consideration in the lettings process	NA	Lettings and Housing Management
Sex	51.3% of Torbay's population are female and 48.7% are male	No adverse impact expected as general needs lettings does not discriminate on gender	NA	Lettings and Housing Management
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	No adverse impact expected as sexual orientation is not discriminated against	NA	Lettings and Housing Management
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	<p>Theoretically, affordable housing is more likely to be available to former service personnel and their families, as there is a degree of preference awarded to such households when they join the housing register.</p> <p>It should be noted that the ARP is specifically designed to help Afghan families that supported the British Military during the Afghanistan campaign. As such, this project positively contributes to households that worked closely with and assisted our veteran population.</p>	Consider needs during the lettings process	Lettings and Housing Management

Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		No negative impact expected. Affordable housing supports those in need of a safe and warm home, facilitating the improvement of socio-economic prosperity	NA	NA
Public Health impacts (Including impacts on the general health of the population of Torbay)		By providing suitable, safe, and warm affordable housing we can lower public health impacts and improve the health of occupants.	NA	NA
Human Rights impacts		No negative impact expected	NA	NA
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	No negative impact expected as the properties purchased will specifically support families with children that need accommodation.	NA	Lettings and Housing Management

## 12. Cumulative Council Impact

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- 12.1. An increase to the Council's portfolio of social housing, which requires ongoing management etc. However, allowances have been made in the financial model to ensure the long-term, appropriate management and maintenance of our housing stock.

## 13. Cumulative Community Impacts

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- 13.1. The provision of additional housing will reduce the number of households placed in inappropriate or out-of-area settings, allowing vulnerable residents – particularly families – to remain within their community networks, schools, and support systems.
- 13.2. When the units transition to general needs social housing, they will provide long-term, stable homes for local households in housing need through Devon Home Choice, reducing reliance on short-term lets and housing benefit-dependent arrangements.
- 13.3. Significant positive impact on local communities by addressing long-standing housing-needs, improving the quality of life for vulnerable residents, and contributing to the overall sustainability and cohesion of neighbourhoods within Torbay.
- 13.4. Families and individuals currently placed in hotels and B&Bs often face disruption, stigma, and poor living conditions, with limited access to cooking, washing, or private facilities. This acquisition will reduce the need for these placements, ensuring that local people are housed in Building Regulations compliant, decent, and purpose-built homes, which in turn supports their dignity, mental health and overall wellbeing.
- 13.5. The provision of a further property to support a family through the ARP promotes community cohesion, diversity and inclusion – offering a stable foundation for a displaced family to integrate safely and meaningfully into local life. The local community benefits from structured, well-supported resettlement, rather than unmanaged or ad hoc housing solutions that can cause community friction.
- 13.6. Keeping residents in Torbay ensures continued local spending and engagement with small businesses, schools, GPs and community services.

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**Meeting:** Cabinet

**Date:** 14 July 2025

**Wards affected:** All Wards

**Report Title:** Housing Standards Civil Penalty Policy & HMO Licence Conditions Review

**When does the decision need to be implemented?** Upon conclusion of the Call-in period

**Cabinet Member Contact Details:** Cllr Hayley Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities, [hayley.tranter@torbay.gov.uk](mailto:hayley.tranter@torbay.gov.uk)

**Director Contact Details:** Anna Coles, Director of Adults & Community Services  
[anna.coles@torbay.gov.uk](mailto:anna.coles@torbay.gov.uk)

## 1. Purpose of Report

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- 1.1. Housing and Planning Act 2016 brought in the opportunity for Local Housing Authorities (LHA) to issue Civil Penalties as an alternative to prosecution with the following advantages; less burden on the judicial system, quicker outcomes, a greater understanding of housing legislation and practice (Tribunal vs Magistrate), fines that better reflected the seriousness of the issue and the ability for the proceeds to be used for housing enforcement activity (The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017).
- 1.2. A policy is required in order to establish the amount of fine in a given circumstance up to a maximum of £30K.
- 1.3. Housing Act 2004 required LHA's to licence certain types of Houses In Multiple Occupation (HMO) and to assign a set of licence conditions to each licence. Some conditions were set as 'Mandatory' by legislation, some were 'Local' (set by LHA in every licence) and some specific to the actual HMO in question.
- 1.4. The purpose of this report is to seek approval to adopt an updated Housing Standards Civil Penalty policy and to update the HMO licence conditions.

## 2. Reason for Proposal and its benefits

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- 2.1. The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by ensuring that landlords provide safe and wholesome homes for our privately renting community and that those living in licensable HMO accommodation occupy a properly managed building.

- 2.2. The adoption of the amended Housing Standards Civil Penalty Policy will ensure that we are compliant with current legislative developments to ensure that when landlords breach legislation to the degree that action is justified, we are able to apply the appropriate sanctions.
- 2.3. Adoption of the amended HMO licence conditions ensures that we are able to apply the relevant conditions without the need to clarify poorly drafted legislation making it easier for HMO licensee's to understand the requirements and making our review more efficient.
- 2.4. A consultation commenced on 27th May and concluded on 17th June, details are provided in 10.1 below.
- 2.5. In addition to the amendments within this Policy update and the consultation, we will expect to receive a further update to the Housing Standards Civil Penalty Policy following the Renters Rights Bill (RRB) receiving Royal Ascent. The current expectation is that Royal Ascent will occur in July or October and that we should expect an updated policy approximately 2 months after. The purpose of the update will be to include the new duties set out in the RRB such as landlord discrimination, incorrect use of tenancy etc, to increase the maximum fine level from £30K to £40K and to introduce the concept of a first-offence fine level (max £7K) for certain offences. These updates will follow legislation (will be a requirement) and won't change the methodology of the policy.
- 2.6. An updated policy is being provided now to reflect the outcome of a recent legal case; Leicester vs Morjariato, as enforcement activity is a daily occurrence and to mitigate against any delays in Royal Ascent being obtained for the RRB.

### 3. Recommendation(s) / Proposed Decision

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- 3.1. That the Housing Standards Civil Penalty Policy as set out in Appendix 1 of the submitted report be approved;
- 3.2. That the amended House In Multiple Occupation Licence Conditions as set out in Appendix 2 to 4 of the submitted report be approved; and
- 3.3. That delegated authority be given to the Director of Adults and Community Services, in consultation with the Cabinet Member for Adult and Community Services, Public Health and Inequalities, to make further updates to the Housing Standards Civil Penalty Policy and House In Multiple Occupation Licence Conditions following Royal Ascent of the Renters Rights Bill.

### 4. Appendices

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- 4.1. Appendix 1: Torbay's New Civil Penalty Policy
- 4.2. Appendix 2: Current HMO licence conditions in Torbay
- 4.3. Appendix 3: List of additional conditions for Torbay HMO's
- 4.4. Appendix 4: New HMO licence conditions in Torbay

## 5. Background Documents

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- The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017
- <https://cornerstonebarristers.com/wp-content/uploads/2023/06/Tribunals-Decision-dated-19-June-2023.pdf>

## Supporting Information

### 6. Introduction

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- 6.1. Following the commencement of the Housing and Planning Act 2016 Torbay Council adopted a Housing Standards Civil Penalty Policy which has been used to good effect. 37 Civil Penalties have been issued in 6 years enabling approximately £27K to be used in housing enforcement activity. This is the 2nd highest number of civil penalties in Devon behind Plymouth City Council. There are an additional 3 that have been served since April this year.
- 6.2. The policy deliberately mirrored the Statutory guidance and was tested at First-tier Tribunal (FtT) on a number of occasions with positive feedback.
- 6.3. In 2023 an appeal (Leicester vs Morjariato) to the FtT resulted in a decision that was a catalyst for Housing Standards Civil Penalty policies to be reviewed.  
<https://cornerstonebarristers.com/wp-content/uploads/2023/06/Tribunals-Decision-dated-19-June-2023.pdf>
- 6.4. Following the case, government set aside a small fund for a 3<sup>rd</sup> sector organisation (Tenants for Justice) to organise procurement of legal support to update policy, including Housing Standards Civil Penalty policies and with an eye on the policy demands of the Renters Rights Bill (RRB).
- 6.5. We accessed these funds early and received £5K in 'credit' for policy drafting support, legal support and training. LHA's currently applying will only receive £2,500.
- 6.6. The outcome was confirmation that a number of our policies are fine, drafting of a new Housing Standards Civil Penalty Policy (Appendix 1) to reflect the outcome from the above case law and a review of our HMO licence conditions.
- 6.7. With regard to the Housing Standards Civil Penalty Policy, the principal change is that a 'starting amount' must be set out for each offence. The factors set out in the statutory guidance then act as mitigating or aggravating factors to increase or reduce the amount accordingly. Our current policy aggregates a score based upon the factors in the statutory guidance to indicate a fine level. It is not possible to say whether this will have any specific impact upon the general levels of fines as each case will have its own unique circumstance.
- 6.8. The process for determining the level of fine is set in the policy and a procedure document. This details the reviewing of the case and penalty level sign off. The officer using the policy will set out their considerations and this will be reviewed and signed off by the Service Manager. Cases are also reviewed by Legal Services. There are other assurances built into the process. The initial determination is issued, and the recipient has the right to issue representation. Only once the representations have been considered can a final outcome be reached. The Tribunal will have the ultimate say in what the penalty level ought to be.
- 6.9. The adoption of the amended Housing Standards Civil Penalty Policy will ensure that we are up to date with current legislative developments to ensure that when landlords breach

legislation to the degree that action is justified, that we are able to effectively apply the appropriate sanctions.

- 6.10. With regard to the current HMO licence conditions (Appendix 2), the advice we received is that the conditions should be restructured and clarification conditions added. A good example of this would be the original Mandatory conditions state:

*If gas is supplied to the house, that the relevant gas safety certificate must be provided annually to the Council.*

However, they don't say when. As such the following two clarification conditions resolve this issue;

*Within 14 days of a gas safety certificate being carried out it must be provided to the Council at Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.*

*When a demand is made for evidence of gas safety it must take the form of a Gas Safety Certificate, and it must be provided within 14 days to the Council at Housing.Private.Sec@torbay.gov.uk or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.*

- 6.11. There are several other conditions that receive similar clarification. A list of additional conditions can be found in Appendix 3.
- 6.12. Furthermore, as the Mandatory, Local & Specific conditions are set out separately in our current documentation, they don't interact well with one another. There is no legislative requirement or imperative for them to be listed separately and therefore we propose to combine them.
- 6.13. Adoption of the amended HMO licence conditions (Appendix 4) ensures that we are able to apply the relevant conditions without the need to clarify poorly drafted legislation making it easier for HMO licensees to understand the requirements and making our review more efficient.

## 7. Options under consideration

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- 7.1. Option 1 – Adopt both policies and delegate authority to make adjustments following forthcoming legislation. The updated policies will ensure that we are legislatively compliant, able to action requirements efficiently and effectively, able to direct landlords and licensees to clear and understandable requirements. By delegating authority, it will enable updates of any new requirements promptly.
- 7.2. Option 2 – Refuse to adopt the new Housing Standards Civil Penalty Policy. The way the current policy is drafted is not in line with the most recent case law. Whilst this won't impact our ability to seek action at the First-tier Tribunal, it undermines our ability to set the fine levels resulting in the possibility of escalation to the Upper tribunal and the associated resources for the Torbay Council and landlords.

- 7.3. Option 3 – Refuse to adopt the HMO licence condition amendments  
There would be no fundamental problem other than inefficiency in managing the HMO licensing and a missed opportunity to provide a clearer set of conditions for licensees to follow.

## 8. Financial Opportunities and Implications

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- 8.1. Failure to adopt the new Housing Standards Civil Penalty Policy will result in reduced income and greater costs.

## 9. Legal Implications

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- 9.1. The current policy does not reflect current caselaw and therefore we would risk failing to justify our penalty decisions at FtT. This may lead to a need to consider more onerous prosecution more often undermining the principles of the Housing and Planning Act 2016 and the forthcoming RRB.

## 10. Engagement and Consultation

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- 10.1. A consultation commenced on 27<sup>th</sup> May and concluded on 17<sup>th</sup> June. The consultation paperwork was circulated using the Landlord's Newsletter (currently with over 400 subscribers), direct communication with all HMO licence holders and via Torbay Council's social media platforms. In total 3 responses were received two in favour of the proposals and an anonymous one stating; *Why are landlords responsible for ASB they are not parents - tenants need to be held accountable*
- 10.2. There is no requirement within legislation to consult on the proposed changes, but it is deemed as best practice and forms part of our work with landlords in Torbay to improve standards.

## 11. Procurement Implications

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- 11.1. None

## 12. Protecting our naturally inspiring Bay and tackling Climate Change

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- 12.1. Energy efficiency requirements are enforceable under Housing Acts and non-compliance could be addressed using the Housing Standards Civil Penalty Policy. Failure to have a legally compliant policy could undermine efforts to improve the energy efficiency of privately rented homes.

## 13. Associated Risks

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- 13.1. As described above, the risks are associated with an inability to effectively enforce compliance with housing legislation and to oversee the proper management of licensable HMO accommodation.

## 14. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age  Page 67	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	The policy relates specifically to landlords and the legal recourse for non-compliance with housing law. Children are unlikely to be landlords, but any other age range could be. There is a positive impact of this policy for all tenants in Torbay as a tool to improve standard in the private rented sector.	None required	Not applicable
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact anticipate.	None required	Not applicable
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	The policy will be published on the council webpages and therefore the accessibility options will be available.	None required	Not applicable

	a physical or mental health condition or illness.			
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact anticipated.	None required	Not applicable
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact anticipated.	None required	Not applicable
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There is no differential impact anticipated	None required	Not applicable

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There is no differential impact anticipated.	None required	Not applicable
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact anticipated.	None required	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact anticipated.	None required	Not applicable
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact anticipated.	None required	Not applicable
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	There is no differential impact anticipated.	None required	Not applicable

	5.9 per cent of the population have previously served in the UK armed forces.			
Non-English speakers	In Torbay, the majority of the population speaks English as their main language (97%). Additionally, 2.5% of the population speaks English either well or very well. However, 0.4% reported having poor English language skills, and 0.1% of the population does not speak English at all	All documents can be translated on request. Other software assists to provide translation through domestic technology provides.  The policy will be published on the council webpages and therefore the accessibility options will be available.	None required	Not applicable
<b>Additional considerations</b>				
Socio-economic impacts (Including impacts on child poverty and deprivation)	32% of Torbay residents living in an area amongst the 20% most deprived areas in England.	There will be positive impacts for persons living in poorly managed rental accommodation most of which is located in Torbay's most deprived areas.	None required	Not applicable
Public Health impacts (Including impacts on the general health of the population of Torbay)	There is significant variation in health and wellbeing across the bay. In our most affluent areas residents can expect to live on average over eight years longer than those living in our more deprived communities.	The correlation between poor quality housing and health are well documented. There will be positive impacts for persons living in poorly managed rental accommodation. The legislation underpinning these interventions (Housing Acts) are principally designed to protect and improve health.	None required	Not applicable

Human Rights impacts		There is no differential impact anticipated. The Council recognises that good quality housing and accommodation is vital to upholding human rights.	None required	Not applicable
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact anticipated.	None required	Not applicable

## 15. Cumulative Council Impact

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15.1. None

## 16. Cumulative Community Impacts

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16.1. None

# Civil Penalties under the Housing and Planning Act 2016 and The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.

In this policy, the terms 'House of Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

Section 126 and Schedule 9 of the Housing and Planning Act 2016 provide local authorities with the power, through the insertion of section 249A Housing Act 2004, to impose a civil penalty as an alternative to prosecution in respect of the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice [section 30]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) under Part 2 [section 72]
- Offences in relation to the Selective Licensing of 'houses' under Part 3 [section 95]
- Failure to comply with an Overcrowding Notice [section 139]
- Failure to comply with a management regulation in respect of an HMO [section 234]

Regulation 11 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 provides local authorities with the power to impose a civil penalty in respect of breaches of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

In addition, section 23 of the Housing and Planning Act 2016 provides that a civil penalty may be imposed in respect of a breach of a Banning Order.

The Council has the power to impose a civil penalty of up to a maximum of £30,000 for each separate offence. If multiple offenders have committed the same offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. In each case, the level of civil penalty imposed on each offender will be in line with this policy.

This guidance outlines the Council's policy in setting the level of a civil penalty in each case where it has been determined to issue a civil penalty as an alternative to prosecution proceedings.

The Council considers the need for transparency and consistency in the discharge of its functions under the Housing Act 2004 to be of primary importance. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties under the 2004 Act so that, for example, those managing and having control of rented properties in the Council (a) know how the Council will generally penalise relevant offences and (b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently. The

further objectives of using financial penalties in particular as a means of enforcing the above offences are explained below.

## Statutory Guidance

The Government has issued statutory guidance under Schedule 9 of the Housing & Planning Act 2016 entitled “Civil penalties under the Housing and Planning Act 2016. Guidance for Local Housing Authorities”. The Council has regard to this guidance in the exercise of their functions in respect of civil penalties.

Paragraph 3.5 of the statutory guidance states that ‘The actual amount levied in any particular case should reflect the severity of the offence, as well as taking account of the landlord’s previous record of offending’. The same paragraph sets out several factors that should be taken into account to ensure that the civil penalty is set at an appropriate level in each case:

- a. **Severity of the offence.** The more serious the offence, the higher the penalty should be.
- b. **Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
- c. **The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.
- d. **Punishment of the offender.** A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.
- e. **Deter the offender from repeating the offence.** The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.
- f. **Deter others from committing similar offences.** While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.
- g. **Remove any financial benefit the offender may have obtained as a result of committing the offence.** The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

The factors detailed in the statutory guidance and policy aims will be considered by the Council when deciding where, within the Civil Penalties matrix below, a particular offence and penalty fall.

## **Other Policy Aims**

The Council is mindful that despite its best efforts, many landlords may operate unlawfully for a significant period of time without detection, and only a proportion of landlords committing relevant offences will be discovered. The Council is, therefore, mindful that when deciding to impose a Civil Penalty, it should create an environment where it is clear to the offender and others that operating unlawfully as a landlord will be financially disadvantageous when compared to operating lawfully.

The Council intends to create an environment where landlords engage with the Council's requests and demands fulsomely, openly and honestly. This helps create a level playing field which supports the aims of transparency and consistency. No landlord should be able to financially benefit from withholding information the Council deems relevant that is, or should be, in their control to disclose. It is expected that fulsome and complete supporting evidence is provided to support any Written Representations received in response to a Notice of Intent.

## **Civil Penalties Matrix**

In determining the level of a civil penalty, officers will have regard to the matrix set out below, which is to be read in conjunction with the associated guidance. The matrix is intended to provide indicative 'starting level' under the various offence categories, with the final level of the civil penalty adjusted in each case, taking into account aggravating and mitigating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.

In deciding what level of penalty to impose, officers will conduct the following four stage process. First, they will consider the seriousness of the relevant housing offence to identify a starting level of the penalty. Second, an assessment of the number of rental properties controlled or owned or managed by the landlord and/or their experience in the letting/management of property will be considered, which may have the effect of increasing or decreasing the penalty. Third, aggravating and mitigating factors that may relate to a number of factors including, but not limited to, culpability, track record and harm will be considered, which may have the effect of increasing or decreasing the penalty. Fourth, if any of the Discounts, as set out below, apply, the penalty will be decreased.

Once the seriousness of the relevant housing offence has been identified, the starting level of the penalty will be identified using the table below with the headings 'Seriousness of offence' and 'Starting level [£]'. Consideration of the number and type of rental properties controlled or owned or managed may adjust the penalty.

To reflect the seriousness of the offence(s) in question, the presence of one or more mitigating factors will rarely result in the penalty being decreased in excess of a total of £5000. In exceptional circumstances, officers may determine that the presence of one or more mitigating factors justify a decrease in the penalty in excess of £5000. The presence of numerous mitigating factors will not automatically be considered as exceptional circumstances.

The Council has not provided a list of mitigating factors in this policy because it acknowledges that there are myriad possible circumstances that might give rise to mitigation.

To ensure that any penalty imposed is proportionate to the offending behaviour the presence of one or more aggravating factors will rarely result in the penalty being increased in excess of a total of £5000. In exceptional circumstances, officers may determine that the presence of one or more aggravating factors justify a increase in the penalty in excess of £5000. The presence of numerous aggravating factors will not automatically be considered as exceptional circumstances.

The Council may, exceptionally, including for the reason given above, increase the penalty by greater than £5000 on account of aggravating factors or, again exceptionally, decrease it by greater than £5000 on account of mitigating factors. In order to meet the objectives of this policy, including the need for transparency and consistency in the use of such penalties, the Council will exercise its discretion to increase or decrease a penalty by greater than £5000 on account of aggravating or mitigating factors in exceptional circumstances only excluding any Discounts as set out below. The Council will consider on a case-by-case basis whether any such circumstances exist.

<b>Seriousness of offence</b>	<b>Starting level [£]</b>
Mild	2500
Moderate	7500
Serious	12500
Very Serious	17500
Severe	22500
Very Severe	27500

## **Offences where a civil penalty may be levied as an alternative to prosecution and relevant considerations as to the level of that penalty**

### **Failure to comply with an Improvement Notice - Section 30 of the Housing Act 2004**

*Maximum Court fine following prosecution that can be levied for failure to comply with an Improvement Notice - Unlimited*

An Improvement Notice served under Part 1 Housing Act 2004 specifies repairs/improvements that the recipient should carry out in order to address one or more identified Category 1 and/or Category 2 hazards in a property. Category 1 hazards are the most serious hazards, judged to have the highest risk of harm to the occupiers; the Council has a duty to take appropriate action where a dwelling is found to have one or more Category 1 hazards present.

In some cases, the service of an Improvement Notice will have followed an informal stage, where the landlord had been given the opportunity to carry out improvements without the need for formal action. In such cases, an identified failure to comply with an Improvement Notice will represent a continued failure on the part of the landlord to deal appropriately with one or more significant hazards affecting the occupier[s] of the relevant dwelling.

The Council would view the offence of failing to comply with the requirements of an Improvement Notice as a significant issue, exposing the tenant[s] of a dwelling to one or more significant hazards.

The seriousness of the offence is viewed by the Council as being a Severe matter, attracting a financial penalty with a starting level of £22500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £22500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £27500.

*Aggravating features/factors specific to non-compliance with an Improvement Notice*

- The nature and extent of hazards that are present. Multiple hazards and/or severe/extreme hazards that are considered to have a significant impact on the health and/or safety of the occupant[s] in the property or their guests would justify an increase in the level of the civil penalty

*Generic aggravating features/factors*

The Council will have regard to general factors in determining the final level of the civil penalty including, but not limited to:

- A previous history of non-compliance would justify an increased civil penalty. Non-exhaustive examples of previous non-compliance would include previous successful prosecutions [including recent convictions that were 'spent'], receipt of financial penalties, rent repayment orders, works in default of the landlord and breaches of regulations/obligations, irrespective of whether these breaches had been the subject of separate formal action.
- A failure to cooperate with a Council investigation. Non-exhaustive examples of failure to cooperate would include failing to comply with a s.16 Local Government (Miscellaneous Provisions) Act 1976 notice, failing to comply with a s.235 Housing Act 2004 notice, failing to provide a substantive response to a letter of alleged offence.
- Deliberate intent when committing the offence. Non-exhaustive examples of deliberate intent would include knowledge that the offence was occurring, committing the offence after relevant correspondence was sent by the Council.
- The number of residents placed at risk
- Offending over an extended period of time i.e. 6 months or longer
- Whether any vulnerable residents were in occupation at the time of the offence. Non-exhaustive examples of vulnerable residents include young adults and children, persons vulnerable by virtue of age, persons vulnerable by virtue of disability or sensory impairment, persons with a drug or alcohol addiction, victims of domestic abuse, children in care or otherwise vulnerable by virtue of age, people with complex health conditions, people who do not speak English as their first language, victims of trafficking or sexual exploitation, refugees, asylum seekers

### **Failure to License offences**

*Maximum Court fine following prosecution that can be levied for failure to license an HMO or Part 3 House – Unlimited*

#### ***Failure to license a Mandatory 'HMO' – Section 72(1) of the Housing Act 2004***

Under Part 2 Housing Act 2004, most higher risk HMOs occupied by 5 or more persons forming 2 or more households are required to hold a property licence issued by the local authority. HMO licensing was introduced to allow local authorities to regulate standards and conditions in high risk, multiply occupied residential premises. Through the property licence regime, local authorities ensure that the HMO has sufficient kitchens, baths/showers and WCs and place a limit on the number of persons permitted to occupy it and the licence holder is required to comply with a set of licence conditions.

The Council would view the offence of failing to license an HMO as a significant failing; Licensing was introduced by the Government in order to regulate management, conditions, standards and safety in the properties considered to represent the highest risk to tenants as regards such matters as fire safety and overcrowding.

This seriousness of the offence is viewed by the Council as being a Very Serious matter, attracting a financial penalty with a starting level of £17500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £22500.

#### ***Aggravating features/factors specific to failure to licence offences***

- The condition of the unlicensed property. The nature and extent of any significant hazards that are present would justify an increase in the level of the civil penalty. Equally, an HMO that was found to be poorly managed and/or lacking amenities/fire safety precautions and/or overcrowded would also justify an increased civil penalty
- Any demonstrated evidence that the landlord/agent was familiar with the need to obtain a property licence e.g. the fact that they were a named licence holder or manager in respect of an already licensed premises

#### ***Generic aggravating features/factors***

As set out under 'Failure to comply with an Improvement Notice' above

### **Failure to Comply with an Overcrowding Notice – Section 139 of the Housing Act 2004**

*Maximum Court fine following prosecution that can be levied for failure to comply with an Overcrowding Notice – Unlimited*

Section 139 Housing Act 2004 allows the Council to serve an Overcrowding Notice in respect of an HMO that is not required to be licensed under Part 2 Housing Act 2004. The notice specifies, on a room-by-room basis, the maximum number of persons allowed to occupy each room as sleeping accommodation or that the room is not considered suitable for that purpose.

The Council would view the offence of failing to comply with the requirements of an Overcrowding Notice as a significant matter, exposing the tenant[s] of an HMO to unacceptably cramped living conditions.

The seriousness of the offence is viewed by the Council as being a Very Serious matter, attracting a financial penalty with a starting level of £17500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £22500.

#### *Aggravating features/factors specific to non-compliance with an Overcrowding Notice*

- The level of overcrowding present – breaches that related to over-occupation of multiple rooms or extreme over-occupation of an individual room would justify a higher civil penalty

#### *Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

### **Failure to Comply with a Banning Order – Section 21 of the Housing And Planning Act 2016**

*Maximum Court fine that can be levied for failure to comply with a Banning Order following prosecution – Unlimited. In addition, the Court can also impose a prison sentence for up to 51 weeks.*

The Housing and Planning Act 2016 includes provisions and processes for a person to be banned from being involved, for a specified period, in one or more of the following activities:

- Letting housing
- Engaging in letting agency work
- Engaging in property management work

Banning Orders are reserved for what are recognised as being the most serious housing-related offences. In the event that the Council was satisfied that the offence of breaching a Banning Order had occurred, this would normally be the subject of prosecution proceedings. Where it was determined that a civil penalty would be appropriate in respect of a breach of a Banning Order, this would normally be set at the maximum level of £30,000 to reflect the severity of the offence.

**Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007**

*Maximum Court fine following prosecution that can be levied for failure to comply with each individual regulation - unlimited*

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing HMOs in respect of:

- Providing information to occupiers [Regulation 3]
- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing HMOs as defined by Section 257 Housing Act 2004 in respect of:

- Providing information to occupiers [regulation 4]
- Taking safety measures, including fire safety measures [regulation 5]
- Maintaining the water supply and drainage [regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [regulation 7]
- Maintaining common parts [regulation 8]
- Maintaining living accommodation [regulation 9]
- Providing sufficient waste disposal facilities [regulation 10]

It is important that the manager of an HMO complies with all regulations, but the Council recognises that a failure to comply with certain regulations is likely to have a much bigger impact on the safety and comfort of residents than others.

***Failure to comply with the duty of manager to provide information to occupier***

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to provide information to occupier as a Mild matter, attracting a financial penalty with a starting level of £2500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £2000, attracting a civil penalty of £500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £2000, attracting a civil penalty of £4500.

*Aggravating features/factors specific to Management Regulation breach offences*

- The number and/or nature and/or extent of the management regulation breach(es) and/or the deficiencies within each regulation

*Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

***Duty of manager to take safety measures***

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to take safety measures as a Very Serious matter, attracting a financial penalty with a starting level of £17500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £22500.

*Aggravating features/factors specific to Management Regulation breach offences*

As set out under 'Failure to comply with the duty of manager to provide information to occupier' above

*Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

***Duty of manager to maintain water supply and drainage***

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to maintain the water supply and drainage as a Serious matter, attracting a financial penalty with a starting level of £12500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £17500.

*Aggravating features/factors specific to Management Regulation breach offences*

As set out under 'Failure to comply with the duty of manager to provide information to occupier' above

*Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

***Duty of manager to supply and maintain gas and electricity***

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to maintain the gas and electricity supply as a Serious matter, attracting a financial penalty with a starting level of £12500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £17500.

*Aggravating features/factors specific to Management Regulation breach offences*

As set out under 'Failure to comply with the duty of manager to provide information to occupier' above

*Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

***Duty of manager to maintain common parts, fixtures, fittings and appliances***

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to maintain the common parts, fixture, fittings and appliances as a Moderate matter, attracting a financial penalty with a starting level of £7500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £12500.

*Aggravating features/factors specific to Management Regulation breach offences*

As set out under 'Failure to comply with the duty of manager to provide information to occupier' above

*Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

***Duty of manager to maintain living accommodation***

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to maintain the living accommodation as a Moderate matter, attracting a financial penalty with a starting level of £7500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £12500.

*Aggravating features/factors specific to Management Regulation breach offences*

As set out under 'Failure to comply with the duty of manager to provide information to occupier' above

*Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

***Duty to provide waste disposal facilities***

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to provide waste disposal facilities as a Moderate matter, attracting a financial penalty with a starting level of £7500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £12500.

***Aggravating features/factors specific to Management Regulation breach offences***

As set out under 'Failure to comply with the duty of manager to provide information to occupier' above

***Generic aggravating features/factors***

As set out under 'Failure to comply with an Improvement Notice' above

**Breach of licence conditions – Section 72(3) Housing Act 2004**

*Maximum Court fine following prosecution that can be levied for failure to comply with a licence condition - unlimited*

All granted HMO licences impose a set of conditions on the licence holder. These conditions impose a variety of obligations relating to the letting, management and condition of the rented property.

It is important that the manager of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

***Failure to comply with licence conditions related to:***

- ***Signage or the provision of information for tenants***
- ***Provision of written terms of occupancy for tenants***
- ***Procedures regarding complaints***
- ***Procedures regarding vetting of incoming tenants***
- ***Compliance with deposit protection legislation***
- ***The recording and provision of information regarding rent payments***
- ***Procedures relating to rent collection***
- ***The provision of information regarding occupancy of the property***
- ***The provision of information regarding change of managers or licence holder details***
- ***The provision of information related to changes in the property***

- **Requirements relating to the sale of the property**
- **Attending training courses**
- **Requirements to hold insurance**
- **The provision of insurance documentation**
- **The provision of or obtaining of suitable references**
- **The provision of keys and alarm codes**
- **Security provisions for access to the property**
- **The provision of suitable means for occupiers to regulate temperature**

The Council would view the seriousness of the offence of failing to comply with licence conditions relating to the bullet points directly above as a Mild matter, attracting a financial penalty with a starting level of £2500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £2000, attracting a civil penalty of £500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £2000, attracting a civil penalty of £4500.

*Aggravating features/factors specific to Licence Condition breach offences*

- The number and/or nature and/or extent of the licence condition regulation breach(es) and/or the deficiencies within each licence condition breach

*Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

**Failure to comply with licence conditions related to:**

- **Procedures and actions regarding Inspections**
- **Procedures regarding Repair issues**
- **Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas**
- **Safeguarding occupiers and minimising disruption during works**
- **The provision of information regarding alterations and construction works**
- **Procedures regarding emergency issues**
- **Waste and waste receptacles, pests, minor repairs, alterations or decoration.**
- **Giving written notice prior to entry**
- **Allowing access for inspections**
- **Minimising risk of water contamination**
- **The compliance of furnishings or furniture with fire safety regulations**

The Council would view the seriousness of the offence of failing to comply with licence conditions relating to the bullet points directly above as a Moderate matter, attracting a financial penalty with a starting level of £7500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £12500.

*Aggravating features/factors specific to Licence Condition breach offences*

- The number and/or nature and/or extent of the licence condition regulation breach(es) and/or the deficiencies within each licence condition breach

*Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

***Failure to comply with licence conditions related to:***

- ***The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances***
- ***Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status***
- ***Procedures and actions regarding ASB***

The Council would view the seriousness of the offence of failing to comply with licence conditions relating to the bullet points directly above as a Serious matter, attracting a financial penalty with a starting level of £12500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £17500.

*Aggravating features/factors specific to Licence Condition breach offences*

- The number and/or nature and/or extent of the licence condition regulation breach(es) and/or the deficiencies within each licence condition breach

*Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

***Failure to comply with licence conditions related to:***

- ***Minimum floor areas***
- ***Occupancy rates***
- ***Occupancy of rooms or areas that are not to be used as sleeping accommodation***
- ***Limits on number of households allowed to occupy the property or part of the property***

The Council would view the seriousness of the offence of failing to comply with licence conditions relating to the bullet points directly above as a Very Serious matter, attracting a financial penalty with a starting level of £17500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £22500.

***Aggravating features/factors specific to Licence Condition breach offences***

- The number and/or nature and/or extent of the licence condition regulation breach(es) and/or the deficiencies within each licence condition breach

***Generic aggravating features/factors***

As set out under 'Failure to comply with an Improvement Notice' above

***Failure to comply with licence conditions related to:***

- ***The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements***
- ***The prevention including provision of safe means of escape***

The Council would view the seriousness of the offence of failing to comply with licence conditions relating to the bullet points directly above as a Severe matter, attracting a financial penalty with a starting level of £22500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £22500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £27500.

*Aggravating features/factors specific to Licence Condition breach offences*

- The number and/or nature and/or extent of the licence condition regulation breach(es) and/or the deficiencies within each licence condition breach

*Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

**Failure to Comply with Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020**

Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 impose duties on private landlords in relation to electrical installations. Regulation 3 is detailed below:

**3. Duties of private landlords in relation to electrical installations**

- (1) A private landlord who grants or intends to grant a specified tenancy must—
  - (a) ensure that the electrical safety standards are met during any period when the residential premises are occupied under a specified tenancy;
  - (b) ensure every electrical installation in the residential premises is inspected and tested at regular intervals by a qualified person; and
  - (c) ensure the first inspection and testing is carried out—
    - (i) before the tenancy commences in relation to a new specified tenancy; or
    - (ii) by 1st April 2021 in relation to an existing specified tenancy.
- (2) For the purposes of sub-paragraph (1)(b) "at regular intervals" means—
  - (a) at intervals of no more than 5 years; or
  - (b) where the most recent report under sub-paragraph (3)(a) requires such inspection and testing to be at intervals of less than 5 years, at the intervals specified in that report.
- (3) Following the inspection and testing required under sub-paragraphs (1)(b) and (c) a private landlord must—
  - (a) obtain a report from the person conducting that inspection and test, which gives the results of the inspection and test and the date of the next inspection and test;
  - (b) supply a copy of that report to each existing tenant of the residential premises within 28 days of the inspection and test;
  - (c) supply a copy of that report to the local housing authority within 7 days of receiving a request in writing for it from that authority;
  - (d) retain a copy of that report until the next inspection and test is due and supply a copy to the person carrying out the next inspection and test; and
  - (e) supply a copy of the most recent report to—
    - (i) any new tenant of the specified tenancy to which the report relates before that tenant occupies those premises; and

(ii) any prospective tenant within 28 days of receiving a request in writing for it from that prospective tenant.

(4) Where a report under sub-paragraph (3)(a) indicates that a private landlord is or is potentially in breach of the duty under sub-paragraph (1)(a) and the report requires the private landlord to undertake further investigative or remedial work, the private landlord must ensure that further investigative or remedial work is carried out by a qualified person within—

- (a) 28 days; or
- (b) the period specified in the report if less than 28 days, starting with the date of the inspection and testing.

(5) Where paragraph (4) applies, a private landlord must—

- (a) obtain written confirmation from a qualified person that the further investigative or remedial work has been carried out and that—
  - (i) the electrical safety standards are met; or
  - (ii) further investigative or remedial work is required;
- (b) supply that written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to each existing tenant of the residential premises within 28 days of completion of the further investigative or remedial work; and
- (c) supply that written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to the local housing authority within 28 days of completion of the further investigative or remedial work.

(6) Where further investigative work is carried out in accordance with paragraph (4) and the outcome of that further investigative work is that further investigative or remedial work is required, the private landlord must repeat the steps in paragraphs (4) and (5) in respect of that further investigative or remedial work.

(7) For the purposes of sub-paragraph (3)(e)(ii) a person is a prospective tenant in relation to residential premises if that person—

- (a) requests any information about the premises from the prospective landlord for the purpose of deciding whether to rent those premises;
- (b) makes a request to view the premises for the purpose of deciding whether to rent those premises; or
- (c) makes an offer, whether oral or written, to rent those premises.

It is important that a private landlord complies with all aspects of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, however, the Council recognises that a failure to comply with certain aspects of Regulation 3 is likely to have a much bigger impact on the safety and comfort of residents than others.

***Failure to comply with Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 sections (3)(b), 3(d), 3(e)***

The Council would view the seriousness of the offence of failing to comply with (3)(b), 3(d) or 3(e) of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 as a Mild matter, attracting a financial penalty with a starting level of £2500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £2000, attracting a civil penalty of £500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £2000, attracting a civil penalty of £4500.

*Aggravating features/factors specific to Electrical Safety Regulations breaches of duty*

- The number and/or nature and/or extent of the Electrical Safety Regulation breach(es) within each sub-regulation
- Using an unqualified person lacking appropriate certification to carry out inspection, testing, investigative or remedial work

*Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

***Failure to comply with Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 sections (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (5)(b), (5)(c)***

The Council would view the seriousness of the offence of failing to comply with (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (5)(b) or (5)(c) of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 as a Serious matter, attracting a financial penalty with a starting level of £12500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £17500.

*Aggravating features/factors specific to Electrical Safety Regulations breaches of duty*

- The number and/or nature and/or extent of the Electrical Safety Regulation breach(es) within each sub-regulation
- Using an unqualified person lacking appropriate certification to carry out inspection, testing, investigative or remedial work

*Generic aggravating features/factors*

As set out under 'Failure to comply with an Improvement Notice' above

***Failure to comply with Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 sections (4), (5a), (6)***

The Council would view the seriousness of the offence of failing to comply with (4), (5a) or (6) of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 as a Very Serious matter, attracting a financial penalty with a starting level of £17500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £22500.

***Aggravating features/factors specific to Electrical Safety Regulations breaches of duty***

- The number and/or nature and/or extent of the Electrical Safety Regulation breach(es) within each sub-regulation
- Using an unqualified person lacking appropriate certification to carry out inspection, testing, investigative or remedial work

***Generic aggravating features/factors***

As set out under 'Failure to comply with an Improvement Notice' above

## **Process for imposing a civil penalty and the right to make representations**

Before imposing a financial penalty on a person, the Council will give the person a Notice of Intent.

A person who is given a Notice of Intent may make written representations to the Council about the proposal to impose a financial penalty. Any representations must be made within a 28-day period, this period starting the day after the date on which the Notice of Intent was given. As the burden lies with the recipient of any such notice to explain why, exceptionally, the Council should, or should not, depart from the Civil Penalties Matrix and guidance above, the Council will expect the recipient of a Notice of Intent to explain and provide fulsome and cogent evidence to support the existence of any such circumstances when they make representations in response to the notice.

In the event of two or more persons receiving separate Notices of Intent for the same matter, it should be noted that acceptance/payment of a civil penalty by one person will not negate the Council's intention to impose a civil penalty on the second or further persons. Each person served with the Notice of Intent is considered individually liable to pay the civil penalty notified to them. It is therefore important that any recipient of a Notice of Intent takes the opportunity to make

representations should they consider for any reason a civil penalty should not be individually imposed upon them.

After the end of the period for representations the Council will:

- (a) Decide whether to impose a financial penalty on the person, and
- (b) If it decides to impose a financial penalty, decide the amount of the penalty

In determining whether to impose a financial penalty, and the level of any penalty, the Council will consider any written representations received in the appropriate time period, and will also consider the totality principle.

Furthermore, an offender's compliance with the identified breach during the representation period would not, in itself, be reason for the Council to determine that the imposition of a financial penalty was inappropriate. However, compliance at that stage may be relevant with respect to any mitigating factors that could decrease the amount of any imposed financial penalty.

If, following the receipt of written representations and/or the expiry of the time period to make written representations, the Council decides to impose a financial penalty on the person, it will give the person a Final Notice imposing that penalty.

The Final Notice will set out and summarise:

- a) The amount of the financial penalty,
- b) The reasons for imposing the penalty,
- c) Information about how to pay the penalty,
- d) The period for payment of the penalty,
- e) Information about rights of appeal, and
- f) The consequences of failure to comply with the notice

## Discounts

The Council will automatically apply the following discounted rates to any imposed financial penalties in the following circumstances:

- A discount of 15% of the original calculated financial penalty will be deducted from the penalty imposed in the Final Notice should the penalty be paid within a specified time period (normally 28 days).

### *Illustrative example*

The landlord of a Mandatory HMO property fails to obtain a licence. They only operate two HMO properties and there are no other relevant factors or aggravating features. The offence is regarded as a Very Serious matter. Upon receipt of the 'Notice of Intent' to impose a £17500 financial penalty. Written representations are made to the Council.

On account of the written representations received by the landlord, the council imposes a financial penalty of £16000. In the event the landlord pays within the specified period a 15% discount is given so that the landlord makes a discounted payment of £13600.

### **SCHEDULE OF CONDITIONS**

**The following mandatory conditions under the Housing Act 2004 will apply to this licence:**

- a) If gas is supplied to the house, that the relevant gas safety certificate must be provided annually to the Council.
- b) The licence holder must keep electrical appliances supplied by him in a safe condition. A declaration as to the safe condition of the appliances must be supplied to the Local Authority on demand.
- c) All furniture provided as part of the tenancy must be in a safe condition. A declaration as to the safe condition of the furniture must be supplied to the Local Authority on demand.
- d) The licence holder must ensure that smoke alarms are installed on each storey of the house on which there is a room used wholly or partly as living accommodation. A declaration as to the positioning of such alarms must be supplied to the Local Authority on demand. Note. a bathroom or lavatory is to be treated as a room used as living accommodation.
- e) The licence holder must ensure that the smoke alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the Local Authority on demand.
- f) The licence holder must ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker. A declaration as to the positioning of such alarms must be supplied to the Local Authority on demand. Note. 'Room' includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation.
- g) The licence holder must ensure that the carbon monoxide alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the Local Authority on demand.
- h) The tenants must be provided with a written statement of the terms on which they occupy the property (Tenancy agreement or licence).
- i) The licence holder must comply with any scheme provided by the Council that relates to the storage and disposal of household waste at the property. A guidance document is enclosed for further information.
- j) From 1 October 2018 local housing authorities must impose conditions as to the minimum room size which may be occupied as sleeping accommodation in the HMO. A room smaller than the specified size must not be used as sleeping accommodation, and communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum. The conditions can be found in The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. The mandatory room size conditions will however be the statutory minimum and are not intended to be the optimal room size. Local housing authorities will continue to have discretion to set their own higher standards within licence conditions but must not set lower standards. The standards Torbay Council has adopted can be found within the Devon Wide Guidance House in Multiple Occupation (HMO) Standards. You must comply with these standards.
- k) The licence holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use by producing a satisfactory Electrical Installation Condition Report (EICR) in accordance with The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. A declaration as to the safe condition of the installation must be supplied to the Local Authority on demand and a copy of the report must be provided upon expiration of any previous reports.

**In addition, the following conditions will apply to  
all HMO licences issued by Torbay Council:**

- l) The licensed premises will be maintained in compliance with all current HMO regulations.
- m) Measures to prevent anti-social behaviour within the premises shall be written into the terms of all new Tenancy Agreements. It is expected that all tenants sign the 'Good Tenant Agreement' provided with this licence and this should form part of their tenancy. If you require the document template, please contact us.
- n) Licence holders shall be expected to keep records of all complaints received about tenants' behaviour. This is to include date, details of complainant, type of behaviour and action taken by the licence holder.
- o) Anti-social behaviour outside the building shall be notified to the Council direct to 01803 208025 by the Licence holder or Manager.
- p) The licence holder should provide the Council with details of tenants who are served notice to quit for ASB issues.
- q) Copies of the annual certificates with regards to emergency lighting, fire detection and alarm systems, and gas safety and PAT testing (if applicable) must be supplied to the Council each year.
- r) Within the common parts of the premises there must be clearly displayed:
  - (i) A copy of the licence (indicating where the licence conditions may be viewed)
  - (ii) A copy of the current Gas Safety Certificate
  - (iii) The name, address, and telephone number (including a telephone number in the event of an emergency, if different) of the licensee or manager of the premises
  - (iv) A copy of the current buildings, contents, and public liability insurance policy relevant to the HMO

**Specific conditions required to make this property suitable for occupation for the  
number of occupants and households for which the premises is licensed:**

Condition no.	Condition	To be completed by:
1.	Ensure that the occupancy levels of each room do not exceed the maximum occupation of each room as stated on the licence.	Ongoing

List of conditions that have been added:

3.3	Where an Electrical Installation condition Report (EICR) has been submitted that is “unsatisfactory”, the licence holder has 28 days from the date on the report to complete the remedial works (C1, C2 and F1 failures) and send a “remedial minor works report” to <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
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6.2	Where emergency lighting is installed the licence holder must provide an annual certificate within 14 days of the demand. It should be sent to; <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
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8.1	The licence holder must retain the written statements of terms and evidence of providing the written statement of terms to the occupant throughout the occupiers' period of occupation and for a minimum of five months after the occupation has ceased. The licence Holder must provide the Council with a written statement of terms and evidence of the provision of the written statement of terms to the occupant within 14 days on demand. Within 14 days of the demand, the declaration must be provided to the Local Authority at <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
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9.1	Provide information about bulky waste and different collections to the tenants in writing, retain this throughout the occupant’s period of occupation and a minimum of 5 months afterwards. Within 14 days of a demand, the information must be provided to the Local Authority at <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
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14	The licence holder must address problems of anti-social behaviour within building or within the property boundary of the HMO resulting from the occupiers or their visitors by following the procedure set out below:
14.1	The licence holder must cooperate with the Council, the Police Service and any other agencies in resolving complaints of anti-social behaviour.
14.2	If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed in writing of the allegations made against them and of the consequences of its continuation.
14.3	The licence holder shall monitor any allegations of anti-social behaviour for a period of 28 days, from the date the complaint was received.
14.4	If after 28 days, it is found that the anti-social behaviour is continuing the licence holder must visit the premises within 7 days and provide the tenant

	with a warning letter advising them of the possibility of eviction if their behaviour continues.
14.5	If after 14 days of giving a warning letter, the tenant has not taken steps to address the anti-social behaviour and it is continuing, the licence holder shall take action, which may include legal eviction proceedings.
14.6	The licence holder must ensure that written notes are kept of any meetings, telephone conversations or investigations regarding anti-social behaviour for 3 years, and if requested by the Council, provide this information within 28 days on demand.
14.7	Any letters, relating to antisocial behaviour, sent or received by the licence holder must be kept for 3 years by the licence holder and if requested by the Council, provide copies of them within 28 days on demand.

17	This assumes that the occupancy level of each room, total occupants and maximum number of households is detailed within the licence. The licence holder shall ensure that:
17.1	The total number of occupants does not exceed that stipulated in the licence.
17.2	The total number of households does not exceed that stipulated in the licence.
17.3	Where there are multiple occupants in a room, the occupants should be from 1 household unless the licence states otherwise.
17.4	The occupancy of any particular room does not exceed the occupancy limit specified in the licence.

# TORBAY COUNCIL

## SCHEDULE OF CONDITIONS ATTACHED TO HMO LICENCE FOR Auto Fill

The following licence scheme conditions apply both to the licence holder and to any manager who has accepted responsibility under the licence:

Gas Safety	
1	Conditions requiring the licence holder, if gas is supplied to the house, to produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.
1.1	Within 14 days of a gas safety certificate being carried out it must be provided to the Council at <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
1.2	When a demand is made for evidence of gas safety it must take the form of a Gas Safety Certificate, and it must be provided within 14 days to the Council at <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
Electrical Safety	
2	The licence holder must keep electrical appliances supplied by him in a safe condition. A declaration as to the safe condition of the appliances must be supplied to the Local Authority on demand.
2.1	When a demand is made for evidence of appliance safety it must take the form of a Portable Appliance Testing Certificate (PAT), and it must be provided within 14 days of the PAT being carried out and cover the licensed period stated in the demand. It should be sent to; <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
3	The licence holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use by producing a satisfactory Electrical Installation Condition Report (EICR) in accordance with The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. A declaration as to the safe condition of the installation must be supplied to the Local Authority on demand and a copy of the report must be provided upon expiration of any previous reports.
3.1	Within 14 days of an Electrical Installation Condition Report (EICR) certificate being carried out it must be provided to the Council at <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
3.2	When a demand is made for evidence of electrical safety it must take the form of an Electrical Installation Condition Report (EICR), and it must be provided within 14 days of the EICR being carried out and cover the licensed period stated in the demand. It should be sent to; <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
3.3	Where an Electrical Installation condition Report (EICR) has been submitted that is “unsatisfactory”, the licence holder has 28 days from the date on the report to complete the remedial works (C1, C2 and F1 failures) and send a “remedial minor works report” to <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
Furniture Safety	
4	All furniture provided as part of the tenancy must be in a safe condition. A declaration as to the safe condition of the furniture must be supplied to the Local Authority on demand.

4.1	When a demand is made for a declaration, it should be submitted within 14 days and cover the licensed period stated in the demand. It should be sent to; <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
<b>Fire Safety</b>	
5	The licence holder must ensure that smoke alarms are installed on each storey of the house on which there is a room used wholly or partly as living accommodation and to supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.
5.1	A declaration as to the positioning of such alarms must be supplied to the Local Authority on demand. Within 14 days of the demand, annotated floor plans must be provided to the Local Authority at <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR. Note. a bathroom or lavatory is to be treated as a room used as living accommodation.
6	The licence holder must ensure that the smoke alarms are kept in proper working order and to supply the authority, on demand, with a declaration by him as to the condition and position of such alarms.
6.1	A declaration as to the proper working order of such alarms must be supplied to the Local Authority on demand. Within 14 days of a demand, the fire detection and alarm system certificate must be provided to the Local Authority at <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
6.2	Where emergency lighting is installed the licence holder must provide an annual certificate within 14 days of the demand. It should be sent to; <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
6.3	The licence holder must ensure all fire escape routes are kept clear at all times.
<b>Carbon Monoxide</b>	
7	The licence holder must ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker, to keep any such alarm in proper working order and to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.
7.1	A declaration as to the positioning of such alarms and evidence of working order must be supplied to the Local Authority on demand. Within 14 days of the demand, annotated floor plans must be provided to the Local Authority at <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR. Note. a bathroom or lavatory is to be treated as a room used as living accommodation.
<b>Tenancy</b>	
8	Conditions requiring the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.
8.1	The licence holder must retain the written statements of terms and evidence of providing the written statement of terms to the occupant throughout the occupiers' period of occupation and for a minimum of five months after the occupation has ceased. The licence Holder must provide the Council with the written statement of terms and evidence of the provision of the written statement of terms to the occupant within 14 days on demand. Within 14 days of the demand, the declaration must be provided to the Local Authority at <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
<b>Waste Provisions</b>	
9	The licence holder is to comply with any scheme which is provided by the local housing authority to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection.
9.1	Provide information about bulky waste and different collections to the tenants in writing, retain this throughout the occupant's period of occupation and a minimum of 5 months

	afterwards. Within 14 days of a demand, the information must be provided to the Local Authority at <a href="mailto:Housing.Private.Sec@torbay.gov.uk">Housing.Private.Sec@torbay.gov.uk</a> or posted to Housing Standards, Torquay Town Hall, Torquay, TQ1 3DR.
<b>Minimum Room Sizes</b>	
10	<p>Conditions requiring the licence holder—</p> <p>(a) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;</p> <p>(b) to ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;</p> <p>(c) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;</p> <p>(d) to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.</p> <p>Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph.</p>
11	<p>Conditions requiring the licence holder to ensure that—</p> <p>(a) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;</p> <p>(b) where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;</p> <p>(c) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.</p> <p>Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph.</p>
12	Local housing authorities will continue to have discretion to set their own higher standards within licence conditions but must not set lower standards. The standards Torbay Council has adopted can be found within the Devon Wide Guidance House in Multiple Occupation (HMO) Standards. You must comply with these standards.
<b>Anti Social Behaviour</b>	
13	Anti-social behaviour outside the building which is not involving tenants of the HMO shall be notified to the Council direct to 01803 208025 by the Licence holder or Manager.
14	The licence holder must address problems of anti-social behaviour within building or within the property boundary of the HMO resulting from the occupiers or their visitors by following the procedure set out below:
14.1	The licence holder must cooperate with the Council, the Police Service and any other agencies in resolving complaints of anti-social behaviour.
14.2	If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed in writing of the allegations made against them and of the consequences of its continuation.
14.3	The licence holder shall monitor any allegations of anti-social behaviour for a period of 28 days, from the date the complaint was received.
14.4	If after 28 days, it is found that the anti-social behaviour is continuing the licence holder must visit the premises within 7 days and provide the tenant with a warning letter advising them of the possibility of eviction if their behaviour continues.

14.5	If after 14 days of giving a warning letter, the tenant has not taken steps to address the anti-social behaviour and it is continuing, the licence holder shall take action, which may include legal eviction proceedings.
14.6	The licence holder must ensure that written notes are kept of any meetings, telephone conversations or investigations regarding anti-social behaviour for 3 years, and if requested by the Council, provide this information within 28 days on demand.
14.7	Any letters, relating to antisocial behaviour, sent or received by the licence holder must be kept for 3 years by the licence holder and if requested by the Council, provide copies of them within 28 days on demand.
<b>Displaying Information</b>	
15	Within the common parts of the premises there must be clearly displayed:
15.1	A copy of the licence (indicating where the licence conditions may be viewed)
15.2	A copy of the current Gas Safety Certificate
15.3	The name, address, and telephone number (including a telephone number in the event of an emergency, if different) of the licensee or manager of the premises
15.4	A copy of the current buildings, contents and public liability insurance policy relevant to the HMO.
<b>Management Regulations</b>	
16	The licensed premises will be maintained in compliance with all current HMO regulations. <a href="#">The Management of Houses in Multiple Occupation (England) Regulations 2006</a>
<b>Occupancy</b>	
17	This assumes that the occupancy level of each room, total occupants and maximum number of households is detailed within the licence. The licence holder shall ensure that:
17.1	The total number of occupants does not exceed that stipulated in the licence.
17.2	The total number of households does not exceed that stipulated in the licence.
17.3	Where there are multiple occupants in a room, the occupants should be from 1 household unless the licence states otherwise.
17.4	The occupancy of any particular room does not exceed the occupancy limit specified in the licence.

**Specific conditions required to make this property suitable for occupation for the number of occupants and households for which the premises is licensed:**

Condition no.	Condition	To be completed by:

**Meeting:** Cabinet **Date:** 14 July 2025

**Wards affected:** All

**Report Title:** Adult Social Care Self-Assessment

**When does the decision need to be implemented:** Updated self-assessment following previous document in 2024 in preparation for CQC Inspection Visit in 2025.

**Cabinet Member Contact Details:** Councillor Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities

**Director Contact Details:** Report by Lee Baxter, Divisional Director for Adult Social Care on behalf of the Director of Adult Social Care, Anna Coles.

## 1. Purpose of Report

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1. To provide the Cabinet with information in relation to the updated self-assessment with respect to the new Care Quality Commission's (CQC) inspection of Adult Social Care.

## 2. Reason for Proposal and its benefits

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- 2.1 The report will provide the Cabinet with information on the findings of the self-assessment for Adult Social Care as part of the readiness and preparation for the CQC inspection.

## 3. Recommendation(s) / Proposed Decision

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- 3.1 That the contents of the Torbay Council Adult Social Care Self-Assessment Report (as set out in Appendix to the submitted report) and the requirement for the Torbay Council Adult Social Care Self-Assessment Report to be published on the Council's website be noted.

## Appendices

**Appendix 1:** Torbay Council Adult Social Care Self- Assessment Report.

## 1. Introduction

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- 1.1 As part of the Health and Care Act 2022 the Care Quality Commission (CQC) has been given additional responsibilities and powers to review, assess and report on council regulated adult social care functions under Part One of the 2014 Care Act, such as prevention, information and advice, market shaping and support services. As part of the preparation work a self-assessment has been completed using the Local Government Association Workbook. Information has been gathered and refined over the last 8 months. There was a review of the safeguarding section by Partners in Health and Care in March 2023. It has also been tested by staff and commissioners in Adult Social Care (ASC) as well as through the South West Association of Adult Social Services CQC peer support. The document was written over Quarter 3 of 2023/24.
- 1.2 This self-assessment has been submitted to CQC on 2<sup>nd</sup> May 2025 as part of the information return that is required by them, when we received the first notice of inspection.

## 2. CQC Self-Assessment Report

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- 2.1 **CQC Assurance Framework.** The CQC assessment framework is based around four themes and nine quality statements. The self-assessment is designed in the same way and below is an overview of the framework.

Theme 1: Working with people	Theme 2: Providing support	Theme 3: Ensuring safety	Theme 4: Leadership and workforce
<ul style="list-style-type: none"><li>• Assessing needs</li><li>• Supporting people to live healthier lives</li><li>• Equity in experiences and outcomes</li></ul>	<ul style="list-style-type: none"><li>• Care provision, integration and continuity</li><li>• Partnerships and communities</li></ul>	<ul style="list-style-type: none"><li>• Safe systems, pathways and transitions</li><li>• Safeguarding</li></ul>	<ul style="list-style-type: none"><li>• Governance, management and sustainability</li><li>• Learning, improvement and innovation</li></ul>

2.2 The CQC self-assessment starts with the vision for Torbay.

## Our Vision for Torbay



Torbay is a glorious part of Devon and with an inspiring natural environment. We are a magnet for tourists and known as the English Riviera. We are home to globally significant technology businesses and have a rich leisure and cultural scene.

We want to deliver for our people and our place, and we know that we have challenges, but we have high aspirations. By continuing to work closely with our communities and partners and capitalising on our strengths, we want to make Torbay a great place to do business - a place where everyone is able to live their best life.

### ***A healthy, happy, and prosperous Torbay for all.***

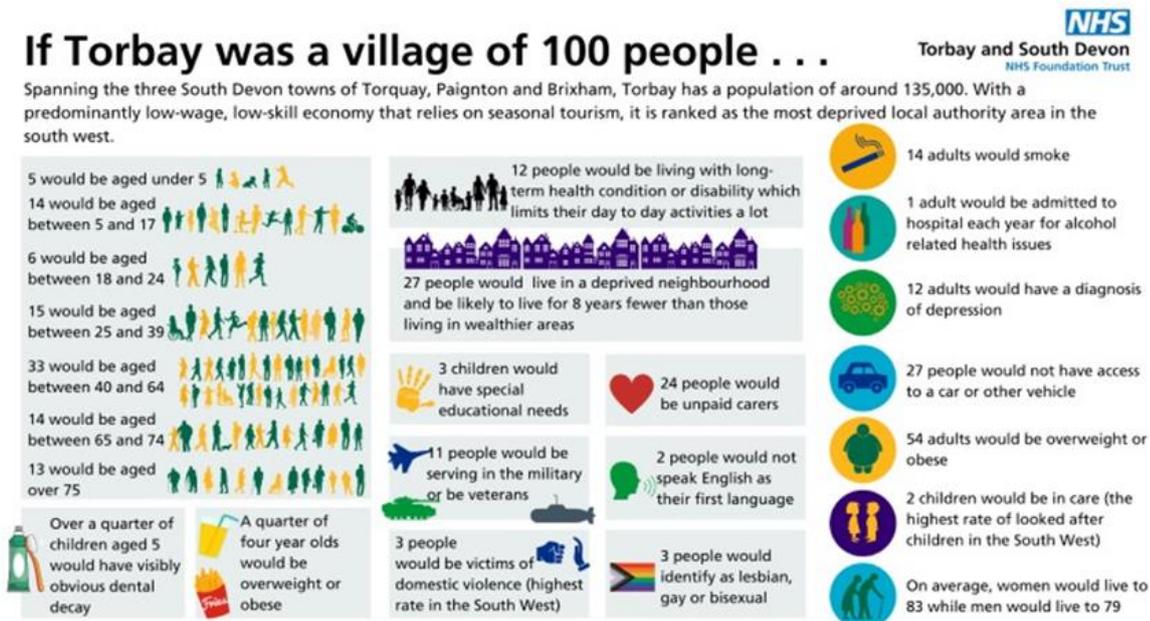
To bring our vision to life, we have identified three strategic themes:

- Community and People
- Pride in Place
- Economic growth

The Community and Corporate Plan can be found here; [Community and Corporate Plan - Torbay Council](#)

Torbay's Joint Health and Wellbeing Strategy lays out the plan to improve the health and wellbeing of the population in Torbay between 2022 – 2026. The [Joint Health and Wellbeing Strategy 2022-2026](#) covers five priority areas, reporting delivery to the Health and Wellbeing Board (HWBB) twice a year.

## 2.3 The self- assessment sets out our population challenges:



- Torbay's increasing ageing population with an anticipated pressure growing from the 40 – 64 age group due to higher-than-average
- 54% of adults would be overweight or obese
- Torbay has the highest rate of domestic abuse in the Southwest
- Over 10% will experience a common mental health condition (such as depression)
- Torbay is home to a large number of people with long-term health conditions and disabilities
- Close to a quarter of the population would be identified as an unpaid carer

2.3 Several strategic documents have been cited in the self-assessment and links provided within the document.

- Community and Corporate Plan
- Vision and strategy for Adult Social Care
- Joint Health and Wellbeing Strategy
- JSNA
- Integrated Care Partnership and Strategy - Devon Plan
- Better Care Fund
- Homelessness and Rough Sleeping Strategy and Action Plan
- Transformation and Improvement Plans for Adult Social Care

2.4 The report provides headline performance data from Torbay and South Devon Foundation Trust who delivery Adult Social Care on behalf of Torbay Council.

As of 20th April 2025 **2,736**, people are being supported by Adult Social Care in Torbay

- *We received 1,742 on average contacts per month*
- *Our social care teams completed 2,555 assessments*
- *We developed 3,724 support plans*
- *We undertook 374 safeguarding enquiries, having received 1034 concerns raised*
- *We supported 710,244 hours of care in peoples' homes and 779 residential/nursing placements*
- *There are 5,764 unpaid carers on the Torbay register*
- *We supported 495 people to have a direct payment*

2.5 What have we learnt through the self- assessment process so far? Our priorities, strengths and areas for improvement which are being addressed through our Transformation and Improvement Plans with the Trust.

### **Our Priorities**

- **Focused on outcomes and wellbeing**
  - *“My care and support focuses on promoting my wellbeing in all its facets – physical, mental, emotional and spiritual – and the outcomes I decide are important to me. It also promotes equity and inclusion by ensuring different groups in Torbay experience similar outcomes to me.”*
- **Personalised, co-created and flexible**
  - *“I have a say and shape care and support. Care and support adapts to my needs as they change, and recognises my diversity and individual preferences, beliefs and circumstances. When I lack capacity there are advocates to represent my prior wishes and best interests. When needed I will be supported by appropriate interpreting services and advocacy”.*
- **Proactive and preventative**
  - *“I can access support to enhance my health and wellbeing this reduces inequalities across communities. Care and support is easily available at an early stage to help slow or prevent escalation into crisis, or before I have acute care needs”.*
- **Integrated and coordinated**
  - *“The care and support I receive is better joined up around my needs and those of my carers. Care and support links to and/or includes support around health, housing and employment. We will build upon the partnership working with Childrens services to ensure seamless transitions from Childrens to Adults services”.*

## **Some of our strengths**

- A committed workforce, with low vacancy rates and good retention levels
- Strong community partnerships leading to resilience and innovation for our population
- A fully integrated delivery approach for health and social care across hospital, community and older people's mental health, resulting in a timely response to escalating need
- Delegated tasks and activities, reducing the numbers of professionals working with our people required to attend the same individual
- Sufficient capacity within home care and care home markets
- Clear governance and a strong focus on improvement and transformation
- A strong, coordinated and vibrant community offer
- Established cross organisational working arrangements to target areas of challenge

## **Some Areas for Improvement**

- Waiting times for assessments and reviews
- Numbers of individuals in receipt of direct payments
- Improvements in our arrangements for young people transitioning to adulthood
- Creating an improved reablement offer for all
- Developing further provision for unpaid carers
- Supporting our care providers further to meet increasing levels of complexity
- Further develop and embed our co-production approach ensuring people who draw on care and support become our equal partners
- Develop our approach to commissioning, working with care providers as partners

### 3. Financial Opportunities and Implications

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3.1 None from this briefing

### 4. Legal Implications

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4.1 None from this briefing

### 5. Engagement and Consultation

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5.1 Completion of the self-assessment was undertaken in collaboration with a range of stakeholders, partners, user groups and staff.

### 6. Purchasing or Hiring of Goods and/or Services

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6.1 Not applicable to this briefing.

### 7. Tackling Climate Change.

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7.1 Not applicable for this briefing.

### 8. Associated Risks and other information

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8.1 **Not being “Assurance Ready”**; This risk has been mitigated by the employment of a specific post focussing on Quality and Assurance and the establishment of a CQC Assurance Sub Group. Progress is well underway and on track.

8.2 **Poor Assessment Rating**: This risk is being mitigated by building self-awareness through benchmarking, this comprehensive self-assessment and ongoing review and development of the Adult Social Care Improvement plan.

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

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	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	X		
People with caring Responsibilities	X		

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

## 10. Cumulative Council Impact

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10.1 None

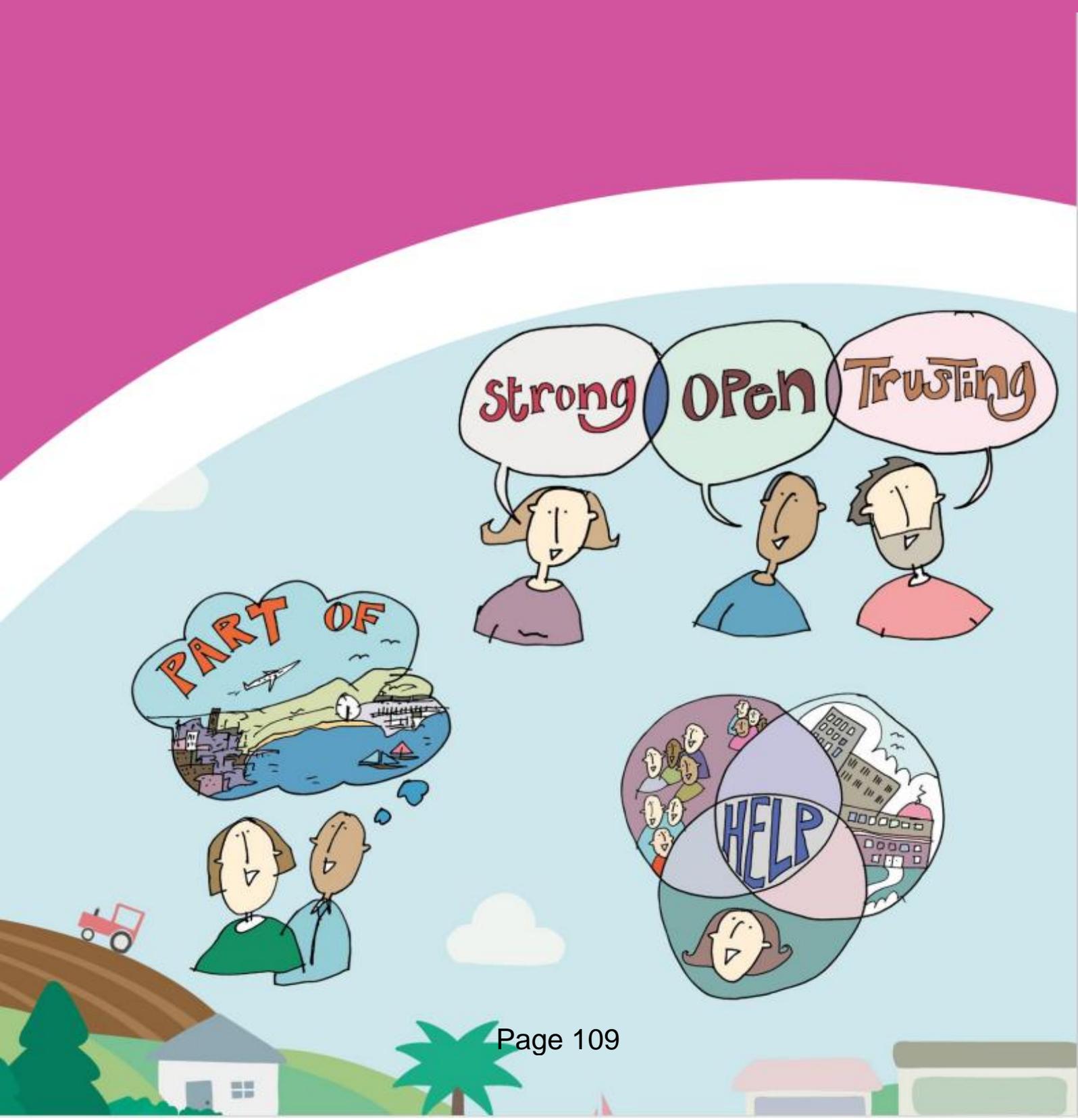
## 11. Cumulative Community Impacts

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11.1 None

# Torbay Council Adult Social Care Self-Assessment Report

25/04/2025





## **FOREWORD**

After moving to Torbay 16 years ago, it didn't take long to realise how unique a place this is. The thriving community welcomed me with open arms, and I soon started my community volunteering life; from grassroots groups to large charities, I've been involved with it all. I have also worked in Adult Social Care throughout my life and have personal experience in needing to draw upon social care support and because of this, I am truly passionate about my role.

My role as Cabinet Member for Adult and Community Services, Public Health and Inequalities gives me the opportunity to not only influence change in Torbay, but also to get out into the community and understand what our residents really need. I have met with Adult Social Care teams but also some of our wonderful community and voluntary sector partners who are working with, and supporting, vulnerable adults in Torbay. Some of my recent visits have included meeting with our homeless hostel staff and residents, regularly attending meetings with our Learning Disability Ambassadors and attending resident engagement events to hear from the public.

There is no doubt that working in Adult Social Care can be hard at times and there are many challenges, but the rewards are also great. We have some wonderful work already taking place and I am extremely proud of that. We work hard to address the challenges Adult Social Care in Torbay faces and continue to put plans in place to improve the services that our residents need.

We are excited to tell you about our story and we hope that you enjoy being a part of the journey with us.

**Councillor Hayley Tranter**

**Cabinet Member for Adult and Community Services, Public Health and Inequalities, Torbay Council**



## **FOREWORD**

Torbay is unique in its Adult Social Care arrangements. The NHS Trust (ICO) delivers our social care, which provides us with the opportunity to work collaboratively and innovatively. Our integration is long-standing and our residents' benefit from a fully joined up model of health and care support in the Bay.

Our partnership with the vibrant voluntary and community sector continues to strengthen and evolve with our Community Helpline, hubs and community builders coordinating support for people from over 100 grassroots organisations across Torbay. These relationships are crucial in ensuring that our residents receive the best care and support that they can within the communities in which they live. We are constantly striving to improve our co-production ethos, working closely with individuals to make sure this is meaningful and delivering impact for our whole population.

We have much to be proud of, including our integrated delivery arrangements and our strong and effective partnership approach across the Bay. We continue to work in partnership with our care providers to create capacity to best meet the needs of our population

We are aware of the areas we need to improve. Some of our people are waiting too long for an assessment or review in our system, we need to focus energy on ensuring our support offers are truly personalised, growing the use of direct payments and improving the quality and capacity of our personal assistant market. In addition, there is more for us to do to support our unpaid carers by creating options for replacement care with them. Despite our positive performance in relation to hospital discharge there is work to do to ensure we can offer a consistent reablement approach in the community. Whilst there has been good progress in our transitions pathway there is more for us to do through closer joint working with Children's services and our provider market. Our data and intelligence approach needs to be strengthened to enable us to have a greater understanding of our current needs and future demands.

Torbay as a system, including all its partners, is committed to continuing to improve social care services for residents. Whilst there are areas that require some improvement, it is important to remember that there are so many areas of work and good practice that should be celebrated.

I am new to Torbay, but I am excited by the passion and dedication of our staff and providers. I am looking forward to continuing to strengthen our relationships with partners and residents to shape the future of Adult Social Care.

**Anna Coles**

**Director for Adults and Community Services, Torbay Council**



Our shared [vision for Adult Social Care](#) in Torbay is for all our residents to have a place to call home in a community they can be a part of whilst empowered to achieve what matters to them by the best care and support available

This is our most recent self-assessment against the [CQC Local Authority](#) assessment framework. It sets out how we think we perform against that vision through the CQC framework, what our evidence is to support this and where we know we need to improve. In developing our self-assessment, we asked ourselves:

- What are our strengths and what is our ambition?
- How are we performing and how do we know this?
- What are our plans to improve?

## Our Place

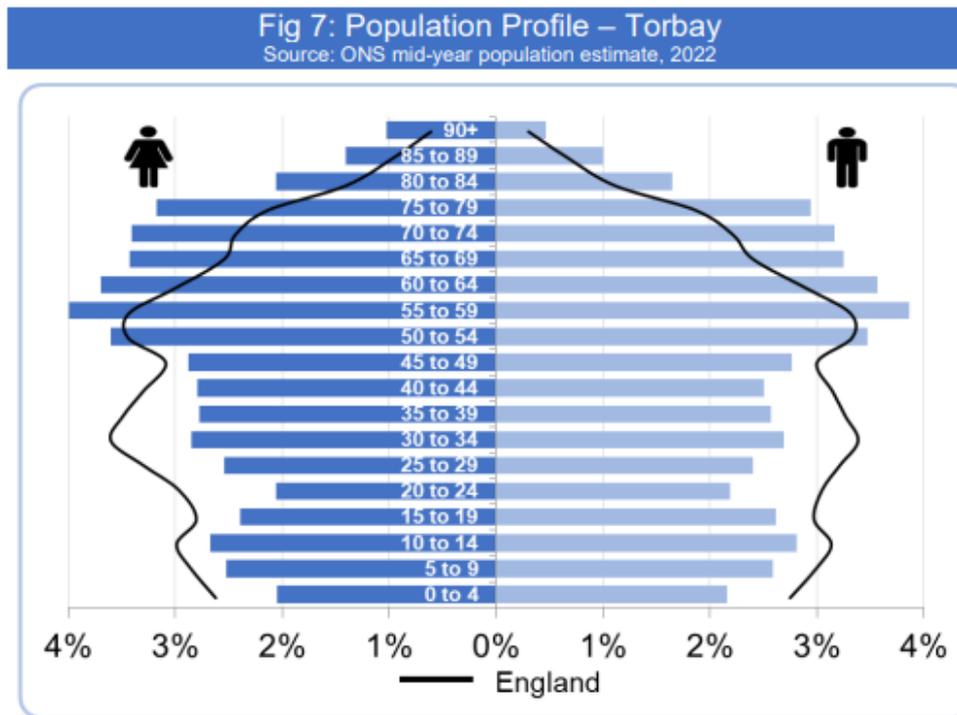
Torbay is a unitary authority with a borough status; known as the English Riviera, a stunning coastal region in South Devon encompassing the towns of Torquay, Paignton, and Brixham with a total population on 139,000 people. The borough consists of 24.27 sq mi (62.9 km<sup>2</sup>) of land around the east-facing Tor Bay, part of Lyme Bay on the English Channel. Torbay is represented by two parliamentary constituencies with 16 electoral wards.

Although the population in Torbay is predominately white 96.1%, we know the diversity around the bay is growing with 1.6% Asian, 1.5% mixed ethnicity, 0.3% black and 0.4% other. We are also aware of almost 50 different languages being used in Torbay, with growing Polish, Romanian, Portuguese, Hungarian and Bulgarian speaking communities.

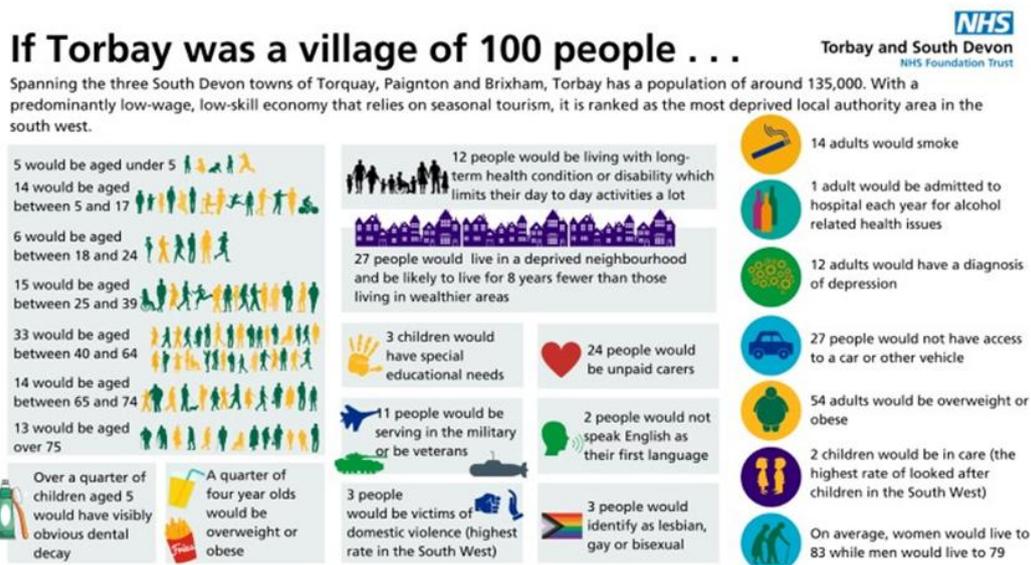
Between the 2011 and 2021 censuses, the average (median) age of Torbay increased by three years, from 46 to 49 years of age. Torbay has a higher average age than the South West as a whole in 2021 (44 years) and a higher average age than England (40 years).

Torbay's population profile shows a significantly older demographic than England. Torbay has significantly larger proportions of those aged 50 and over than England, conversely it has significantly smaller proportions of those

aged under 50, in particular those aged 20 to 44. Torbay's average age of 49 years compares to 40 years for England and 43 for the South West.



Between 2012 and 2022, the largest proportionate increases in population have occurred in the 70-to-79 and 50-to-59-year age groups, the largest fall was in the 40-to-49-year age group. Between 2002 and 2022, the largest proportionate increase in population occurred in the 70 to 79 and 60-to-69-year age groups.



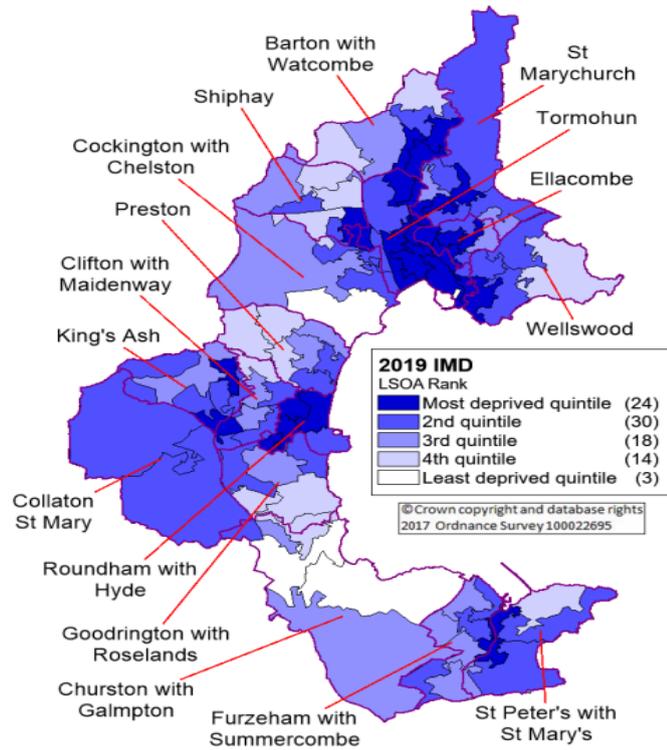
- Torbay's increasing ageing population with an anticipated pressure growing from the 40 – 64 age group due to higher-than-average
- 54% of adults would be overweight or obese
- Torbay has the highest rate of domestic abuse in the Southwest
- Over 10% will experience a common mental health condition (such as depression)
- Torbay is home to a large number of people with long-term health conditions and disabilities
- Close to a quarter of the population would be identified as an unpaid carer

Despite everything that is fantastic about Torbay, we know that we face challenges and that some parts of the

Bay suffer from nationally significant levels of poverty.

**Fig 26: Rank of Index of Multiple Deprivation**

Source: English Indices of Deprivation 2019



## Our Vision for Torbay



Torbay is a glorious part of Devon and with an inspiring natural environment. We are a magnet for tourists and known as the English Riviera. We are home to globally significant technology businesses and have a rich leisure and cultural scene.

We want to deliver for our people and our place, and we know that we have challenges, but we have high aspirations. By continuing to work closely with our communities and partners and capitalising on our strengths, we want to make Torbay a great place to do business - a place where everyone is able to live their best life.

### ***A healthy, happy, and prosperous Torbay for all.***

To bring our vision to life, we have identified three strategic themes:

- Community and People
- Pride in Place
- Economic growth

The Community and Corporate Plan can be found here; [Community and Corporate Plan - Torbay Council](#)

Torbay's Joint Health and Wellbeing Strategy lays out the plan to improve the health and wellbeing of the population in Torbay between 2022 – 2026. The [Joint Health and Wellbeing Strategy 2022-2026](#) covers five priority areas, reporting delivery to the Health and Wellbeing Board (HWBB) twice a year.

The visual below identifies the five focus areas and six cross cutting areas identifies as priorities for collective system action over the next four years.



Our strategy was developed with Health and Wellbeing Board partners and identifies five priority areas which are aligned with those of the ICS:

- Children living in challenging circumstances and losing out on educational opportunities
- Lack of high-quality housing with secure tenure
- People living with poor mental health
- Older people experiencing loneliness and isolation

The Council and its partners are committed to advancing equality of opportunity and eliminating discrimination. Our equality and diversity strategy can be found here: [Torbay Inclusion Plan - Draft Strategy](#). Whilst there continue to be pressures across the health and care system, we have examples of where innovative services have been commissioned and provided for individuals with protected characteristics. However, we know that we have more work to do to ensure we hear from all voices across our communities.

We are currently working to embed inclusion across the Council and are keen to take the next steps to ensure that our approach to inclusion is robust and is informed by the voice of our local communities, and working to [our equality objectives](#):

- Ensure a wide range of voices are reached and heard in decision making and designing and delivering services
- Reduce inequalities so Torbay and its residents thrive
- Consider, and if approved, implement the recommendations from the Torbay Racism Review Panel
- Support the diverse needs of our workforce

## Whole System Working

Torbay is one of three local authorities in Devon and as part of the Integrated Care System works in partnership with NHS Devon ICB, three NHS Acute Trusts, the Mental Health NHS Trust, general practice, community services and the voluntary sector to improve the health and wellbeing of all residents, wherever they live. The key aims are to reduce health inequalities, better support individuals living with long term conditions, prevent illness, promote wellbeing and through joint working tackle variations in care across the county whilst ensuring that provision is financially sustainable for the long term. Within the One Devon Partnership there is a representative from each of the five Local Care Partnerships (LCP).

The LCP for Torbay is the South LCP. This is where most of the planning for integrated care and service transformation and change takes place. The new Director of Adult and Community Services (DASS) for Torbay has taken over as chair of the Local Care Partnership and Torbay Council is a supportive and active partner within the One Devon Partnership. Torbay has a strong history of long and deeply embedded integrated working and can be proud of the many benefits that this brings to our population, our services, and the wider Integrated Care System.

The link to the plan for Devon is below and has one overarching statement of intent:

**“to strengthen its integrated and collaborative working arrangements to deliver better experience and outcomes for the people of Devon”.**

[Devon Plan - including the Joint Forward Plan and Integrated Care Strategy - One Devon](#)

The One Devon Integrated Care Strategy and Joint Forward Plan sets out the strategic intentions and delivery plan for the One Devon ICS aim of delivering equal chances for everyone in Devon to lead long, happy and healthy lives. The Devon Community First Strategy sets out the strategic ambition for delivering improved community services within Devon.

## Integration and Partnerships

Torbay is proud of its integrated health and social care offer which has been in place for 20 years. Our Integrated Care Organisation (ICO) puts people at the heart of everything we do. The delivery of Adult Social Care is delegated to Torbay and South Devon NHS Foundation Trust (TSDFT). This joined up delivery model provides better outcomes for people as any new or emerging challenges can be responded to quickly by our multi-disciplinary teams. Our social care workforce is embedded within a locality model with specialist teams to support homelessness, transitions, autism, carers and sensory needs. There is also an integrated health and social care service for older persons mental health and our approved mental health practitioners work alongside Devon Partnership Trust (NHS Mental Health Trust) within locality teams.

In relation to commissioning, the Council continues to hold strategic commissioning responsibility with the contracting and contract management functions being delivered by the ICO. These teams work closely together to deliver a joined-up approach to the development, oversight and management of the care market in Torbay. Our commissioning blueprint and strategies underpin the work we do. Torbay’s commissioning approach is a collaborative process in which multiple stakeholders in Torbay work together to plan, fund, and deliver services to meet the needs specifically of the Torbay population and communities. Through joint governance arrangements, there is co-ordination and partnership between health, social care and the community.

The work with our voluntary sector has been ongoing for many years, with the setting up of the Torbay Community Development Trust in 2014. Ongoing co-production and co-delivery has supported the development of voluntary, community and social enterprise sectors across the Bay, culminating with Torbay Council in 2024 commissioning Torbay Communities to provide a Community Wellbeing Contract. This contract provides:

- A helpline
- A physical hub in Torbay
- Community co-ordination provision
- Administration of the Community Fund

# Adult Social Care Torbay

We co-produced our Adult Social Care Strategy with our community, voluntary and care sectors.  
[Adult Social Care Strategy - Torbay Council](#)

Our shared vision is:

## Thriving communities where people can prosper our vision for Adult Social Care in Torbay

**Our residents have a place to call home in a community they can be part of, while being empowered to achieve what matters most to them through the best care and support available.**

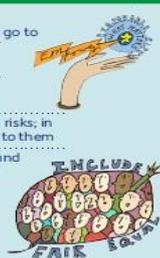
### Working in partnership means:

Finding opportunities to work together to support people's wellbeing  
 We recognise we are part of the community, not separate from it  
 Helping to connect people, groups and organisations together  
 Building strong, open, and trusting relationships with everyone we come into contact with i.e. partners, community organisations and those we support  
 Constantly learning and asking for everyone's views  
 Supporting and valuing those who carry out unpaid work for us, like carers and volunteers



### Respond to our community by:

Working with people in their own neighbourhoods, in places they already go to  
 Making it easier for people to access good advice and information  
 Working with people to find and build up their strengths and priorities  
 Empowering people to take reasonable risks; in order to achieve the things that matter to them  
 Looking for and sharing opportunities and positives. Focusing on what we CAN do  
 Making sure everyone is included, and treated fairly and equally  
 Making sure we are fair in the way we support people



### Our values and behaviours are:

We value everyone's contribution, and recognise our own boundaries  
 To share our knowledge, skills, and resources for the benefit of local people  
 Support and empower people to be the best they can be  
 Enable people to live lives which are as full and independent as possible  
 Respect the feelings and experiences of others, even if they are different from ours  
 Always looking for ways to improve how we work  
 Trust each other to do the right thing for people



### We will communicate by

Using language that is simple for people to understand  
 Using different ways of sharing information, using technology creatively  
 Considering the impact we may have on others  
 Sharing our aims and aspirations with everyone  
 Being available in our communities, so it is easier for people to reach us



### The way we will work & do things

Use technology to help people stay independent  
 Remove as much red-tape and bureaucracy as we can  
 Be flexible to help people achieve their goals  
 Make our systems work better for us and the people we support  
 Support people to make changes, which help them feel healthier and happier  
 Empower people to choose how their care and support needs can be met  
 Work with people and communities to reduce inequalities  
 Empower staff and partners to be creative and try new ways of working  
 Give our staff the training, tools, and permission to work differently

### We will do this by:

Building long-lasting relationships with our community partners, which are founded on trust, transparency and compromise.  
 More joint working between Adult Social Care and community/voluntary sector partners, including working together in community settings.  
 Streamlining our tools and processes, to ensure that we act consistently and reduce bureaucracy.  
 Making it easier for people to access a wider range of support, advice and information; which helps them achieve the best outcomes  
 Increasing training, development and support for our staff, so that they feel confident in working differently with people and the community  
 Focusing on what matters most to those that we work with, and supporting them to achieve these; whether they are new to social care or have been supported for some time.  
 Making sure our systems support a different way of working, and measure meaningful results  
 Making best use of technology to help people achieve the outcomes that matter to them



### Benefits we have seen so far:

Community partners have said they feel more valued and trusted, because we are working together as equals  
 Working in partnership with social care has helped some community partners to secure additional charitable or government funding, which has a bigger impact in their community  
 Social care staff and community partners have both said that sharing, learning from, and supporting each other has been a positive experience  
 Social care staff have said they appreciate being trusted and empowered to try new things, and to do the right thing for people  
 We have been able to connect more people with resources in their community which helps them to stay well and independent

More people have been able to find a solution that's right for them at first contact  
 Working in community spaces has made social care advice and information more accessible, particularly to people who may have otherwise not engaged with us  
 Average waiting times have reduced for most social care teams  
 People have reported that they felt listened to and cared about, through being supported in a different way



### Things we want to avoid:

Trying to remove all risk, and reducing a person's choice and control as a result  
 People having to wait a long time for support, and their situation getting worse as a result

We want our residents to have a place to call home, in a community they can be part of, while being empowered to achieve what matters most to them through the best care and support available.

We will work with our local community to support residents in Torbay to maximise their own wellbeing and independence, advising and guiding them around the best health and social care systems for them. Those who offer and provide support services will feel empowered to enable people to engage fully in their own decision making on choices of care. By working with our community this way, we will create a new way of supporting each other to achieve wellbeing for everyone - those receiving support and personal assistance and those giving it.

The ambitions set out in the strategy will be underpinned by some key principles:

- Agility and innovation - Trying new approaches and learning as we go
- Embedding our trauma informed approach with our workforce and partners
- Person-centered support
- High quality flexible long-term care for those who need it
- Reablement and recovery
- A strength-based model of practice

By continuing to build on our integrated approach to delivery and our joined-up commissioning arrangements, we want to ensure that our practitioners are empowered to work creatively with our residents, accessing the right advice, care and support from a high quality and innovative health, care and voluntary provider landscape.

## Our Priorities

- **Focused on outcomes and wellbeing**  
*“My care and support focuses on promoting my wellbeing in all its facets – physical, mental, emotional and spiritual – and the outcomes I decide are important to me. It also promotes equity and inclusion by ensuring different groups in Torbay experience similar outcomes to me.”*
- **Personalised, co-created and flexible**  
*“I have a say and shape care and support. Care and support adapts to my needs as they change, and recognises my diversity and individual preferences, beliefs and circumstances. When I lack capacity there are advocates to represent my prior wishes and best interests. When needed I will be supported by appropriate interpreting services and advocacy”.*
- **Proactive and preventative**  
*“I can access support to enhance my health and wellbeing this reduces inequalities across communities. Care and support is easily available at an early stage to help slow or prevent escalation into crisis, or before I have acute care needs”.*
- **Integrated and coordinated**  
*“The care and support I receive is better joined up around my needs and those of my carers. Care and support links to and/or includes support around health, housing and employment. We will build upon the partnership working with Childrens services to ensure seamless transitions from Childrens to Adults services”.*

## Our Performance

Adult Social Care performance is monitored through our monthly Delivery Committee, with key areas of concern or improvement being escalated to the Service Improvement Board. We track demand through initial contact, allocation and completion data. Our complaints and safeguarding data is tracked and built into our learning and improvement plans.

We use our Joint Commissioning Committee to bring together information on our provider market in terms of quality, capacity and financial viability.

We have regular scrutiny and challenge of our performance from our ASC Continuous Improvement Board, the Trust Quality Assurance Committee and Health & Social Care Overview and Scrutiny board.

As of 20th April 2025 **2,736**, people are being supported by Adult Social Care in Torbay

### ***Adult Social care demand and performance 2023/2024***

- *We received 1,742 on average contacts per month*
- *Our social care teams completed 2,555 assessments*
  - *We developed 3,724 support plans*
- *We undertook 374 safeguarding enquiries, having received 1034 concerns raised*
- *We supported 710,244 hours of care in peoples' homes and 779 residential/nursing placements*
  - *There are 5,764 unpaid carers on the Torbay register*
  - *We supported 495 people to have a direct payment*

## The difference we make to people



**Hospital Discharge** - Our integrated arrangements mean we get people back to a place they call home quickly. Our “no right to reside” figures remain low and are currently 8%. Our discharge teams support our residents, and our community and voluntary sector provide help for people to get home more quickly, preventing people from losing their independence through lengthy hospital stays.

**Housing advice/homelessness prevention** - We continue to focus on preventing people from becoming homeless through local innovation. We offer support with tenancies, landlord negotiations and rent support and last year, we supported 1409 households across the Bay.

**Carers support** - We have over 5000 registered unpaid carers within Torbay, our Carers services work alongside primary care and the community and voluntary sector to provide advice, guidance and support. There are a range of community-based groups for Carers who have said:

“I have found Wednesdays every month to be very informative. Everyone is friendly and you soon learn from other people, and to have someone listen is the best thing”

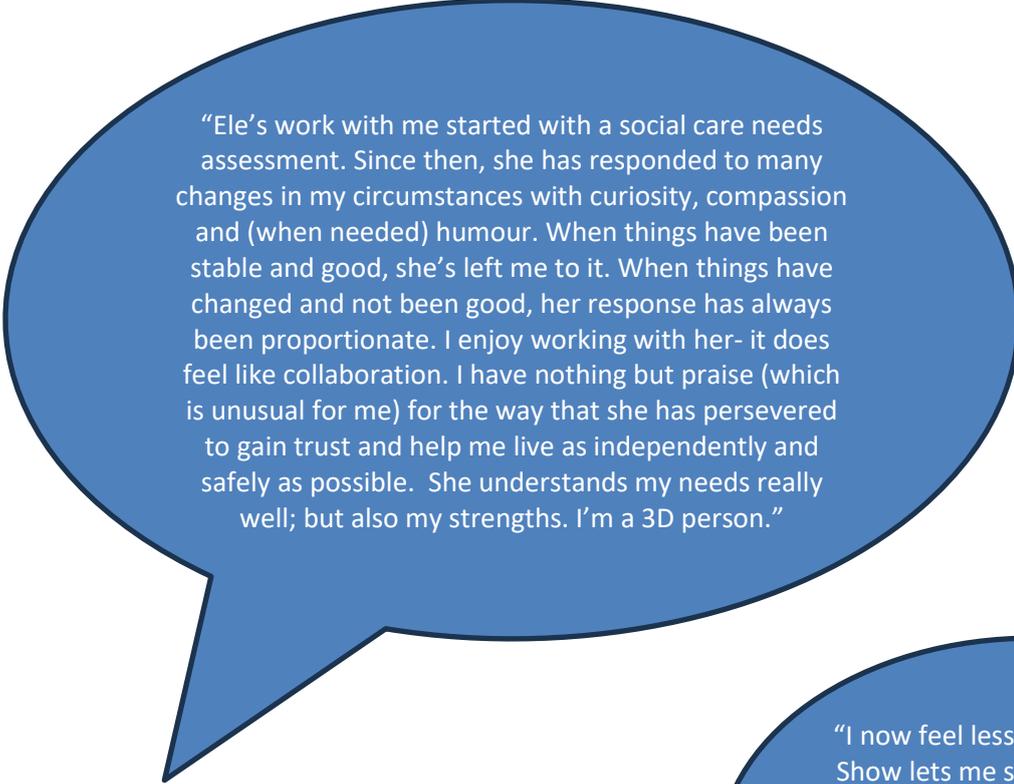
“Discussing circumstances is very helpful and I have learnt a lot.”

“Convenient location and free parking are good. Friendly welcome and it felt easy to make conversation with other carers. I asked a question of the organisation who were able to point me in the right direction”

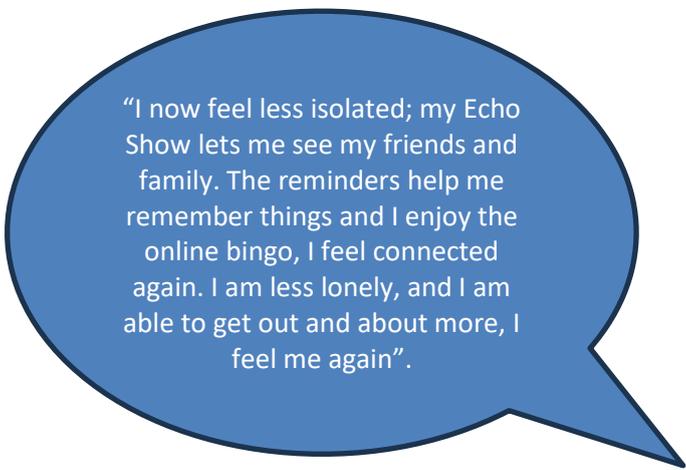
**Care Home status** - 80% of our Care Homes are rated outstanding or good.

**Community and Voluntary** - Our community helpline, community builders and community activities across the Bay helped 1,692 access advice, information and support last year.

We continue to focus on collaboration and co-production, ensuring that people with lived experience are included in how we shape and design services. Examples include our Learning Disability Ambassadors leading the development of our Big Plan and our Carers designing this year's action plan.



"Ele's work with me started with a social care needs assessment. Since then, she has responded to many changes in my circumstances with curiosity, compassion and (when needed) humour. When things have been stable and good, she's left me to it. When things have changed and not been good, her response has always been proportionate. I enjoy working with her- it does feel like collaboration. I have nothing but praise (which is unusual for me) for the way that she has persevered to gain trust and help me live as independently and safely as possible. She understands my needs really well; but also my strengths. I'm a 3D person."



"I now feel less isolated; my Echo Show lets me see my friends and family. The reminders help me remember things and I enjoy the online bingo, I feel connected again. I am less lonely, and I am able to get out and about more, I feel me again".

## Some of our strengths

- A committed workforce, with low vacancy rates and good retention levels
- Strong community partnerships leading to resilience and innovation for our population
- A fully integrated delivery approach for health and social care across hospital, community and older people's mental health, resulting in a timely response to escalating need
- Delegated tasks and activities, reducing the numbers of professionals working with our people required to attend the same individual
- Sufficient capacity within home care and care home markets
- Clear governance and a strong focus on improvement and transformation
- A strong, coordinated and vibrant community offer
- Established cross organisational working arrangements to target areas of challenge

## Some Areas for Improvement

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- Waiting times for assessments and reviews
  - Numbers of individuals in receipt of direct payments
  - Improvements in our arrangements for young people transitioning to adulthood
  - Creating an improved reablement offer for all
  - Developing further provision for unpaid carers
  - Supporting our care providers further to meet increasing levels of complexity
  - Further develop and embed our co-production approach ensuring people who draw on care and support become our equal partners
  - Develop our approach to commissioning, working with care providers as partners

## Theme One – Working with people

1A We maximise the effectiveness of people's care and treatment by assessing and reviewing their health, care, wellbeing and communication needs with them		
What are we doing well?	How do we know it?	What do we need to do better, and how will we monitor this?
<p><b>1A.1</b> People access advice, information and support through our Torbay Communities offer which provides a helpline offering access to over 100 VCSE organisations as well as physical hubs in Torbay, Paignton and Brixham.</p> <p>We have a single Emergency Duty Service that covers all social work support for Housing, Adults and Children out of hours.</p> <p>Our contact centre is deeply integrated and co-located and staffed by our health and social care coordinators who are the first point of contact for people requiring health or social care support.</p>	<p>We have supported 1,912 people with advice and information in the last 12 months via a combination of online self- support, referrals to the community sector and partner agencies. This enables individuals to have access to a range of services to meet their needs within their community. Torbay Communities have access to a wealth of voluntary sector groups which support the wellbeing of seldom heard people in our community.</p> <p>We received 15,368 contacts from people in the last 12 months, and these progressed to 13,456 referrals for assessment/review.</p> <p>Being an integrated organization with Health and Social Care Coordinators at our front door, people will benefit from one contact point for their wider community health and social care needs.</p>	<p>Our front door improvement project is focusing on:</p> <ul style="list-style-type: none"> <li>▪ Reducing the number of formal care assessments by working more closely with our VCSE partner and training our staff</li> <li>▪ Increasing the numbers of people receiving support from community</li> <li>▪ Enhancing our workforce development plan</li> <li>▪ Implementing a new telephone system to improve our data and intelligence</li> <li>▪ Increasing our use of TECS and Digital solutions to support and signpost people to the most strengths-based option to meet their care and support needs</li> <li>▪ Increase our use and availability of reablement as a default across our health and social care systems.</li> <li>▪ Home first needs to be the default approach across the whole health and social care system</li> <li>▪ Strengthening partnerships with community organisations further</li> <li>▪ Enabling more choice and control through our direct payment project</li> </ul>

<p><b>1A.2</b> Our strengths-based approach to practice flows through into a conversation model for our social workers, which focuses on preventing, reducing or delaying need by supporting people to access a range of supportive measures quickly such as equipment provision, technology or community-based assets.</p> <p>The social care workforce is embedded as part of the multi-disciplinary health team configuration which is based within 3 localities but delivers a Bay-wide delivery model. Specialisms within these teams cover Homelessness, Autism, Transitions, Carers, Mental Health and those with physical needs (including those who are end of life). We have introduced a Waiting Well initiative which is linked to our existing risk matrix approach to better support people whilst they are waiting for assessment or review.</p>	<p>We continue to monitor practice through regular case audits, performance reviews and feedback from questionnaires, complaints, and compliments. Emerging themes are then built into practice development and learning programmes for our social care workforce, which leads to improved outcomes for the people of Torbay.</p> <p>Data is collated and fed into the Delivery Committee and summarised for the Trusts' Quality and Assurance Committee. This is an opportunity to recognise the impact of transformation/improvement work and focus on actions being taken on areas of key development.</p>	<p>Our improvement focus is on:</p> <ul style="list-style-type: none"> <li>▪ Strengthening partnerships with community organisations further</li> <li>▪ Enabling more choice and control through our direct payment project</li> </ul>
<p><b>1A.3</b> Our integrated Carers services are embedded within primary care, the community and hospital services providing advice, information, provision of direct payments and emotional support vouchers. We have GP-based support workers as well as carers support delivered by Carers Aid Torbay and Devon Linkup.</p> <p>Our Young Adult carer service (16-25yrs) is delivered by TSDFT but works seamlessly with our Council Young Carers provision.</p>	<p>83% of carers are very happy with their assessments. Assessments start within 1-4 weeks Direct payments are well-used and appreciated</p> <p>There is direct access for carers support at local GP surgeries where they can register as a carer and have a Carers assessment. There is also access to advice and guidance.</p>	<p>We are the 6<sup>th</sup> highest area in the country where Carers are providing over 50 hours of care per week. We need to focus on:</p> <ul style="list-style-type: none"> <li>▪ Co-producing an improved replacement care offer, monitoring the impact of this through ongoing conversations with carers groups and survey results.</li> <li>▪ Improving our information offer to ensure this is easily accessible for all. We are engaged in the Devon wide project to improve our web-based information, we will monitor the impact through engagement and survey results</li> </ul>
<p><b>1A.4</b> Our hospital discharge service is fully integrated with dedicated Adult Social Care staff supporting people through their hospital journey.</p> <p>The discharge to assess model is well-established providing direct access to short term support via our community</p>	<p>Low levels of people in hospital with “no right to reside”. Torbay remains in the top quartile nationally against this indicator. This means that people are less likely to be de conditioning in hospital and discharged closer to home and nearer to family earlier in their recovery</p>	<p>Improvement and transformation work is focusing on:</p> <ul style="list-style-type: none"> <li>▪ Further reinforcing home first principles</li> <li>▪ Reducing the use of residential and nursing care home beds, maximising the use of the Jack Sears rehabilitation facility and community reablement</li> </ul>

reablement provision, community and voluntary sector offer or short-term rehabilitation service (Jack Sears) in order to support timely discharges, with a home first focus.	journey.	<ul style="list-style-type: none"> <li>Embedding the use of technology enabled care</li> </ul>
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1B We support people to manage their health and wellbeing so they can maximise their independence, choice and control, live healthier lives and where possible reduce future needs for care and support

What are we doing well?	How do we know it?	What do we need to do better, and how will we monitor this?
<p><b>1B.1</b> Our integrated short-term service is multi-disciplinary and provides rapid response, intermediate care and reablement, supported by an externally commissioned care provider. The aim of the service is to support recovery at the point of crisis (prevention of admission) and support hospital discharge. This service is outcome focused and supports maximizing independence. This service is available to people within their own home and also reaches into Jack Sears which is a local bed-based reablement centre.</p>	<p>78.8% of people regained full independence following a community referral into our reablement service. These are people who have been able to stay in their own home with MDT wraparound support. For the people of Torbay this has been a long-standing part of the integrated care system.</p> <p>Since Jack Sears opened in June 2024, 209 people have been admitted with an average stay of 22 days. 87% were admitted from hospitals and 13% from the community. A high proportion of people receiving reablement support do not require long-term care services afterwards with 75% of people able to return to their own homes. Direct feedback from people and anecdotal reports from staff often reflect improved confidence and independence post-intervention. Our offer is inclusive of our population and therefore includes a higher percentage of older people, high complexity of needs and deprivation, compared to other areas.</p>	<p>While hospital-related reablement is strong, community-based reablement can be variable in terms of access, responsiveness, and capacity. This is a key priority area within our commissioning plan.</p> <p>The service sometimes faces workforce shortages and recruitment challenges, limiting how flexibly and quickly reablement can be delivered, especially outside of acute discharge settings.</p> <p>There is a need to improve awareness of the reablement offer among staff, partners, and the public to ensure appropriate referrals are made at the right time.</p> <p>We will monitor and improve outcomes for people through service re-design, data-led outcome tracking, investment in workforce development, regular user feedback, and strategic oversight via performance dashboards and improvement plans:</p> <ul style="list-style-type: none"> <li>Ensuring appropriate MDT capacity is available to meet demand</li> <li>Align the new technology enabled care offer to our Reablement offer</li> </ul>
<p><b>1B.2</b> Learning disability services are delivered in partnership with Devon Partnership NHS Trust who deliver assessments, treatment and support within Primary and Secondary Care</p>	<p>Collaboration with specialist clinicians has led to better coordination of care and improved access to healthcare for people with complex</p>	<p>There is still variability in the transition from Children's to Adult Services. Some individuals and families experience uncertainty and inconsistency in support</p>

<p>including integrated Primary Care Liaison nursing services which are integrated within the Community Multi-disciplinary Teams across the Bay.</p>	<p>needs.</p> <p>The service promotes access to annual health checks, screening, and preventative care, which supports earlier identification of health issues and helps to reduce health inequalities.</p> <p>The Learning Disability Partnership Board has played a vital and influential role in improving the experience of people with a learning disability in secondary healthcare settings. Over the past year, Ambassadors co-produced a hospital-based event, supported training for ward-based Learning Disability Champions, and carried out a walkaround audit to assess the accessibility and inclusiveness of the facilities.</p>	<p>during this period.</p> <p>While progress has been made, we need to embed co-production more consistently, ensuring people with learning disabilities, and their Carers, are involved as equal partners in shaping their support.</p> <p>Gaps remain in availability of specialist supported living and personalised day opportunities that are tailored to diverse needs, especially for the people with more complex behaviours or dual diagnoses.</p> <p>We will monitor and improve services through joint reviews with DPT, enhanced transition tracking, targeted market development, strengthened co-production, performance dashboards and ongoing quality assurance.</p>
<p><b>OB.3</b> Our occupational therapy offer is integrated within our locality multi-disciplinary teams and provides reablement, access to equipment provision and works closely with people to plan and arrange disabled facilities grants.</p>	<p>Waiting lists and customer reviews are overseen by our joint TSDFT and the Council Delivery Committee.</p> <p>Current waiting list for DFG's:</p> <ul style="list-style-type: none"> <li>▪ 72 awaiting approvals from either client, LL or OT.</li> <li>▪ 14 awaiting grant approval</li> <li>▪ 20 awaiting technical visit</li> <li>▪ 136 DFG's completed or currently onsite</li> <li>▪ 89 Outstanding applications (awaiting return of application or in need of financial information)</li> </ul>	<p>Waiting lists for assessments and reviews remain a challenge and we are working to improve this by:</p> <ul style="list-style-type: none"> <li>▪ Engaging with an external provider of Occupational Therapy to target waiting lists</li> <li>▪ Data cleansing across the system</li> <li>▪ Single handed care project</li> </ul> <p>In addition, we want to work with people to review and co-design our new adaptations policy and procedures.</p>

1C We actively seek out and listen to information about people who are most likely to experience inequality in experience or outcomes. We tailor the care, support and treatment in response to this		
What are we doing well?	How do we know it?	What do we need to do better, and how will we monitor this?
<p><b>1C.1</b> We have an established co-production platform incorporating our Co-production Strategy, Involvement Plan and Recognition &amp; Reward Policy.</p> <p>The Council is leading the delivery and oversight of the strategic ambition but both the Council and TSDFT retain leadership of the implementation and delivery.</p> <p>Our Learning Disability Partnership Board continues to drive improvements. The Learning Disability ambassadors deliver Oliver McGowan training across all health and social care teams across the Bay.</p>	<p>Torbay has higher rates of individuals registered with a Learning Disability.</p> <p>By using our co-production principles and led by our Learning Disability Ambassadors and Carers representatives we have developed “The Big Plan” which sets a clear set of expectations from people with a Learning Disability including how we better manage crisis, the need for supported housing, improvements to work opportunities and better support for our carers.</p> <p>Our Learning Disability and Autism Ambassadors have trained a total of 2,343 (Tier 1 – 867, Tier 2 – 1476 figures as of March 2025) NHS staff in Oliver McGowan approach.</p> <p>We work closely with our community and voluntary sector who have good links across the community network which includes groups that focus on seldom heard voices.</p> <p>We have a newly formed inclusion partnership which we utilise to evolve and broaden our work with groups across Torbay.</p>	<ul style="list-style-type: none"> <li>▪ Embed our co-production approach consistently</li> <li>▪ Ensure our commissioning and contracting arrangements are inclusive</li> <li>▪ Deliver our workforce development programme on co-production</li> </ul>
<p><b>1C.2</b> “Breaking the Chain” is Torbay’s Domestic Abuse and Sexual Violence Strategy sets ambitious and challenging aims to ensure victims of domestic abuse receive the right joined up support from services when they need/want it.</p>	<p>The strategy was informed by a comprehensive review of existing provision but developed by victims and the people supporting them. The desired outcomes are based on the experience of those who shared their stories with us and include ensuring support is trauma informed, prevention of harm in the first place by disrupting harmful behavior, hold those who harm to account for their actions, support children and young people as victims in their own right, make sure activities are all underpinned by listening and acting on the voices of lived experience. By using the learning from people’s experience, we will continue to develop our services to support people.</p>	<ul style="list-style-type: none"> <li>▪ Embed co-productive approach across the whole system</li> <li>▪ Continue with the development of our DASV Lived experience network</li> <li>▪ Continue to increase the awareness of sexual violence supported by our Sexual Violence Ambassadors</li> <li>▪ Deliver trauma stabilisation training for ASC staff</li> </ul>
<p><b>1C.3</b> The Autism Partnership Board is another example of local co-production, with eight Autism ambassadors now in</p>	<p>The Board is well attended by all partners and is leading on the work locally with a focus on raising awareness and</p>	<p>Co-produce and develop the Autism and Neurodiversity Plan, and agree year one priorities.</p>

<p>place.</p> <p>The Board brings together representations from Torbay Council, TSDFT, Devon Partnership Trust, community and voluntary groups and is leading on the development of the Autism and Neurodiversity Plan for Torbay.</p>	<p>understanding in the Bay, mental health, reasonable adjustments and improving access to a broader range of services.</p>	

## Theme Two – Providing Support

2A We understand the diverse health and care needs of people and our local communities, so care is joined-up, flexible and supports choice and community		
What are we doing well?	How do we know it?	What do we need to do better, and how will we monitor this?
<p><b>2A.1</b> Our Joint Strategic Needs Assessment provides evidence of the needs of our local population, where we have gaps and thus areas for us to focus on.</p> <p>We currently commission:</p> <ul style="list-style-type: none"> <li>▪ 74 Care Homes</li> <li>▪ 81 Supported Living Providers</li> <li>▪ 32 Home Care Providers</li> <li>▪ 19 Day Opportunities</li> <li>▪ 2 Extra Care Housing Schemes</li> </ul> <p>In addition, we commission a range of VCSE support for prevention and wellbeing, carers and the complex needs alliance.</p>	<p>Our JSNA is supported by our commissioning strategy and drives our annual commissioning plan and priorities.</p> <p>We continue to use POPPI/PANSI data to develop our understanding of population trends. Through this we identified the growth in autism and developed a new contract to support and embed Autism Ambassadors within our system.</p> <p>Current modelling suggests that the Torbay system requires 136 nursing care home beds for our over 65 population. We currently have a market capacity of 155 beds for this type of care in our system. However, our increase in the use of 1:1 provision over recent years suggests there is a gap in our ability to manage complex dementia within our existing nursing home offer. For individuals in our system who require complex nursing provision, there are limited specialist facilities. We therefore must work with our market to tailor placements to individual needs.</p>	<ul style="list-style-type: none"> <li>▪ Learning from areas who are innovators in this area</li> <li>▪ Redesign of our Living Well at Home Framework for home care to include a complex and reablement tier</li> <li>▪ Developing a complex tier for our supported living framework</li> <li>▪ Improving our replacement care offer for unpaid Carers</li> <li>▪ Developing the fee framework and new specification for our care homes</li> <li>▪ Commissioning of dedicated dementia care home beds in partnership with the ICB</li> </ul>
<p><b>2A.2</b> In Torbay, we have a broadly sufficient care provision (there remains challenge regarding complex needs across the whole market). We currently support:</p> <ul style="list-style-type: none"> <li>▪ 779 people in care homes</li> <li>▪ 3315 care visits to people's homes each day, delivering 710,000 hours of home care a year</li> <li>▪ 316 people in supported living</li> </ul>	<p>We have a stable and sustainable care market.</p> <p>Over the last 12 months the average waiting time for Home Care was 5 days and supported living was 79 days.</p> <p>We only received 27 contract hand backs in the last 12 months.</p> <p>People who receive care in Torbay benefit from a timely offer of care with minimal disruption to support with regards to changes of care provider.</p>	<ul style="list-style-type: none"> <li>▪ Further development of our data and insights platform to better track trends</li> <li>▪ We need to be prepared for changes in our care market caused by economic changes and natural attritions of provider organisations</li> </ul>

<p>Torbay Council holds the strategic commissioning function with operational commissioning, contracting and market relationships being delegated to TSDFT. Engagement with the Care Market is via Provider forums, newsletters and individual provider conversations.</p> <p>As part of our quality assurance of our providers, we endeavor to ensure that we hear from individuals in receipt of support, using this intelligence to shape future provision across the system.</p>	<p>We have strong partnership relationships with our market and continue to work together to shape provision to meet the changing needs of our population.</p>	<p>Our areas for improvement are focusing on:</p> <ul style="list-style-type: none"> <li>▪ Increasing opportunities for people with lived experience to shape provision within Torbay</li> <li>▪ Creating a learning environment within our Provider forums</li> <li>▪ Exploring how we can better celebrate the fantastic work care staff do across the Bay to encourage individuals to join the health and care workforce</li> </ul>
<p><b>2A.3</b> We have robust arrangements in place for monitoring and oversight of our commissioned care provision.</p> <p>Our Quality Assurance and Information Team (QAIT) is made up of four Contracts and Quality Assurance Officers who monitor care provider quality, support with improving quality by working collaboratively with our providers on service improvement plans when required.</p> <p>The clinical team is made up of two occupational therapists and a nurse. Support provided can be:</p> <ul style="list-style-type: none"> <li>▪ Training delivered by TSDFT</li> <li>▪ Advice on external training provision</li> <li>▪ On site support including advice regarding policy/procedure, environmental design, infection prevention and control, moving and handling, and medication management</li> </ul> <p>In addition, our Community Nursing teams provide extensive training and support to our care homes and home care providers.</p>	<p>We have longstanding reporting arrangements in place to track falls data, incident reporting and safeguarding alerts.</p> <p>Our weekly quality meetings provide regular oversight with providers of concern being managed through the Provider Quality Support Protocol which uses a tiered management approach to quality.</p> <p>Information relating to provider market quality is shared through the monthly Commissioning Committee which is chaired by the Council and attended by the TSDFT Contract and Market team.</p> <ul style="list-style-type: none"> <li>▪ 88% of our Care Homes are rated outstanding or good</li> <li>▪ 81.8% of our community services are rated outstanding or good</li> </ul>	<ul style="list-style-type: none"> <li>▪ Incorporation of further datasets in relation to quality across the market</li> <li>▪ Development of care market training and development programme for key emerging themes to be embedded through provider forums to improve consistency across the markets</li> </ul>

2B We understand our duty to collaborate and work in partnership, so our services work seamlessly for people. We share information and learning with partners and collaborate for improvement		
What are we doing well?	How do we know it?	What do we need to do better, and how will we monitor this?
<p><b>2B.1</b> Torbay Council has delegated the adult social care operational commissioning and contracting responsibility to TSDFT but retains the strategic commissioning function. This collaborative approach results in multiple stakeholders in Torbay working together to plan, fund and deliver services to meet the needs of our population.</p> <p>Through our joint governance arrangements there is strong co-ordination between health, social care and the community.</p> <p>We have joined up contracts for our homecare, care homes, community and voluntary sector services.</p>	<p>Feedback from our Providers who recognise the benefit of our joint approach to the oversight, planning and development of local initiatives.</p>	<ul style="list-style-type: none"> <li>▪ We will continue to have oversight of TSDFT for delivery of Adult Social Care including monitoring their improvement plans relating to waiting lists and review activity</li> <li>▪ Working in partnership with our providers we will support the redesign of day opportunities and develop our replacement care offer</li> </ul>
<p><b>2B.2</b> The Local care partnership enables us to further work collaboratively across statutory and voluntary health, care and wellbeing services within the Torbay system and wider Devon.</p> <p>Our local priority area for action for 24/25 is 'Health and Employment'.</p>	<p>This agreed priority recognises the collective understanding of the challenges facing Torbay with 26% of our population being economically inactive and 27.5% of our population earning below the national minimum wage.</p> <p>The impact of this across our community is significant in terms of access to health and care services with high levels of mental health presentations being seen across community services and primary care.</p>	<ul style="list-style-type: none"> <li>▪ Further analysis of system activity in relation to employment and benefit demand</li> <li>▪ Extension of supportive employment offers</li> <li>▪ Engagement with local businesses to support access to work initiatives</li> </ul>
<p><b>2B.3</b> Our Multiple and Complex Needs Alliance, Growth in Action (GiA), brings together drug and alcohol services, homelessness provision and our domestic abuse service. As</p>	<p>Our Homelessness strategy and action plan linked to GiA articulates our ambition and the cross-organisational actions planned.</p>	<ul style="list-style-type: none"> <li>▪ We want to further embed the voices of people with lived experience including facilitating a peer model across the whole alliance to include mental health and</li> </ul>

<p>part of our wider partnership approach this alliance places collective responsibility on commissioners and providers to improve outcomes for people with complex and multiple needs in this area.</p> <p>It champions a trauma informed approach, with a focus on adopting a system rather than an organisational approach to addressing need.</p>	<p>This was co-produced with partners across our system including individuals with lived experience from our hostel.</p>	<p>criminal justice.</p> <ul style="list-style-type: none"><li>▪ Our community builders will provide further information and intelligence in relation to gaps of provision across Torbay for us to build on</li></ul>
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## Theme Three – Ensuring Safety

3A We work with people and our partners to establish and maintain safe systems of care, in which safety is managed, monitored and assured. We ensure continuity of care, including when people move between different services		
What are we doing well?	How do we know it?	What do we need to do better, and how will we monitor this?
<p><b>3A.1</b> Our DoLS waiting lists and risk management arrangements are overseen by the Head of Safeguarding Adults/Assistant Director for ASC Professional Practice and the MCA DoLS Operational Manager.</p> <p>There is strong oversight of risk within governance arrangements, and we maintain good awareness of backlog information, risk and risk management responses.</p> <p>To further inform our position we have been proactive in the past 12 months in commissioning an independent audit of the supervisory body function by Audit Southwest to further understand our position and awareness or risk.</p> <p>Several measures have been introduced to streamline and improve processes and prioritise applications. This activity is informed through our close working relationship and engagement with regional network arrangements.</p> <p>We have actively reviewed options to operationally reduce our backlog with senior management support and are moving to a test and learn phase and consultation process to implement a new delivery model. Our review included engagement with other LA's that do not have current backlogs</p> <p>All supervisory DoLS applications are triaged against the ADASS prioritisation tool. Applications which indicate objections or other high priority rationale such as covert medication are overseen by the MCA Lead to ensure appropriate oversight and engagement, for example with legal services.</p>	<p>There are dedicated operational and senior management roles in relation to DoLS.</p> <p>Monthly position information is reported through TSDFT and ASC Governance arrangements. Exception reports are provided on request such as the TSDFT Executive Operational group in February/March 2025. The Independent Audit summarised that 'Internal reporting on the current DoLS position (both the Supervisory Body and Community DoLS) and the associated risk and actions being taken in connection with the ongoing backlogs, have featured regularly in all the relevant key governance meetings within the organisation'.</p> <p>An independent audit of the Supervisory Body Function was published in April 2025. The audit identified known limited assurances relating to IT backlog.</p> <p>We attend regional ADASS MCA DoLS networks to support and inform activity and proposals. This includes task and finish activity to streamline systems and processes such as the DoLS forms 3a and 3b which are now utilised in Torbay.</p> <p>An options appraisal has been completed with a proposal to introduce a new delivery</p>	<p>In the past 12 months we have received 1573 DoLS applications, which averages 131 applications per month.</p> <p>The current backlog of applications is 536 (inc. new and renewals) of which 92 are high priority. We currently have 278 authorised DoLS of which 93 are high priority.</p> <p>The risks associated with the backlog have resulted in the options appraisal and the decision to move to a model of delivery to utilise Independent Best Interest Assessors. Our anticipation, once this is fully operational, is that within the first full year we will match the 37% reduction achieved in response to previous temporary additional funding from Torbay Council.</p> <p>In response to audit outcomes, the Executive Lead within TSDFT has signed off an agreed action response plan. This plan will be overseen by the TSDFT Audit Committee. Two key areas of limited assurance related to IT and capacity to manage backlog.</p> <p>IT - this is a key priority transformation activity which will enable DoLS to be recorded on a new care management system.</p> <p>Backlog – This is being addressed via the proposal to move to a new model of delivery as described.</p>

<p>As an integrated system we have supported extensive learning and development across our Provider market with a particular focus on Mental Capacity Act training in Care Homes which was co-designed with Care Home managers.</p> <p>All ASC Registered Professionals receive face to face MCA DoLS Training. The training is split into 3 elements: Assessing and Best interests, DoLS and Lasting Power of Attorney and planning for the future. In addition, Community DoLS face-to-face training has been agreed in March 2025. This will include two sessions per year regarding CoP DoLS 11 applications and two sessions for leads overseeing those arrangements.</p> <p>We undertake a Mental Capacity Act Audit each year led by the MCA and Quality Assurance leads.</p>	<p>model to reduce the backlog agreed by senior management. This will be a phased introduction which takes account of the need for staff consultation and relevant procurement matters required to utilise Independent BIA's.</p> <p>Our data and reporting through governance evidenced this reduction.</p> <p>We have recently completed a light touch internal audit of triage decisions, all of which were assessed as appropriately triaged. Having successfully completed the first such audit, this will be completed every 6 months.</p> <p>We have created three co-produced video resources with our provider sector (sofa Q and A) which were filmed in a learning disability and generic care provider settings. The subject matter is Assessment, Best Interest Decision Making and Planning for the Future.</p> <p>Once completed, any identified inadequate assessments are fed back to the line manager and practitioner for review and reflection. The staff member who completed the assessment is also required to take or retake the level 3 training sessions.</p>	
<p><b>3A.2</b> Our hospital discharge arrangements are fully integrated see (See 1A)</p>		
<p><b>3A.3</b> The integrated multi-disciplinary model in Torbay provides seamless access to care and support.</p> <p>7-day urgent care and crisis response. Out-of-hours duty function for Adults and Children's. Our older person's MH</p>	<p>Integration starts at the point of entry into our community services with a single team of health and social care coordinators working to understand people's needs, and</p>	<p>The integrated model needs to continually be refreshed to ensure the voice and impact of Adult Social care is balanced within the conflicting pressures of the NHS trust.</p> <p>We need to further develop a curious culture and</p>

<p>offer is integrated within our locality teams. The model of care ensures that the most appropriate professional leads the care co-ordination for the person, supported by a range of other professionals.</p> <p>Risks and incidents are managed through our robust DATIX and patient incident management arrangements which are reported through our Delivery committee.</p>	<p>line up the appropriate support.</p> <p>Torbay community services have a long-standing reputation for its integrated model.</p> <p>Adult Social Care has a robust out-of-hour service.</p> <p>The integrated way of working works well at points of escalation, safeguarding and incident management.</p>	<p>transparency so that there is a shared set of priorities and outcomes based on what the people who draw on services tell us.</p> <p>We need to be more engaging with our population in the future design of integrated health and social care.</p>
<p><b>3A.4</b> Transitions between teams occur through referral processes, staff and manager discussions. We have a strong offer for young people coming through transitions and we work to support individuals from 16 years onwards and for those with high complexity from 14 years of age. There is a dedicated team who work in partnership with Children's services. Using a panel approach to the team ensures that individual young people are tracked through the transition arrangement, there is strong interagency working, earlier identification of carers and increased use of advocacy.</p>	<p>We have robust planning arrangements in place to ensure early planning occurs.</p> <p>There are numerous examples of strong partnerships working to facilitate clear transition plans such as:</p> <ul style="list-style-type: none"> <li>▪ A strengthened weekly transition panel to improve coordination and tracking of young people discussed with a central tracking log implemented to track all young people discussed.</li> <li>▪ A further quarterly MDT panel meets to review young people (14+) who are likely to require substantial support to achieve Transition outcomes.</li> <li>▪ The Transition team provide training and support to Children Services social care practitioners regarding Mental Capacity Act application and Deprivation of Liberty safeguards.</li> <li>▪ Close partnership relationships across Social Care, TSDFT and Education are in place to develop employment opportunities for young people including internships and voluntary/short term placement experience.</li> </ul>	<p>Our Becoming an Adult Improvement project will focus on the actions from the recent SEND Inspection when this is published but key areas already identified are:</p> <ul style="list-style-type: none"> <li>▪ A focus on good health &amp; Wellbeing</li> <li>▪ Friendships, relationships &amp; Community Life/Employment skills and opportunities</li> <li>▪ Developing Independent Living Skills</li> <li>▪ ASC representation and engagement with the SEND Joint Commissioning Strategy workstream.</li> </ul>

- Co-Production and engagement of Young People and their parent/Carers are utilised via work developed through the SEND Youth forum.

3B We work with people to understand what being safe means to them and work with our partners to develop the best way to achieve this. We concentrate on improving people's lives while protecting their right to live in safety, free from bullying, harassment, abuse, discrimination, avoidable harm and neglect. We make sure we share concerns quickly and appropriately.

What are we doing well?	How do we know it?	What do we need to do better, and how will we monitor this?
<p><b>3B.1</b> We operate a robust integrated response to any safeguarding concerns. Our co-located joint approach between health and social care ensures that keeping people safe is at the heart of everything we do.</p> <p>Our safeguarding adult single point of contact sits within the front door team to ensure robust arrangements are in place to receive and act on incoming enquiries, our staff respond quickly completing appropriate assessments and ensuring protection plans are in place when required.</p> <p>Our data information provides a comprehensive overview of safeguarding information and activity.</p> <p>There are long-standing multi-agency arrangements in place within a broad range of partnership arrangements to safeguard people from the risk of harm.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>▪ Attendance at the Torbay bi-weekly Homelessness and Vulnerability Forum</li> <li>▪ ASC representation at MARAC</li> <li>▪ Full member of Torbay Channel Panel</li> <li>▪ Member of Prevent Partnership Board</li> <li>▪ Member of Devon and Cornwall Anti-Slavery Partnership</li> <li>▪ TDSAP Activity</li> </ul>	<p>We have in excess of 31 live or weekly data sets that provide strong intelligence and oversight of safeguarding systems. Some of these data sets also have multiple entry summaries. The data is used broadly to support:</p> <ul style="list-style-type: none"> <li>▪ S42 decision making</li> <li>▪ S42 activity</li> <li>▪ S42 data intelligence (such as types of abuse, Making Safeguarding Personal, data queries)</li> <li>▪ Capture people's journey through our safeguarding system</li> </ul> <p>In addition, we have an Independent Quality Checker system. With informed consent quality checkers will contact people who have experienced safeguarding adult response via a discovery interview model. Our 2024 Partners in Health Safeguarding review said "that the breadth of your approach to safeguarding and the ability to illustrate this has been consistently impressive".</p> <p>The safeguarding team review data as part of</p>	<p>Along with other TDSAP partners, we will actively work with TDSAP to evidence how learning from safeguarding adult reviews is being embedded into practice. By taking this activity through TDSAP, this will provide a broader level of assurance that learning from SARs is embedded into practice.</p> <p>We plan to deliver more partnership safeguarding adult forums to support partnership working and shared learning. Prior to COVID we would host on average 3 forums per year, often with a maximum attendance of 140 attendees. COVID, followed by internal team capacity and other priorities, has restricted this to date but the successful Prevent forum last year has evidenced the appetite for these events. Our new SA Senior Social Worker appointment now provides the opportunity to plan future events.</p> <p>Our Operational Safeguarding Improvement group allows for a 'temperature check' of the operational safeguarding system and collective solution focused thinking to responding to any emerging themes.</p> <p>An example of this is the need to get better at recording if we have asked people about their preferred outcomes, arrangements to seek valid</p>

<p> <ul style="list-style-type: none"> <li>▪ Representation at Devon Multi-Faith Group Board</li> <li>▪ Attendance at regional safeguarding networks</li> <li>▪ Representation at MARAC steering group</li> <li>▪ Representation and Torbay Domestic Abuse Strategic Group</li> </ul> </p> <p>We have a range of accessible information on our websites, and a leaflet has been co-produced by the Community Reference Group.</p> <p>We actively take part in local safeguarding appreciative enquiry events and SARS, with any recommendations going to the learning and development subgroup.</p> <p>We have a broad range of local policies and practice guidance such as:</p> <ul style="list-style-type: none"> <li>▪ Managing allegations against people in positions of trust</li> <li>▪ Safeguarding Operational Guidance</li> <li>▪ Safeguarding Adult Single Point of Contact Guidance</li> <li>▪ Safeguarding Adulthood Training Framework</li> <li>▪ Responding to concerns relating to a deceased person.</li> <li>▪ Qualitative feedback SOP Guidance</li> <li>▪ Co-production via partnership arrangements of Anti-Slavery MOU</li> <li>▪ Broad range of participation and contribution to safeguarding adult partnership publications.</li> </ul>	<p>business as usual and work in partnership with operational teams to understand and address any emerging themes. For example, enquiries open beyond 90 days are reviewed to avoid drift and ensure the enquiry needs to remain open. All S42(2) enquiries are formally signed off by lead professionals to confirm the local authority S42 duty has been met.</p> <p>Key summary data for 24/25 is:</p> <ul style="list-style-type: none"> <li>▪ 1034 concerns raised</li> <li>▪ S42 decisions within SPOC take on average 7.1 days</li> <li>▪ 347 S42(2) enquiries started</li> <li>▪ 33.6% conversation rate</li> <li>▪ 369 enquiries closed</li> <li>▪ 7.9% of S42(2) enquiries related to repeat enquiries in the past 12 months</li> <li>▪ 47.2% of enquiries occurred in an individual's own home</li> <li>▪ Neglect, physical harm, financial abuse are the three most common forms of abuse.</li> </ul> <p>As a full member of TDSAP we contribute to arrangements relating to the commissioning, undertaking and publication of safeguarding adult reviews.</p> <p>There are currently two Torbay related ongoing SARs and one outstanding referral (awaiting S44 decision). Our approach is regardless of whether a SAR relates to a Torbay resident, learning from TDSAP arrangements is disseminated to front line teams through for example the operational Safeguarding Improvement Group. An example of our interaction in these</p>	<p>consent to provide qualitative feedback, reflective discussion on the latest SAR practice briefings.</p>
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arrangements is the forthcoming attendance by 20 operational staff at the TDSAP self-neglect conference in June 2025. Our attendance includes joint delivery of a workshop.

We have previously hosted a number of network Safeguarding Adult Forums. Most recently in June 2024, we hosted a Prevent Conference with an excess of 100 practitioners with high quality expert speakers. The aim of this was to promote Prevent awareness in Torbay.

We have worked through the Torbay and Devon Safeguarding Adult Partnership to develop and publish public information and team information on safeguarding adults including easy read information.

Our policies are reviewed every 3 years or sooner if needed by TSDFT governance arrangements. Oversight of policy is retained within adult social care safeguarding.

**3B.2** Making safeguarding personal is embedded in our approach.

We have quality checker arrangements in place which is supported by Living Options Devon who explore with individuals their experience of the safeguarding process and provide a summary report on findings.

Our recent performance:

- 91.1% of enquiries had a risk outcome of removed or reduced
- 79.1% of records record a preferred outcome was asked. (90% target)
- 93% of those asked stated their preferred outcomes were fully or partially achieved.
- 17.3% of people consented to give qualitative feedback (20% target)

Our qualitative feedback indicates that individuals receive positive outcomes from their experience of a safeguarding response. This is evidence through Independent Quality Checker

Our data on preferred outcomes identifies we do not always record if we are asking people their preferred outcomes. We identified this was due to a care management recording tool issue which meant that staff could not record outcomes in response to a S42(1) outcome. This has been rectified, and our Deputy Safeguarding Adult Manager has oversight of data improvement.

Our records do not evidence that all individuals or their representative are asked if they consent to provide qualitative feedback. This has been escalated with teams in our operational safeguarding improvement group within increased scrutiny of

	feedback reports.	activity driving improvement.
<p><b>3B.3</b> We have a joint Adults Safeguarding Board with Devon County Council (TDSAP). There is a broad range of information available on the TDSAP public webpage <a href="#">here</a></p> <p>There are various methods by which assurance these arrangements are fit for purpose including:</p> <ul style="list-style-type: none"> <li>▪ DASS, Deputy DASS and Lead Member membership at TDSAP Board meetings, including receipt of minutes.</li> <li>▪ Our Head of Safeguarding Adults Chairs the Operational Delivery Group of the Partnership.</li> <li>▪ The TDSAP Business Activity Plan monitors and reviews the development, progression and delivery of actions that support the TDSAP strategic priorities.</li> </ul> <p>The Operational Delivery Group holds the Business Activity Plan and reports on progress at each meeting. There is a monthly Business Managers meeting chaired by the Independent Chair of TDSAP which is attended by the Deputy DASS and Head of Safeguarding Adults.</p> <p>Publication of SARS is by default notified in advance to the DASS, Deputy DASS and Head of Safeguarding Adults and formally signed off for publication at TDSAP Board.</p> <p>The Chairs of the Children’s Safeguarding Board and Adults Board meet regularly to ensure shared areas of work are discussed.</p> <p>There is good connectivity within operational group membership arrangements. For example, in April 2024 a representative of the Devon children’s Quality Assurance Lead summarized activity relating to transitions into adulthood. Adult members were able to recommend more of an MCA focus in children’s training arrangements.</p>	<p>DASS, Deputy DASS, Head of Safeguarding Adults and Lead Member membership at TDSAP Board</p> <p>Independent Chair of TDSAP</p> <p>Monthly Business Managers Meeting attended by Deputy DASS and Head of Safeguarding Adults</p> <p>Full organizational membership at all levels of TDSAP</p> <p>Annual report is presented to Torbay Council Cabinet for Sign Off and information</p> <p>Publication of Safeguarding Adult Reviews is approved at TDSAP with DASS, TSDFT Executive Lead notification prior to publication</p>	<p>The partnership is seeing repeated SAR referrals relating to self-neglect. In response, a TDSAP task and finish exercise has reviewed:</p> <ul style="list-style-type: none"> <li>▪ Self-neglect guidance</li> <li>▪ Hoarding guidance</li> <li>▪ Considered new approaches to SAR activity</li> <li>▪ Prioritised how learning from safeguarding adult review is evidenced in practice</li> </ul> <p>In the past 12 months, the Partnership has reviewed how best to ensure continued engagement from people with lived experience within its arrangements. In response, within its priority to improve engagement, awareness and inclusion, that Partnership has committed to delivering a continued investment and engagement with community groups to ensure that co-production and co-design is central to continual improvement.</p>

<p>The TDSAP current priorities can be accessed <a href="#">here</a></p> <ul style="list-style-type: none"> <li>▪ Seek Assurance from partners in relation to practice improvements in key risk areas.</li> <li>▪ Seek assurance from partners that learning from SARs is embedded into practice</li> <li>▪ Improve awareness, engagement and inclusion.</li> </ul>		
<p><b>3B.4</b> Coordinated multiagency meeting structure to assess and collectively support vulnerable individuals and address perpetrating activities that increase level of risk.</p> <p>Cross organisation partners include dedicated Adult Social Care Social Worker, Police, Probation, drug and alcohol services, Housing, ASB and Vulnerability team.</p> <p>It champions a trauma informed approach, with a focus on adopting a system rather than organisational approach to addressing need.</p>	<p>Housing and Vulnerability meeting (weekly) – multi agency approach to provide a rapid task centered action plan around an individual. If the level of risk is assessed above threshold referral through to statutory agencies or MDT meeting called on a case-by-case basis.</p> <p>Alliance Management Meeting (Growth in Action) – accepts referral and then system approach including complex needs navigator embedded in the homeless Hostel.</p> <p>A series of ASB and weekly huddle meeting sharing soft intel to identify emerging issues or vulnerable individuals identified especially within the street attached community.</p>	<p>We want to further embed the voices of people within MDT meetings and build upon client engagement in this process.</p>

## Theme Four – Leadership

4A We have clear responsibilities, roles, systems of accountability and good governance to manage and deliver good quality, sustainable care, treatment and support. We act on the best information about risk, performance and outcomes, and we share this securely with others when appropriate.		
What are we doing well?	How do we know it?	What do we need to do better, and how will we monitor this?
<p><b>4A.1</b> The Adults and Communities Directorate is led by the Director of Adults and Communities who is the formal DASS and part of Torbay Council’s Corporate Management Team.</p> <p>The DASS is currently supported by two Divisional Directors responsible for:</p> <ul style="list-style-type: none"> <li>▪ Adult Social Care strategic commissioning and delivery working with TSDFT to oversee the performance of Adult Social Care operations.</li> <li>▪ Communities covering housing solutions and standards, homelessness, community safety and licensing.</li> </ul> <p>The Principal Social Worker role is held by the Associate Director of Social Work and Professional Practice within TSDFT. There is an Associate Director responsible for Operational Adult Social Care, they work together with an Associate Director for Community Health.</p>	<p>The Council and Trust structure charts are included within IR37. Within this we have also included the TSDFT Social care senior leadership structure.</p> <p>There is regular communication between senior management and staff across the Directorate to share key information and support the development of improvement plans and areas of priority. This includes Newsletters, Staff Briefings and other updates.</p> <p>There are monthly Portfolio Holder and Shadow Portfolio meetings between the Director and Elected Members.</p> <p>We have a shared vision for Adult Social Care and joined up approach to our transformation programme. We recognise areas we need to improve and are working together to address these.</p>	<p>We have recently reintroduced face-to-face staff briefings and engagement sessions and intend to build these into our communication approach following positive staff feedback.</p> <p>Our Principal Social Worker is employed by TSDFT and has established monthly sessions on ASC practice and improvement; we will use this forum to enhance our workforce development plan and workforce strategy.</p> <p>We need to continue to strengthen the voice and identity of Adult Social Care within the integrated organisation.</p> <p>We need to build on our Delivery Committee to ensure that risk and outcomes for people are clearly communicated across the Council and integrated care organisation.</p>
<p><b>4A.2</b> Torbay Council’s corporate governance covers the following:</p> <ul style="list-style-type: none"> <li>▪ Officer and political structures</li> <li>▪ Decision making processes</li> <li>▪ Performance management and oversight</li> <li>▪ Financial control, oversight and delegation</li> <li>▪ Risk management</li> </ul>	<p>Torbay Councils Annual Governance Statement can be found here <a href="#">Annual Governance Statement 2023-2024.pdf</a>.</p> <p>We have clear governance arrangements in place between Torbay Council and TSDFT which are detailed in IR31.</p> <p>Within Torbay Council, performance, finance and risk reports are developed for:</p>	<p>We want to further develop our single reporting arrangements across the two organisations.</p> <p>We intend to improve our trend analysis following the implementation of our new IT system.</p> <p>We will continue to ensure there is a robust line of sight between TSDFT and the Council’s DASS through our enhanced governance arrangements.</p>

	<ul style="list-style-type: none"> <li>▪ Directorate Oversight Meeting</li> <li>▪ Directorate Leadership Meeting</li> <li>▪ Delivery Committee</li> <li>▪ Service Improvement Board</li> <li>▪ Scrutiny Board</li> <li>▪ Portfolio Briefings</li> <li>▪ Safeguarding Adults Board</li> <li>▪ Audit and Governance Committee</li> <li>▪ S75 Executive Board</li> </ul> <p>Within the Trust, performance, finance, risk and quality reporting is overseen by:</p> <ul style="list-style-type: none"> <li>▪ Families and Communities Care Group</li> <li>▪ Executive Oversight Group</li> <li>▪ Quality Assurance Committee</li> <li>▪ Finance and Performance Committee</li> <li>▪ Trust Board</li> </ul> <p>Our new DASS has recently been invited to join the TSDFT Board to ensure Adult Social Care is fully represented at Board level.</p> <p>A robust risk management approach is in place; the Corporate Risk register contains our most significant risks with appropriate mitigating actions.</p> <p>There is a joint ASC Risk register between Torbay Council and TSDFT. This is regularly reviewed, and escalations are managed through the Delivery Committee.</p> <p>Our risks are reviewed on a quarterly basis in line with our risk management strategy.</p>	<p>We will use our Peer Review feedback and self-assessment to drive our improvement and transformation plans.</p>
<p><b>4A.2</b> Torbay Council has robust budget monitoring and medium-term financial planning processes in place. The S75 arrangement for the delivery of Adult Social Care between Torbay Council and TSDFT is a five-year arrangement where the budget for Social Care including</p>	<p>Torbay Council's Budget can be found here <a href="#">Budget 2025/26 - Torbay Council</a></p> <p>The Council seeks the views of residents as part of the budget setting process. The budget engagement details the statutory requirements</p>	<p>There is further work for us to do to develop robust cost and volume modelling, this will be assisted by the implementation of our new IT solution.</p> <p>A key area of improvement for operational and strategic</p>

<p>the ASC Precept, and any grants is transferred to the Trust on 1<sup>st</sup> April each year. There is a provision made for growth with the Council supporting cost/volume modelling and benchmarking with comparator authorities.</p> <p>The Trust develops annual cost improvement programmes, these are co-designed with the Council's Divisional Director for Adult Social Care</p>	<p>relating to adult social care, homelessness and children's services for context.</p> <p>There are joint finance meetings in place between the Council and TSDFT to monitor delivery against the cost improvement plans as well as weekly operational delivery meetings to track progress.</p>	<p>commissioning is to address the cost of care within Torbay, this is being addressed through the development of improved frameworks and fee rates.</p>
<p><b>4A.3</b> We have an established Health and Wellbeing Board (HWBB) which promotes the health and wellbeing of all residents across Torbay.</p>	<p>The HWBB co-produced our Health and Wellbeing Strategy 2022-2026 which covers five key areas:</p> <ul style="list-style-type: none"> <li>▪ Mental Health</li> <li>▪ Health ageing</li> <li>▪ Good Start to Life</li> <li>▪ Complex Needs</li> <li>▪ Digital Inclusion</li> </ul> <p>In addition, led by our Director of Public Health, the HWBB ensures the development of our Joint Strategic Needs Assessment which provides the demographic intelligence to support commissioning and delivery of health and wellbeing offers for all.</p>	

<p>4B We focus on continuous learning, innovation and improvement across our organisation and the system. We encourage creative ways of delivering equality of experience, outcome and quality of life for people. We actively contribute to safe, effective practice and research.</p>		
<p>What are we doing well?</p>	<p>How do we know it?</p>	<p>What do we need to do better, and how will we monitor this?</p>
<p><b>4B.1</b> We have a stable and resilient workforce, turnover rate 10.41%, staff sickness 7%, supported by our strong practice development offer. Since adult social care staff are employed by the NHS Trust in Torbay retention and recruitment levels are generally good.</p> <p>We have a dedicated education and learning post for ASC who provides specific staff informed training developed in line with emerging needs and themes from case audit,</p>	<p>We offer:</p> <ul style="list-style-type: none"> <li>▪ 4 Social Work Apprentice degrees per year</li> <li>▪ 3 people per annum to complete their practice education module</li> <li>▪ 1 person to complete their AMHP training</li> <li>▪ 3 OT students per year</li> </ul>	<p>Adapting to changing demographics within our workforce.</p> <p>Focus on digital support for our workforce.</p>

<p>safeguarding or complaints. We offer 4 Social Work Apprentice degrees per year and support 3 people per annum to complete their practice education module.</p>	<ul style="list-style-type: none"> <li>▪ Our PSW and Education Lead run a Post qualifying supervision standards training programme</li> <li>▪ We have an annual Leadership Programme</li> <li>▪ We have minimal use of agency staffing</li> <li>▪ Our contract managers are accredited based on Contract Management Professional Standards</li> <li>▪ We train our Commissioners with Oxford Brookes</li> <li>▪ Competitive pay and strong recruitment processes</li> </ul>	
<p><b>4B.2</b> We review and analyse our complaints, our PSW uses any emerging themes to inform practice development proposals or inform our improvement work.</p>	<p>Complaints are regularly reported through our Delivery Committee. This ensures there is a clear line of sight to the DASS with regards to themes and risks of feedback.</p> <p>We have a shared learning approach, driving continuous improvement.</p>	<p>We continue to work on improving our communication, practice and processes to ensure the people we serve access the right support to best meet their needs.</p>

## Glossary

When we say	What it stands for	And what it means
ADASS	Association of Directors of Adult Social Services	ADASS is a membership organisation for those working in adult social care.
ASC	Adult Social Care	Adult Care is the support provided for those aged over 18 to manage their own needs and to live life to the fullest – even when they face challenges because of their circumstances.
ASCOF	Adult Social Care Outcomes Framework	The Adult Social Care Outcomes Framework is a set of national measurements which help us to check how well care and support services are making a difference to people.
DoL's	Deprivation of Liberty Safeguards	DoLS aims to protect people who are able to consent to changes in their living arrangements which deprive them of their liberty. Checks are carried out to make sure they are necessary in the person's best interests and that their feelings and wishes are taken into account.
DP	Direct Payments	Direct payments allow people to receive cash payments from your local authority instead of care services to choose the support they need for themselves.
DFG	Disabled Facilities Grant	Disabled Facilities Grants help towards the costs of making changes to a person's home so they can continue to live there.
DTA	Discharge to Assess	Discharge to Assess helps fund and support people to leave the hospital when it's safe and appropriate to do so
ICS	Integrated Care Strategy/System	Integrated Care Systems are local partnerships that bring health and care organisations together to develop shared plans and joined-up services. They are formed by NHS organisations and upper-tier local councils in that area and also include the voluntary sector, social care providers and other partners with a role in improving local health and wellbeing.
ICB	NHS Devon Integrated Care Board	ICB's are NHS organisations responsible for planning health services for their local population. They manage the NHS budget and work with local providers of NHS services, such as hospitals and GP practices.
ICO	Integrated Care Organisation	An integrated care organisation provides a joined up model of health and social care services.
JSNA	Joint Strategic Needs Assessment	Joint Strategic Needs Assessments (JSNAs) are assessments of the current and future health and social care needs of local communities.
LCP	Local Care Partnership	Local Care Partnerships bring together local health and care providers to work together to improve services in local communities, focusing on what matters to local people.
LSOA	Lower Super Output Areas	Lower layer Super Output Areas (LSOAs) help us to understand the needs of smaller communities, using data. They usually include between 400 and 1,200 households and between 1,000 and 3,000 people.
MCA	Mental Capacity Act	The Mental Capacity Act (MCA) is designed to protect and empower people who may lack the mental capacity to make their own decisions about their care and treatment. It applies to people aged 16 and over and covers decisions about day-to-day things like what to wear or what to buy for the weekly shop, or serious life-changing decisions like whether to move into a care home or have major surgery.
MDT	Multidisciplinary Team	A group of professionals from different roles or organisations who come together to share information and ideas to help support people who need help to stay safe or manage everyday living.
MSP	Making Safeguarding Personal	Making Safeguarding Personal aims to make sure that the feelings and wishes of people involved in safeguarding concerns are considered and they are supported to improve or resolve their circumstances.
OT	Occupational Therapy/Therapists	Occupational therapy aims to improve people's ability to do everyday tasks if they're having difficulties.

PCN	Primary Care Networks	A PCN is a group of GP practices working closely together to provide services to their local population. A PCN usually includes 30,000–50,000 patients.
PSW	Principal Social Worker	The Principal Social Worker takes a lead role in making sure our arrangements to support people and keep them safe are good quality and we keep improving.
SAR	Safeguarding Adult Review	Safeguarding Adult Reviews were previously known as serious case reviews. A SAR is a multi-agency review process which seeks to determine what relevant agencies and individuals involved could have done differently that could have prevented harm or a death from taking place.
TSDFT	Torbay and South Devon Foundation Trust	TSDFT is the NHS Trust in Torbay.
VCSE	Voluntary and Community Sector organisations	VCSE means a voluntary, community or social enterprise organisation which serves communities solely within England and which is either: a charity, Community Interest Company or Community Benefit Society, registered with the relevant registry body; or an unregulated organisation with a social mission which is similar to a charity.

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**Meeting:** Cabinet **Date:** 14 July 2025

**Wards affected:** All

**Report Title:** Adult Social Care, Market Position Statement

**When does the decision need to be implemented?** July 2025

**Cabinet Member Contact Details:** Cllr Hayley Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities. hayley.tranter@torbay.gov.uk

**Director Contact Details:** Anna Coles, Director of Adults and Community Services. Anna.Coles@torbay.gov.uk

## 1. Purpose of Report

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- 1.1 To seek endorsement for the publication of the updated Market Position Statement for Adult Social Care 2025 -2029 which sets out how we will work and shape the care market to manage demand and capacity. It also sets out our intentions for early interventions to enable working age adults and older people to remain well and as independent as possible.

## 2. Reason for Proposal and its benefits

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- 2.1 The proposals in this report help us to deliver our vision of a healthy, happy and prosperous Torbay by setting out key areas within the Market Position Statement (“MPS”). This explains how the council intends to work with providers of adult services to meet needs now and in the future. The MPS provides an overview of national and local context in which we work to meet the health and social care system needs and its challenges. It details the current work the Council is progressing with its NHS partners to have a clear focus on reducing demand, facilitating early intervention and prevention whilst enabling people to live well. We need to develop and support a stable and innovative provider market.
- 2.2 The reasons for the proposal and need for the decision are that the Care Act 2014 places a duty on Local Authorities to facilitate and shape our care and support market, to ensure sustainability, diversity, and to be continuously improving and innovating services. The council have statutory duties to meet the care and support needs of adults who have an assessed need under the Care Act 2014, the MPS highlights the opportunities to align resources to support all ages.

### 3. Recommendation(s) / Proposed Decision

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1. That the Cabinet endorse the Market Position Statement (MPS) 2025 – 2029 as set out in Appendix 1 to the submitted report.

#### **Appendices**

Appendix 1. Market Position Statement 2025 -2029

#### **Background Documents**

N/A.

## 1. Introduction

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- 1.1 Managing the care market is essential to ensure demand is met now and in the future in the most cost-effective way.
- 1.2 Quality and supply is monitored regularly to ensure a quality and a sustainable market is accessible across Torbay. Commissioners need to ensure performance and data is available and analysed to enable the direction of resources to where they are needed.
- 1.3 The Council has a duty to do the following:
- Meet needs of people eligible for care, support people and their carers.
  - Fund care for those people with eligible needs and who meet financial eligibility criteria.
  - Local market shaping to encourage quality, choice and sufficiency of provision.
  - Local contingency planning in case of provider failures.
  - Ensure care is maintained where a provider fails financially and services cease – for everyone, including self-funders – so as to ensure people’s needs continue to be met.
  - Work with NHS to promote integration including integrated commissioning and joined up services.
  - At national level, Association of Directors of Adult Social Services (ADASS) has a role in supporting contingency planning for provider failure and collaboration on market shaping through regional collaboration (via ADASS) on market shaping.

## 2. Options under consideration

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NA

## 3. Financial Opportunities and Implications

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- 3.1 This report will inform the work identified within the Medium Term Financial Plan (“MTFP”) and transformation plans held within Torbay to support Adult Social Care. Development and management of the care market will not only provide better outcomes by aligning the right services, and also promote independence for people. Spend within Adult Social Care is largely with third party external care providers through multiple contracts to support our

most vulnerable residents. Therefore, we have a duty to manage this market well and understand opportunities to develop it in line with our transformation plans.

- 3.2 The council will work with the market on how care and support are delivered in the most cost effective and efficient way as a system across all commissioning activity.

## 4. Legal Implications

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- 4.1 Statutory duties under the Care Act 2014 for care market shaping and contingency planning.

## 5. Engagement and Consultation

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- 5.1 Regular market engagement sessions are held (3 mthly) these are used to bring this document to life with our provider market.
- 5.2 As we move forward in developing our market, we will use all methods possible to co-produce with people who experience care and support.

## 6. Procurement Implications

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NA

## 7. Protecting our naturally inspiring Bay and tackling Climate Change

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- 7.1 None

## 8. Associated Risks

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- 8.1 Non-compliance with statutory duties
- 8.2 Lack of assurance for regulator (CQC).

## 9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>This Market position statement relates to people aged over 18years. It may have an impact on families/people of all ages who have a caring role.</p> <p>It may also impact on children who are transitioning into adult services from children’s services where there is an identified care need.</p>	<p>The MPS analyses data to shape the market to support the changing demographics across the applicable age ranges of our population.</p>	<p>Adults and Communities</p>
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>Replacement care is identified as an area that needs development within the Torbay area.</p>	<p>It is an area of development needed and is identified as one of our key areas of work as a priority. This requires a co-production approach.</p>	<p>Adults and Communities</p>
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>The MPS considers all aspects through data to help us look for gaps in provision.</p>	<p>The MPS analyses data to shape the market to support the changing demographics across our population.</p>	<p>Adults and Communities</p>

Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	The MPS considers all aspects through data to help us look for gaps in provision.	The MPS analyses data to shape the market to support the changing demographics across our population.	
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	The MPS considers all aspects through data to help us look for gaps in provision.	The MPS analyses data to shape the market to support the changing demographics across our population.	
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	NA	NA	
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst	NA	NA	

	the 20% most deprived areas in England.			
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	NA	NA	
Sex	51.3% of Torbay's population are female and 48.7% are male	The MPS considers all aspects through data to help us look for gaps in provision.	The MPS analyses data to shape the market to support the changing demographics across our population.	
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	NA	NA	
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	The MPS considers all aspects through data to help us look for gaps in provision.	The MPS analyses data to shape the market to support the changing demographics across our population.	
<b>Additional considerations</b>				
Socio-economic impacts (Including impacts on child		Section 9 assessments under the Care Act 2014 are carried out to understand care needs when required this will take	Care Act duties to support vulnerable people's care needs	Adults and Communities.

poverty and deprivation)		into consideration the individuals financial situation.	including a financial assessment for support.	
Public Health impacts (Including impacts on the general health of the population of Torbay)		Societal and demographic changes	Monitoring demographic changes and plan for these in the longer term..	
Human Rights impacts		NA		
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.			

## 10. Cumulative Council Impact

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10.1 None

## 11. Cumulative Community Impacts

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11.1 None

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# Torbay's Market Position Statement 2025-29 DRAFT

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**TORBAY COUNCIL**

**NHS**  
Torbay and South Devon  
NHS Foundation Trust

Agenda Item 10  
Appendix 1

## Foreword

For many people, receiving help to stay at home and to maintain their independence for as long as possible is what matters to them, and this is one of the key intended outcomes of our integrated Adult Social Care (ASC) model.

The way in which we deliver care and support is also changing, and our partnerships with care providers need to change too. We need to work together at different times in a person's care and support journey, recognising that people's needs change and that they need a responsive and agile network of support combining their resources with the NHS, social care, local communities and the independent sector. At the same time, we need to ensure this care and support is timely, sustainable and does not weaken natural support by promoting dependence on state-funded care until it's really needed.

The Care Act 2014 places a duty on Torbay Council to “**facilitate a diverse, sustainable, high-quality market for their whole local population and to promote efficient and effective operation of the adult care and support market as a whole. They must also ensure continuity of care in the event of provider failure**”. This duty will be met within the context of four overarching strategic priorities:

- Enabling more people to be healthy and stay healthy
- Enhancing self-care and community resilience
- Integrate and improve community services and care in people's homes
- Deliver modern, safe and sustainable services

In line with the strength-based approach underpinning the Care Act 2014 and the social policy changes that led to that legislation, Torbay's commissioning approach seeks to:

- Increase the use of enabling housing-based models of care and support so that people have greater choice and control over how, where, and with whom they live and how their care is provided. These options include ambitious capital projects such as multigenerational extra care housing, smaller schemes for groups with specific needs, and new models of home care to support people's remaining living with family carers at home.
- Increase the number of people maintaining their own independence by offering better information at an early stage to enable people to recognise their own strengths and assets, combining them with voluntary or community support and access to equipment and technology to meet their needs in the first instance.
- Reduce the systemic use of residential care to meet low-level social care needs. This means not placing working-age adults into care homes wherever possible and delaying the point at which older people enter residential care. The Council and our NHS partners will only commission homes capable of meeting very complex and nursing needs, working with our care home sector to constantly improve quality and capability within Torbay.

- To support and help people stay as well and independent as possible and able to manage their own well-being in their homes, wherever possible. Where care is needed, we want people to have a choice about how their needs are met and only have to tell their story once. The people receiving services must be at the heart of what we and providers deliver together.
  - We want people to remain in control of their lives, to remain independent and to have the opportunity to make their own choices about their care and support arrangements.
  - We will achieve this by our direct payment system being as clear as possible and allowing people true autonomy to meet their eligible care and support needs.
  - To further our work, Torbay have initiated the Direct Payments Project, which aims to review and implement recommendations from the Recommendations Report. This meeting will bring together key partners from the Council and the Integrated Care Organisation for collaborative work to improve our approach to Direct Payments in Adult Social Care.
  - This programme of work is part of our Transformation Plan, and the implementation of the direct payment improvements will be monitored through that.

### **What is a Market Position Statement?**

Local authorities produce a market position statement (MPS) to summarise supply and demand in the local Adult Social Care provider market and form the basis for strategic commissioning decisions.

It should be helpful to care providers, as:

- A tool to help plan for future developments, by providing valuable insight concerning investment in capital or personnel.
- Information on what is happening now and the commissioners' future plans.
- A step towards working with the local authority and other commissioners to plan their business development.

### **Scope**

The geographical focus is largely Torbay. However, as Torbay Council works closely with partners in the NHS and other local authorities across Devon (as part of the One Devon Integrated Care Partnership), and many Torbay providers work across South Devon and the region, we will also be referring to information about South Devon and beyond when needed. Also, as Torbay Council and NHS colleagues have been working since 2005 to integrate care and health services closely, we will not only reference our local and regional work, but also include Public Health, Housing, Children's Services, Community Safety and Planning.

The audience mainly consists of Adult Social Care providers in Torbay or providers who would like to move to the area.

## **Our Vision**

### **'Thriving communities where people can prosper'**

*Our residents have a place to call home, in a community they can be part of, while being empowered to achieve what matters most to them through the best care and support available.*

Our vision is to support people in staying as well and as independently as possible for as long as possible and managing their own health and well-being in their own homes, wherever possible.

### **Mission statement**

*We will work with our local community to support residents in Torbay to maximise their own well-being and independence, advising and guiding them around the best health and social care systems for them. Those who provide support services will feel empowered to enable people to engage fully in their own decision-making on care choices.*

*By working with our community this way, we will create a new way of supporting each other to achieve well-being for everyone—those receiving support and personal assistance and those providing it.*

Where care is needed, we want people to have a choice about how their needs are met and only have to tell their story once. The people receiving services must be at the heart of what we and providers deliver together.

# Thriving communities where people can prosper

## our vision for Adult Social Care in Torbay

Our residents have a place to call home in a community they can be part of, while being empowered to achieve what matters most to them through the best care and support available.

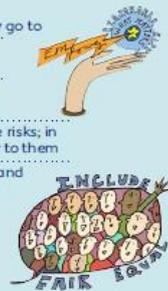
### Working in partnership means:

- Finding opportunities to work together to support people's wellbeing
- We recognise we are part of the community, not separate from it
- Helping to connect people, groups and organisations together
- Building strong, open, and trusting relationships with everyone we come into contact with i.e. partners, community organisations and those we support
- Constantly learning and asking for everyone's views
- Supporting and valuing those who carry out unpaid work for us, like carers and volunteers



### Respond to our community by:

- Working with people in their own neighbourhoods, in places they already go to
- Making it easier for people to access good advice and information
- Working with people to find and build up their strengths and priorities
- Empowering people to take reasonable risks, in order to achieve the things that matter to them
- Looking for and sharing opportunities and positives. Focusing on what we CAN do
- Making sure everyone is included, and treated fairly and equally
- Making sure we are fair in the way we support people



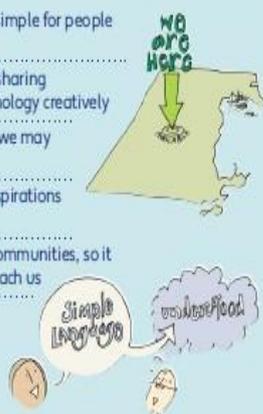
### Our values and behaviours are:

- We value everyone's contribution, and recognise our own boundaries
- To share our knowledge, skills, and resources for the benefit of local people
- Support and empower people to be the best they can be
- Enable people to live lives which are as full and independent as possible
- Respect the feelings and experiences of others, even if they are different from ours
- Always looking for ways to improve how we work
- Trust each other to do the right thing for people



### We will communicate by

- Using language that is simple for people to understand
- Using different ways of sharing information, using technology creatively
- Considering the impact we may have on others
- Sharing our aims and aspirations with everyone
- Being available in our communities, so it is easier for people to reach us



### The way we will work & do things

- Use technology to help people stay independent
- Remove as much red-tape and bureaucracy as we can
- Be flexible to help people achieve their goals
- Make our systems work better for us and the people we support
- Support people to make changes, which help them feel healthier and happier
- Empower people to choose how their care and support needs can be met
- Work with people and communities to reduce inequalities
- Empower staff and partners to be creative and try new ways of working
- Give our staff the training, tools, and permission to work differently

### We will do this by:

- Building long-lasting relationships with our community partners, which are founded on trust, transparency and compromise
- More joint working between Adult Social Care and community/voluntary sector partners, including working together in community settings
- Streamlining our tools and processes, to ensure that we act consistently and reduce bureaucracy
- Making it easier for people to access a wider range of support, advice and information; which helps them achieve the best outcomes
- Increasing training, development and support for our staff, so that they feel confident in working differently with people and the community
- Focusing on what matters most to those that we work with, and supporting them to achieve these; whether they are new to social care or have been supported for some time
- Making sure our systems support a different way of working, and measure meaningful results
- Making best use of technology to help people achieve the outcomes that matter to them



### Benefits we have seen so far:

- Community partners have said they feel more valued and trusted, because we are working together as equals
- Working in partnership with social care has helped some community partners to secure additional charitable or government funding, which has a bigger impact in their community
- Social care staff and community partners have both said that sharing, learning from, and supporting each other has been a positive experience
- Social care staff have said they appreciate being trusted and empowered to try new things, and to do the right thing for people



We have been able to connect more people with resources in their community which helps them to stay well and independent

- More people have been able to find a solution that's right for them at first contact
- Working in community spaces has made social care advice and information more accessible, particularly to people who may have otherwise not engaged with us
- Average waiting times have reduced for most social care teams
- People have reported that they felt listened to and cared about, through being supported in a different way



### Things we want to avoid:

- Trying to remove all risk, and reducing a person's choice and control as a result
- People having to wait a long time for support, and their situation getting worse as a result

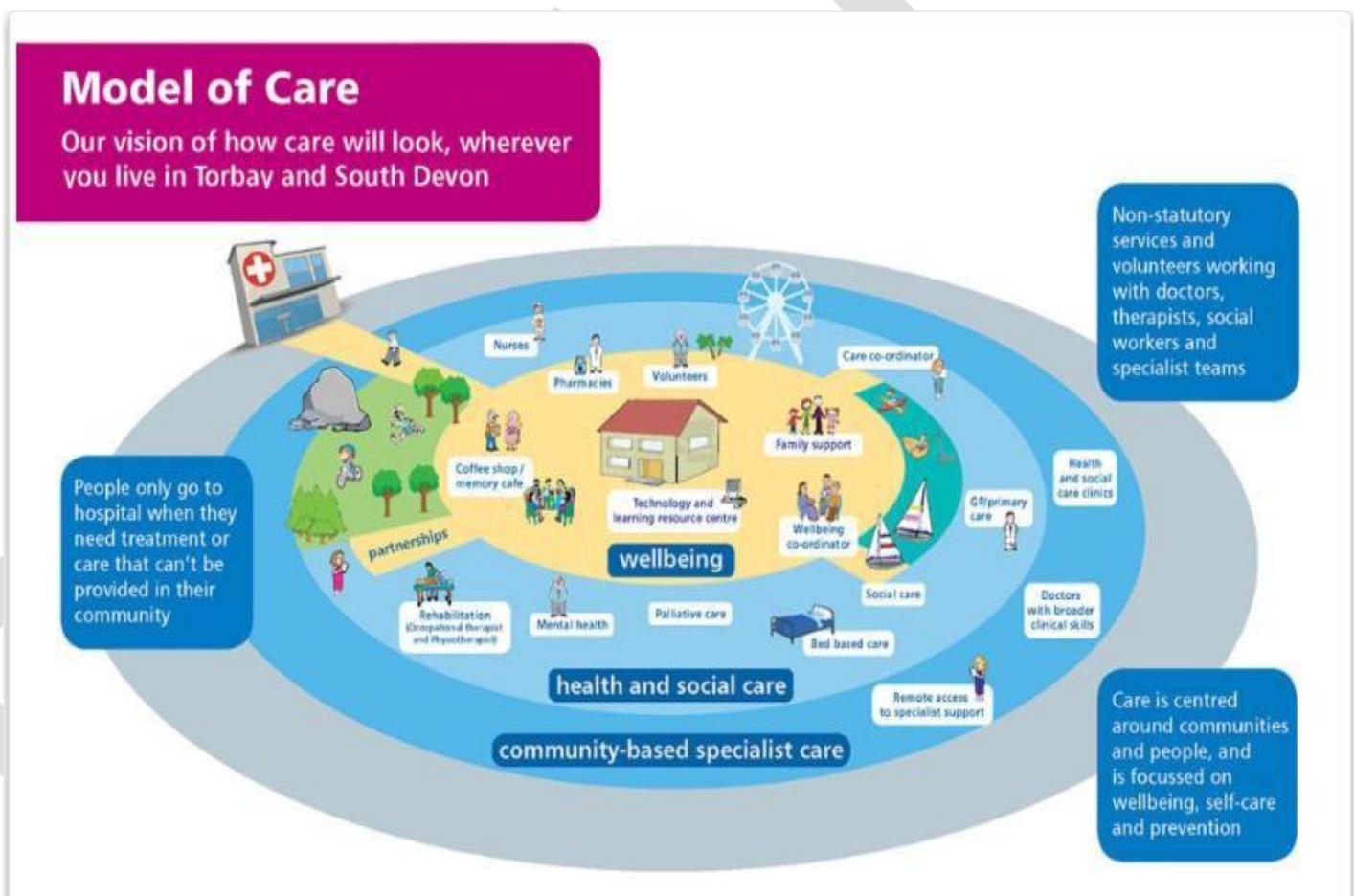
## Background/Context

Since 2005, we have been working to integrate ASC services with NHS services. By using most of the ASC budget to commission local NHS providers to directly deliver social care for adults (or commission independent sector providers on our behalf), we can provide better 'joined-up care.' People have told us they do not mind who provides services for them, they just want the right care provided at the right time.

In October 2015, the two largest NHS Trusts in the Torbay and South Devon area merged to form an Integrated Care Organisation (ICO), now called Torbay and South Devon NHS Foundation Trust (TSDFT) referred to in the rest of this document as the Trust. We also created pooled budgets.

Our Model of Care (see diagram below) outlines our vision for the future of health and care in Torbay and South Devon for providers.

## The Model of Care



The Trust, Devon ICB (the organisation responsible for commissioning most of the county's NHS budget), and the local authority are continuing to develop our Model of Care, which emphasises well-being and prevention. We focus on using people's strengths and assets to promote resilience, prevent their need for statutory social care intervention, and reduce the length of any intervention.

ASC independent sector care providers have a crucial role to play in the current health and social care system and our Model of Care. Providers are key partners for us, so we want to make sure they get the information and support they need to carry out their roles effectively.

The strategic plans of Torbay Council, Devon ICB and the Trust (as part of the One Devon Integrated Care Partnership that was established in 2022) will give more insight into the local provision of Adult Social Care. Their representatives, along with other partners, meet as the Torbay Health and Wellbeing Board (HWBB) to improve the commissioning and delivery of NHS and local government services.

There are now five established local care partnerships (LCPs) that, when combined, form the whole of One Devon Integrated Care System. Of these, one (South LCP) encompasses the Torbay Council and Torbay HWBB footprint.

Part of the HWBB and LCP's remit is to agree, plan, and implement, at a local level, how the Better Care Fund (BCF) programme and pooled budgets support local systems to successfully deliver the integration of health, housing, and social care in a way that supports person-centered care, sustainability, and better outcomes for people and carers.

- For more information on the Torbay Council Community and Corporate Plan, see: <http://www.torbay.gov.uk/council/policies/corporate/corporate-plan/>
- For more information about the ASC commissioning plans and strategies for Torbay Council, see: [Adult social care commissioning - Torbay Council](#)
- For more information about the plans of One Devon and the Integrated Care Strategy, see: <https://onedevon.org.uk/about-us/our-vision-and-ambitions/our-devon-plan/>
- For more information about the plans of the Integrated Care Organisation – Torbay and South Devon NHS Foundation Trust, see: [Our vision and strategy - Torbay and South Devon NHS Foundation Trust](#)

## What we are looking for from care and support providers:

We would like to see more:

- Providers that put the person and/or carer at the centre of everything they do, involving them in the planning and delivery of their care and listening to them
- Providers working together to deliver care innovations, thinking ahead with us
- More providers rated 'outstanding' by the Care Quality Commission (CQC) in Torbay, reflecting improved quality of care
- Providers that build and use the resilience and assets of people and communities, reducing dependency and the need for services
- Providers who want to work with us intervene early and prevent the escalation of need, so that people can maximise their health and well-being, and fewer people will have to move out of their homes to receive the care and support they require
- Providers offer short-term as well as long-term care options
- Providers support people who buy their own care, using a direct payment or personal budget
- Providers who measure their success by the positive impact they have on a person's health, well-being and independence, as well as satisfaction with the care received
- Providers who deliver 'value for money' (but not necessarily the cheapest) care

We also recommend that providers connect with other service suppliers across the health and care marketplace to share the best practices and identify opportunities to work together, e.g., using each other's skill sets, co-locating services, sharing costs, etc. This includes working with organisations in the voluntary sector that provide services such as advice, advocacy, and information signposting and can help engage with the broader community (including volunteers).

# Our commissioning intentions and business opportunities for providers of care and support

The Council's Community and Corporate Plan (2019)-2023 is here <http://www.torbay.gov.uk/council/policies/corporate/corporate-plan/> and our current priority adult social care commissioning intentions are in the table below.

CURRENT COMMISSIONING INTENTIONS - OVERARCHING THEMES AND WAYS OF WORKING		
Prevention and Early Help	Community	Accommodation with care and support
<p>1. Focus on prevention, early intervention, rehabilitation and recovery to:</p> <ul style="list-style-type: none"> <li>• Support people to remain as independent as possible, for as long as possible</li> <li>• Reduce ASC demand</li> <li>• Delay entry into residential care</li> </ul> <p>2. Increase independence and re-enablement through better access to community equipment, assistive technology, home improvements, including Disabled</p>	<p>Support people to remain living at home and exercise choice and control over their lives through the availability of:</p> <ul style="list-style-type: none"> <li>• High-quality homecare and domiciliary care services (including complex support), focusing on personal enablement and recovery</li> <li>• Personal assistants, support planning and brokerage services</li> <li>• Providers with which people can use their personal budgets</li> </ul> <p>Support the sustainability of a vibrant voluntary and community sector by:</p> <ul style="list-style-type: none"> <li>• Maintaining and using the local mapping work by Devon ICB, ICO, LA commissioners and the local sector</li> <li>• Reducing the current duplication of services and</li> </ul>	<p>In line with the strength-based approach underpinning the Care Act 2014, Torbay's commissioning approach seeks to:</p> <ol style="list-style-type: none"> <li>1. Develop a dynamic forecasting model that will assist in determining the right size, type and supply of residential and supported living (SL) care in Torbay, to meet the current and emerging social care demand, including more complex needs</li> <li>2. Increase the use of enabling housing-based models of care and support so that people have greater choice and control over how, where, and with whom they live and how their care is provided</li> <li>3. Reduce the systemic use of residential care to meet social care needs, by: <ul style="list-style-type: none"> <li>• Creating effective supported living options for all age groups that enable people to live well at home for longer</li> <li>• Supporting more people to maintain their independence through early advice on personal and community assets, and access to equipment and technology to meet their emerging needs</li> </ul> </li> </ol>

<p>Facilities Grant</p>	<p>quality variance</p> <ul style="list-style-type: none"> <li>• Using a lead voluntary sector organisation to commission services on our behalf</li> <li>• Vibrant communities with increased feelings of neighborliness, connection, and accessible places of welcome</li> </ul>	<ul style="list-style-type: none"> <li>• Not placing working-age adults into residential care, wherever possible With better home care alternatives, significantly delaying the entry of older people into residential care and reducing stays</li> <li>• With our NHS partners, we only commission and place in homes capable of meeting very complex and nursing needs</li> </ul> <ol style="list-style-type: none"> <li>4. Work with our residential and nursing care sector to improve quality and capability and develop agreed outcomes-based specifications</li> <li>5. Work with our supported living providers to develop sufficient capacity and quality to meet emerging demand, including complex needs, and develop agreed outcomes-based specifications</li> <li>6. Implement the Housing Strategy 2020 - 2025 <a href="http://www.torbay.gov.uk/housing-strategy">http://www.torbay.gov.uk/housing-strategy</a></li> <li>7. Develop further units of extra-care housing and sheltered accommodation that meet the needs of people with more complex conditions</li> </ol>
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<p><b>Learning Disabilities (LD)</b></p> <p>Development and Co-Production of <a href="#">Torbay Council Big Plan for Learning Disabilities</a>. Finding out how we are working together to make Torbay a better place to live for people with learning disabilities</p>	<p><b>Community</b></p> <p>Focus on people living whole and independent lives, where secure homes and fulfilling lives are a priority.</p> <p>Improve access to paid employment and training by providing targeted person-centered support.</p> <p>Develop outcome-based commissioning of day activities to ensure daytime activities/services offer more choice, promote community inclusion, and deliver more aspirational outcomes.</p> <p>Improve accessibility to community services for people with a learning disability, through reasonable adjustments.</p>	<p><b>Accommodation with care and support</b></p> <p>Torbay’s commissioning approach seeks to:</p> <ul style="list-style-type: none"> <li>• Reduce the number of under-65 adults with LDs in long-term residential settings by a third over the next three years</li> <li>• Halve the number of larger residential settings (those with over eight beds, which have a more institutional feel)</li> <li>• Ensure greater housing choice, particularly self-contained SL, sheltered housing, extra care, and access to general needs housing</li> <li>• Ensure more consistency of provision and fewer complaints about the quality of support delivered</li> <li>• More people with LDs living with parents are diverted from entering residential care and could live as independently as possible</li> <li>• Ensure the quality of support and tenancies in supported living is given more assurance and improved</li> </ul>
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<p><b>Autism</b></p> <p>Working with Torbay Council, the Autism Partnership Board has been instrumental in developing the Torbay Adults Autism Strategy, which will be completed in August 2025. From this strategy, an Action Plan will be developed over the next 12 months.</p> <ul style="list-style-type: none"> <li>• Improving understanding and acceptance of autism within society</li> <li>• Improving autistic people’s access to education, and supporting positive transitions into adulthood</li> <li>• Supporting more autistic people into employment</li> <li>• Tackling health and care inequalities for autistic people</li> <li>• Building the right support in the community and supporting people in inpatient care</li> <li>• Improving support within the criminal and youth justice systems</li> </ul>	<p><b>Community</b></p> <p>Commission services based on adequate population data and needs assessment, including peer support.</p> <p>Improve accessibility to community services for people with autism through reasonable adjustments.</p> <p>Delivery of associated actions arising from the Autism Business Case and Self-Assessment Framework 2016.</p> <p>Torbay Autism Strategy was co-produced with people with lived experience.</p>	<p><b>Accommodation with care and support</b></p> <p>Torbay’s commissioning approach seeks to:</p> <ul style="list-style-type: none"> <li>• Reduce the number of under-65 adults with autism in long-term residential settings</li> <li>• Ensure greater housing choice, particularly self-contained supported living, sheltered housing, extra care, and access to general housing needs</li> <li>• Ensure some more skilled providers can offer enabling support to people with complex issues and challenging behaviour</li> <li>• Commission Positive Behaviour Support and Crisis</li> <li>• Planning training to support the development of the workforce</li> </ul>
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<p><b>Mental Health</b></p> <p>Partnering with Devon Partnership Trust to deliver the statutory mental health provision. This is integrated across health and social care, Torbay and South Devon Foundation Trust, and Devon Partnership Trust, where the commissioning responsibility is shared to deliver the Community Mental Health Framework (CMHF) in Torbay.</p> <p>The Dementia Strategy 2025 across Devon will be published in 2025 in collaboration with all key stakeholders and the ICS. Providers, statutory and independent organisations, have been in partnership and have developed a Devon-wide pathway/strategy.</p>	<p><b>Community</b></p> <p>Deliver the improvement plan and input to mental health service redesign with Devon Partnership Trust, Devon County Council, and the ICB.</p> <p>Commission services based on adequate population data and needs assessment, including peer support.</p> <p>The Torbay Dementia Path will be co-produced. During Q4 2024 - 2025</p>	<p><b>Accommodation with care and support</b></p> <p>Torbay’s commissioning approach seeks to:</p> <ul style="list-style-type: none"> <li>• Reduce the number of working-age adults with mental health issues in residential settings</li> <li>• Ensure there is greater housing with support choice, particularly self-contained supported living, sheltered housing, extra care, and improved access to general needs housing</li> <li>• Ensure some more skilled providers can offer enabling support to people with complex mental health issues and behaviour that challenges</li> <li>• Commission Crisis Planning training to support the skills development of the workforce</li> </ul>
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<p>Implement Public Health Strategies</p>	<p>Integrating Torbay Public Health initiatives into Adult Social Care (ASC) commissioning priorities is a strategic effort to enhance the overall health and well-being of the community. Torbay Council's Public Health department focuses on preventive measures, health promotion, and addressing social determinants of health.</p>
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	<p>By embedding these public health principles into ASC commissioning, the council aims to create a more holistic and proactive approach to care. This integration ensures that services are not only reactive to immediate care needs but also work towards preventing health issues before they arise, thereby improving long-term outcomes for residents.</p> <p>Torbay Integrated Commissioning is crucial in this integration by fostering collaboration between various health and social care providers. This partnership model promotes coordinated care, where different services work together seamlessly to address the diverse needs of individuals. The ASC commissioning priorities, which include helping people live independently and safely, are aligned with the goals of public health to create a supportive environment for all residents</p> <p>This collaborative approach is designed to enhance the quality of care, reduce health inequalities, and ensure that resources are used efficiently to benefit the community as a whole.</p> <p><a href="https://www.torbay.gov.uk/public-health">Public health - Torbay Council</a> <a href="https://www.torbay.gov.uk/public-health">https://www.torbay.gov.uk/public-health</a></p> <p><a href="https://torbayhealthpartnerships.co.uk/">Torbay Public Health - Torbay Health Partnerships</a> <a href="https://torbayhealthpartnerships.co.uk/">https://torbayhealthpartnerships.co.uk/</a></p>
	<p><b>Links to NHS Commissioning Intentions</b></p> <p>Work very closely with NHS colleagues to deliver an integrated service. This includes end of life services, hospital discharge placements for people and community services that are NHS-led, such as integrated care. For End of Life commissioning information, please see <b>Palliative and end of life care</b></p>

## Support for Providers and Market Engagement

We aim to co-design services with providers as well as people using services and carers. To become involved, keep in touch with us by:

- Keeping an eye on our [Adult social care commissioning - Torbay Council](#) website area where we advertise our consultations aimed at providers and keep our market position statement information and strategies updated. Also, see our monthly ASC Newsletters.
- Using the local, regional, and national support available for care businesses and social enterprise such as Torbay Communities [www.torbaycommunities.com](http://www.torbaycommunities.com) , Devon Alliance for International Recruitment <https://devon-alliance.com/> , [Health Innovation Southwest](#) , Torbay Council <https://www.torbay.gov.uk/business/business-support/> , and the Social Care Institute for Excellence (SCIE) [www.scie.org.uk](http://www.scie.org.uk)
- Using the needs assessment information that is available, such as the Joint Strategic Needs Assessment on the South Devon and Torbay Knowledge and Intelligence site [Sharing knowledge and intelligence to understand the needs of the community - South Devon and Torbay Knowledge and Intelligence](#)
- Getting involved in our care provider forums where we can discuss what works well and what we need to jointly improve
- To get in touch please contact Torbay Council ASC Commissioning Team Email: [commissioning@torbay.gov.uk](mailto:commissioning@torbay.gov.uk)

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For our future procurement plans, please contact either [commercial.services@torbay.gov.uk](mailto:commercial.services@torbay.gov.uk). Or, for Adult Social Care service procurements run by the NHS specifically, please contact [procurement.tct@nhs.net](mailto:procurement.tct@nhs.net) in the Torbay and South Devon NHS Trust.

We can also offer information to new providers wanting to come into the Bay area offering services we have flagged as needed, so please get in touch at [commissioning@torbay.gov.uk](mailto:commissioning@torbay.gov.uk). For help with planning consent, see [Planning and building - Torbay Council](#)

## Torbay's Social Care Provider workforce

In Torbay there were an estimated 5,500 filled jobs in Adult Social Care, split between local authorities (1%), NHS (7%), independent sector providers (84%) and jobs working for direct payment recipients (8%). As of November 2024, Torbay contained 107 CQC regulated services; 75 were residential and 32 were non-residential services.

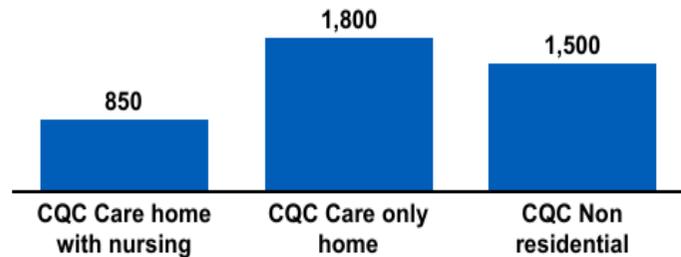
Whilst Adult Social Care is a growth sector, in the Southwest region it has grown by 4.7% since 2022/3, compared to 4.2% across England. If the workforce grew proportionally to the projected number of people over 65, then the number of Adult Social Care jobs in the Southwest region would need to increase by 35% (from 193,000 to 260,000 jobs) between 2025 and 2040.

Torbay reports can be downloaded by anyone at any time here: [My Local Area](#). 2023/24 highlights of the workforce are below and the key points are:

- Torbay has an ASC staff turnover rate of nearly 30%, at 27.2%, higher than the Southwest (26.1%) and England (24.2%). In Torbay nursing homes the turnover rate is 41.2%
- Turnover rate for care workers is 34.7% in Torbay and 29.9% in England
- The vacancy rate for direct care staff is 4.7% in Torbay and 8.7% in the Southwest. For care workers it is 5.8% in Torbay and 9.9% in England
- In Torbay and the Southwest 45% of the workforce hold a relevant social care qualification, and England 46%.



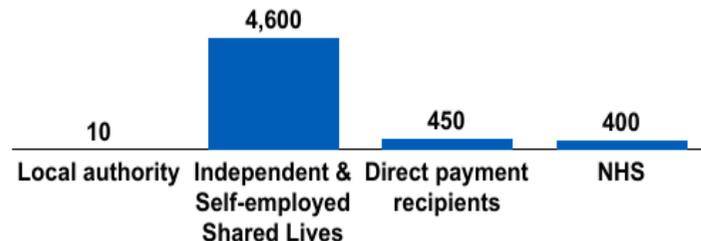
**Filled posts by selected services**



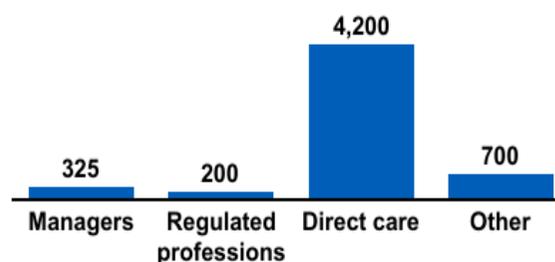
**CQC-regulated establishments**



**Filled posts by sector**



**Filled posts by job group**



## Workforce demographics

The majority of the workforce in Torbay (75%) were female and the average age is 41 years old. Those aged 25 represented 12% of the workforce and those aged over 55 represented 25%, therefore approximately 1,300 people may retire in the next 10 years.

Around 77% of the workforce in Torbay were British, 5% were from within the European Union (EU) and 18% from outside the EU. Nationality varied by region. In England 75% of the workforce were British, in the Southwest this was 77%.

Around 83% of the workforce in Torbay were of white ethnicity and 16% were from Black, Asian and minority ethnic (BAME) groups. In the Southwest, 80% were of white ethnicity and 19% were of BAME groups and in England 68% were of white ethnicity and 31% were of BAME groups.

## Our comparator group of Local Authorities

CIPFA comparators for Torbay

Source: CIPFA, IMD 2019, 2022 ONS mid-year population estimates

Throughout this document, Torbay is compared to a 'comparator group' of local authorities (LAs). This group has been put together by the Chartered Institute of Public Finance and Accountancy (CIPFA), which has developed an approach to aid benchmarking and comparing similar LAs, known as 'nearest neighbours.'

CIPFA comparators for Torbay  
Source: CIPFA, IMD 2019, 2022 ONS mid-year population estimates

Bournemouth, Christchurch and Poole	Northumberland	St. Helens
Darlington	Plymouth	Sunderland
Hartlepool	Redcar and Cleveland	Torbay
Isle of Wight	Sefton	Wirral
North East Lincolnshire	Shropshire	
North Tyneside	Southend-on-Sea	

## Current and predicted need, demand and supply

The purpose of the Joint Strategic Needs Assessment (JSNA) is to provide an objective view across the life course from cradle to grave, of the health and wellbeing needs and inequalities of a local population. Therefore, a local JSNA can illustrate the challenges affecting different populations at different stages of their lives and provide an evidence base for the services commissioners need to commission to meet the needs of the population.

The current South Devon and Torbay Joint Strategic Needs Assessment can be found at: <https://www.torbay.gov.uk/DemocraticServices>  
Devon County Council's JSNA can be found at: <http://www.devonhealthandwellbeing.org.uk/jsna/>

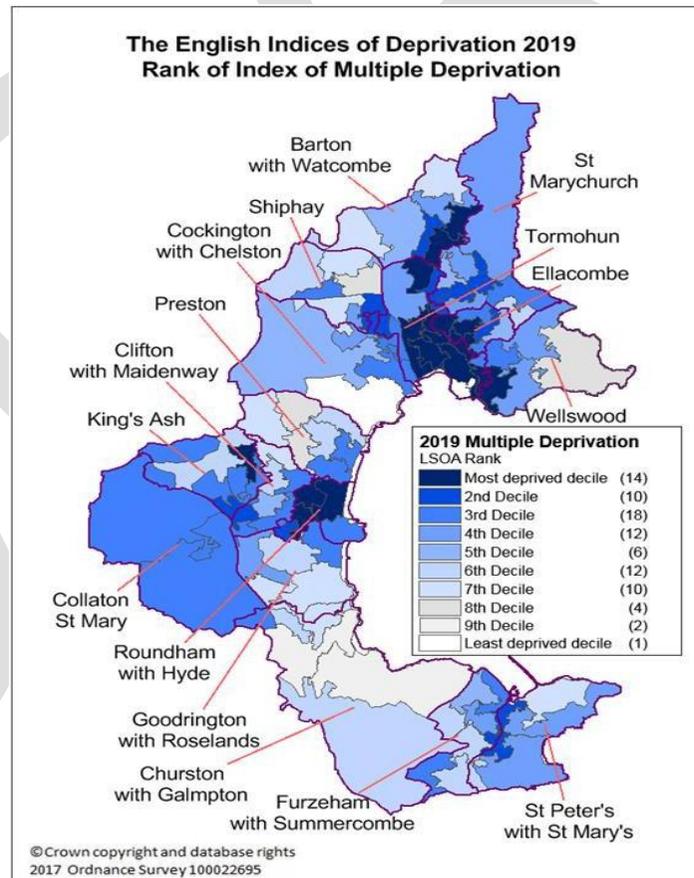
### Key points from the current (2024/25) JSNA are:

- The recovery from COVID-19 and the cost-of-living crisis - The social and economic effects of the pandemic and the inflationary leaps in the cost of living, particularly around gas, electricity and food prices, have disproportionately affected those who live in the most deprived areas of our communities. Costs around fuel are exacerbated by old housing stock which is often energy inefficient.
- There is significant variation in health and wellbeing across the bay. In our most affluent areas, residents can expect to live on average over eight years longer than those living in our more deprived communities. There are also significant gaps in healthy life expectancy between the most affluent and deprived areas.
- Inequalities have been widening as relative deprivation worsens; Torbay is ranked as the most deprived local authority in the Southwest.
- Torbay's economy is ranked among the weakest in England. Average wages continue to be significantly below the regional and national average with less of the population in full-time employment than in England.
- The number of cared for children within the local authority remains among the highest in England. The rate of referrals to children's social care are consistently much higher than England.
- Torbay schools have a significantly higher proportion of their pupils requiring special education needs support through an Education, Health and Care Plan when compared to England.
- Persistent absenteeism from school doubled in 2021/22. This is reflected across England.
- Torbay has far higher levels of need when compared to England that requires support from Adult Social Care in the 18 to 64 population. Rates of requests from new people are much higher than England in the 18 to 64 and 65+ population.
- The 2021 Census showed that there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care. These unpaid carers require support to help deliver this care and to look after their own health and wellbeing. This care is disproportionately provided by women.

- We have an ageing population with 1 in 3 Torbay residents expected to be 65 and over by the middle of the next decade. The number of those who are of working age is projected to fall over the next 20 years to approximately 50% of the population from its current rate of 55%.
- Consistently high rates of dental extractions among children performed at a hospital due to dental decay; this is particularly concentrated among Torbay's more deprived communities.
- There are many opportunities for the people of Torbay to be supported to improve their lifestyles. At present:
  - Over 6 out of 10 adults in Torbay are overweight or obese. Close to 1 in 4 reception and over 1 in 3 Year 6 children are overweight or obese.
  - Around 1 in 6 adults in Torbay smoke
  - There are high levels of admissions to hospital related to alcohol
  - There are high levels of suicide and self-harm in the population
  - There are high levels of vulnerability in the population, including groups with specialist needs and high levels of mental ill health

Figure 1: Index of Multiple Deprivation, Torbay

Source: Ministry of Housing, Communities and Local Government, [www.gov.uk](http://www.gov.uk)



## Population overview

People in more deprived communities generally tend to experience multiple long-term conditions, have poorer health outcomes, and a shorter life expectancy. Disability free life expectancy measures the average number of years a person would expect to live without a long lasting physical or mental health condition or disability that would limit their daily activities, and in Torbay, healthy life expectancy for females has been significantly lower than England. For 2018–2020, this implies that females in Torbay could expect to live for 20 years whilst not being in good health and for males, it would be approximately 14 years. Healthy life expectancy is based on self-reported good or very good health from the Annual Population Survey and registered deaths.

Long-term conditions are those that cannot be cured but can be managed through treatment and behaviour. The Torbay GP registers show higher percentages of people than in England as a whole, who have long-term conditions such as depression, diabetes, coronary heart disease, hypertension, asthma, chronic obstructive pulmonary disease (COPD), epilepsy and rheumatoid arthritis.

There are 139,479 people in Torbay (ONS Mid-Year Estimate 2022), and 1 in 4 are aged 65 or over (36,612 people, or 27%) which is higher compared to across England (where the 65s and over make up 18%). The population structure for Torbay is shown in Figure 2, and it clearly shows Torbay has higher proportions (blue bars) than the England average (black line) of residents in all age groups above the age of 50 and lower proportions for the younger age groups.

Figure 2: Population pyramid, Torbay (2022) Office of National Statistics (ONS) Mid-year estimate 2022

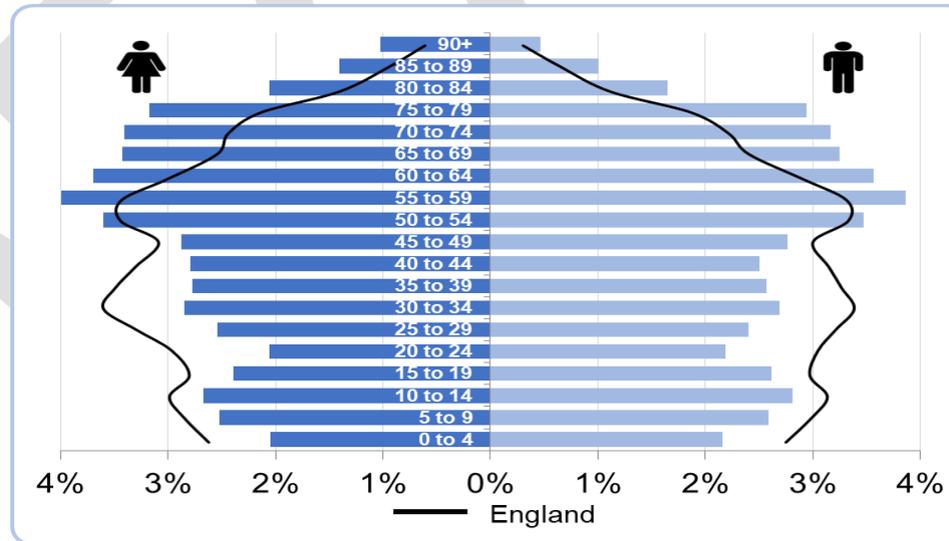
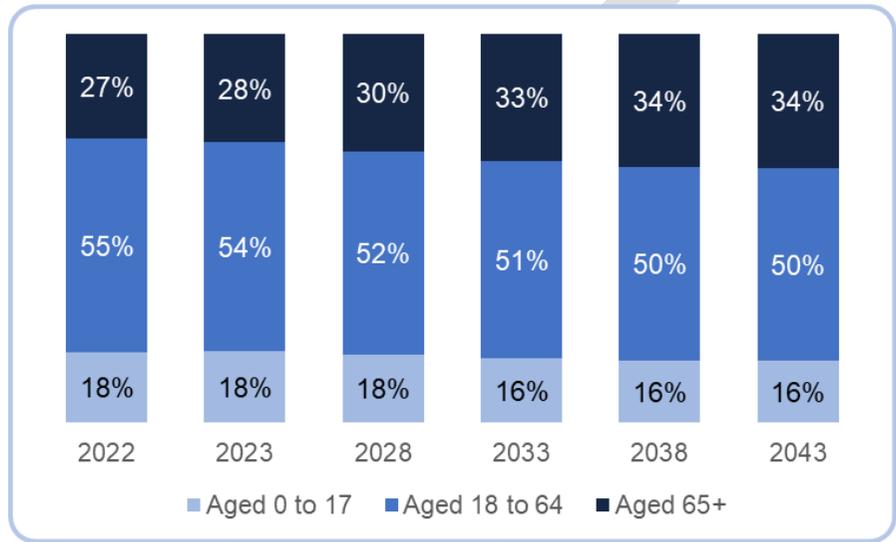


Figure 3: Projected future population 2022-2043, Torbay  
Source: NOMIS



By 2043, it is estimated that over one in three (34%) of Torbay’s population will be aged 65 years and over (52,033), compared to 24% across England. Population projections, by age group, are shown in Figure 3.

Two-thirds of adults aged over 65 are expected to be living with multiple health conditions (multi-morbidity) by 2035. Seventeen percent would be living with four or more diseases, double the number in 2015. One-third of these people would have a mental illness such as dementia or depression. Multiple long-term conditions involve more healthcare professionals and transitions across specialties and healthcare boundaries, and there is correspondence with higher healthcare costs, unplanned or unnecessary hospital admissions, increased use of ambulatory care, delayed transfers of care and long-term institutionalisation. It is likely, with Torbay’s ageing population and higher rates of long-term health conditions, that numbers with multiple long-term conditions are increasing in the Bay.

Also, as our population ages, we expect the number of frail people, people with physical mobility, weakness, weight loss, slowness and or low physical activity to increase, specifically in our older age groups. The number of people with dementia is also expected to increase over the coming years. Estimates for the numbers of frail people and those with dementia are presented in Figures 4 and 5.

Figure 4: Torbay Frailty estimates -Collard et al(2012),ONS 2018 based population projections

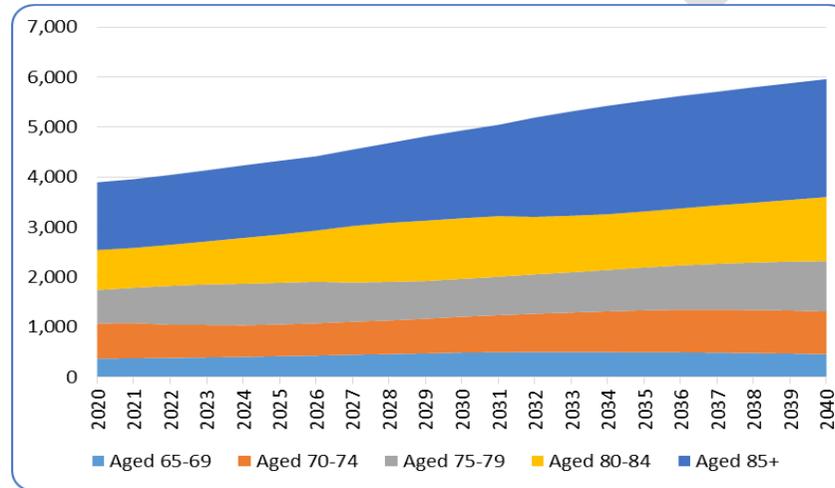
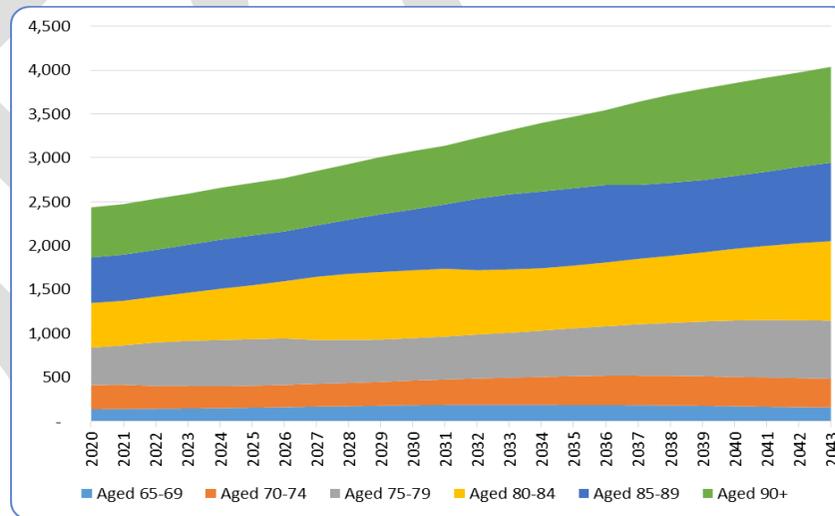


Figure 5: Torbay Dementia estimates - Cognitive Function and Ageing Study (2013), ONS 2018 based population projections



Mental health includes our emotional, psychological, and social well-being. It affects how we think, feel, and act, and determines how we handle stress, relate to others, and make choices. One-in-four adults and one-in-ten children will experience mental illness during their lifetime. In Torbay, the prevalence of depression in primary care, the number of emergency hospital admissions for self-harm and recorded suicides, suggest levels of mental health needs are higher in comparison to the wider England average. Additionally, people with mental health problems are more likely to experience poor physical health, and conversely people with poor physical health are at higher risk of experiencing common mental health problems.

Other issues affecting levels of need are prevalence of learning disability. A learning disability affects the way a person understands information and how they communicate. A learning disability can be mild, moderate or severe. Some people with a mild learning disability can talk easily and look after themselves but take a bit longer than usual to learn new skills. Others may not be able to communicate at all and have more than one disability. The percentage of people known to have a learning disability is higher across Torbay compared to England. This could suggest higher levels of recognition within primary care. However, there are still estimated to be a noticeable number of people with a learning disability not known to primary care.

## Increasing demand

We know from the predicted changes in demography that the demand for health and social care services will also increase. However, we also know that local factors can influence (increase or decrease) the demand for Adult Social Care (Professor John Bolton 'Predicting and managing demand in social care, discussion paper' April 2016, IPC - Institute for Public Care). The local factors are:

- The relative wealth or areas of high deprivation in the population
- Behaviours of key players in the NHS, i.e. intermediate care and the availability of sufficient therapists and nurses in the community
- How effective the Council's 'front door' is at finding solutions for people and their problems
- The degree to which the assets of the person, their family and their local community are recognised and utilised in a person's solutions
- The effectiveness of short-term support and a preventive help approach, including the use of assistive technology and aids
- The practice and supervision of assessment and care management staff
- The degree to which people with long-term conditions are supported to maintain their independence and self-manage their conditions, including dementia care
- The availability and vibrancy of the voluntary sector
- The availability, capacity and nature of supported housing services, including extra-care housing
- The partnership with carers and carer organisations
- Performance measures to assess how providers deliver outcomes for and positively impact the care system

In addition to demographic pressures, changes in other service areas within the health and social care system impact demand for Adult Social Care services.

With the needs and demand for services rising, Torbay Council is working together closely with NHS partners to develop the health and well-being system, investing in intermediate care, specialist domiciliary care and alternative housing options with care. The hospital discharge programme remains an important and central part of Better Care Fund plans in Torbay. This should reduce stays and unnecessary placements of people in expensive forms of care and help them to recover and return home sooner.

The current data shows that the number of people receiving social care in residential and nursing care has risen over several years from approximately 680 to 780 and is currently remaining constant at about this level, allowing for the seasonal peaks over the Christmas period.

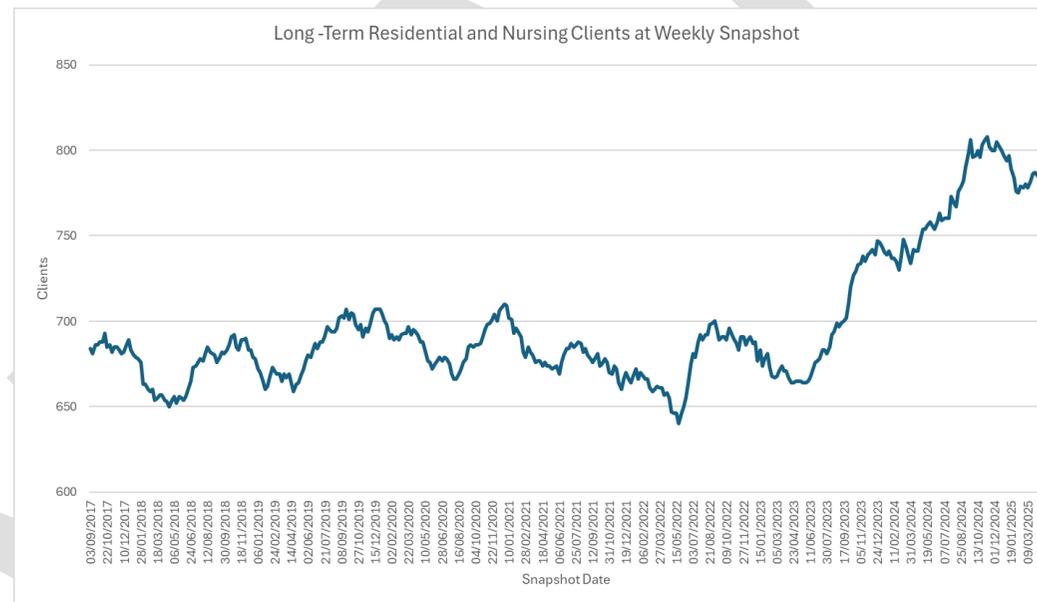


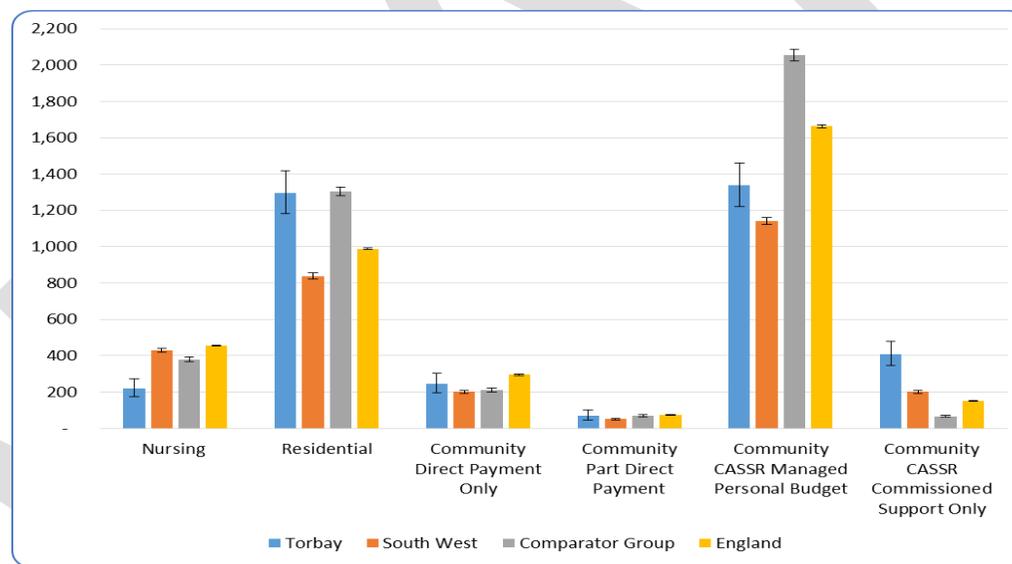
Figure 6: Long-term Residential & Nursing placements cost – TSDFT April 2025

In April 2025, Torbay had about 780 people (placed by TSDFT) in bed-based care against a registered capacity of 2,027 beds (noting that not all these beds are usable), which suggests a significant proportion of beds are used by either self-funders and/or are commissioned by other local authorities (predominately purchased by Devon County Council as part of the Devon Wide System).

It is expected that our transformation and work to be completed in line with our commissioning plan, we will see a downwards shift in demand for residential care to support low-level care needs and that the surplus of residential beds in the Bay will grow (unless some of these are re-purposed to support people with more complex needs e.g. dementia). However, Torbay still has significantly more under 65s accessing residential care (Figure 7 and Fig. 8.).

Also, whilst there are fewer under 65s accessing nursing care than other local authority areas (Figure 7), given increased dependency levels of individuals and a shift from acute hospital beds to other community bed-based or community care and support options, this demand is predicted to rise unless we make a significant change to our offer.

Figure 7: Adult 65+, NHS Digital, Adult Social care, Short and Long Term Support data





% of the population supported over time in Torbay with comparisons



Fig. 9.

The above (Figure 9) is taken from the ADASS work completed by John Jackson (2025) and shows that this pattern of high use of longer-term care packages is reflected in the wider system of Adult Social Care in Torbay and as for working age adults, Torbay has significantly fewer people accessing Council personal budgets and direct payments than other Southwest local authorities.

Figure 8: Adults 18-64 Adult Social Care Short and Long Term Support

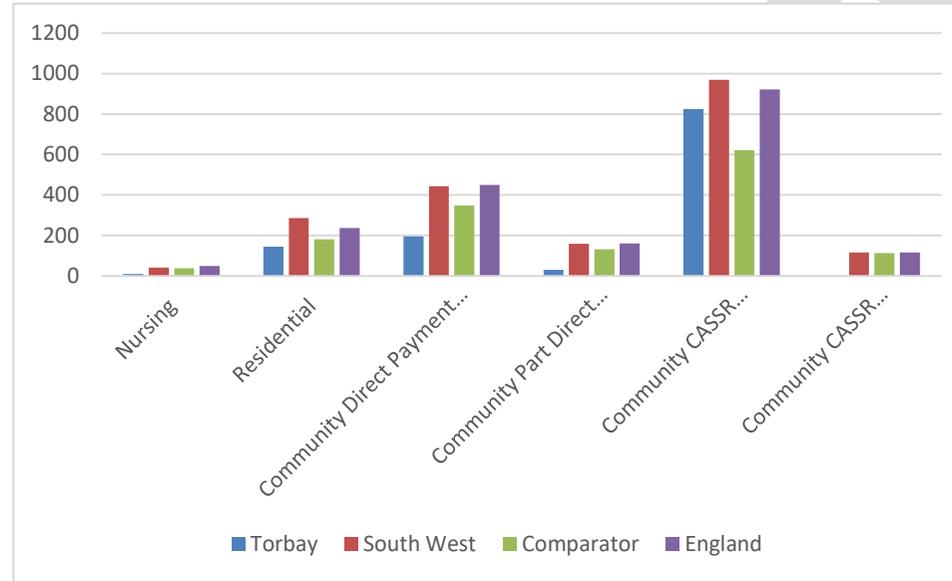


Figure 9: Rate of requests for support received from people aged 18-64, per 100,000

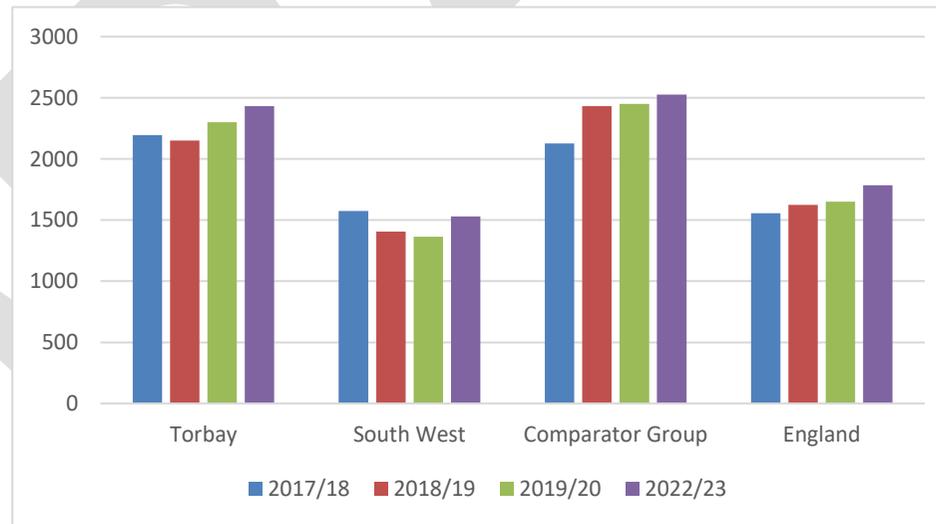


Figure 9: Rate of requests for support received from people aged 18-64, per 100,000  
 Source: NHS Digital, Adult Social Care Short and Long Term Support data, ONS midyear population estimates

Figure 9: Rate of requests for support received from people aged 18-64, per 100,000

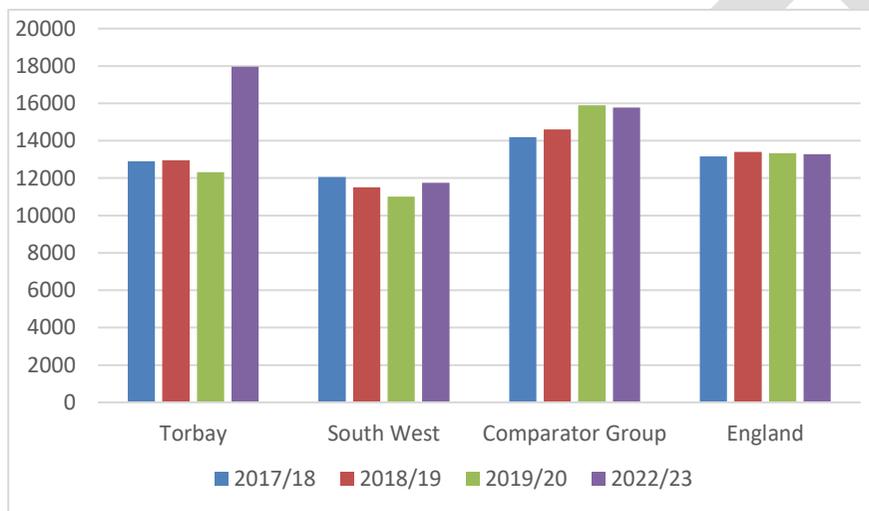


Figure 10: Rate of requests for support received from people aged 65+, per 100,000  
 Source: NHS Digital, Adult Social Care Short and Long Term Support data, ONS midyear population estimates

For people aged 18 to 64 years who requested support in 2022-23, Torbay had:

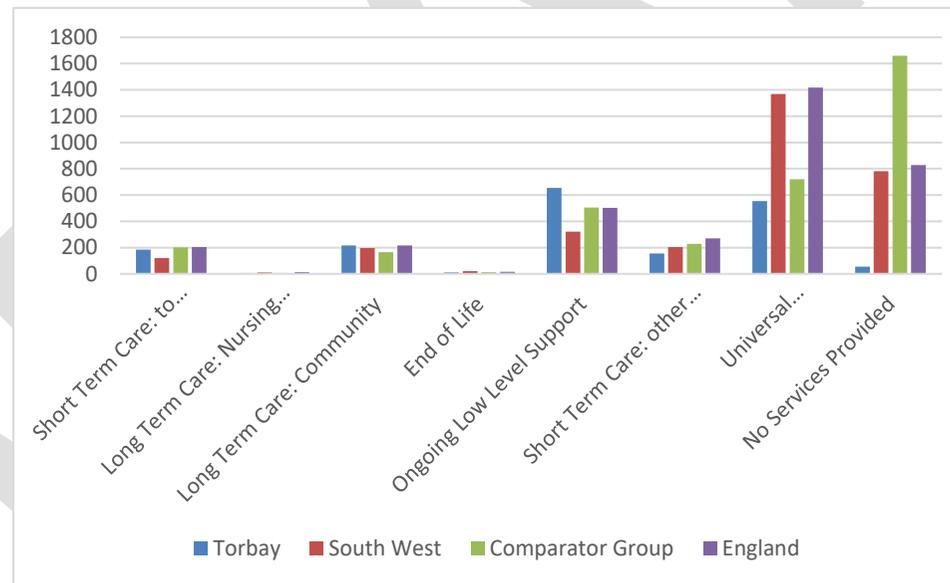
- A higher rate accessing long-term care in the community than its comparator group, the Southwest LAs but marginally lower than the England average
- A significantly lower rate of people went on to receive 'no services', compared to elsewhere
- An equal rate of people entering residential care to its comparator group, and a lower rate compared to other Southwest LAs and the England average
- Provided less end-of-life care than other areas but still similar numbers
- Significantly higher rates of low-level support.

The increase in working age adults entering residential care is better illustrated in Figure 12 and the table below shows more than a five-fold increase in the last nine years.

Year	Aged 18-64
2014/15	6
2015/16	16
2016/17	20

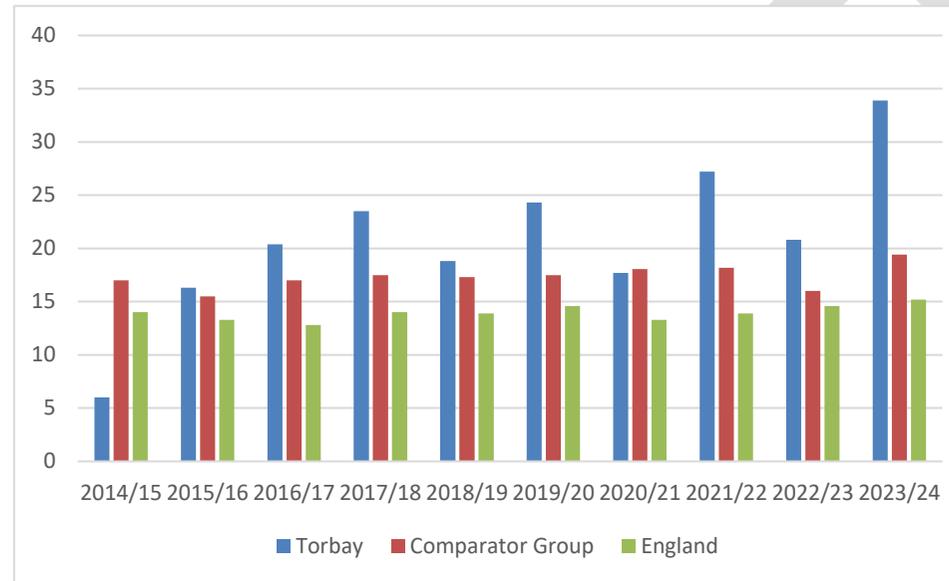
2017/18	22
2018/19	18
2019/20	24
2020/21	17
2021/22	27
2022/23	20
2023/24	33

Figure 11: Support request rate for people 18-64yrs, by what support type received, 2022/23



Source: Table NHS Digital, Adult Social Care Short and Long Term Support data, ONS midyear population estimates

Figure 12: Number/rate of 18-64 adults moving into long-term residential care from other settings



Source: NHS Digital, Adult Social Care Outcomes Framework

For adults 65 and over who requested support in 2023/24, Torbay had:

- A significantly higher number accessing short-term care than in other councils in the Southwest, as well as England and the comparator group.
- A much lower number accessing nursing care than the Southwest average, slightly lower than the England average, but marginally higher than the comparator group.
- Less people access Residential care in Torbay than both the Southwest and England averages, though it is slightly higher than the comparator group.
- The numbers accessing long term care in the community are about on par with the comparator group and England, as well as being much lower than the Southwest average.
- Significantly fewer people receiving 'no services' than other Southwest local authorities, the England average, or its comparator group.

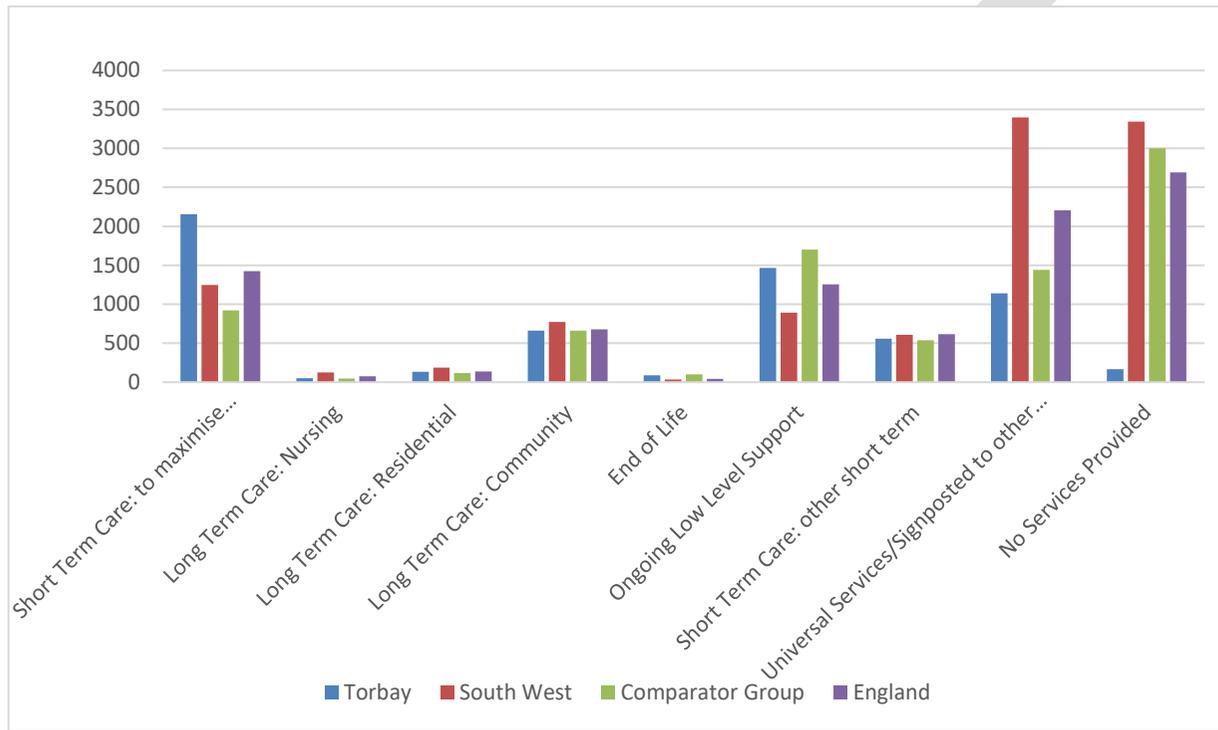


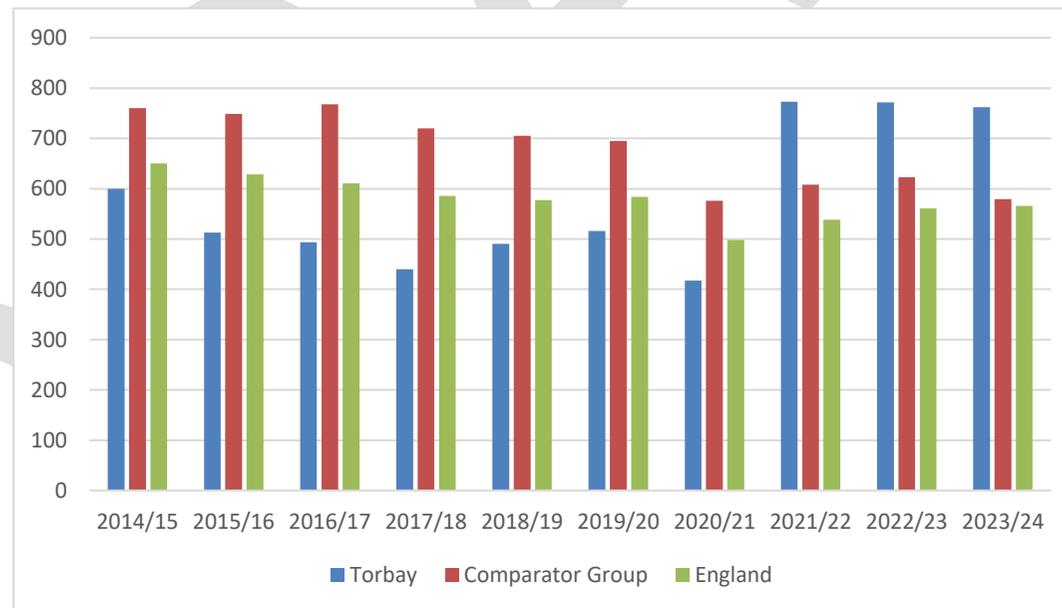
Figure 13: Support request rate for people 65+ yrs, by what support type received, 2019/20.  
 Source: NHS Digital, Adult Social Care Short and Long Term Support data, ONS midyear population estimate

For people 65 and over, although the number entering residential care was decreasing, it sharply increased after 2020.

Torbay had significantly lower rates of admission than its comparator group as well as the England average until 2021/22, see Figure 14.

Year	Aged 65 and over
2014/15	205
2015/16	176
2016/17	172
2017/18	158
2018/19	176
2019/20	189
2020/21	155
2021/22	287
2022/23	288
2023/24	289

Figure 14: Number/rate of 65+ Adults moving into long-term residential care from other settings  
Source: NHS Digital, Adult Social Care Outcomes Framework 2A (2)



## Trends in key alternatives to bed-based care

### Domiciliary Care

There are 32 providers of domiciliary care in Torbay and they each provide one domiciliary care service, although some may be registered to deliver services elsewhere as well. Currently, we know that:

- 43% of people receiving domiciliary care receive between less than 7 hours a week
- 45% of people receiving domiciliary care receive between 7 and 28 hours a week
- 12% of people receiving domiciliary care receive over 28 hours a week and some of those receive over 56+ hours a week.

Use of domiciliary care has greatly increased over the last 7 years, with a corresponding increase in the monthly cost of packages, from £496k in January 2018 to £815k in December 2020 and more than doubling to £2,019,428 by February 2025.

### Demand for services from self-funders

A self-funder is (typically) an individual who uses their own finances to pay for care (in both residential or community settings), as opposed to receiving support from the local authority or another third party.

Currently there is no requirement for local authorities or care providers to collect data on individuals who self-fund the care they receive, and so there is a significant gap in understanding the demand for services from self-funders. However, from the Office for National Statistics Census 2021 data<sup>1</sup>, some analysis has been done for England:

- From 1st March 2022 to 28th February 2023, there was a 3.1% increase in the number of care home residents (372,035) across England. Of these 37% (137,480) were self-funders (a 9.2% increase in self-funders from the previous year (125,954)).
- The Southwest region has the second highest proportion of self-funders (41.5%)
- The proportion of self-funders in care homes providing care for younger adults was 2.0%, which was statistically significantly lower than all other care home types. Care homes providing care for older people (aged 65 years and over) had a statistically significantly higher proportion of self-funders (48.9%) compared with the proportion of self-funders in all other care home types.
- Care homes with 1 to 19 beds had the smallest proportion of self-funders.
- In terms of care homes with ratings, care homes rated outstanding had the highest proportion of self-funders (50.9%). Care homes rated inadequate had the lowest proportion of self-funders (24.0%). The proportion of self-funders in the care homes decreased as quality rating decreased.

<sup>1</sup> Source: ONS Census 2021 Data Analysis – Care homes and estimating the self-funding population, England 2022 to 2023.

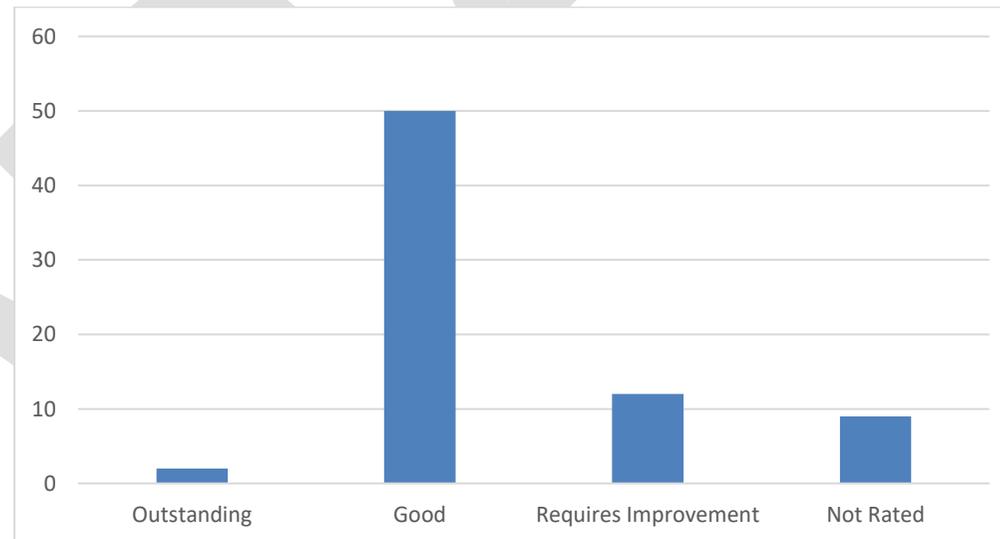
# Supply

## The Key points are:

- We need more services in the community that people can buy directly with a personal budget or direct payment
- We do not have enough nursing home beds of sufficient quality if we compare ourselves with other authorities
- We have an oversupply of residential care places in Torbay compared to similar local authorities, and the lower rates of placements into residential care suggest that self-funders and placements by other local authorities are significant in Torbay care homes
- We would like more providers to offer short breaks either in the community or in care homes, so that carers can take a break
- We would like more providers offering shorter services that aim to get people back home after a stay in hospital whether, in the community or in accommodation

## Care Quality Commission (CQC) registered care providers

Every month CQC publish details of care providers in local authority areas which are a good source of data. Although the majority of Torbay care homes are CQC rated 'good' (57 homes, compared to our CIPFA neighbours we have less rated 'good' on average) the average is 72.6 homes. Torbay does have less homes rated as 'requires improvement', having 13 where the average of our CIPFA neighbours is 15. Torbay does also have marginally less homes rated as 'outstanding' having 2, where the average for our CIPFA neighbours is 4.



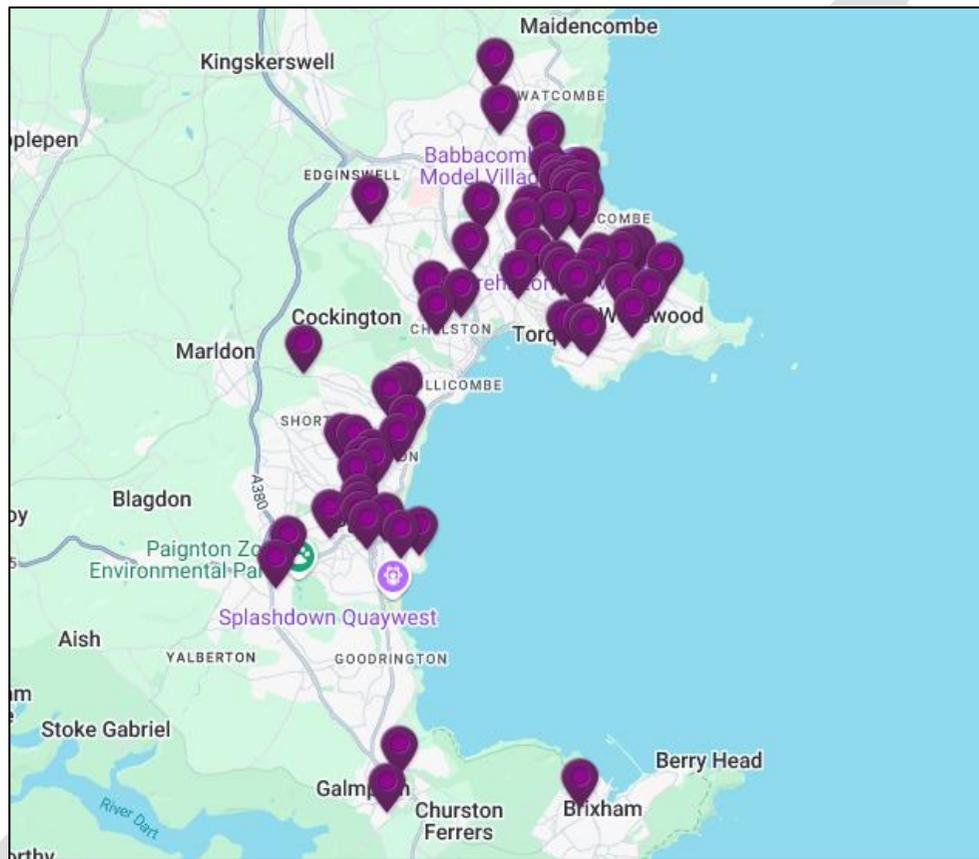


Figure 15: Map of CQC registered care providers  
Source: CQC

In Torbay, as of March 2025, there are 64 residential care homes providing mainly care without nursing and approximately 1,350 usable beds within these settings. This is a net loss of six residential care homes since March 2020, with approximately 300 fewer beds. In addition, there were 13 nursing homes with approximately 500 usable beds (these figures have remained broadly static since March 2020).

**Care homes without nursing:**

The number of care homes and care home beds registered to each specialty type, are shown in Figures 16 and 17. N.B. Homes, providers and beds can be registered to more than one specialty band so there are duplicates in these graphs.

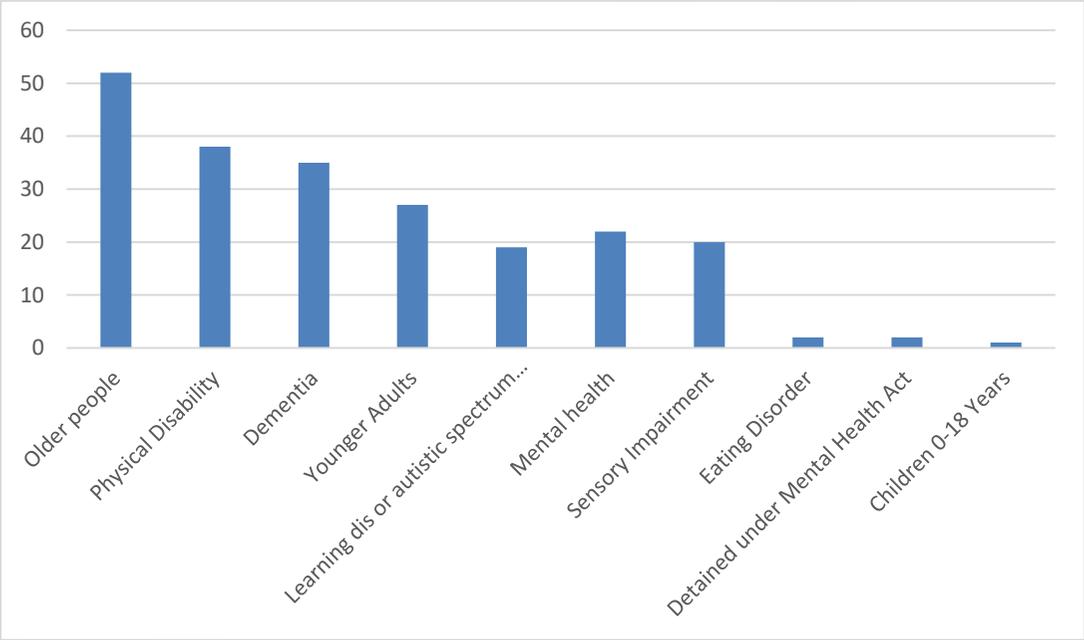


Figure 16: Number of care homes without nursing registered to each service user band, Torbay, March 2025

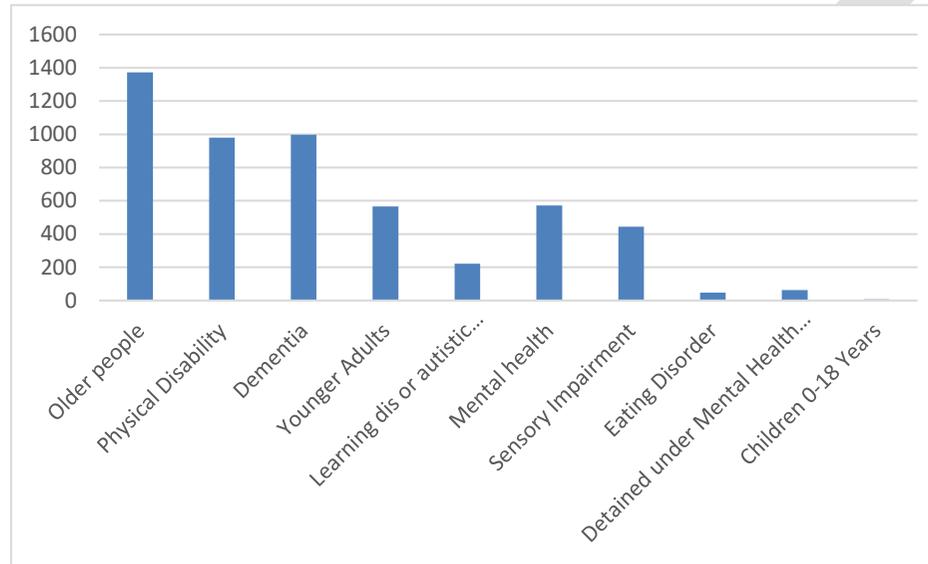


Figure 17: Number of care homes beds without nursing registered to each needs band, Torbay, March 2025  
Source: CQC and TSDFT

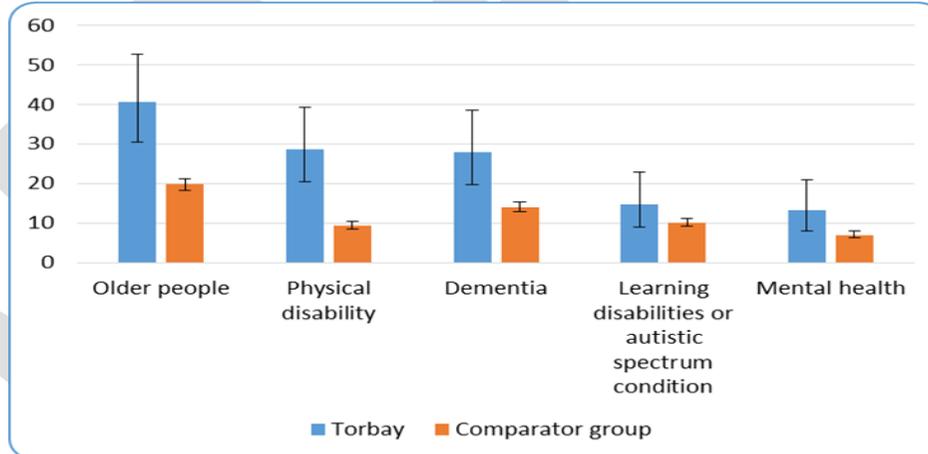


Figure 18: Care homes without nursing registered to needs band per 100,000, March 2020.  
Source: CQC, TSDFT, and ONS 2018 Mid-Year Estimates. Analysis: Torbay Council

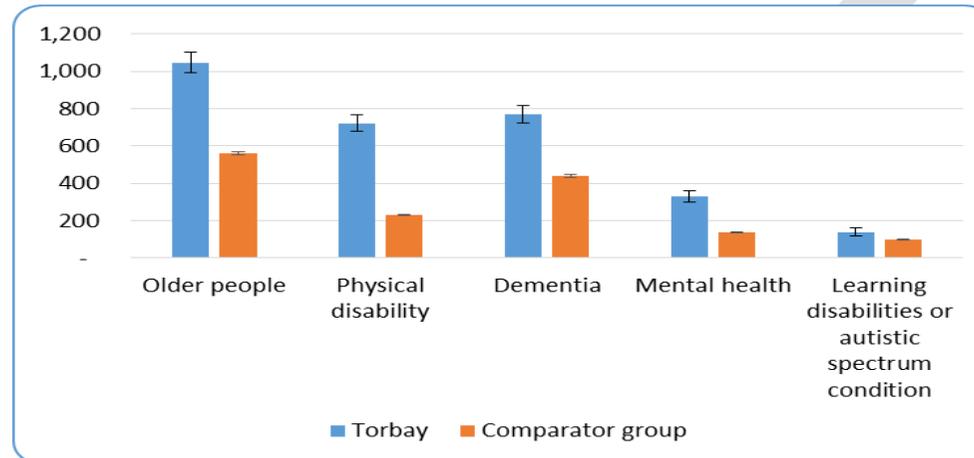


Figure 19: Care homes beds without nursing registered to each needs band per 100,000, March 2020  
 Source: CQC, TSDFT, and ONS 2018 Mid-Year Estimates. Analysis: Torbay Council

comparison with our CIPFA neighbours, Torbay has:

- Almost double the number of residential beds for older people
- More than double the number of residential beds for people with mental health issues
- Three times as many beds for physically disabled people; and
- Almost double the amount of residential for people with dementia.

As well as reducing the surplus of residential beds for older people with low-level care needs, commissioners also want to reduce the usage of residential care for working- age adults, and in particular, the number of adults with mental health issues placed in residential care.

**Care homes with nursing:**

In Torbay there are 13 nursing care homes providing 500 useable nursing beds, and they are registered, by specialty type as shown in Figures 20 and 21. In addition, other residential homes also provide some nursing care beds.

N.B. Homes, Providers and beds can be registered to more than one specialty band so there may be duplicates between columns.

Figure 20: Number of care homes with nursing registered to each needs band, Torbay, March 2020 Source: CQC and TSDFT

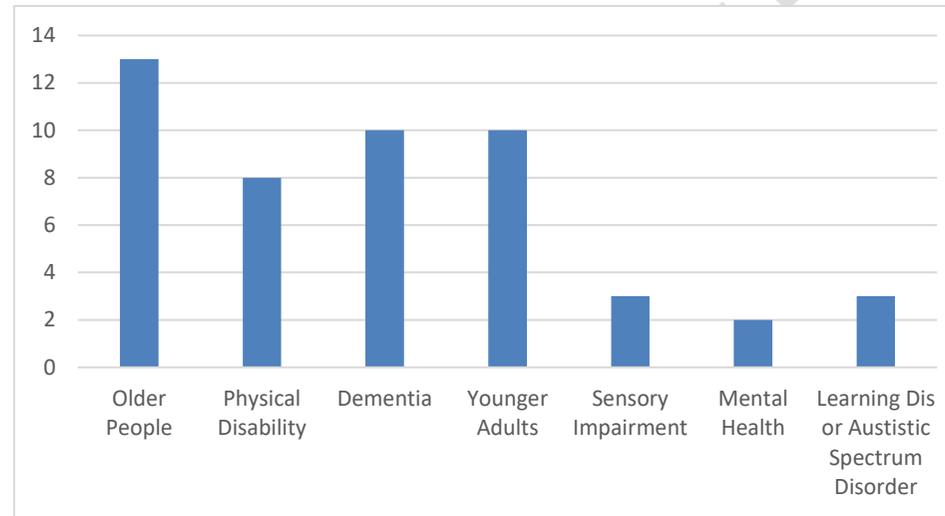
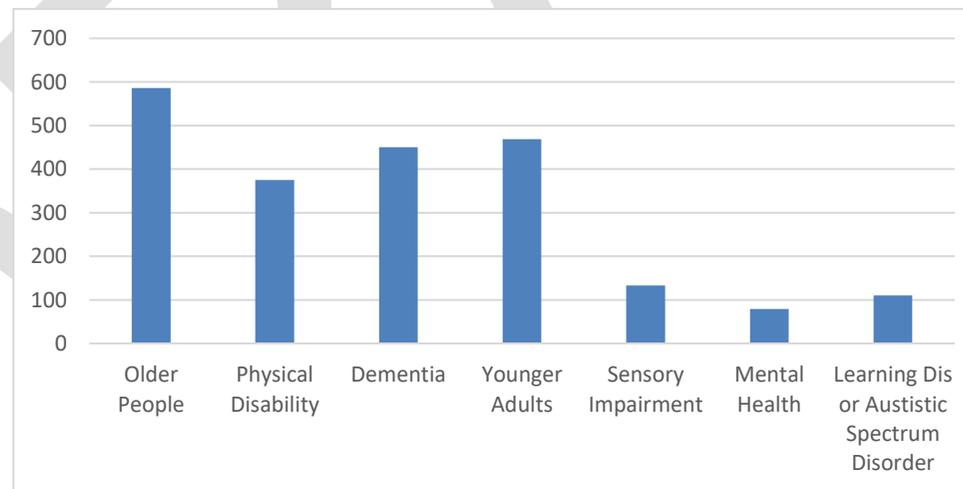


Figure 21: Number of beds of care homes with nursing registered to needs user band, Torbay, March 2020 Source: CQC and TSDFT



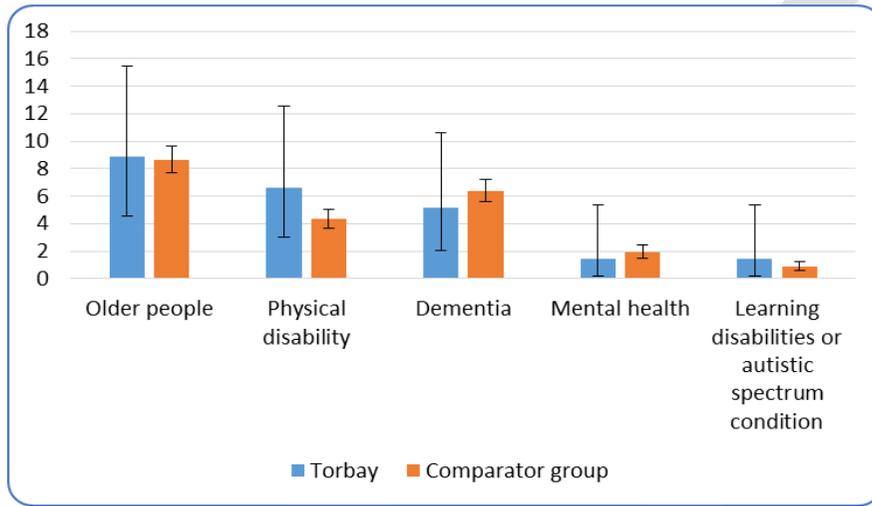


Figure 22: Care homes with nursing registered to each needs band per 100,000, March 2020  
 Source: CQC, TSDFT and ONS 2018 Mid-Year Estimates. Analysis: Torbay Council

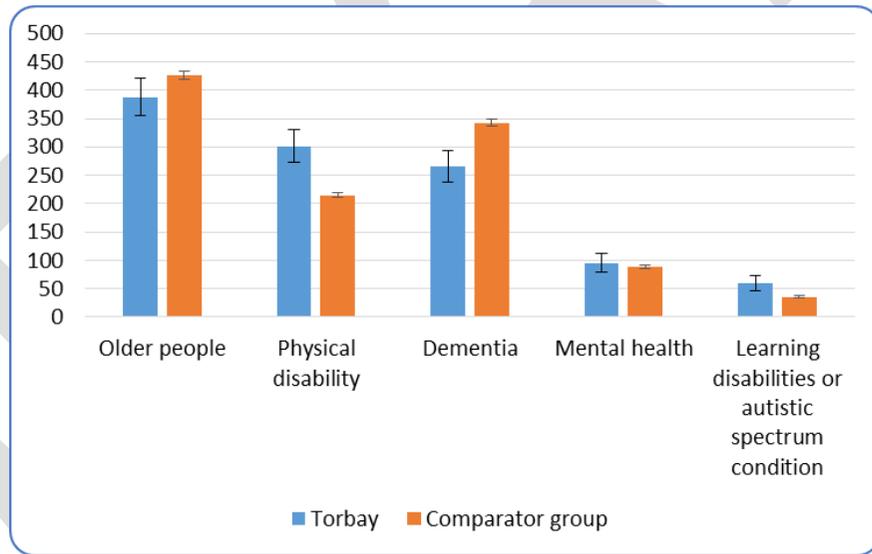


Figure 23: Care homes with nursing registered to each needs band per 100,000, March 2020  
 Source: CQC, TSDFT and ONS 2018 Mid-Year Estimates. Analysis: Torbay Council

Our data shows that in comparison with our CIPFA neighbours, Torbay has:

- Fewer nursing beds for older people
- About the same amount of nursing beds for people with mental health issues
- Significantly more nursing beds for physically disabled people
- Significantly fewer nursing beds for people with dementia

As mentioned above, commissioners want to increase the number of nursing beds of greater quality by over 200, to meet the growing demand for complex care and nursing needs. Some of these places may be found within our existing wider care home bed capacity (as we look to reduce the number of surplus residential beds in Torbay that provide low-level (rather than complex) care needs), re-purposing supply to support people with dementia, and complex needs.

## Services in the community

### Domiciliary care services:

Figure 24 shows how many Domiciliary Care providers/services in Torbay are registered to each needs band, and as a provider may be registered to more than one band, there may be duplicates between columns.

Figure 24: Number of domiciliary care providers/services registered to each needs band, Torbay, March 2025.  
Source: CQC

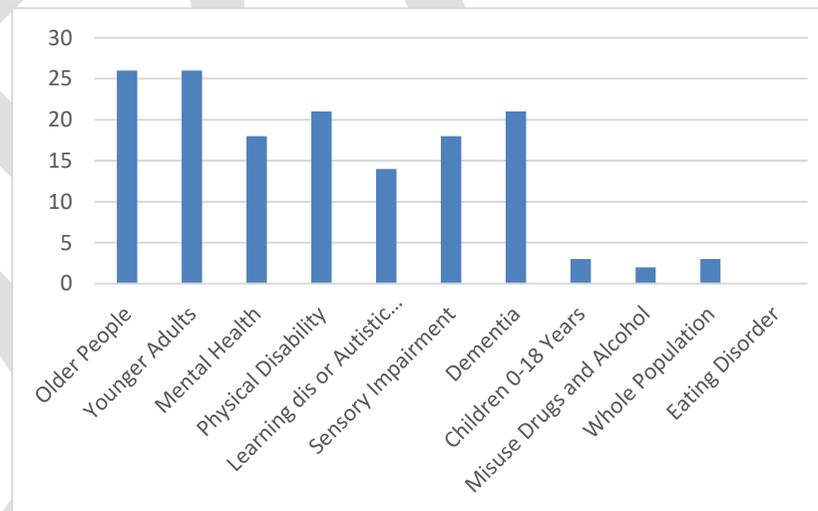
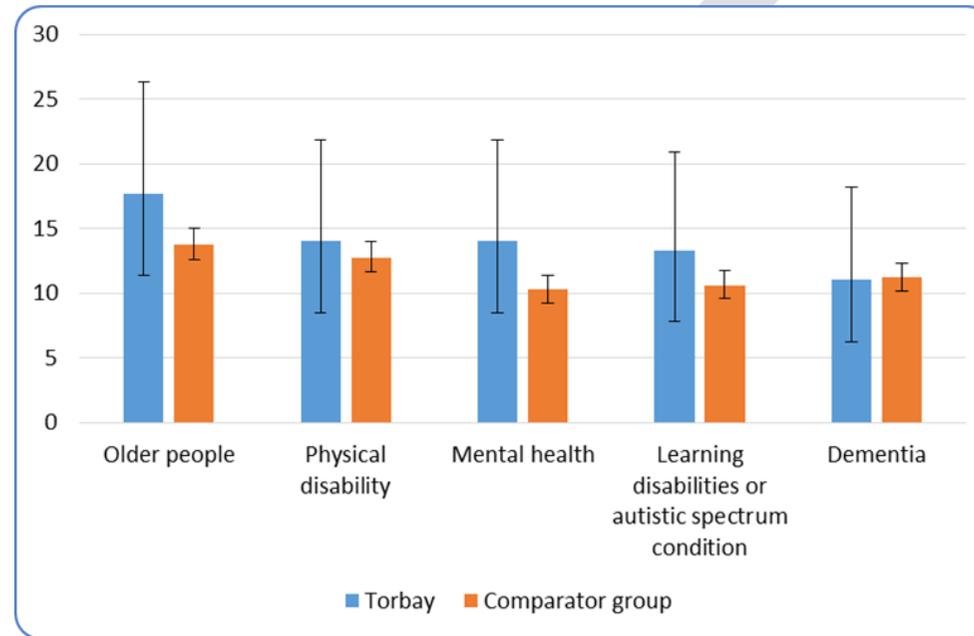


Figure 25: Rate of domiciliary care providers/services registered to each needs band, March 2020  
 Source: CQC, ONS 2018 Mid-Year Estimates. Analysis: Torbay Council



Commissioners recognise that we can do more to keep people living as independently as possible for as long as possible, to help them ‘age in place’ and remain part of their community and within their natural ‘circles of support.’ To do this, we need more domiciliary and personal assistant services in the community (which also specialise in complex support) that people can buy directly, including with a personal budget or direct payment.

**Supported living services:**

Supported living is housing that is purpose designed or designated to provide support for a particular group of people. The accommodation is often shared but can be a single household. The one-to-one support is provided under a separate contractual arrangement to the person’s housing arrangement.

There are 27 supported living providers in Torbay, registered as social care organisations and providing accommodation with support to over 250 people. About 70% of supported living tenants are people with a learning disability.

Most providers are on the Torbay Supported Living Framework, which facilitates referrals from practitioners through a vacancy register, and provides a focus on promoting people’s independence, quality of life, health and well-being. There remain four providers not on the Framework, but they are working towards the same quality measures.

There are eight CQC registered supported living service providers which also provide personal care to people as part of the support that they need to live in their own homes. The personal care is also provided under separate contractual arrangements to those for the person’s housing. Supported living providers that do not provide the regulated activity ‘personal care’ are not required by law to register with CQC.

We need to significantly increase supported living provision for people with learning disabilities, autism and mental health issues, both to enable people to leave residential care, and to divert people from entering it. During 2021/22 we re-opened the Framework to new providers, and also went out to our current providers, to develop this capacity. We want supported living providers to become more skilled at providing enabling support to people with complex issues and behaviours that challenge, increasing the person’s ability to self-regulate and always using the least restrictive practice.

Supported living and extra care increase self-determination, independence and citizenship, and enable people to be part of their community and develop natural circles of support.

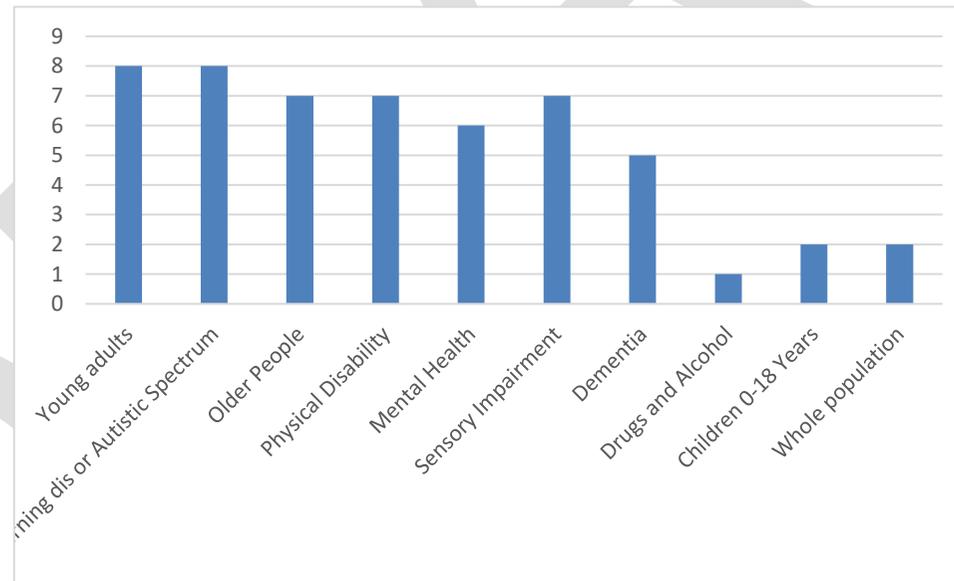


Figure 26: Number of supported living providers/services registered to each service user band, Torbay, March 2025. Source: CQC

## **Extra care housing services**

Extra care housing provides quality, safe and affordable housing with care and support which enables people to enjoy living independently, to build relationships and to live life to the full. People live in their own home, and there is on-site care and support staffing available 24/7, which flexes to individual needs and may be provided on a continuous basis, or only periodically.

In Torbay, extra care housing is not age-restricted and is available to anyone over the age of 18, who might have or develop ongoing care and support requirements and who would otherwise experience difficulties in other forms of accommodation.

There are currently 107 units of Extra Care Housing in Torbay, located across two sites and provided by one service provider who is registered as a social care organisation. The current residents include people with the following long-term conditions:

- Dementia
- Learning disabilities
- Autism
- Mental health issues
- Physical disability
- Sensory impairment

We are currently undertaking a capital project to deliver around 90 extra care homes in Paignton town centre, along with a new day centre. We are working on getting planning permission for this scheme in the first half of 2025.

There are also plans for a potential additional scheme in Torquay, to meet the projected demographic demand by 2030.

Extra care should enable people who need personal care and/or support to live as independently as possible in accommodation that is genuinely 'their own', and this is facilitated by separate legal agreements for the care/support provided and the accommodation.

## **Alternative care and support options**

We want to build the market of alternative, more flexible options for people to buy care themselves with a personal budget or direct payment if they want to. This could be support with accommodation or support they receive in their own home. At the moment, we have a small market of providers of support with accommodation, and providers delivering a variety of outreach and support options; largely providing services for

people with learning disabilities, cognitive difficulties or mental health issues.

We would like to extend these options to more people, and to also develop greater consistency in quality, and a focus on measurable outcomes such as improving independence and wellbeing.

## Personal assistants

Torbay also has a significantly lower number accessing direct payments than its comparator group.

There has been a significant piece of work completed to refresh our Direct Payments policy, and a plan put in place to support practitioners in the application of this policy. We need to see a step change towards the correct use of direct payments and personal budgets, to increase confidence and use of them as a way to reduce standard commissioned services and premature admissions into care homes placements.

Support Networks is a non-profit Torbay community project which specialises in matching enthusiastic, motivated personal assistants (PAs), to people needing care in Torbay. The Support Networks Personal Assistant "matching" Service is free to those being funded in Torbay for their care and support and also free to all personal assistants (PAs).

The PAs on the Support Networks register all have the right qualifications, experience, and the following:

- An enhanced DBS check (disclosure and barring system criminal records check)
- A RTW (Right to Work check in the UK)
- Proof of their employment status
- Public Liability Insurance.

However, PAs must also be able to work in a person-centered way, putting people first, listening to their needs, hopes and goals. More details are at [Supportnetworks](#).

A voluntary sector organisation (Disability Focus) helps local people with either employing and managing the payroll for a personal assistant/care worker who provides support to live independently or help with paying of invoices. They were providing this service for 335 Torbay adults in March 2021, which is an increase on previous years.

<b>Torbay adults supported to employ/manage the payroll of a personal assistant/care worker</b>	
Time period	Number of people
January 2016	178

January 2017	194
March 2021	335

### Shared Lives services

Shared Lives Southwest supports adults with learning disabilities, autism, mental health issues and dementia by matching them with a Carer. The aim is for the person being supported to live the fullest life they can, be part of the community and maintain and promote new skills and independence. Carers are assessed and trained first and then open their own family home to the person needing support. It is similar to adult fostering and an alternative to supported living and residential care.

In March 2025 it was supporting 26 adults funded through Adult Social Care. The Shared Lives Southwest organisation is rated 'Outstanding' by CQC.

### Community Equipment Services

The supply of specialist equipment can also help support people either in their own home or other accommodation.

Complex aids to daily living are provided through a Torbay Council contract. This equipment is provided on loan following an assessment from a Torbay and South Devon NHS Foundation Trust practitioner and provides for people with short and long-term needs as well as end-of-life care.

Number of people served:

Year	Number of people served
2021/22	10,944
2022/23	10,852
2023/24	11,778
2024/25	Tbc (awaiting data)

Source: NRS

We need to give people the advice and information they need, as early as possible, to enable them to live as independently as they can, staying healthy and well for as long as possible.

### Activities in the daytime

As of 24/04/2025, there are 215 people that use day services, a 3.37% increase from Spring 2020. The proportion of spend on people with learning disabilities is 75%, 18% on physical support and 7% other.

It is recognised that currently, the quality of services provided and outcomes delivered may vary significantly. From 2025, there will be a refreshment of day opportunities, including the development of a Day Activity/Day Service Framework for providers with clear outcomes, quality measures, cost settings and performance indicators.

### Number of people using day activities

	Summer 2016	Spring 2020	Winter 2024	Spring 2025
Number of people using day services and activities	258	208	214	215
% spend on people with LD	72%	74%	79%	75%
% spend on people with physical support needs	15%	18%	13%	18%

### What do people using our services think of them?

Measures from the Adult Social Care Outcomes Framework 2023-24, a national survey that compares Adult Social Care individuals' satisfaction, shows that:

Page 206

- Overall satisfaction of people who use services with their care and support – In Torbay, 67.3% of respondents were satisfied with their care and support, which is above the England Average of 65.4% but slightly below the Southwest average of 67.6%.
- Control over their daily life – In Torbay, 80.6% of respondents felt they had control over their daily life, which is above the statistic for England, which is 77.6% and is equal to the Southwest, which is also at 80.6%.

### What do individuals and carers think about the current service delivery?

We work with individuals, carers, and providers to develop our commissioning strategies, which are a vital part of planning for the future. We also require care providers to engage with the people they support and their carers to ensure they meet people's expectations and understand their needs for people in the future.

Over the coming years, the increased use of personal budgets and direct payments will lead to more people making their own arrangements for care and support. Commissioners and service providers must understand what people are looking for and offer choice and new ways of meeting people's needs.

## Carers

Effective engagement with individuals needs to take account of the views of carers. A carer is someone who helps another person, usually a relative or friend, in their day-to-day life. This is not the same as someone who provides care professionally or through a voluntary organisation. The 2021 census showed that just over 15,000 unpaid carers in Torbay, 3.9% of carers, provide 50 hours or more of care per week. As of March 2025, 5,764 unpaid carers are identified on the Torbay register.

More than 32,000 people across Torbay and South Devon support a friend or relative. They may help with shopping or meals, attend appointments with them, or just ensure that they are okay. They may be an older couple who do things for each other, a parent carer, or a young carer. They may not see themselves as 'carer' or know about the support available to them.

Commissioners and service providers recognise that carers are essential and that there is value in actively supporting and working in partnership with them to get the best outcomes for them and the person they care for. Further information on support for carers can be found at: [www.torbayandsouthdevon.nhs.uk/services/carers-service/](http://www.torbayandsouthdevon.nhs.uk/services/carers-service/)

### Feedback from carers about moving care closer to home

Carers are understandably anxious about future changes, especially given the limitations of existing support services. Carers have identified several priorities, e.g. contracts for short stays (often known as 'respite care') and enhanced carer support. Some potential solutions they have suggested, such as direct payment promotion or IT solutions, have already been committed to. They also require innovative solutions to the needs of the carer and the person they care for, such as flexible day or night care or 'on demand' contracts.

### Individuals and carer engagement groups

We work with a number of groups and partnerships that hold regular meetings involving a range of people, such as individuals, their Carers, commissioners and providers. In many cases, these involve independent 'umbrella groups and voluntary sector organisations, which can offer providers opportunities to engage with people. Some of these groups include:

- Torbay Learning Disability Partnership Board
- Torbay Carers Service
- Carers Aid Torbay
- Torbay Older Citizens Forum
- Community Partnerships
- Community Health and Wellbeing Forums

- Experts by Experience
- Patient Advice and Liaison Service (PALS)

These forums provide opportunities for people using services and carers to share their experiences of using services and to work with commissioners and providers to improve quality or develop new provisions.

It is important that providers treat people using services and Carers as equal partners, who are experts in their own care and needs. Support from independent organisations can be critical, particularly when things are not going well with a provider. An independent voice can help with managing risk and conflict between providers, individuals and carers, helping those involved in raising awareness of issues. They can also assist with improving communications and understanding the 'whole picture' of needs, where the family can be a part of the wider 'Carer team.'

Healthwatch Torbay is an independent consumer champion for health and social care in Torbay. They have statutory powers to ensure the voice of the consumer is strengthened and heard by those who commission, deliver and regulate health and care services. Local Healthwatch voices people's concerns and provides feedback to service providers and commissioners. Through local engagement, they collect vital data on how and why people use services in their area. Its place on the Health and Wellbeing Board means Torbay Healthwatch can represent the voice of people in decision-making. Healthwatch Torbay directly supports people in their community by giving them information or signposting them to the local services they need. For information, see [www.healthwatchtorbay.org.uk/](http://www.healthwatchtorbay.org.uk/). For information about their online site where you can leave views about a service, see [Review a service - Healthwatch Torbay](#)

## **Risk and uncertainty**

Nationwide, providers and commissioners in the care, health and support marketplace face a number of risks, issues and challenges, most of which are also present within Torbay. Whilst the list below is not meant to be exhaustive, it gives a flavour of the potential challenges facing both providers and commissioners.

The impacts of COVID-19 have had a massive impact on all aspects of our lives and the ASC sector has had, and continues to have, to deal with many challenges associated with the ongoing global pandemic. Commissioners have worked proactively with providers to understand the issues involved and provide support, but we recognise that the repercussions of COVID-19 will continue to be felt in the ASC market for a long time.

This should also be seen within the wider context of the potential impacts of the UK leaving the EU, which could have significant implications for the health and social care market. Economic and political uncertainty at a time when the system is facing major operational and financial pressures, together with COVID, will provide significant challenges to commissioners and providers alike.

## Costs and fees:

- COVID-related costs
- The impact of cost savings that commissioners have to make, as a result of reductions in central government funding, on the level of fees paid to providers
- General inflation pressures
- Insurance costs
- Specific increases in core costs, such as national insurance, the National Living Wage and pension contributions
- Servicing debt associated with properties and other financial commitments
- The costs of moving from out-of-date services (including premises that are no longer 'fit for purpose' or investment in new technology) to new ways of working. This is particularly an issue for the many small providers in the marketplace.

This potentially leads to reducing profit margins and falling returns on investment for service providers, possibly resulting in existing businesses being unable to develop or exit the market and potentially discouraging new entrants. Providers may also seek to concentrate more on the self-funder market to support their business models.

## Workforce:

- Recruiting and retaining a trained and well-paid workforce (particularly regarding registered care managers)
- Issues relating to staff turnover, ageing workforce, competitive labour market (e.g. attraction of permanent and seasonal retail and service sector employment opportunities), image and career prospects for Carers, 'bureaucracy' and costs with recruitment (e.g. DBS checks), training costs, etc.
  - Increased demand
  - Increases in the number of people requiring care, particularly those with more complex needs, e.g. comorbidities and long-term conditions

## Quality and choice:

- Increasing demand from people using services and their families in terms of the quality of service they expect and being able to exercise choice in meeting their needs (e.g. personalisation agenda)
- Higher regulatory standards e.g. impact of CQC requiring providers to raise quality standards within services provided and impact of having to meet the widened scope of Deprivation of Liberty Safeguards (DoLS), etc.

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**Meeting:** Cabinet

**Date:** 14 July 2025

**Wards affected:** All

**Report Title:** Licensing Act 2003 – Draft Licensing Statement of Principles (Licensing Policy) 2026 - 2031

**When does the decision need to be implemented?** 07 January 2026

**Cabinet Member Contact Details:** Councillor Hayley Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities, Hayley.tranter@torbay.gov.uk

**Director Contact Details:** Anna Coles, Director of Adults and Community Services, Anna.coles@torbay.gov.uk

## 1. Purpose of Report

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1.1 The Licensing Act 2003 requires Torbay Council, under its role as Licensing Authority, to review and publish a 'Statement of Licensing Policy' (the Licensing Policy), every five years. The Statement of Principles outlines how the Council will administer applications and regulate licensable activities. It also specifies under what circumstances applications may be successful and the measures necessary to promote the licensing objectives.

## 2. Reason for Proposal and its benefits

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2.1 The Licensing Act Statement of Licensing Policy is a framework policy document and as such Cabinet approval is required in order to commence public consultation.

2.2 The proposal is made in order to meet the statutory requirement, as prescribed under section 5 of the Licensing Act 2003, which requires the Licensing Authority to prepare and publish a statement of its Licensing Policy at least every five years.

The Authority has reviewed its current Licensing Policy and has prepared a draft 'Statement of Licensing Policy 2026-31' which will be formally published on the 18 July 2025 inviting public consultation and comment for a period of six weeks. This is attached as **Appendix 1** to this report.

2.3 The Statement ensures clarity as to how the Council will fulfil its role as the Licensing Authority and provides guidance to businesses and the public. This Statement assists

businesses to function safely and within the law. It therefore helps to promote two of the Corporate Plan priorities, namely community and people, and economic growth.

**Community and People** – The Licensing Policy will allow for effective control of alcohol supply, which will assist in reducing alcohol harm and thereby reduce inequality. Whilst alcohol misuse affects individuals from all sections of society, those from the most disadvantaged communities experience the highest burden of harm.

**Economic Growth** – The draft Licensing Policy aims to assist in the delivery of a safer, more vibrant Torbay. This in turn should attract more visitors to Torbay and also support an increase in the numbers of citizens of Torbay who will utilise the social, cultural and sporting offers available. Opportunities for increased levels of employment should follow. A safe and vibrant leisure economy will allow Torbay to be positively marketed attractive destination both nationally and internationally.

### 3. Recommendation(s) / Proposed Decision

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- 3.1 That Cabinet approves the draft Licensing Act Statement of Policy 2026 to 2031, for public consultation.

#### Appendices

Appendix 1: Draft Licensing Act Statement of Policy 2026 to 2031

#### Background Documents

1. Current Licensing Statement of Policy (Licensing Policy) 2021 – 2026 - [Licensing Statement of Principles - Torbay Council](#)
2. Licensing Act 2003 - [Licensing Act 2003](#)
3. Revised Guidance issued under section 182 of the Licensing Act 2003 - [Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2025\) \(accessible version\) - GOV.UK](#)

# Supporting Information

## 1. Introduction

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- 1.1 Torbay Council has a statutory responsibility under Section 5 of the Licensing Act 2003 (the Act) to review, consult and to re-publish its Licensing Statement of Policy (Licensing Policy). The Licensing Policy establishes the licensing controls placed on the sale of alcohol, provision of entertainment and the operation of premises for late night refreshment.
- 1.2 Alcohol is an important component of Torbay's economy, particularly within the evening and night-time economy (ENTE). However, the use of alcohol can have a negative impact on individuals, families, local communities and Torbay as a whole and therefore needs to be carefully managed.
- 1.4 The process of review, consultation, and publication must be completed on or before 7 January 2026.
- 1.5 The Licensing Policy has been reviewed alongside the latest version of the section 182 statutory guidance.

The following minor updates have been made:

- Update or remove any out-of-date website links; updates to new legislation and responsible authority contact details.
- Clarification that the Home Office Immigration Enforcement are not a responsible authority for Club Premises Certificates (section 6.11 of the statutory guidance, Appendix 1 of the Policy).
- Reference to the SWaN Charter and Project Nighteye
- Reference to the 'Agent of change principle' whereby existing businesses and facilities should not have unreasonable restrictions place on them as a result of development permitted after they were established (Section 14.66 of the Statutory Guidance, page 41 of the Policy).
- Removal of Mandatory Conditions from the Policy as these are required by the legislation.
- Expansion on safeguarding and an additional section in Appendix 5 with information for licence holders and their employees to help them report matters of concern to the relevant authorities.
- Expansion on illegal drugs and drink and drug spiking (page 15).
- Expansion on reducing the strength conditions (page 54).
- Expansion on the section regarding occupancy of licensed premises (page 55)

- An additional Public Nuisance condition between the hours of 23:00 hours and 08:00 hours to expect total sound containment within the licensed premises to ensure a noise nuisance is not caused to local residents (page 57).
- Expansion on the section regarding online alcohol sales and delivery services. This includes amendments to reflect changes in the s.182 guidance for premises providing alcohol delivery services. Persons who run premises providing alcohol delivery services should notify the licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence which now choose to operate such a service in addition to their existing licensable activities, will need to contact the licensing authority so it can advise on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required (page 61).

More detailed sections have been provided in some parts of the Licensing Policy namely regarding:

- An additional section on 'integrating strategies' has been included in the introduction. This includes Public Health, Community Alcohol Partnership, Event Management and Safety Advisory Groups, Cumulative Impact Assessment (including updating all references to a Special Saturation Policy to CIAs) and Public Spaces Protection Orders (page 6-9).
- New applications and full variations (page 19)
- Minor Variations (page 19)
- Review of premises licence (page 20)
- Relevant, Vexatious and frivolous representations (page 21)
- Use of Petitions (page 22)
- TENs (page 22)
- Provisional Statements (page 23)
- Fire Safety (page 31)
- The Terrorism (Protection of Premises) Act 2025 (Martyn's Law) – reference to the new Terrorism (Protection of Premises) Act 2025 which aims to keep people safe by enhancing our national security and reducing the risk to the public from terrorism at public venues. It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures (page 31)
- Outdoor Areas and Smoking Areas (page 34)
- Night cafes and Takeaway Premises/Restaurants with delivery services (page 36)
- Fly posting and promotional material (page 36)

## 2. Options under consideration

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- 2.1 There are no other options available, as the review of the Statement of Policy is a statutory requirement under the Licensing Act 2003.

### 3. Financial Opportunities and Implications

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- 3.1 The proposals contained in this report will not commit the Council financially in any regard, other than staff and consultations costs which will be drawn from existing budgetary resources.

### 4. Legal Implications

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- 4.1 None

### 5. Engagement and Consultation

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- 5.1 It is intended that the public consultation on the draft Licensing Policy will be open for six weeks. It is planned that the consultation process will provide all stakeholders, interested parties and the public in general the opportunity to have their say on the content of the draft. Persons to be consulted will include:

- Torbay Council's Statutory Licensing Committee
- The Chief Officer of Devon and Cornwall Police
- The Chief Officer of Devon and Somerset Fire and Rescue Service
- The Director of Public Health
- Residents and businesses of Torbay
- Bodies representing businesses
- Holders of premises licences and club premises certificates
- Bodies representing existing registered clubs
- Bodies representing holders of existing premises licences and personal licences
- Torbay and South Devon NHS Foundation Trust

as required by the Licensing Act 2003, and;

- Torbay Council: Children's Services
- Torbay Council: Planning, Environmental Health and Highways Authorities
- The Torbay Safer Communities Partnership
- The Maritime and Coastguard Agency
- Faith groups via Torbay Interfaith Forum and the Street Pastors
- Torbay Development Agency
- English Riviera BID Company
- Tor Bay Harbour Authority
- Community Alcohol Partnership
- Best Bar None Torbay

### 6. Procurement Implications

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- 6.1 This proposal does not require the purchase or hire of goods or services.

## 7. Protecting our naturally inspiring Bay and tackling Climate Change

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7.1 There is no aspect of this Statement that will impact negatively or positively on climate.

## 8. Associated Risks

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8.1 There are no risks with agreeing the consultation process which is necessary to comply with the legislative requirements.

## 9. Equality Impact Assessment

The Statement of Policy is a review of an existing policy and therefore there is no change to impact of specific groups. Where there exists any potential for impact, this would generally be through the application process where there is the safeguard that any responsible authority or 'other person' may make representation. The four licensing objectives are also designed to ensure consideration of any impacts.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age Age 217	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>Some of the proposals may impact on licensing hours, particularly those used by this age group.</p> <p>The policy is designed to minimise the negative impact of the legal operation of the licensable activities.</p> <p>A section on Safeguarding has been added and the Policy recommends businesses adopts the 'Challenge 25' scheme to ensure protection to children and young people.</p> <p>The promotion of a safe night-time offer will help to protect all users from alcohol related crime and disorder and encourage a wider age range to enjoy a night out in a safe and responsible way.</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p> <p>Policy will be formally reviewed every 5 years or sooner if required.</p>

Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	<p>There is no requirement for the applicant to pass on any details about whether they are a carer. The council hold no information of any applicants from this group. The policy will grant licences that conform to the requirements of this policy.</p> <p>Licensed premises must comply with the Equality Act 2010.</p> <p>Premises should seek to promote accessibility and inclusion. The prevention of crime is one of the Licensing Objectives. Licensed premises should make reasonable adjustments.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	<p>There is no requirement for the applicant to pass on any details of medical capacity.</p> <p>There are no equality restrictions of who can enter licensed premises. The council hold no information of any applicants from this group.</p> <p>The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of disability.</p> <p>Licensed premises must comply with the Equality Act 2010. Premises should seek to promote accessibility and inclusion. The prevention of crime is one of the Licensing Objectives. Licensed premises should make reasonable adjustments.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		The Licensing Policy will be published on our website and will comply with the accessibility requirements.		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	<p>There are no gender restrictions of who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group.</p> <p>The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of gender reassignment.</p> <p>Licensed premises must comply with the Equality Act 2010.</p> <p>The Policy seeks to broaden the appeal of the night-time economy for all and to promote a safe and welcoming offer.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There are no equality restrictions of who can apply or hold a licence. The council hold no information of any applicants are from this group. The policy will grant licences to any licenced operators that conform to the requirements of this policy without consideration of marriage or civil partnership.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but	There are no equality restrictions of who can apply or hold a licence.	Routine assessment of applications and monitoring to ensure	Licensing Officers and other

	significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the Southwest (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	The council hold no information of any applicants are from this group. The policy will grant licences to any licenced operators that conform to the requirements of this policy without consideration of pregnancy and maternity.	compliance with regulations.	authorised officers.
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the Southwest and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There are no race restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group. The policy will grant a premise licence to any applicant that conforms to the requirements of this policy without consideration of race.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no requirement for the applicant to pass on any details concerning faith, religion or belief. The council hold no information of any applicants from this group. The policy will grant a premises licence to any applicant who conforms with the requirements of the legislation and this policy without consideration of faith, religion, or belief.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Sex	51.3% of Torbay's population are female and 48.7% are male	There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		<p>The policy will grant a premises licence to any applicant who conforms with the requirements of the legislation and this policy without consideration of a person's sex.</p> <p>The Policy encourages all premises to support and participate in safety incentives such as 'Ask for Angela campaign' and <u>Project Nigtheye</u> (Targeting violence against women and girls in the night-time economy). It also encourages businesses to sign up to <u>Torbay's Safety of Women at Night Charter (SWaN)</u> to improve the experience of women in Torbay at night, in both the town centres and harbourside area.</p>		
<p>Sexual orientation</p>	<p>In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.</p>	<p>There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements.</p> <p>The policy will grant a premises licence to any applicant who conforms with the requirements of the legislation and this policy without consideration of a person's sex.</p> <p>There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements.</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>

		The policy will grant a licence to any applicant who conform with the legislation and requirements of this policy without consideration of sexual orientation.		
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	<p>There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any minimum age-restricted requirements.</p> <p>The policy will grant a licence to any applicant who conforms with the legislation and requirements of this policy.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
<b>Additional considerations</b>				
Socio-economic impacts (Including impacts on child poverty and deprivation)	<p>The proposals are designed to improve public safety and protect local communities from noise and anti-social behaviour.</p> <p>Some aspects are designed to assist in the reduction of alcohol harm.</p> <p>The proposals will assist in reducing health inequalities.</p>	<p>The policy seeks to allow licensed premises the legitimate opportunity to undertake licensable activities providing that they are lawful and within their licensing requirements.</p> <p>Licensed premises must also have procedures in place to protect vulnerable persons.</p> <p>There are no other equality restrictions other than to protect children and young persons from age restricted products/activities.</p>	The impact on the local area will be reviewed regularly with the Director of Public Health.	Licensing Officers and other authorised officers.

<p>Public Health impacts (Including impacts on the general health of the population of Torbay)</p>	<p>The proposals are designed to improve public safety and protect local communities from noise and anti-social behaviour.</p> <p>Some aspects are designed to assist in the reduction of alcohol harm.</p> <p>The proposals will assist in reducing health inequalities.</p>	<p>The policy seeks to allow licensed premises the legitimate opportunity to undertake licensable activities. There are no equality restrictions of who can be a premises licence holder. Local communities have an opportunity to visit these premises if they wish.</p>	<p>The impact on the local area will be reviewed regularly with the Director of Public Health.</p>	<p>Licensing Officers and other authorised officers.</p>
<p>Human Rights impacts</p>	<p>There are no human rights impact with regards to the Licensing Act. The Council ensures it complies with the legislative requirements.</p>	<p>The policy seeks to promote flexibility and fairness to all premises licence holders. The policy will grant licences where the applicant complies with the legislation and conforms to the requirements of this policy.</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>
<p>Child Friendly</p>	<p>Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.</p>	<p>The policy will grant licences where the applicant complies with the legislation and conforms to the requirements of this policy.</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>

## 10. Cumulative Council Impact

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None

## 11. Cumulative Community Impacts

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None

# **Torbay Council's Statement of Principles 2026-2031**

## **Licensing Act 2003**

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**The ‘Licensing Statement of Principles 2026-2031 was ratified and adopted by Full Council on XXXXXXXXXX**

**If you require this document in another format please email [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk).**

# **Torbay Council's Statement of Principles 2026-2031**

## **Introduction: Local Summary**

Torbay Council is designated as a 'Licensing Authority' for the purposes of the Licensing Act 2003.

This document is Torbay Council's "Statement of Principles", made under Section 5 of the Licensing Act 2003, and has effect for the period of 7 January 2026 to 6 January 2031.

Torbay, also known as The English Riviera, is a popular, well-established holiday destination situated on the South Devon Coast, on the South West peninsular of England. It has a population of over 139,000. Tourism in Torbay accounts for 920,000 staying visitors plus 3 million day visitors, generating a direct and indirect spend of £412 million per annum. This represents around one third of the areas wealth and also one third of its jobs.

The area comprises of the three towns of Torquay, Paignton and Brixham, and is known for its mild climate, picturesque harbours, coves and beaches, and is home to numerous tourist attractions.

It offers 22 miles of beautiful coastline and is only one of seven places in the entire UK that has been designated a UNESCO (United Nations Educational, Scientific and Cultural Organisation) Global Geopark.

# MAP of TORBAY



## **Integrating Strategies**

### **Public Health**

Torbay Council's Public Health Team are responsible for a wide range of health issues including alcohol and drug misuse services and other lifestyle campaigns to promote better health for all.

Alcohol holds a prominent place in our communities, and where enjoyed safely, it can have a positive role in family and social life, as well as being an important factor in our economy. However, this should not disguise the fact that alcohol can also have a profound negative impact on our communities, whether through visible harms such as alcohol fuelled crime, disorder and street drinking; or in relation to more hidden harms such as alcohol dependence, domestic abuse and child safeguarding issues.

The Public Health Team is a Responsible Authority under the Licensing Act 2003 and works with other organisations that provide the health services.

Torbay's Community Safety Partnership, '[Safer Torbay](#)' brings the Council together with four other statutory agencies and a number of public sector, voluntary, community and private organisations to tackle issues locally.

Safer Torbay's key areas of work include:

- Crime and Anti-social Behaviour
- Problematic Substance Misuse
- Reducing re-offending
- Domestic Abuse
- Sexual Violence
- Stalking
- Exploitation

The Licensing Authority will work with Safer Torbay on these key areas.

### **Community Alcohol Partnership**

The Licensing Authority supports the alcohol industry in demonstrating their commitment to promoting responsible drinking by seeking to ensure that the sector doesn't entice young people to drink.

A Community Alcohol Partnership (CAP) is a Community Interest Company (CIC) which brings together and supports local partnerships of Councils, Police, retailers, schools, health providers and community groups to reduce alcohol harm among young people, improve their health and wellbeing and enhance their communities.

The Licensing Authority, as part of its membership of the Paignton CAP, actively supports the important work in preventing underage drinking and alcohol harm to young people. Further information on CAP initiatives can be found at [www.communityalcoholpartnerships.co.uk](http://www.communityalcoholpartnerships.co.uk)

## **Event Management and Safety Advisory Groups**

Torbay Council has a Public Safety Advisory Group (PSAG) and a Sports Ground Safety Advisory Group (SAG) comprising of representatives from the emergency services and other statutory agencies to advise and coordinate the planning for public events in Torbay.

Determining whether or not to refer an event to a PSAG or SAG requires a risk based approach and the decision will be influenced by considering a combination of:

- Numbers of people attending (at any one time)
- Levels of risk with the event
- Previous history of similar events
- Events of an unusual nature
- Other events planned at the same time that may increase the impact and risk

Organisers of events meeting the above criteria, whether or not a premise licence or temporary event notice is needed, are strongly advised to contact the PSAG or SAG in order to receive sufficient advice to ensure the safe running of an event.

Where a premises licence is needed for an event, the Licensing Authority would expect to see a condition that the PSAG or SAG will be notified at least 3 months in advance. The Licensing Authority will also expect confirmation of approval for the event, one month before it takes place. This is particularly important where the applicant requires a licence that is not limited to a once only event.

Whilst a premises licence could be granted after 28 days of the application being served, applicants should be aware that if representations are received and a hearing is required, a decision may take two months. Applicants should consider this in their planning. Large capacity events will require greater notice period for PSAG and SAG to consider the event management plan. This allows the Police to ensure sufficient cover and the public transport provision to be changed to accommodate the event. At least six months notice will be expected for events of 5000 people or more.

Further advice and guidance for event organisers can be found in the [Purple Guide](#).

## **Cumulative Impact Assessment**

In preparing this Policy, the Licensing Authority has taken into account its published Cumulative Impact Assessment (CIA) which was reviewed by the Licensing Committee on (*date to be confirmed as currently under review*).

In summary, two areas of Torquay have been identified as being subject to high levels of alcohol related crime or public nuisance. Those areas are shown in the CIA which can be found at [www.torbay.gov.uk/licensing-statement-of-principles](http://www.torbay.gov.uk/licensing-statement-of-principles)

The effect of this assessment is to create a rebuttable presumption that applications for a new premises licence, club premises certificate or the variation of an existing licence or certificate in those areas will normally be refused where:

- Representations have been received and it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in these areas, and
- The applicant has been unable to demonstrate that, within their operating schedule, there will be no significant negative cumulative impact on one or more of the licensing objectives.

The CIA does not change how licensing decisions are made but is a strong statement of intent about the Licensing Authority's approach to relevant applications made in these areas. However, the Licensing Authority will always consider each application on its merits.

The CIA is reviewed every three years. Therefore anyone viewing this policy is directed to the link above to find the most up to date position with regards to the CIA.

## **Public Spaces Protection Orders**

The Council wishes to discourage drunkenness and to encourage the provision of more seating in premises which serve alcohol for people to sit and enjoy a drink and order food by table service, in place of open bar space which caters for high volume vertical drinking. The effective dispersal of customers both from premises and from the Cumulative Impact Areas is regarded by the Licensing Authority as a key principle of its policy to promote the licensing objectives of the prevention of crime and disorder, public nuisance, and public safety.

[Public Spaces Protection Orders](#) (PSPOs) were introduced in Torbay to encourage responsible drinking and to assist in reducing anti-social behaviour associated with street drinking. It provides the Police with the power to require alcohol to be surrendered.

The Licensing Authority recognises the effectiveness of this tool in preventing crime and disorder and tackling anti-social behaviour. Premises are expected to have measures in place to prevent their customers contributing to anti-social behaviour.

PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, the Council must consult with the local Police. Where a Local Authority occupies or manages premises, or where premises are managed on its behalf and it licences that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times. This allows Local Authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

## **Purpose and Scope of the Statement of Principles (Policy)**

This Statement of Principles (hereinafter referred to as ‘the Policy’) applies to the regulation of the following licensable activities at premises, vessels and members’ clubs:

- (i) the sale by retail of alcohol;
- (ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- (iii) the provision of regulated entertainment to the public, to club members or with a view to profit;
- (iv) The supply of hot food and/or hot drink between 23:00 and 05:00 hours.

This sixth Statement is made following consultation with:

- a) The Chief Officer of Devon and Cornwall Police
- b) The Chief Officer of Devon and Somerset Fire and Rescue Service
- c) The Director of Public Health
- d) Residents and businesses of Torbay
- e) Bodies representing businesses
- f) Holders of premises licences and club premises certificates
- g) Bodies representing existing registered clubs
- h) Bodies representing holders of existing premises licences and personal licences
- i) Torbay and South Devon NHS Foundation Trust
- j) Torbay Council: Children’s Services
- k) Torbay Council: Planning, Environmental Health and Highways Authorities
- l) The Torbay Safer Communities Partnership
- m) The Maritime and Coastguard Agency
- n) Faith groups via Torbay Interfaith Forum and the Street Pastors
- o) Torbay Development Agency
- p) English Riviera BID Company
- q) Tor Bay Harbour Authority
- r) Community Alcohol Partnership
- s) Best Bar None Torbay

The aim of this Policy is to secure the safety and amenity of residential and business communities whilst facilitating a sustainable entertainment and cultural industry. In adopting this Policy, Torbay Council (hereinafter referred to as ‘the Council’) recognises both the needs of residents and those businesses not covered by the provisions of the Licensing Act 2003 (hereinafter referred to as ‘the Act’), to live and operate in a safe and healthy environment and the important role that well run licensed premises play in the local economy and in contributing to the vibrancy of Torbay. To achieve this aim, the Council is committed to working in continued partnership with

nominated Responsible Authorities under the Act, local businesses, members of the licensed trade, residents and visitors to Torbay to promote the licensing objectives, as set out in this Policy.

## **SECTION 1 - The Guiding Principles that will direct the Council in making Licensing decisions**

- 1.1 The purpose of this Policy is to outline the approach that Torbay Licensing Authority (hereinafter referred to as 'the Authority') will take to implement the Act. The Policy provides guidance for applicants, residents, and Responsible Authorities under the Act. Responsible Authorities include the Council's Licensing Team, Health and Safety, Environmental Health, Planning, Trading Standards and Children's Services as well as the Police, Public Health, the Fire Authority and the Home Office.
- 1.2 This Policy, along with current national guidance issued by the Secretary of State and primary legislation, as set out in the Act, forms the basis on which licensing decisions are made and how licensed premises are likely to be permitted to operate.
- 1.3 The Act also outlines five key aims to support and promote good practice. These are:
  - Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - Giving the Police and Licensing Authorities the powers they need to manage and police the night-time economy effectively and take action against those premises that are causing problems;
  - Recognising the important role which pubs and other licensed premises play in our local communities, minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
  - Providing a regulatory framework for late night refreshment, and regulated entertainment which reflects the needs of local communities and empowers Local Authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
  - Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.
- 1.4 The Authority acknowledges the important role which pubs and other licensed premises play in both tourism and in local communities. The Authority therefore believes that providing licensed premises operate as compliant, well-regulated businesses and that their management act responsibly in promoting the licensing objectives; they make a positive contribution towards building local communities

and supporting cultural development and Torbay's tourism offer. It is also important to appreciate that alcohol does play an important and inherent role within the leisure and entertainment industry.

- 1.5 The Authority equally recognises, however, that negative impacts will occur if good management practices are not followed by licensed premises. These can include anti-social behaviour, nuisance, and disturbance caused to local residents, sometimes together with serious crime and disorder problems. Alcohol, in particular, is an important contributing factor to all of these issues. Alcohol-related violence, disorder and rowdiness impacts on our community, public health and the public purse through the demands made upon hospital attendances and admissions; additional policing; additional street cleaning; and the criminal justice system. The Authority does not consider that it is reasonable for local residents and compliant businesses to suffer because of a small number of irresponsible, poorly managed operators.
- 1.6 This Policy, therefore, seeks to provide a necessary balance between providing a platform upon which compliant, well-regulated businesses may operate and contribute towards a successful business and night-time economy, and ensuring that the quality of life of those who live and work in Torbay are protected through our robust licensing procedures. We believe these aims are achievable if all parties concerned work together.
- 1.7 While this Policy sets out a general approach to making licensing decisions, the Authority accords with the provisions in the Act. The Policy does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions and the Authority will consider each application on its individual merits.
- 1.8 This Policy does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where a provision has been made for them to do so in the Act.
- 1.9 Where an application is made and there are no relevant representations, the application will be granted subject only to conditions reflecting the operating schedule and any mandatory conditions. Where there are relevant representations, the Licensing Authority, will grant the application unless it is necessary to refuse it or to modify it, by imposing a condition(s) in order to promote one or more of the Licensing Objectives. Conditions imposed will be reasonable and proportionate.
- 1.10 In recognition of its responsibilities under Section 17 of the Crime and Disorder Act 1998, and within the strategic aims of the Safer Communities Torbay

Strategic Assessment, the Authority will work together with businesses, charities and partner agencies to prevent crime and disorder in Torbay.

- 1.11 The Authority recognises its responsibilities to individuals under the European Convention on Human Rights, set out by the Human Rights Act 1998, and its statutory role as a Licensing Authority to fulfil the duties and responsibilities vested in it.
- 1.12 The Authority is also aware of its responsibilities to individuals under the Equality Act 2010, to have regard to the elimination of unlawful discrimination and its duty to promote equality of opportunity regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation..
- 1.13 The Authority is committed to achieving good outcomes for children, young people and their families. Children of all ages need to be kept safe from harm and safeguarding is about making sure that they are protected from all kinds of harm, not only physical and sexual but also psychological, emotional and moral harm. Safeguarding is everyone's responsibility. Applicants, licensees, employees in licensed premises, Responsible Authorities, elected members, other local businesses and communities, everyone who has dealings with children, young people and adults with care and support needs – we all have a duty to report matters of concern to the relevant authorities. Where there is an actual or perceived risk of harm, it is important that appropriate steps are taken by the Authority to keep children safe. The Authority will have regard to any such risk when considering applications and seek to promote the Licensing Objectives. In addition, the wider safeguarding context must be considered when prospective and existing licence holders submit applications, during the assessment and determination process and ongoing use of the licence/notice. Appendix 5 provides information for licence holders and their employees to help them report to the relevant authorities matters of concern that could relate to the safety of children and vulnerable persons, particularly if it relates to child exploitation and trafficking.
- 1.14 The Authority is aware that effective licensing can only be achieved by recognising the value of collective contributions. The Authority strongly supports inclusivity and partnership working with the Police and other Responsible Authorities, local businesses, performers, local people, professionals involved in child protection and all others who can contribute positively to the successful promotion of the four Licensing Objectives. The Authority encourages membership of local schemes such as NiteNet, Best Bar None, local licensing forums, Pub watch, SWaN Charter, UKPAC and StoreNet and values the contribution such schemes make to the fulfilment of the Licensing Objectives.

1.15 The Authority considers that its decisions can be a key factor in the control of anti-social behaviour. Whilst the Authority will not use licensing conditions to control anti-social behaviour by individuals once they are away from the licensable premises or place, and beyond the direct control of the licensee, where there is a causal link between the behaviour complained of and patrons of a licensed premises, it is expected that the Premises Licence Holder will take immediate steps to mitigate such impact within the vicinity of their premises.

Premises Licence Holders will be required to demonstrate that they have taken and intend to take appropriate action in this respect. Any conditions attached to licences will be within the control of the Premises Licence Holder and will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in lawful activity in the area concerned.

1.16 The Authority will not adopt blanket policies of zoning to fix the trading hours of licensed premises. However, where it is necessary to promote one or more of the Licensing Objectives, the Authority will attach conditions to the premises licence to control a premises' trading hours. Such conditions will be imposed where there is supporting evidence to demonstrate that it is appropriate to do so. Appendix 4 gives examples of the impact that certain types of premises may have on the surrounding area. Where representations are received, the Authority will refer to this Appendix and therefore applicants are encouraged to use this to assist them in understanding the operating hours and the types of conditions they need to cover in their operating schedule.

1.17 Premises which are permitted to provide sales of alcohol for consumption off the premises may be subject to conditions that limit trading hours and restrict types and maximum quantities of alcohol where either the premises or the area in which the premises intends to trade, are known to be a focus for disorder and disturbance. A decision to impose such conditions will be subject to a relevant representation being received and where there is supporting evidence to demonstrate that it is appropriate to do so.

1.18 In the case of age classifications for films, the Policy of the Authority is to follow the recommendations of the British Board of Film Classification for most purposes, whilst retaining the right to allocate a classification of its own to a particular film or to modify the advisory information proposed for use in connection with that film or the mechanism proposed for communicating that information.

1.19 In general, all premises which are the subject of a licensing application should have the benefit of planning permission or be deemed permitted development. Licensing and Planning are separate regimes but consents from both must be in

place to operate legally. The Licensing Authority, as per paragraph 9.45 in the Section 182 Statutory Guidance, requires the two committees and officers to work together to achieve a common agreement prior to determination. If there is variance between the hours given under a licence and those permitted by the planning permission, the earlier hours will apply.

1.20 The Authority's Licensing Committee will receive regular reports on decisions made by Officers under the provisions of the scheme of delegation so that it maintains an overview of the general situation.

1.21 The Authority will actively encourage a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays. Premises specifically catering for young people in a safe, alcohol-free environment shall also be encouraged and promoted for the wider cultural benefit of the community in Torbay. Some departments within the Council have obtained licences for specified public open spaces and premises so that the benefit of any licence granted can be conveyed by the licence-holding department to authorised entertainers and performers within the event site. The Authority's Licensing Committee will consider such applications from an entirely neutral standpoint. It will also consider carefully any representation that the licensing regime is adversely affecting the provision of live music and dancing as regulated entertainments in Torbay and will only impose restrictions that are appropriate, proportionate and reasonable as licensing conditions.

1.22 The Authority recognises that proper integration with local crime prevention, planning, transport, tourism and cultural strategies is essential to assist in the reduction of public disorder and disturbances. The Authority will ensure that future local transport plans reflect the need to disperse people from town centres swiftly and safely, particularly late at night, so as to avoid concentrations which may produce disorder and disturbance.

1.23 The Authority recognises that licensing seeks:

- a) To control the physical safety of people using a location, however it does not seek to control public health, which is subject to other controls.
- b) To protect children, which includes their protection from moral, psychological and physical harm.

1.24 The use of illegal drugs, particularly those which are commonly referred to as a 'recreational drugs' and illegal psychoactive substances can be harmful and in some cases contribute to fatalities. Factors that have contributed to deaths from drugs include lack of drinking water, excessive drinking water, an overly

hot environment with inadequate ventilation, or a lack of adequate information about drugs.

The Licensing Authority recognises that drug use in a club/pub environment is not something that is relevant in all licensed premises. However it is recognised that special conditions will need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them i.e. zero tolerance drug policies including the appropriate use of searching and amnesty boxes.

It is the responsibility of premises to help keep their customers safe from drink and drug spiking, for example by the provision of signage and information to alert customers to the risk of drink spiking, as well as medical and reporting actions needed as soon as an incident is suspected.

The Authority does aim through the licensing process to:

- a) **Prevent** drug dealing in licensed premises.
- b) **Minimise** drug availability and their use.
- c) **Safeguard** all the public attending events by requiring, through imposition of appropriate licence conditions, the provision of a secure and safe environment for such events to take place.

1.25 The Authority recommends that all applicants' seeking to supply alcohol should have had regard to, ['The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks'](#).

1.26 While the Authority recognises that clear enforcement protocols for licensing and associated activities are essential, this will be achieved through close partnership working; notably the Police, Fire and through its Public Safety Advisory Group. It also recognises that in most cases, education and the support of businesses is likely to have longer term impact to ensure proper consideration is given to the four Licensing Objectives. It will, however, ensure that resources are targeted at problem and high-risk premises and events, when required.

1.27 The Authority will review this Policy, at least once in every five years. The Cumulative Impact Assessment will also be kept under review and considered by the Authority, at least every three years or sooner, if necessary, to ensure that it is still required.

## **SECTION 2 - Primary considerations when an application is made.**

### **The Licensing Authority will:**

- 2.1 Process all applications within the statutory timescales.
- 2.2 Where relevant representations are received, consider each application:
  - a) on its own merits,
  - b) in accordance with the Act, any subsequent amendments and supporting Regulations,
  - c) with regard to Guidance issued under Section 182 of the Act,
  - d) under the terms of this Policy.
- 2.3 Expect the applicant to articulate clearly the type of venue they will be operating and to submit an operating schedule that properly addresses the impact their application may have on their neighbours or their surrounding communities, to ensure that each of the relevant Licensing Objectives is promoted. This is particularly relevant in the following circumstances.
  - (i) Crime and disorder arising out of the night-time economy;
  - (ii) Noise from patrons and regulated entertainment where premises are in close proximity to residential properties and have later opening times;
  - (iii) Public safety matters for higher risk activities and one-off events; and
  - (iv) Public safety matters arising out of unmanaged occupancy levels.  
(See Appendix 3 for further information on what should be considered in an operating schedule.)
- 2.4 Consider the specific proposals regarding the requested licensing hours. It is important to note that “opening hours”, the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.
- 2.5 The Authority supports a continental café culture which makes a positive contribution to the street-scene and to the vitality of shopping and tourist areas bringing life, colour and interest on to the street. The Authority may grant a pavement licence under the Business and Planning Act 2020 for an applicant to use the public highway outside their premises for placing tables and chairs but the use of such an area will be subject to separate application, requirements and conditions. Applicants are reminded that either the proposed area of the public highway is included within their premises licence plan, or the premises licence must authorise off sales, as this is required where the pavement cafe area is not included on their plan. Further information and guidance can be found at [www.torbay.gov.uk/pavement-licence](http://www.torbay.gov.uk/pavement-licence)

2.6 'Special Risk Entertainment' events, are events that incorporate any of the following activities for the entertainment or attraction of the public:

- a) hypnotism (as defined by the Hypnotism Act 1952);
- b) striptease, lap dancing or any similar performance (see note below \*);
- c) the installation of strobe or laser equipment;
- d) the use of special effects such as pyrotechnics (Fireworks) or the introduction to any area occupied by the public of naked flame or any material, vapour, liquid, foam or novelty foodstuff;
- e) the use of any temporary structure or staged area;
- f) sporting events that carry higher than normal risks, e.g. cage fighting;

Applicants must specify clearly in their operating schedule, details of any 'Special Risk Entertainment' to be provided.

\* The Policing and Crime Act 2009 became law in November 2009, amending Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 so as to incorporate 'sexual entertainment venues' as sex establishments governed by the Act as amended. The Authority adopted the legislation in so far as it relates to sexual entertainment venues on the 2 December 2010. Under the Act as amended, premises offering lap dancing, any live sexual performance or display of nudity on more than 11 occasions within a 12 month period, or less than one month since the last performance, will be required to obtain a sexual entertainment venue licence from the Council's Licensing Authority to authorise such activity. The Authority has drawn up a statement of Licensing Policy for Sex Entertainment Venues which was agreed by Licensing Committee on the 17 March 2011. The Policy can be found at [www.torbay.gov.uk/sex-establishments](http://www.torbay.gov.uk/sex-establishments).

2.7 Individuals who are applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected.

The Authority will not issue a personal licence to an individual who is illegally present in the UK, and is not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. In order to discharge this duty, the Authority must be satisfied that an applicant has the right to work in the UK as required on the back of the application form, to demonstrate that the applicant has permission to be in the UK and that they are permitted to undertake work in a licensable activity. This also applies to individuals who apply for premises licences. The purpose of this is to prevent illegal working in the UK.

A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example if they are subject to an immigration restriction that does not permit them to work.

### **New applications and full variations**

2.8 All licensing applications for the grant or variation of a premises licence must be served on the Licensing Authority and on the Responsible Authorities within Torbay. The contact details (current at the time of writing this Policy) for the Responsible Authorities are detailed in Appendix 1. However, applicants are advised to also check the Home Office S.182 Guidance and the Act to ensure they have complied with the requirements under the Act.

2.9 Where an application for the grant of a premises licence or club premises certificate, variation of the same, or a provisional statement, or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to all Responsible Authorities as stipulated in the Act. Where such applications have been submitted electronically, copies of the application will be forwarded to the Responsible Authorities by the Licensing Authority.

2.10 Full variations should not be used to ‘vary substantially the premises to which the licence relates’.

### **Minor variations**

2.11 An application can be made for a minor variation to premises licences and club premises certificates where the change is considered to have ‘no adverse impact’ on the promotion of any of the four Licensing Objectives.

2.12 Minor variations can be used to:

- make minor changes to the structure or layout of a premises
- make small adjustments to the licensing hours
- remove out of date, irrelevant or unenforceable conditions
- add or remove certain licensable activities
- add volunteered conditions to a premises licence or club premises certificate
- 2.13 Examples of where the minor variation process **cannot** be used include:
  - extending the period for which the licence or certificate has effect
- specifying, in a premises licence, an individual as the premises supervisor
- adding the sale by retail or supply of alcohol as an activity authorised by a licence or certificate
- authorising the sale by retail or supply of alcohol at any time between 23:00 and 07:00 hours

- authorising an increase in the amount of time on any day during which alcohol may be sold by retail or supplied
  - varying a licence for a community premises so as to apply the condition that every supply of alcohol under that licence must be made or authorised by the management committee
  - substantially varying the premises to which the licence or club premises certificate relates
- 2.13 Under a minor variation the applicant must send the application to the Licensing Authority and must advertise the application on a white notice for a period of ten working days, at the premises, beginning with the day after the application was given to the Authority. The applicant is not required to advertise the variation in a local newspaper or send a copy to Responsible Authorities.
- 2.14 On receipt of a minor variation application, the Licensing Authority will consider the application and consult whichever of the Responsible Authorities it considers appropriate. In deciding on the application, the Licensing Authority will consider any relevant representations received within the statutory time limit (ten working days from the day after the application was received by the Licensing Authority). The Licensing Authority will either grant the application or refuse it where it considers that the proposed application could impact adversely on any of the four licensing objectives.
- 2.15 There is no right to a hearing under the minor variation process.
- 2.16 If the Licensing Authority fails to determine the application within 15 working days, the application will be treated as being refused and the fee returned. However, in such cases the Licensing Authority and applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application thus avoiding the need for a new application to be submitted.

### **Review of premises licence**

- 2.17 A Responsible Authority or other persons may at any time call for a review of a premises licence or club premises certificate, where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence or club premises certificate. Examples may be where there has been a breach of licensing conditions, failed test purchases or where activities undermine the licensing objectives. The conduct of review hearings is set out in the relevant statutory instruments.

- 2.18 Where the request for review originates from other persons, the Licensing Authority may reject the application if it is considered frivolous, vexatious or repetitious.
- 2.19 In all cases, an application for review must relate to a particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to one or more of the four licensing objectives.
- 2.20 Where a review is brought, the Licensing Authority may take any of the following actions:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), e.g. by reducing the hours of opening or by requiring door supervisors at particular times
  - exclude a licensable activity from the scope of the licence, e.g. to exclude the performance of live music or playing of recorded music
  - remove the designated premises supervisor, e.g. because they consider that the problems are the result of poor management
  - suspend the licence for a period not exceeding three months
  - revoke the licence
  - take no action
- 2.21 In deciding which of these powers to invoke, this Licensing Authority will seek to establish the cause of the concerns which the application and any relevant representations identify. The remedial action taken should be directed at these causes and should always be an appropriate and proportionate response. For example, the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 2.22 Equally, it may be that poor management is a direct reflection of poor company practice or policy and the removal of the designated premises supervisor may be an inadequate response to the problems presented.
- 2.23 The Licensing Authority will consider each case on its own merits having regard to the relevant law and guidance.
- 2.24 Where reviews are sought by residents or Responsible Authorities in relation to public nuisance alleged to arise from a licensed premises, the nature of the premises, its track record and length of time it has been providing the activities complained of will all be taken into account in determining the application.

### **Relevant, vexatious and frivolous representations**

- 2.25 Officer decisions as to whether representations are relevant, frivolous or vexatious will be made objectively having regard to all the available facts and not on the basis of any political judgment:

- a frivolous representation can be categorised by a lack of seriousness or concerning very minor issues which would not warrant any steps being taken
- a vexatious representation arises where it is intended to cause aggravation or annoyance to another person or business without any justification (e.g. disputes between rival businesses).
- a representation would only be relevant if it relates to the likely effect on at least one of the licensing objectives, relates to the application under consideration and is received within the relevant timescales.

- 2.26 Where representations are rejected, the Responsible Authority or other persons making that representation will be given a written reason as to why this is the case. Anyone who wishes the decision to be reconsidered should lodge a complaint at [www.torbay.gov.uk/complaints](http://www.torbay.gov.uk/complaints).
- 2.27 In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation.

### **Use of petitions**

- 2.28 Standard letters of support or objection, and petitions can be submitted in response to an application or review.
- 2.29 Standard letters, with only the signature and address of the sender, will be considered as a petition as they contain no additional individual comment. Standard letters that have additional detail regarding the representation will be considered as a separate representation and will be published separately as part of any Committee report.
- 2.30 Petitions will be published as part of the Committee report, and reference will be made to the number of names supporting the petition. The Council will only correspond with the lead petitioner and will invite that person to the hearing but not all of the signatories on the petition.

### **Temporary Event Notices (TEN's)**

- 2.31 A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours and can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.
- 2.32 A TEN is typically used to:
- authorise a licensable activity at a premises not currently licensed e.g. selling alcohol at a fete
  - temporarily extend the hours for providing a licensed activity at an existing licensed premises for a specific event
  - provide for licensable activities not authorised by the existing licence.
- 2.33 Where a TEN or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the notice has been sent to the Police

and Environmental Health as stipulated in the Act. Where a notice has been submitted electronically copies of the notice will be forwarded to the Responsible Authorities by the Local Authority.

- 2.34 The organiser must normally give the Licensing Authority a minimum of 10 clear working days' notice. This does NOT include the date of submission, the date of the event, weekends or bank holidays. In a significant number of cases this time period does not allow sufficient time for the organiser to liaise with the Police or Environmental Health and other relevant bodies to ensure that the event passes off safely with minimum disturbance to local residents. Therefore, the Licensing Authority will normally expect that the notice be submitted no earlier than 28 days before the planned event. The giving of 28 days' notice allows for reasonable discussions to take place with the Police and Environmental Health.
- 2.35 The Licensing Authority will consider any breach of previous voluntary agreements to be an important matter when considering an objection to a TEN application.
- 2.36 A late TEN may be served between nine and five working days before a proposed event commences. If a late TEN is served with fewer than 5 working days' notice it is deemed invalid and will be rejected. The Licensing Authority has no discretion to accept TENS outside the permitted statutory deadlines. If an objection is received to a late TEN there is no provision for any modification, hearing or adding existing conditions and a Counter Notice will be issued preventing the event from going ahead. There is no right of appeal in respect of late TENS following an objection by the Police or Environmental Health.
- 2.37 The Licensing Authority will actively encourage the organiser to notify other relevant agencies such as the Fire Authority (crowd safety and management) in order to obtain expert advice on how best to minimise the risk of injury and public nuisance.
- 2.38 In addition, whilst under the Act applicants do not have to notify the Planning Authority in respect of a temporary event, they are encouraged to do so to ensure that any relevant planning consent is in place.

### **Provisional statements**

- 2.39 Where premises are being or are about to be constructed, extended or otherwise altered so that they can be used for licensable activities, those involved with the project or with an interest in it may request some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.
- 2.40 Any person falling within Section 16 of the 2003 Act can apply for a premises licence before new premises are constructed, extended or changed. In those cases, the Licensing Authority would include a date when the licence would come into effect. However, where the information described below is not available an application for a provisional statement would be required instead:

- clear and legible plans of the proposed structure, compliant with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005
- the activities to take place
- the time at which such activities will take place
- the proposed hours of opening
- where the applicant wishes the licence to have effect for a limited period, that period
- the steps to be taken to promote the licensing objectives
  - where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify

2.41 The 2003 Act provides for a person who has an interest in the premises to apply for a “provisional statement”. This will not be time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the licensing authority will accept representations when the application for the premises licence is finally made.

2.42 Applications for a provisional statement are made in a similar manner to those for new and variation applications as set out above.

### **SECTION 3 – The Licensing Objectives**

The Act sets out four licensing objectives which the Licensing Authority has a duty to promote when carrying out its licensing function, namely:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Each objective is of equal importance and these objectives are the only factors that can be considered in determining an application. Any conditions attached to a licence must be appropriate to promote the licensing objectives. If there are no relevant representations, or representations have been withdrawn at or no later than 24 hours before a hearing, then the application will be granted as applied for, subject to conditions which reflect the operating schedule and any mandatory conditions. Any conditions offered by the applicant within their operating schedule will become conditions on the licence.

Where there is a relevant representation, which has not been withdrawn, the application will proceed to a hearing, following which the Authority may take such steps as are appropriate to promote the Licensing Objectives. In considering the application, the Authority will have regard to the matters set out below. In order to reduce the risk

of relevant representations and the cost and delay of a contested hearing, Applicants are strongly recommended to consult with the relevant Responsible Authorities, consider the matters set out below and incorporate them as necessary into their operating schedule.

**Where there have been relevant Representations, the Authority will consider the content of any application with respect to the following matters:**

## **THE PREVENTION OF CRIME AND DISORDER**

### 3.1

a) The adequacy of measures proposed to prevent crime and disorder and the history of any previous relevant enforcement action, particularly in relation to the use of the premises for:

- (i) the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crime;
- (ii) the sale and distribution of illegal firearms;
- (iii) the evasion of copyright in respect of pirated films and music;
- (iv) the under-age purchase and consumption of alcohol;
- (v) prostitution or for the sale of unlawful pornography;
- (vi) use by organised groups of paedophiles to groom children;
- (vii) the base for the organisation of criminal activity;
- (viii) the organisation of racist activity or the promotion of racist attacks;
- (ix) unlawful gambling;
- (x) the sale of smuggled tobacco and alcohol.

b) The measures the applicant has taken or proposes to take to:-

- (i) To prevent the consumption or supply of illegal drugs and psychoactive substances (previously known as 'legal highs'), including a written drugs policy, any entry and search procedures, the demonstration of a positive commitment to the deployment, when requested by the Police, of the Ion track Itemiser Drug Detection Machine at the premises or event, and in respect of premises selling alcohol after midnight with a capacity of 500 or more, the provision of a drugs box and register.
- (ii) To improve security or public safety, for example by:
  - using CCTV of an evidential standard which is continually monitored with recordings retained for 14 days;
  - undertaking a risk assessment for the employment of appropriate numbers of SIA registered door supervisors for security duties and / or stewards for general public service or

management (see Appendix 3 for further information). They shall be visible at all times and locations by wearing high visibility personal arm band identification.

- keeping and maintaining a daily premises register of SIA registered door stewards (see Appendix 3 for further information)
- the adoption of a 'safe capacity' necessary for the promotion of public safety or the prevention of disorder on the premises, part of the premises or at an event.
- setting a maximum bag size policy during ENTE periods and carry out regular random bag searches
- providing cloakroom facilities for bag and coat storage
- random use of metal detectors in premises selling alcohol after midnight with a capacity of 500 or more persons
- ensure door stewards remain on duty until all customers have left the vicinity to ensure no crime, disorder or public nuisance whilst they are dispersing.

(iii) To determine that when employing SIA registered door supervisors, licence holders have considered:

(a) Recruiting Security Industry Authority(SIA ) licensed door supervision staff from a company that is compliant with the requirements set out in the Security Industry Authority Approved Contactor Scheme (visit the [SIA website](#) for further information); and

(b) What measures will be taken and what procedures are in place for licensees to check the SIA register of licensed door supervisors to ensure their premises and patrons are only protected by door supervisors with an SIA licence. Torbay Council recommends the use of the SIA Company Licence Checker facility (visit the [SIA website](#) for further information).

(iv) To help prevent the use of glass bottles and drinking glasses being used as weapons and inflicting more serious harm during incidents of disorder, consideration needs to be given to the location and style of the premises/event, the times of opening, as well as features such as outside roof terraces, indoor sporting events, and televised sporting events. The use of plastic/polycarbonate vessels is recommended in late night vertical drinking establishments and to prohibit glass bottles from which it is intended or likely that a person will drink in these premises from 23:00 hours.

- (v) To help facilitate effective communications by means of radio communications, i.e. Storenet and nitenet radios or by other means to enable instant contact with the CCTV Monitoring Room and other licensed premises in a locality, to warn of situations of disorder or potential disorder and to advise other premises of individuals ejected or refused entry to their premises
- (vi) To be able to demonstrate a responsible approach to alcohol sales by ending alcohol sales at a time specified in the application that is some time before the premises themselves are closed, and by not taking part in heavily 'discounted drinking' promotions. At the start of 2010, Parliament approved The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. This attaches mandatory conditions to all premises licences and club premises certificates where alcohol is sold or supplied on the premises.
- (vii) To help reduce the risk of excessive alcohol consumption by providing and promoting reasonably priced soft drinks; and as required as a mandatory condition, to provide free drinking water at all bars. The provision of free potable (safe to drink) water is a mandatory condition.
- (viii) To help reduce the risk of crime and disorder being caused by street drinkers, who are or appear to be alcohol dependant. This may be particularly relevant to premises that are permitted to provide sales of alcohol for consumption off the premises, which are located in areas where concerns about street drinkers have been identified by Responsible Authorities or within the area defined in the Cumulative Impact Assessment. Such premises may be required not to stock or sell high strength or types of cheap ciders, beers or lagers with an ABV of more than 6% or to sell single unit items, i.e. cans that are split from an original multi pack or other such packaging.
- (ix) Awareness of drink spiking and participation in anti-drink spiking initiatives.
- (x) Zero tolerance drug policies including the maintenance of an incident log, signage, staff training, appropriate use of searching/amnesty boxes to combat drug crime, an awareness of their venues and possible areas requiring greater monitoring. Businesses are expected to address drug activity by working in partnership with the Police.
- (xi) To help manage the premises safely by the provision of sufficient SIA registered door staff following a detailed risk assessment taking into

account the size and layout of the premises. (see Appendix 3 for further information)

- (xii) To determine whether door stewards are to be employed at takeaway premises which provide late night refreshment.
- (xiii) To keep appropriate records, an incident log to record incidents that have occurred on the premises or within the vicinity but linked to the premises, telephone calls, complaints and refusals for entry (see Appendix 3 for further information).
- (xiv) To help to ensure that the Premises Licence Holder or the Designated Premises Supervisor (DPS) takes all reasonable steps to ensure that staff employed at the premises are, trained so that they understand the requirements of both the premises licence/club premises certificate and the broad provisions of the Licensing Act 2003. It is recommended that premises keep detailed training records that are available for inspection by Responsible Authorities.
- (xv) To ensure that all staff in premises selling alcohol after midnight shall be trained and hold, within three months of the commencement of their employment, BIIAB Level 1 Award in Responsible Alcohol Retailing or similar qualification.
- (xvi) To manage appropriately, intoxicated customers, for example by using use a breath box to randomly test and refuse entry to customers where it is believed that they are heavily intoxicated, and to randomly test customers within the premises to ensure that there is no excessive drunkenness.
- (xvii) To prepare a policy to ensure that there is a safe area for leaving drinks when customers leave the premises temporarily, e.g. to smoke.
- (xviii) To ensure that the premises are adequately managed by a suitable person at all times and that whenever the premises are open for the sale of alcohol after midnight, a personal licence holder is on duty.
- (xix) To ensure that the written authorisations of the DPS to all staff are be kept on the premises.
- (xx) To implement a recommendation to support and participate in safety incentives such as 'Ask for Angela campaign' and [Project Nighteye](#) (Targeting violence against women and girls in the night time economy).

Ask for Angela: <http://www.areyouok.co.uk/articles/ask-for-angela/>

- (xxi) To sign up to Torbay's Safety of Women at Night Charter (SWaN) to improve the experience of women in Torbay at night, in both the town centres and harbourside area.
  - (xxii) To implement a recommendation for premises within designated areas of the Cumulative Impact Assessment to become an accredited venue with Best Bar None.
  - (xxiii) To write policies to ensure that all off sales are supplied in sealed containers for premises where there is a Public Space Protection Order, and it is believed that the alcohol will be consumed within that designated area. Any such policy should include the provision of notices to be clearly displayed where alcohol is sold, advising customers that the area is subject to a Public Space Protection Order.
  - (xxiv) To write policies to ensure that where alcohol is supplied by way of a delivery service, all delivery drivers are trained in Challenge 25, No proof no sale and that deliveries must only be made to a residential address and received by a person aged 18 or over..
  - (xxv) To ensure the even distribution of customers within a premises, to reduce crowding and pinch points which can lead to conflict.
- c) Work to reduce the likelihood of any violence, public disorder or policing problems that may arise if a licence is granted.
  - d) Implementing the outcomes of consultations held by the applicant, in respect of their application and submitted operating schedule, with the Police. Including any recommendations made by the Constabulary's Architectural Design Liaison Officer.

## **PUBLIC SAFETY**

### **3.2**

- a) The adequacy of measures proposed to deal with the promotion of public safety and in particular, the steps taken by, or the proposals of, the applicant to:

- (i) To assess the risks to the public, staff and others associated with operating the premises or event in accordance with their submitted operating schedule and measures implemented to reduce those risks.
  - (ii) To provide adequate facilities for people or performers with disabilities and to ensure their safety.
  - (iii) To ensure that the number of people, staff and performers, present in the premises or at the event can be safely evacuated in the case of emergency and that adequate access arrangements exist to permit the attendance of emergency vehicles, if required.
  - (iv) To ensure adequate staff training has been undertaken to deal with emergencies. To indicate the frequency that such training will be updated and the method of maintaining staff training records to demonstrate that regular training has taken place.
  - (v) To maintain controlled entry to the premises or event and establish the maximum number of persons who are occupying the premises or event at any time (see Appendix 3 for further information).
  - (vi) To determine what the views are of the Maritime and Coastguard Agency, as the lead Authority with regard to all of the four Licensing Objectives, in the case of an application for a premises licence in respect of a passenger vessel.
- b) The Authority will undertake consultations with the Council's Officer responsible for the enforcement of Health and Safety legislation in respect of the application and the submitted operating schedule. It is the Policy of the Authority to not use its licensing powers to secure compliance with fire safety requirements, which arise from other legislation. However, in circumstances where fire safety inadequacies indicate that the premises pose a risk to the health and safety of those who enter them and where specific fire safety enforcement does not provide a sufficient or sufficiently rapid remedy; the Licensing Authority will take appropriate steps to ensure that the risk is removed.
- c) In preparing an operating schedule for large scale events, which would require a premises licence, the applicant is expected to consider if appropriate the following guidance and publications:
- (i) The Event Safety Guide (The Purple Guide) [www.thepurpleguide.co.uk](http://www.thepurpleguide.co.uk)
  - (ii) Managing Risks and Risk Assessment at work – [www.hse.gov.uk/simple-health-safety/risk/index.htm](http://www.hse.gov.uk/simple-health-safety/risk/index.htm)

- (iii) The Guide to Safety at Sports Grounds, 6<sup>th</sup> edition (The Stationery Office, ISBN 978-1-9164583-0-7 <https://sgsa.org.uk/greenguide-availablenow/>)

## **Fire safety**

- 3.3 The Licensing Authority is committed to ensuring public safety in licensed premises by working in close partnership with the Fire Authority, subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will consider relevant representations from the Fire Authority concerning the implications relating to fire safety for each individual application/variation for a premises licence and seek to protect the safety of all persons at all licensed premises by ensuring that the requirements of the Fire Authority are met.
- 3.4 In order to avoid the necessity for representations to be made, applicants will be advised where appropriate to consult the Fire Authority and ensure that they have sight of such documentation as may be required in order to allow a reasonable assessment to be made.
- 3.5 The Licensing Authority will consider applying capacity limits where there are valid reasons and where it has been demonstrated that they will promote any of the licensing objectives.

## **The Terrorism (Protection of Premises) Act 2025**

- 3.6 The Terrorism (Protection of Premises) Act 2025, also known as Martyn's law, received Royal Assent on Thursday 3 April 2025. The aim of this new legislation is to improve safety and security at public venues, to help ensure that people are prepared, ready to respond and know what to do in the event of a terrorist attack.

It is expected that the implementation phase will be at least 24 months. This will include the publication of statutory guidance and establishing the regulator function within the Security Industry Authority (SIA), as well as ensuring there is time for businesses, premises and events to prepare for the legislation coming into force.

There will be a legal requirement on those responsible for certain venues to increase their preparedness for and protection from a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place.

In the meantime, although terrorist attacks are rare, the threat from terrorism is real and increasingly unpredictable and therefore operators should consider the threat and implement appropriate and proportionate mitigation measures to ensure public safety.

Consequently, the Licensing Authority would expect large capacity venues and organisers of large events to consider the following measures:

- A requirement to engage with freely available counter-terrorism advice and training
- A requirement to conduct vulnerability assessments of their operating places and spaces
- A requirement to mitigate the risks created by any vulnerabilities identified
- A requirement to have a counter-terrorism plan
- Ensuring good communication networks with the Police and signing up for local incident alerts
- Ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.

Further information can be found at [ww.protectuk.police.uk/martyns-law](http://ww.protectuk.police.uk/martyns-law) and [www.gov.uk/government/publications/terrorism-protection-of-premises-act-2025-factsheets](http://www.gov.uk/government/publications/terrorism-protection-of-premises-act-2025-factsheets).

## **THE PREVENTION OF PUBLIC NUISANCE**

### **3.7**

- a) The adequacy of measures proposed to deal with the potential for public nuisance and in particular the steps taken by, or proposals of, the applicant to:
- (i) To prevent noise and vibration escaping from the premises or open air sites, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
  - (ii) To manage the outside spaces, notably beer gardens, designated smoking areas, car parking areas which are within the direct control of the Premises Licence Holder, to prevent noise from patrons and entertainment creating a public nuisance to nearby neighbours.
  - (iii) To prevent disturbance by patrons arriving at or leaving the premises, or in the vicinity of the premises, especially when smoking.

- (iv) To prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises or otherwise manage the queue to prevent disturbance or obstruction.
  - (v) To consider the cumulative effect from multiple one-off events giving rise to public nuisance.
  - (vi) To ensure that staff leave the premises quietly.
  - (vii) To evaluate whether taxis, private hire or other vehicles serving the premises are likely to disturb local residents and/or people staying in nearby holiday accommodation.
  - (viii) To evaluate whether routes to or from the premises on foot or by car, or for service or delivery vehicles, pass residential premises and holiday accommodation and if so, the effect this may have on such properties.
  - (ix) To prepare, implement and oversee, as appropriate, policies regarding dispersal of customers, queue management, smoking areas and outside spaces.
  - (x) To take suitable steps to improve the management of the premises, following any previous or current enforcement action taken.
  - (xi) To prevent disturbance from light arising from security devices, floodlighting, advertising lighting or any special effect lighting.
  - (xii) To prevent noxious fumes from causing a nuisance to occupants of nearby residential and commercial premises or land.
  - (xiii) To determine whether the premises would result in increased refuse storage or disposal problems, or whether additional litter from or in the vicinity of the premises could cumulatively cause public nuisance.
  - (xiv) To implement where appropriate, the outcomes of consultations held between the applicant and Torbay Council's Licensing & Public Protection Team in respect of the application and submitted operating schedule.
- b) The Authority advocates working with businesses, with the shared aim of providing a more business friendly and vibrant economy, however accepts that it equally has a responsibility to its residents. To aid in the process, Appendix 3 gives further advice relating to public nuisance that businesses,

new or existing, may wish to consider when making an application or preparing for an event. This should aid both the business and the Authority to ensure there is a common understanding of what is proposed and what the impacts might be. That contained within Appendix 3, should help applicants' consider the areas they should address and to formulate their own operating schedule tailored to the type, nature and characteristics of the specific premises and its neighbourhood.

## **Outdoor Areas and Smoking Areas**

- 3.8 Beer gardens, roof terraces, pavements and other outdoor areas serving licensed premises are expected to comply with appropriate conditions to the individual premises to ensure minimal disruption to residents in proximity to the premises.
- 3.9 Where applicants propose to provide seating, tables or other facilities in any outdoor area, whether covered or not, or to permit the use of outdoor areas as smoking areas, applicants will be expected to demonstrate in their operating schedule:
- a. Detail the location of outside areas to be available for use;
  - b. how the outside areas will be managed to prevent a) noise; b) smell; and c) pavement obstructions, and d) littering.
  - c. the arrangements for clearing, tables and chairs; and
  - d. preventing nuisance from smoke fumes to residents living in close proximity to smoking areas.
  - e. Suitable and sufficient measures will be in place to prevent the escape of noise and other public nuisance from that outdoor area, from the licensed premises or from any of the licensable activities
  - f. Effective management controls and other measures are put in place this will include removal of seating/tables, presence of staff and installation of CCTV to ensure that licensable activities and the use of such areas by customers or other persons is controlled so as not to adversely impact on nearby residents
- 3.10 Where outside spaces are used for eating, and where children may also be present in the outside space, the Authority expects applicants to provide details as to how smoking areas will be separated from the general use areas of the outside space.

- 3.11 Premises Licence Holders must take into account the needs of patrons with disabilities and comply with the requirements of the Equalities Act 2010.
- 3.12 After 23:00 hours consideration should be given to the impact of patrons using outside smoking areas. The Licensing Authority will normally expect the public use of external areas in the licensee's control to cease at 23:00 hours. Where outside areas will be in use after 23:00 hours additional management controls will need to be considered which may including limiting the number of patrons permitted in the area and the presence of security staff.
- 3.13 Following the implementation of the smoking ban in July 2007, the Licensing Authority recognises that smokers wishing to smoke will have to go outside the licensed premises. They may also want to take alcohol purchased inside for consumption outside. In some cases smoking will be in garden areas. In others, it may be on other parts of the licensed premises or even the highway.
- 3.14 Members of the public can sometimes feel intimidated and crowds of drinkers or smokers spilling out onto the street may cause obstruction. Safety problems can also be caused with drinkers and smokers moving into the road. Wherever possible, all patrons should be contained within areas that are part of licensed premises, such as beer gardens, terraces or, where a pavement café consent has been granted by the Council for tables and chairs, on the public highway, and consideration should be made for local residents with mobility difficulties.
- 3.15 Where patrons are permitted to take drinks outside the premises the Licensing Authority will expect licensees to take such steps as possible to ensure glasses/bottles and other receptacles are not left outside. Where broken glass may become an issue this should be included within the management plan of the premises.
- 3.16 The premises may provide some form of shelter for those smoking outside, but these must not be fully or substantially enclosed in accordance with the Health Act 2006. Licensees should be aware of their responsibilities to prevent public nuisance.
- 3.17 Noise is likely to be caused not only from persons outside, but from the licensed premises if doors are continually opened or left open as customers go in and out.
- 3.18 If relevant representations are received, the Licensing Authority may consider conditions restricting the use of outside areas. Such conditions may include the prevention of drinks within the external area, restricting the carrying of any

receptacle outside, prohibiting re-entry to premises after customers have left or restrictions on the number of people allowed at any one time in the outside areas and having dedicated staff to monitor the smoking area and take action where necessary.

- 3.19 The Licensing Authority may impose conditions on licences requiring the operators to provide cigarette disposal units in the vicinity of the premises and to carry out regular cleaning of the area as necessary in order to prevent public nuisance.

### **Night cafes and Takeaway Premises/Restaurants with delivery services**

- 3.20 The Licensing Authority will look to applicants to evidence steps they will take to address these associated issues which can present a public nuisance issue which should include:
- Provision of bins outside to reduce littering by patrons
  - Evidence of commercial bin waste contract and pest control contract as necessary.
  - Management of outside queues or seating areas after 23:00 hours. Where a risk assessment deems it necessary security staff may be needed at busy times of the night or year when business is seasonal
  - Restrictions on the times for deliveries and when bins are emptied
  - Consider parking and access arrangement for any third-party delivery staff such as Uber Eats or Deliveroo as these can cause considerable public nuisance in terms of parking and noise
- 3.21 Premises open after 23:00 hours supplying hot food or hot drink for consumption on or off the premises can attract large groups of customers, many of whom have already consumed alcohol. The gathering of people around takeaways can lead to additional noise, disturbance and greater amounts of litter and rubbish.
- 3.22 Premises that operate late at night offering alcohol and/or takeaway food can generate concerns about antisocial behaviour and nuisance in the vicinity. It is expected that applicants should address such issues within their operating schedule.

### **Fly posting and promotional material**

- 3.23 Torbay often faces the widespread problem of illegal and nuisance fly posting and littering from promotional material used to promote bands and events in the area. This can have an impact on the prevention of public nuisance

objective and the prevention of crime and disorder objective within the Licensing Act 2003.

- 3.24 Existing legislation seeks to address this problem however, it often proves ineffective in preventing this type of nuisance advertising. Some licence holders leave the advertising of regulated entertainment to events promoters and then use this to argue that they are not responsible for any illegal fly posting that occurs.
- 3.25 The Licensing Authority expects responsible licence holders to ensure the licensed objectives are properly promoted when advertising regulated entertainment on their premises. For this reason, licence holders should outline in their operating schedules the steps to be taken ensure advertising of licensable activities does not cause nuisance or give risk to crime and disorder.
- 3.26 Premises Licence Holders are encouraged to have explicit agreements or contracts with named individuals or companies used to promote events to address the issue of fly posting and littering from promotional material. They should also maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority or Authorised Officer on request. Where appropriate and where consistent with the applicant's operating schedule, the Licensing Authority will impose conditions to this effect when its discretion to do so has been engaged.
- 3.27 Businesses wishing to hand out any free printed material such as newspapers, leaflets, vouchers, business cards, stickers or promotional material in a specific area of Torquay, must also obtain a licence from the Council. Further information can be found at [www.torbay.gov.uk//leaflets](http://www.torbay.gov.uk//leaflets).

## **THE PROTECTION OF CHILDREN FROM HARM**

### **3.28**

- a) To consider that adequate measures are proposed to protect children from harm and in particular the steps taken by, or proposals of the applicant to protect children:
- (i) In cases where there have been convictions or Fixed Penalty Notices against staff employed at the premises for serving alcohol to minors, or at premises with a reputation for underage drinking.

- (ii) In premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- (iii) In premises where there is a known association with drug taking or dealing.
- (iv) In premises where there is a strong element of gambling on the premises (e.g. jackpot machines).
- (v) In premises where entertainment or services of an adult or sexual nature are provided.
- (vi) In premises where, in the case of premises giving film exhibitions, the arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself.
- (vii) In premises where children are employed without a work permit issued by Torbay Council.

b) The steps the applicant has taken or proposes to which:

- (i) Clearly state their intentions to manage the premises so as to protect children from harm.
- (ii) Limit the hours when children may be present.
- (iii) Impose age limitations, for those under 18 years, on attendance.
- (iv) Impose age limitations, for those under 18 years, on employment.
- (v) Limit or exclude children when “Special Risk Entertainments” are taking place.
- (vi) Limit access by children to only parts of the premises.
- (vii) Require the presence of an accompanying adult.
- (viii) Fully exclude persons under 18 years from the premises when any or all licensable activities are taking place.

- (ix) Prevent the service of alcohol to children under eighteen years, except in the limited circumstances allowed for by the law and when satisfied that proof of age has been adequately demonstrated.
- c) The Authority recommends that the only way to verify a young person's proof of age is with reference to their:
- (i) Passport
  - (ii) Driving licence
  - (iii) Provisional driving licence
  - (iv) Proof of Age Standards Scheme (PASS) card
  - (v) Official Military identity card
- d) The Authority recommends that premises which sell or supply alcohol, adopt the Challenge 25 scheme.
- e) The Authority recommends that premises which sell or supply alcohol should ensure that staff are suitably trained in all aspects of age-related sales and that training is reviewed on a regular basis. The Authority also recommends that records of all staff training are kept for a period of 12 months and made available to a Responsible Authority upon their reasonable request and that the premises has a written Age Verification Policy, which is also made available to a Responsible Authority upon their reasonable request. All members of staff must read and sign to confirm their understanding of such a Policy, in order to support compliance with the mandatory conditions. A free online toolkit is available to Torbay Licensed premises to assist with staff training and help prevent the illegal sale of age restricted goods. Further information can be found at [www.proofofage.org.uk](http://www.proofofage.org.uk)
- f) The Authority supports the installation of ID Scanners in premises open after midnight that may attract underage drinkers.
- g) Clearly stated measures in the case of an emergency for controlling access and egress and ensuring the well-being of children where a regulated entertainment is specially presented for them. The Authority will normally require as a minimum the following arrangements: -
- (i) An adult member of staff to be stationed in the vicinity of each of the exits from any level of the premises, subject to there being a minimum of one member of staff per 50 children or part thereof (subject to (iv) below).

- (ii) No child to be permitted in the front row of any balcony unless accompanied by an adult.
- (iii) No standing to be permitted in any part of the auditorium during the performance.
- (iv) At least one adult member of staff of each gender, when groups of mixed gender are present.
- (v) Clearly stated measures where regulated entertainment is specially presented for under 18's in an existing licensed premises, Torbay Council will normally require as a minimum, the conditions found in Appendix 3.
- (vi) Where a regulated entertainment is held specifically targeting children, the steps the applicant proposes to demonstrate that the organisers of the event have ensured that their employees or other persons who will be responsible for supervising children have been submitted to the advanced disclosure mechanism operated by the Disclosure and Barring Service.

## **SECTION 4 – The Licensing Authority’s rationale for issuing Premises Licences is to:**

- 4.1 Ensure that conditions are consistent with any operating schedule accompanying the application. Terms or conditions attached to premises licences will focus on matters that are within the control of individual licensees and others granted relevant permissions and will not duplicate requirements normally enforced by other regulatory regimes.
- 4.2 Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) and its vicinity, the applicant (or ‘agent of change’) should be required by the local planning authority to provide suitable mitigation before the development has been completed.
- 4.3 Consider adding stricter conditions, limit hours and in some circumstances refuse types of regulated entertainment at premises in close proximity to residential premises.
- 4.4 Consider refusing or limiting types of regulated entertainment or impose early closing times where applicants have not sufficiently demonstrated how they will protect residential premises in close proximity to their premises, from public nuisance. (See Appendix 3 for further advice and information).
- 4.5 Will include, when necessary, conditions limiting the access of children to licensed premises solely for the prevention of harm to children.
- 4.6 Will add the mandatory conditions, if the premises licence is to authorise the supply of alcohol. The relevant mandatory conditions can be found in Appendix 3.
- 4.7 Will add the mandatory condition where a premises licence is to authorise the exhibition of films and:
  - a) That the admission of children to the exhibition of any film to be restricted in accordance with the age restrictions set by the British Board of Film Classification
  - b) Except in a case where the Authority has determined a classification of its own in relation to a particular film, in which case that classification will be adopted as a mandatory condition.

- 4.8 Will seek to fulfil the Licensing Objectives by ensuring that only conditions relevant to those Objectives are attached to licences and certificates and are tailored to the individual style and characteristics of the premises and events concerned.
- 4.9 Where a representation is received, will seek to promptly set before Licensing Committee or Licensing Sub-Committee those applications that are fully made in accordance with this Policy, the Act, and any other relevant regulations or guidance. This will enable the Authority to deal with licensing issues speedily, efficiently and in a cost effective manner.

## **SECTION 5 - The role and influence of Representations:**

### **The Licensing Authority:**

- 5.1 Recognises the right of a person or a business to make representations on an application and will consider such representations unless it deems them to be frivolous or vexatious, or, as the Act permits in the case of an application for review of a licence or certificate, if such representation is deemed frivolous, vexatious or repetitious in nature.
- 5.2 Will not accept a review application arising from complaint by an interested party that is based on grounds similar to those raised within a period of twelve months, save in compelling and exceptional circumstances.
- 5.3 Expects those objecting to applications to help to provide information/evidence to support the assertion that the addition of the premises' licensable activities would be likely to produce the claimed impact on the neighbourhood when considered against the four Licensing Objectives.
- 5.4 Recognises that Elected Councillors are defined as Interested Parties and can make representations in their own right, and not just on behalf of others, providing they are Members of the relevant Licensing Authority to which the application has been made.
- 5.5 Recognises that Health is not a licensing objective, but the Authority is aware that there is a significant negative impact on the health of our residents caused by alcohol, reflected in hospital admissions and deaths from alcohol related illnesses, and alcohol induced violence.

Since 2013 the Director of Public Health in Torbay has been a Responsible Authority and is able to make representations on applications and initiate reviews. The Director of Public Health has access to data and evidence that is useful and informative for the development of policy, and the consideration of applications and the conducting of reviews.

This includes:

- evidence on the impact of alcohol on the physical and mental health of residents, particularly children;
- data on hospital admissions for alcohol related illness and injury;
- data and evidence from local alcohol services, such as outreach and treatment services.

When such evidence and data is presented it will be considered and where links are made to any of the four licensing objectives it will be taken into account by the Licensing Sub Committee in reaching its decision.

## **SECTION 6 - The way the Licensing Authority will communicate and enforce requirements**

- 6.1 The Authority has a Licensing Committee comprising of at least 10 and no more than 15 Members of the Authority in order to discharge the functions of the Licensing Authority and a Licensing Sub-Committee comprising of any three Members of the Licensing Committee to discharge any function it directs that is exercisable by the Licensing Committee.
- 6.2 A Chairperson and Deputy Chairperson of the Licensing Committee will be elected at the first annual meeting of the Authority.
- 6.3 The Authority will ensure that Members and Officers are appropriately trained to carry out their duties under the Act and in accordance with the Authority's Constitution. No Member of the Authority shall sit upon the Licensing Committee or Sub-Committee unless they have received appropriate training.
- 6.4 The Licensing Committee recognises the Local Safeguarding Children Board or specified successor organisation as the competent body for the purposes of this Policy with regard to the protection of children from harm.
- 6.5 To adhere to the principles of The Regulators' Code (April 2014), which include:
1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
  2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
  3. Regulators should base their regulatory activities on risk
  4. Regulators should share information about compliance and risk
  5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
  6. Regulators should ensure that their approach to their regulatory activities is transparent
- 6.6 To publicise the Terms of Reference set down for its Licensing Committee.
- 6.7 To recognise enforcement as both formal and informal actions including advice, information, monitoring, liaison, training and promotion of good practice and includes:
- a) Actions instituted by the Licensing Committee
  - b) Actions taken by an Officer of the Authority with the appropriate delegated authority to take such actions

- c) Actions by an authorised Officer of a partner organisation with a statutory responsibility for a licensable Premises or activity.
- 6.8 To work with the Police and other enforcement agencies and to have an information sharing agreement in place.
- 6.9 To work in partnership with relevant agencies to develop effective and documented Protocols and working arrangements which allow for a 'lighter touch' where risks are perceived low, whilst higher risks situations may be specifically targeted in proportion to the risks identified.
- 6.10 To comply with the Code of Practice: [Age Restricted Products, published by BIS/BRDO 2014](#), insofar as it relates to the test purchasing of alcohol by Trading Standards Officers and other agencies.
- 6.11 In so far as it is possible, avoid duplication of requirements with other regulatory agencies.
- 6.12 To recognise the Act as only one of the mechanisms available to regulate the leisure, hospitality and retail economy and to assist in the maintenance of public order in Torbay. Other influences and controls include: -
- a) Planning controls and the recognition that crime and disorder prevention should be designed into new developments.
  - b) The designation of public places where alcohol may not be consumed and the confiscation of alcohol may be enforced.
  - c) Police powers to close down premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise and the powers of Environmental Health Officers to close noisy premises.
  - d) Take enforcement action against personal licence holders who sell alcohol to people who show signs of drunkenness.
  - e) Powers of the Police, Responsible Authorities or a local resident or business to seek a review of a premises licence or club premises certificate.
  - f) Flexible resourcing of the Authority's CCTV Control Room to maintain optimum use of the CCTV system with its partners.

- g) Promotion of the NiteNet, Pub Watch/local licensing forums, StoreNet or UKPAC communication systems and where appropriate impose the participation in the NiteNet scheme upon applicants' through licence conditions.
  - h) Measures taken in partnership with local businesses and others to maintain a clean and safe environment.
- 6.13 Investigate complaints against licensed premises both with respect to the conditions on their premises licence or club premises certificate, but also the broader requirements of the Licensing Act 2003. This includes complaints regarding noise, public safety or child protection that is within its remit.
- 6.14 Licensing fees are set and are due for payment on the anniversary of the licence and are dependent upon the non-domestic rateable value of the premises. This value, which is also used to calculate business rates, can be found through the Valuation Office Agency (VOA) search engine at <https://www.gov.uk/correct-your-business-rates>. The licence holder is expected to pay the required licence fee when it is due failing which the law requires the licence to be suspended until such fees are paid.

Carrying on licensable activities while a licence has been suspended is a criminal offence and may result in enforcement action, including prosecution.

The Authority would strongly encourage any premises licence holder to contact the Licensing Team to discuss any problems prior to their annual licence fee being due, to enable the Authority to offer help where they can.

If the fee is disputed prior to the date it is due for payment, the licence will not be suspended pending clarification and resolution. Where an administrative error in relation to the recorded receipt of the annual fee has been made by the Council and the licence holder has provided proof of payment, the licence will not be suspended.

- 6.15 Although the Authority accepts that the positioning of gaming machines in licensed premises is a matter for the Gambling Act 2005, attention is drawn to the fact that Gaming Machines must be supervised at all times and therefore within sight of an area where staff are present.

## **Appendix 1: Contact Details**

These details are provided to enable easy contact with the responsible authorities and to supply applications to them as required by the Licensing Act 2003.

### **Licensing Authority**

Licensing and Public Protection Team  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR  
Tel: 01803 208025  
E-mail: [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)

### **Responsible Authorities**

Devon and Cornwall Police  
Licensing Department  
Launceston Police Station  
Moorland Road  
Launceston  
PL15 7HY  
Tel: 01566 770500  
E-mail: [licensing.team@devonandcornwall.pnn.police.uk](mailto:licensing.team@devonandcornwall.pnn.police.uk)

Devon & Somerset Fire and Rescue Service  
Divisional Headquarters  
Newton Road  
Torquay  
TQ2 7AD  
Tel: 01803 653700  
E-mail: [southfiresafety@dsfire.gov.uk](mailto:southfiresafety@dsfire.gov.uk)

Torbay Children's Services  
C/O Town Hall  
Castle Circus  
Torquay  
TQ1 3DR  
Tel: 01803 208559  
Email: [CSCentral@torbay.gov.uk](mailto:CSCentral@torbay.gov.uk)

Director of Public Health  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR  
Tel: 01803 207350  
Email: [Publichealth@torbay.gov.uk](mailto:Publichealth@torbay.gov.uk)

Licensing and Public Protection Team (Public Nuisance)  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR  
Tel: 01803 208025  
E-mail: [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)

Food & Safety Team  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR  
Tel: 01803 208025  
E-mail: [Foodsafety@torbay.gov.uk](mailto:Foodsafety@torbay.gov.uk)

Operational Support  
Health and Safety Executive  
North Quay House  
Sutton Harbour  
Plymouth  
PL4 0RA  
Tel: 0300 0031747  
E-mail: [formsadmin.plymouth@hse.gsi.gov.uk](mailto:formsadmin.plymouth@hse.gsi.gov.uk)

Planning Department  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR  
Tel: 01803 207801  
E-mail: [planning@torbay.gov.uk](mailto:planning@torbay.gov.uk)

Heart of the South West Trading Standards Service  
County Hall  
Topsham Road  
Exeter  
EX2 4QD  
Tel: 01392 381381  
Email: [tsadvice@devon.gov.uk](mailto:tsadvice@devon.gov.uk)

Home Office (Immigration Enforcement)  
IE Licensing Compliance Team (IELCT)  
2 Ruskin Square (Floor 6)  
Dingwall Road  
Croydon  
CR20 2WF  
Email: IE.licensing.applications@homeoffice.gov.uk

*(Home Office Immigration Enforcement is not a responsible authority in relation to club premises certificates).*

In relation to vessels, Responsible Authorities also include navigation authorities within the meaning of S. 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated when being used for licensable activities.

Plymouth Marine Office  
Maritime & Coastguard Agency  
Suite 5, Endeavour House  
Oceansgate, Vivid Approach  
Plymouth  
PL1 4RW  
Tel: 020 390 85245  
E-mail: [mcaplymouthadmin@mcga.gov.uk](mailto:mcaplymouthadmin@mcga.gov.uk)

## **Appendix 2 – Scheme of Delegation**

The full **scheme of delegation** is set out below: -

<b>Matter to be dealt with</b>	<b>* Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If an objection is made	If no objection made
Application for review of personal licence with unspent convictions		All cases	
Application for premises licence/ club premises certificate.		If a representation made	If no representation made
Application for provisional statement.		If a representation made	If no representation made
Application to vary premises licence/ club premises certificate.		If a representation made	If no representation made
Application for minor variation of premises licence/ club premises certificate.			All cases
Application to vary designated premises supervisor.		If a Police objection	All other cases
Request to be removed as designated premises supervisor.			All cases
Determination of application to disapply requirement for DPS at community premises		If a Police objection	All other cases
Application for transfer of premise licence.		If a Police objection	All other cases
Applications for interim authorities.		If a Police objection	All other cases
Application to review premises licence/club premises certificate.		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision whether to object when Local Authority is a consultee and not the relevant		All cases	

authority considering the application.			
Determination of a Police or Environmental Health objection to a temporary event notice.		All cases	
Determination of a Police or Environmental Health objection to a late temporary event notice.			All cases

\* **Full committee may deal with all Sub-Committee matters.**

## **Appendix 3: Supplementary Information**

### **PREVENTION OF CRIME AND DISORDER**

#### **Risk assessment for the provision of Security Industry Authority (SIA) door supervisors**

The number and times of required staff would be dependent on the location and style of premises/event. Some areas may warrant the employment of SIA registered door supervisors for longer periods of the evening than other areas. This may be particularly true of night-time economy areas, which includes the CIA. The number of door supervisors to be employed would need to be determined as a result of a risk assessment carried out by the Premises Licence Holder and/or the Designated Premises Supervisor or required by the Authority. However, it is recommended that two SIA door supervisors are employed for up to the first 100 customers, and thereafter one additional steward is employed for each additional 100 customers. Consideration also needs to be given to the ratio of male and female door supervisors which are appropriate for particular premises/events.

This can, however be altered, subject to the applicant demonstrating through a suitable and sufficient risk assessment, to the satisfaction of the Responsible Authorities and where necessary, Councillors at a subsequent Licensing Committee hearing, that a different ratio is appropriate. This risk assessment should take into consideration the duties required by the supervisors, the layout of the premises and any key locations/flash points/pinch points within the premises that will require additional supervisors.

#### **Register of SIA door supervisors**

It is strongly recommended that all premises keep a daily premises register of employed SIA registered door supervisors and this register to be kept for a minimum of 12 months, and be available for inspection upon reasonable request by any authorised officer of the Authority or Police. The register shall include full names of the SIA door supervisor working, with their SIA badge numbers, and the date and the times that they commenced and finished their work. This register shall be signed at the end of each shift by the duty manager.

## **Provision of Incident Log**

It is strongly recommended that all premises keep an incident log. The premises incident log shall record all calls, whether in person or via alternative communication (e.g. email, in writing) made to the premises where there is a complaint made by a resident or neighbouring premises of noise nuisance or anti-social behaviour by persons attending or leaving the premises. The incident log shall record the details of the caller, time and date of the call/ visit and the incident referred to along with any action or proposed action/s taken to resolve the issue complained of. The incident log will also record all incidents involving the use of force by staff or SIA registered door supervisors in the refusal of entry to or the ejection of patrons from the premises. The details of any registered SIA registered door supervisors involved in the incident shall be recorded including their badge number. This log should be completed as soon as reasonably possible following an incident.

## **Reducing the Strength Campaign**

The Licensing Authority may not approve applications for off sales near to alcohol addiction recovery activities or buildings, or in areas where drinking in public spaces undermines any of the licensing objectives.

Due to crime, disorder and anti-social behaviour issues with known street drinkers within Torbay, the Police introduced a 'Reducing the Strength Campaign' to limit the availability of high strength lagers, beers and ciders in areas where a problem with street drinkers has been identified, but particularly within the CIA. A number of licensed premises with Torquay Town Centre, and other areas where there are specific concerns regarding street drinkers, who are authorised for the sale of alcohol for consumption off the premises, have conditions prohibiting them from selling any beer, cider or lager with an abv of 6% or more and prohibiting the sale of alcohol in single units.

Where applications are granted, additional conditions or limitations such as trading hours may be appropriate. Additional conditions may include:

- No single cans or bottles of be or cider will be sold
- No sale of high strength beers or ciders of 6.0% ABV and above.
- Minimum of two staff to be on duty at times the premises remain open for sale
- Staff must complete nationally recognised training on responsible alcohol retailing within two months of employment
- High strength beers or ciders will be for sale behind a counter accessed only by staff
- All alcoholic drinks will be clearly labelled or marked with the name of the premises

- The premises will operate a proof of age scheme such as Challenge 25
- Notices will be clearly displayed near to where alcohol is exposed for sale or sold advising customers that the area is subject to a Public Spaces Protection Order (PSPO)
- Restrictions on the design and placement of alcohol for sale

All applicants applying for the grant of a premises licence authorising the sale of alcohol for consumption off the premises, should consider including the above requirements within their application, particularly where premises are situated within the CIA, and should consult with the Police Licensing Officer for further advice.

## **PUBLIC SAFETY**

### **Occupancy of Licensed Premises**

Require the submission of an Operating Schedule that is specific to the individual application; and where appropriate specifies the maximum intended occupancy including staff, performers and members of the public and is sufficiently comprehensive to enable the Authority and other Responsible Authorities to consider the application fully within the terms of this Policy, where appropriate. This should be in the form of a fire risk assessment, including safe capacity limits in compliance with the **Regulatory Reform (Fire Safety) Order 2005**, and in addition to the information above, should include how these numbers are controlled. The Authority will, when relevant representations are received from the Fire Authority, consider the implications relating to fire safety for each individual application for, or variation to, the premises licence.

There are some occasions where it will be appropriate to place a maximum safe occupancy figure as a licence condition to prevent crime and disorder and protect public safety. It will also be appropriate to limit the occupancy in certain parts of premises. Crowding can arise from inappropriate pedestrian flow patterns caused by poor location of entry and exit doors, dance floors, bars and toilets.

Overcrowding has been found to be linked to lower tolerance, increased frustration and conflict. The consequences of crowding will also depend on other factors such as levels of drunkenness and the extent of server intervention.

It is for the applicant to consider the maximum safe occupancy for each premises. A maximum occupancy figure may be expected as part of the operating schedule for premises that present a high risk, for example:

- Where the licensable area involves two or more floors, including mezzanines
- Where there is an expected capacity of greater than 500

- Premises which may be described as high-volume vertical drinking establishments, including any premises which attracts the fee multiplier
- Premises which have a licence to trade beyond midnight
- Where the use of pyrotechnics is likely
- Any premises within a cumulative impact area

Applicants will wish to consider maximum capacities based on means of escape from fire, toilet facilities, floor space and layout. The lower of these values should be used to set the maximum occupancy.

## **PREVENTION OF PUBLIC NUISANCE**

### **General consideration**

1. Public nuisance is the most common reason for complaints against existing premises and for representations to be made about new and variation applications. It can include low-level nuisance affecting a few people locally, as well as major disturbance.
2. The potential for nuisance varies according to the nature of the premises. The Authority will interpret nuisance in its widest sense and takes it to include such issues as noise (from patrons and music, both inside and outside the premises), light, litter, human waste (such as vomit and urine), fly-posting and anti-social behaviour.
3. Noise nuisance is the most common problem. It is particularly intrusive at night when ambient noise levels are lower and residents are trying to sleep, and so it is essential that applicants' can demonstrate how they will effectively manage public nuisance.
4. Where applicants are completing operating schedules, they are expected to have regard to the location of the proposed or actual premises. In particular, consideration should be given to whether proposals may have a disproportionate impact in residential areas or near to sensitive premises such as nursing homes, older people's accommodation, hospitals, hospices, schools, childcare facilities or places of worship.
5. Applicants with access to outdoor spaces, such beer gardens and designated smoking areas, may be asked provide a written noise management plan if the location of outdoor spaces is adjacent to or in close proximity of residential accommodation or hospitality services, such as hotels and B&Bs. Please refer

to the Council's Guidance Notes on Noise Management Plans at [www.torbay.gov.uk/new-premises-licence](http://www.torbay.gov.uk/new-premises-licence).

6. Proximity to residential accommodation is a general consideration with regard to the prevention of public nuisance. The Authority will treat each case on its individual merits, however, stricter conditions will generally be considered on premises licences in areas that have denser levels of residential accommodation or residential accommodation in close proximity to them. This may include, where appropriate, the Authority considering an earlier terminal hour than that proposed by the applicant.
7. Applications for licensed premises located close to residential areas wishing to open beyond 23:00 hours will need to ensure that a high standard of control is included within their operating schedule so that, for example, any entertainment provided by a venue must be to entertain the patrons of that venue and not the wider community. Public nuisance (within the meaning envisaged by the Act) must not result from the operation of any venue.
8. Between the hours of 23:00 and 08:00 hours any new premises licence, or variation to a licence with hours beyond 23:00, is expected to include a condition of total sound containment within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents.
9. The Authority will presume against the grant of new or variations to premises licences and club premises certificates where there are extensions in operational hours, or the addition or extension of activities (regulated entertainment) that may cause public nuisance, and the applicant cannot demonstrate that they have properly considered the issue of nuisance.
10. To demonstrate proper consideration, Applicants are strongly encouraged to engage the services of and obtain appropriate advice from those with the expertise in this field, to explore what if any mitigation measures could be put in place to alleviate the impact of potential nuisance arising from their premises operations.
11. There will be an assumption however, that licensed premises in residential areas, or where there is close proximity to residential properties or hospitality services, will only be allowed to undertake licensable activities until 23:00 hours, unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.

12. Applicants will be expected to demonstrate in their operating schedule, that nuisance arising from noise, light, smoke odour, litter, ASB, human waste, fly posting, highway/footway disruption, can be minimised or fully mitigated against.
13. The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation from the Authority, a Responsible Authority or other person.
14. The following suggestions should be considered but will vary according to the intended operations of each premises. The list is not exhaustive and is intended to act as prompt for applicants:
- Is an acoustic report needed if the application involves live or recorded music and later hours.
  - Can details of the location and types of any schemes designed to attenuate noise from the premises be provided?
  - Can details of any measures to minimise the noise caused by patrons outside the premises be provided?
  - How the noise from the activity can be controlled to prevent noise breakout. Some premises simply do not have the structure to contain noise, and it is unlikely that these types of premises can have these noisier activities.
  - Can the noise breakout be controlled by double glazing, noise limiters, large lobby areas, or any other structural change that attenuates the noise.
  - The location and availability of any taxi ranks, bus stops, street pastors, railways stations in relation to the premises which are operational at or just after the terminal hour of the licence.
  - Provide details of the location and management of any outdoor areas within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas.
  - Include details of dispersal policies and consider the role of door supervision and winding down periods.
  - Will you reduce music sound levels and tempo towards the end of the evening.

- Will lighting be increased towards the end of the evening.
  - Will there be an area for patrons to use whilst waiting for taxis, such as wind-down/chill out areas.
  - Any use of outside areas such tables and chairs on the highway or smoking areas.
  - If the operation of the venue will attract additional litter such as food cartons or publicity flyers what measures will be put in place to deal with this.
  - Will there be litter patrols for premises operating as takeaways or providing off-sales.
15. If an application is expected to be contentious or noise problems already exist, expert advice should be sought. Applicants are advised to employ a noise consultant before an application is submitted but ideally before signing a lease agreement, if applicable.
16. Sound attenuation works can be very costly and applicants should factor in the costs into their budget. It can be more expensive and inconvenient if noise breakout is not mitigated at the build stage. The consultant's report should be submitted as part of the application, or a proposed condition that advises that this will be done to the Responsible Authorities' satisfaction before the activity starts.
17. If a premises licence is granted for an area that hosts one off events, the Authority and applicant will have regard to the cumulative impact or effect of multiple one-off events and how noise may affect nearby residents and business.
18. Many premises already have later operating hours and later activities. This can and does cause significant public nuisance to neighbours and create a significant workload for Responsible Authorities.
19. In cases where a premises has benefitted from the deregulation of live and recorded music and the operator creates a nuisance to its neighbours, the Council will seek a review of the premises licence to remove the exemption under the Live Music Act 2012.

## **Temporary Event Notices (TENs)**

The Authority expects that applicants for TENs, where there is anticipated to be more noise emitted than is usual for the location, to contact the Responsible Authorities well before the event, to enable sufficient time to consider the implications and to be able to work with you, to address any concerns.

In the case of events where the event maybe of a significant duration, albeit still under the TEN limit of 499 persons at any one time, the Authority asks applicants to submit an Event Management Plan 3 months before the intended event date, to minimise the likelihood of objections from Responsible Authorities. The content of the Plan should reflect the event size, and in some cases may only need to be based around a Noise Management Plan. Please refer to [Torbay Council's Noise Management Plan Guidance Note](#).

If sufficient information is not provided in support of a TEN, it is quite possible that an objection will be submitted by the Responsible Authorities, or in the case of a Late TEN, simply refused, as the Licensing Act 2003 dictates.

## **PROTECTION OF CHILDREN FROM HARM**

### **Staff Training**

The Licensing Authority requires as per the mandatory conditions, that an age verification policy is adopted. Premises that sell or supply alcohol will ensure that staff are suitably trained in all aspects of age-related sales and that training is reviewed on a regular basis. Good practice would be considered as the following:

- Evidence of staff training in relation to age-related sales
- Evidence of training reviews carried out as and when appropriate
- A refusals register when service of alcohol is declined to those persons unable to provide proof of age.

### **Under 18 discos in licensed premises**

Good practice would include the following:

- These events should finish no later than 23.00hrs after which there will be a 30 minute period before the premises re-opens to over 18's
- The Police shall be notified in writing or email at least (minimum) 14 days prior to the proposed event.

- At least 4 SIA door supervisors must be employed throughout the event, which shall include at least 1 female supervisor. All supervisors will have undergone a Disclosure and Barring Service check.
- All alcohol will be locked away and/or obscured from view.
- All gaming machines with prizes will be unplugged and locked.
- All promotional material relating to alcohol shall be removed.
- Any person refusing to be searched will be refused entry.
- Metal detectors will be used at random on entry.
- The event will be promoted to ages of 14 years and above.
- International student events shall be restricted to international students only.
- Throughout under 18 events, the Designated Premises Supervisor or Personal Licence Holder must be present.

### **Online alcohol sales and delivery services**

There has been an increased number of applications for licences relating to delivery services. Although these types of services are not provided for in the Licensing Act 2003, in any way differently from other licensed premises, they do provide their own unique circumstances that need to be addressed. In particular the Authority has concerns with the potential for the following:

- Age verification at both purchase point and delivery point;
- The safety of delivery drivers at point of delivery;
- Safety of the premises from which orders are taken and sent out for delivery; and
- Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises.

The Authority expects licence applications for delivery services that include the delivery of alcohol to take into account issues relating to reducing public nuisance from to delivery vehicles, ensuring the security of premises and delivery drivers, and protecting children by applying rigorous age appropriate checks at purchase point and at point of delivery.

It is expected that:

- All alcohol stored at the premises shall be locked in a secure storage area
- All staff responsible for making alcohol sales shall be trained in the requirements of the Challenge 25 age verification policy and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated. The training should be documented.
- The premises licence holder shall ensure that all employees of any third party engaged in the delivery of alcohol, i.e. couriers, have also been trained by their employers regarding the Challenge 25 policy and this training should be documented.
- A refusals log will be maintained for deliveries and available for inspection on request.
- The Authority would expect operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused and that refusal recorded.
- Alcohol shall be sold in sealed containers only.
- The premises licence holder will ensure that a sticker is applied to all consignments of alcohol stating 'Note to Delivery Service: this package contains age restricted products. Ensure recipient is over 18' (or similar wording to the same effect).
- All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property. Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle.
- Full name and address details, including postcode, must be given when placing an order.
- Alcohol can only be delivered to a residential or business address and not to a public place.
- Challenge 25 - if the driver considers the recipient of alcohol appears under 25 recognised photographic identification must be requested before any alcohol is handed over.
- At the time the order is placed, a declaration will be required from the person placing the order that that person is over 18 years of age.
- Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. No ID no delivery.
- Minimum age of 18 for delivery drivers
- Delivery will be refused if the driver believes the alcohol is being purchased on behalf of another person aged under 18 years.

- Customers to be reminded on the website that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.
- Measures for minimising noise and disturbance caused by the dispatch of deliveries to be identified in the operating schedule.

## Appendix 4: Premises type and potential impacts

Please refer to our 'Pool of Licensing Conditions' for appropriate conditions you should consider including within the operating schedule of your application to mitigate the potential impacts identified below. The pool of conditions can be found at [www.torbay.gov.uk/new-premises-licence](http://www.torbay.gov.uk/new-premises-licence).

Type of Premise	Typical Style of Operation	Potential Impact
Nightclubs	Nightclubs expected to be the latest opening premises. Sale of alcohol and multiple entertainment activities take place in these premises.	Disturbance late at night from customers leaving and dispersing Potential for music noise. Issues associated with outside smoking and drinking areas. Drunkenness problems associated with longer opening hours. Alcohol related violence. Sexual violence. Drug misuse. Drink/drug spiking. Premises may be within PSPO and / or CIA
Alcohol Venues Led	Vertical drinking establishments. No significant entertainment. Limited inside seating. Limited consumption of food by customers.	Disturbance late at night from customers leaving and dispersing. Issues associated with outside smoking and drinking areas. Drunkenness problems associated with longer opening hours. Alcohol related violence Drug misuse Drink/drug spiking Premises may be within PSPO And / or CIA
Public Houses and Bars	Mix of food and alcohol consumption. Alcohol available without food purchase. Significant seating within premises. Entertainment may be provided.	Disturbance from customers leaving and dispersing. Issues associated without outside smoking and drinking areas. May experience some drunkenness issues. May experience some levels of violence. Premises may be within PSPO
Restaurants and Cafes	Alcohol only sold to accompany food. Customers seated at tables Table service provided for food and alcohol.	Minimal disturbance from customers leaving. Limited drunkenness. No alcohol related violence.

	<p>Significant food offer.  May provided limited entertainment.  Premises plan includes dedicated kitchen and food preparation areas.</p>	
Off licences	<p>Alcohol only sold for consumption off the premise.</p>	<p>May attract street drinkers and associated anti-social behaviour in some areas.  Applicants are required to demonstrate how their premises will not contribute to street drinking in the area.  Premises may attract underage purchasers.  Premises may be within PSPO</p>
Takeaways	<p>Provision of takeaway food and soft drinks.  No alcohol but will require a licence for late night refreshment between 2300 and 0500 hrs.</p>	<p>Litter dropped by customers.  Cooking smells.  May be a place for people to congregate after late night drinking causing noise disturbance.  Alcohol related violence and anti-social behaviour.  Premises may be within PSPO</p>
Hotels	<p>Provision of overnight accommodation.  Alcohol can be available 24/7 to guests staying on premises.  May have a function room available for public hire/functions.</p>	<p>Minimal issues in relation to hotel residents.  Potential for drunkenness at public hire/functions.  Child protection and safety issues may occur.</p>
Other entertainment venues	<p>Alcohol ancillary to other activities such as entertainment – e.g. bowling.</p>	<p>Minimal disturbance from customers leaving.  Limited drunkenness.  No violence.  Potential for music noise.</p>
Theatres	<p>Alcohol ancillary to live theatrical performances.</p>	<p>Minimal disturbance from customers leaving.  Drunkenness and violence are unlikely.</p>
Registered Clubs	<p>Only supply alcohol to members or bona fide guests.  No DPS needed.  May provide entertainment.  Function Room available for commercial hire will require TEN.</p>	<p>Minimal disturbance from members leaving.  Limited drunkenness.  No violence.  Possible noise from entertainment.</p>
Festivals and outdoor events	<p>Not alcohol led but food and alcohol will be available on site.  Could attract large numbers of attendees.</p>	<p>Likely disturbance from large numbers attending.</p>

	<p>May have to submit Event Management Plan and Risk Assessments to Safety Advisory Group.</p>	<p>Alcohol consumption will exacerbate noise and nuisance issues.          Dispersal may be an issue.          Drug dealing and drug consumption likely.          Drunkenness and violence are possible.          Child protection and safety issues may occur.          Premises may be within PSPO</p>
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## **Appendix 5: Safeguarding of children, young people and adults with care and support needs**

### **Introduction**

Set out below is information for licence holders to help them report, to the relevant authorities, matters of concern that could relate to the safety of children, young people and adults with care and support needs, particularly as it relates to child exploitation, abuse, modern slavery and human trafficking.

### **General Information**

Torbay Council's Licensing Service is helping to tackle child exploitation, abuse, modern slavery and human trafficking by working with key partners, particularly Devon and Cornwall Police, Torbay Council Children and Adult Services, the Safeguarding Children Board, and the Adults Safeguarding Board. The Boards also work with the Police, children's and adults social care, schools, health services and the youth offending team as well as specialist child exploitation organisations.

Through agencies working together and sharing information, we aim to identify and prevent exploitation, modern slavery, and human trafficking to protect children, young people and adults with care and support needs and disrupt the activities in order to prosecute perpetrators of abuse.

Sharing information with Devon and Cornwall Police and Children's/Adult Social Care helps to protect children, young people and adults with care and support needs from harm.

### **How licence holders can help tackle child exploitation, abuse and modern slavery**

Licence holders may become aware of or come into contact with children, young persons and adults with care and support needs, or people who are victims of modern slavery or human trafficking. This may be in hotels, bars and restaurants, late night takeaways, off licences or other licensed premises. Licence holders and staff employed in licensed premises are in an ideal position to help protect people.

Safeguarding children, young people and adults with care and support needs is everyone's business and everyone's responsibility.

### **Child Exploitation**

Exploitation of children and young people involve exploitation situations, contexts, and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing an activity on them. Violence, coercion, intimidation and sexual activity are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people

can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

Child exploitation is a crime that can affect any child, anytime, anywhere- regardless of their social or ethnic background.

In particular, licence holders and staff in licensed premises should ask themselves the following types of questions:

- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children, young people or adults with care and support needs regularly being dropped off/picked up or collected and taken elsewhere from licensed premises such as a hotel, B&B or late-night takeaway?
- Is a child, young person or adult with care and support needs regularly being brought to a licensed premises such as a hotel or B&B where you work? If so, ask yourself why?

If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with Devon and Cornwall Police ([Tel: 101](tel:101) or if immediate risk [999](tel:999)) and Torbay Multi-agency Safeguarding Hub on Tel: 01803 208100 (Monday to Thursday 09.00-16.30, Friday 09.00-16.00) or the out of hours number on Tel: 0300 4564876. Please email for enquiries and referrals to [MASH@torbay.gov.uk](mailto:MASH@torbay.gov.uk).

### **Adults with care and support needs**

An adult with care and support needs is someone who is in need of community care services due to disability, age or illness. They may be unable to take care of or protect themselves against significant harm or exploitation.

In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

- Has your customer got any physical signs of abuse or neglect?
- Are they a regular customer? Do you see changes in their behaviour or mood?
- A customer tells you they are having difficulties with someone else
- A customer tells you they have a worry about someone
- A customer tells you they have hurt a person
- A customer tells you something they have seen or heard
- Do you know something that causes concern about someone else's welfare?
- You see worrying behaviour towards someone

If the answers to any of the questions above gives you even the slightest cause for concern you may need to take urgent action to protect the adult.

Your first priority is with the adult, to make them safe (including reporting to the Police if immediate action is required). If you or the person concerned need to raise a concern with Torbay Council to help, please contact 01803 219700 or out of hours 0300 4564876. Please email for enquiries and referrals to [torbay.safeguarding@torbay.gov.uk](mailto:torbay.safeguarding@torbay.gov.uk)

## **Modern Slavery and human trafficking**

Modern slavery is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude, forced and compulsory labour and human trafficking.

In particular, licence holders and staff who work in licensed premises should ask themselves the following questions when coming into contact with children, young people or adults with care and support needs:

- Is the victim in possession of a passport, identification, or travel documents? Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?
- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement?
- Is the victim under the impression they are bonded by debt or in a situation of dependence?
- Has the victim been harmed or deprived of food, water, sleep, medical care or other life necessities?
- Can the victim freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?

Report something suspicious you spot to the Police or other authorities – it could be at licensed premises where you work, where workers seem reticent to engage, not appropriately dressed for their work or increasingly ill fed and unkempt. Or a young person repeatedly being brought to a hotel by another person for short periods of time.

If there is an immediate danger to the suspected victim or if you think that the suspected victim is under 18, inform the police and call 999 as a matter of urgency. For England and Wales, please call the Modern Slavery 24-hour confidential referral helpline on 0800 0121700 anytime of the day or night to refer a victim of trafficking or receive advice. Further information can be found at [www.modernslaveryhelpline.org](http://www.modernslaveryhelpline.org)

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**Meeting:** Cabinet

**Date:** 14 July 2025

**Wards affected:** All

**Report Title:** SWISCo Annual Report

**When does the decision need to be implemented?**

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

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

## 1. Purpose of Report

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- 1.1. This report presents an annual review of the operation and performance of the Councils wholly owned and controlled company SWISCo.

## 2. Reason for Proposal and its benefits

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- 2.1. The aim of the annual review is to provide the Council with assurance and confidence, both as client and sole shareholder, that SWISCo is operating in a safe and efficient manner, is delivering the services that it is commissioned to do so by the Council and is offering the Council value for money.
- 2.2. The services delivered by SWISCo form an important part of the Council's Corporate and Community Plan 2023 – 2042 priorities of Community and People, Pride in Place and Economic Growth.
- 2.3. The SWISCo Annual Report (Appendix 1) provides an overview of achievements and performance of the business against the Business Plan (Appendix 2)
- 2.4. The SWISCo Performance Dashboard (Appendix 3) is reported to the client on a monthly basis and quarterly to Board and Shareholder Panel. The Dashboard covers all key areas of performance which are agreed on an annual basis.

## 3. Recommendation(s) / Proposed Decision

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- 3.1. That the SWISCo Annual Report be approved.

## 4. Appendices

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Appendix 1: SWISCo Annual Report

Appendix 2: SWISCo Business Plan

Appendix 3: SWISCo 24/25 Performance Dashboard

Appendix 4: SWISCo 24/25 Finance Report

## 5. Background Documents

### Supporting Information

## 6. Introduction

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- 6.1. Torbay Council established SWISCo in 2020 as a LATCo (Local Authority Owned Trading Company) following the end of TOR 2 which was a joint venture with Kier.
- 6.2. A review of governance and commissioning arrangements was undertaken in April 2024 and where possible in line with the capacity of the lead commissioner the recommendations have been included in the SWISCo Business Plan, Annual Review and ongoing liaison with the Client.

## 7. Options under consideration

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- 7.1. Comments from the Overview and Scrutiny Board and consideration of alternative options are welcomed.

## 8. Financial Opportunities and Implications

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- 8.1. The 24/25 financial performance of SWISCo and 25/26 agreed budget is provided in Appendix 4.

## 9. Legal Implications

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- 9.1 In order to be compliant with the Teckal Principle under which it operates SWISCo must be wholly owned by the local authority and no less than 80% of turnover must come from the local authority. In 24/25 83.38 % of turnover was from Torbay Council.

## 10. Engagement and Consultation

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- 10.1. The ongoing performance monitoring of SWISCo is undertaken via regular meetings (no less than monthly) between the Lead Commissioner (Divisional Director for Economy, Environment and Infrastructure) and the Cabinet Member for Pride in Place. Monitoring and evaluation is undertaken via the performance dashboard, based on agreed service levels and also through ongoing work programmes and project instructions.
- 10.2. The Board of Directors, (Director Pride in Place, Torbay Council, Director of Corporate Services, Torbay Council and Managing Director SWISCo) and the Shareholder Panel

(Leader and Deputy Leader of Torbay Council, Cabinet Member for Pride in Place and Cabinet Member for Housing and Finance, Deputy Section 151 Officer and Lead Commissioner) meet quarterly to review, comment and agree on performance, value for money and work programmes.

- 10.3. The operation of SWISCo is subject to a detailed Audit programme, provided by Devon Audit Partnership which is reported annually to the Client, Board of Directors and the Shareholder Panel.

## 11. Procurement Implications

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- 11.1. SWISCo as a Local Authority Trading Company operates under the Teckal Principle which provides an exception to the general requirement that public authorities must tender contracts through a competitive process. It allows a public authority to award a contract to a company it controls without following the standard procurement procedures
- 11.2. Following consultation and discussions with the client the commissioning agreement was extended by 5 years.

## 12. Protecting our naturally inspiring Bay and tackling Climate Change

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- 12.1. A key objective of the SWISCo Business Plan is to Limit the Environmental Impact of our Business with ambitions to promote the reduction of waste, consider alternative fuelled vehicles wherever possible and to reduce Carbon Emissions.

## 13. Associated Risks

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- 13.1. As a result of the governance review a programme of risk management was established with SWISCo adopting the Council approach and holding and review Strategic, Corporate and Service risks. The Risk register is shared with the Lead Commissioner, Board of Directors and Shareholder Panel.

## 14. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age  Page 298	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	Positive Impact		
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	Positive Impact		
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by</p>	Positive Impact		

	a physical or mental health condition or illness.			
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	Positive Impact		
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	Positive Impact		
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	Positive Impact		

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	Positive Impact		
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	Positive Impact		
Sex	51.3% of Torbay's population are female and 48.7% are male	Positive Impact		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	Positive Impact		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	Positive Impact		

	5.9 per cent of the population have previously served in the UK armed forces.			
<b>Additional considerations</b>				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Positive Impact		
Public Health impacts (Including impacts on the general health of the population of Torbay)		Positive Impact		
Human Rights impacts		Positive Impact		
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	Positive Impact		

## 15. Cumulative Council Impact

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15.1 None

## 16. Cumulative Community Impacts

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16.1. None

# SWISCo

A Torbay Council Company

Annual Report 2024/25





# Foreword

The year 2024–2025 has seen the continued stabilization of SWISCO both as a business and also in the way in which it delivers services on behalf of Torbay Council. The business has grown in scale in terms of the number of staff, turnover and also the amount of services it delivers and the way in which it is considered reputationally by residents and staff.

There has been continued and significant investment in new and replacement vehicles, plant, infrastructure and digital operating systems which has led to greater efficiencies in operations, improvements in delivery and noticeable positive differences to the local environment.

Operation Brighter Bay saw a positive step change in the frequencies and range of services delivered by SWISCO to improve the local area and the establishment of the Enforcement Team has created the opportunity to influence and improve the behaviour of visitors and residents to complement the physical improvements made by our services.

The additional services now delivered by SWISCO and the ongoing focus of the Council have been included in the new Business Plan that was adopted by the Board of Directors and Shareholder Panel in 24/25. This new business plan puts a clear emphasis on further improvements, developments around efficiencies and effectiveness and will set out how the board and leadership team will provide clear direction in terms of delivering additional services with a view to the future.

# 2024/25 in numbers

- **7663** Repairs and interventions made to carriageways and footways – increased from 6386 in 23/24.
- Average time to evict unauthorised encampments **3** days.
- Over **25** Roads and Pavements inspected every day.
- **7** cuts to highway grass per year with cut frequency of **6** weeks and introduction of final mile routes cut every **2** weeks.
- Over **27kms** of refreshed or new line marking on highway network.
- Recycling rate increased by 0.5% to **40.6%**
- Over **30kms** of road and pavement weed ripped with new machinery.
- **11,400** Kerbside Garden Waste Collection subscriptions compared to 9000 in 23/24.
- **146,000** visits to the recycling centre.
- Over **400** Roads weed sprayed per month.
- **90%** of staff would recommend SWISCo as an employer to friends and family.



# OBI - To recognise and deliver against all the particular needs of all the SWISCo customer groups and be regarded as the supplier of choice.

Recycling and Waste collections ran at a combined average of 96.7% on time (Recycling 96.1% and Waste 97.3%) throughout 24/25 with highs and lows being 99.5% and 93.3% (Christmas) respectively.

Whilst the early part of the year saw completion rates against scheduled services such as grass cutting, street sweeping and weed spraying below 100% target. This was primarily due to difficulties in recruitment to new roles created as a result of Brighter Bay, delay in delivery of equipment and also high spring rainfall. From June/July onwards delivery of these services was 100% on target.

The average response time for fly tipping incidents reported through the 'Report IT' app in 24/25 was under 24 hours and 91% of responses to service requests were closed within target. Service requests fell from 652 in 22/23 to 375 in 24/25 due to the consistency of service delivery and the prevention or proactive response to issues of concern such as fly tipping, overflowing bins or damaged street infrastructure.

Complaints and Member Enquiries are dealt with in line with Torbay Council Information Governance procedures and on average 66% and 82% respectively were closed within target timeframe. Performance regarding complaints has increased throughout the year with Q4 being 100% and 86% respectively.



## **OBI - To recognise and deliver against all the particular needs of all the SWISCo customer groups and be regarded as the supplier of choice.**

Performance and work programmes are discussed weekly at SWISCo's Senior Leadership Team (SLT) meetings and shared on a monthly basis with Torbay Council ("the client") through a variety of forums. Performance dashboards are shared at Board and Shareholder level during quarterly meetings.

During 24/25 a programme of engagement was undertaken with all Friends Groups and resulted in the development and signing of a Volunteers Charter. The Charter sets out SWISCo's commitments to working with volunteer groups and also the safe ways of working that are expected from the groups. The programme was a great success, all relevant groups have signed up to the Charter and regular meetings take place between SWISCo Managers and Volunteer groups. This ran alongside regular attendance at Community Group meetings across the Bay by the MD as well as a number of community events.

Following an in-depth review the SWISCo website has been redesigned to be more user friendly, accessible and informative. Due to some issues around the programming and templates the final publication has been delayed but is planned for 25/26. Access to the 'Report IT' app has been unaffected, and on-line reports have increased considerably to over 3000 a month on average.





## **OB2 - To drive efficiency, innovation and best practice throughout our business to ensure best value for our customers.**

SWISCo's reliance on leased fleet and machinery dropped dramatically during 24/25 with the purchase of 73 leased items saving the company in the region of £650k per year. There is currently an application for an additional parent loan with the Council for funding for a 6 year replacement strategy. Reliance on leased fleet is increasing presenting a performance and financial risk however if the additional parent loan is approved this will be manageable within the four-week target.

The Fleet and Garage IT system is active and working well in terms of Garage management by providing job cards and cost allocation and will be particularly useful as the amount of 3rd party MOTs increase. The IT supplier has been commissioned to further develop the fleet management system, and a new telematics system is under procurement.

Various external frameworks such as ESPO have been identified as compliant routes to supply chain, and work is ongoing with Council Commercial service team to action procurement targets. All staff involved in procurement have received face to face training on updated procurement regulations and procedures.





## **OB2 - To drive efficiency, innovation and best practice throughout our business to ensure best value for our customers.**

The Financial Management system has been moved to FIMS and LOGI, budgets have been allocated to correct Service Managers and bespoke monitoring dashboard created on a service by service basis to allow accurate and targeted regular monitoring at team level. All Service Managers were involved in the budget setting process and the new approach to budget management is allowing real time access to monitor spend.

Finance updates are provided weekly at SLT and quarterly at SMT, Board and Shareholder Panel. Vacancy management is subject to a three way approval process, Head of Service, HR and Finance.

During 24/25 SWISCo engaged with a number of other suppliers and service providers including BANES and Somerset Council waste management providers, Royal Horticultural Society and Visits to various plant suppliers. On a national level SWISCo was represented at the Keep Britain Tidy and the Local Authority Recycling Advisory Committee National Conferences. On a local level SWISCo was represented at the Torbay Business Expo and also career events and job fairs at South Devon College.

The development of the new budget management and headcount systems are in line with ISO requirements and the performance monitoring processes are based around ISO compliant principles.



## OB3 - To ensure a positive staff culture within the business

The average headline sickness and absence rate for 24/25 was 3.74% and 2.92% when excluding long term serious medical conditions. This is well below the national waste industry average of 4% and reflects the positive staff culture and also enhanced sickness management procedures put in place.

SWISCo will also require some short term agency staff and it is an important element of our recruitment strategy, however reliance on agency staff has dropped from a peak of 40% at the outset of SWISCo to 10.27% in 24/25, well below the target of 15%. This has been brought about as a result of a more stable workforce due to improvements in culture and therefore retention, but also by the structured approach to permanent contracts being offered after 12 weeks.

SWISCo has been very proactive in recruitment with the HR team attending a number of job fairs and career events, working with other Council departments and Government agencies to offer tailored long and short term work experience to schools, colleges and in particular opportunities for assisted placements for those with additional needs.

In-house Heavy Goods Vehicle (HGV) drivers Certificate of Professional Competence (CPC) annual training is now delivered and all drivers are currently up-to-date with training requirements. This has not only ensured compliance but done so in the most efficient way with reduced external training costs and business disruption.



## OB3 - To ensure a positive staff culture within the business

A new staff induction procedure and handbook has been rolled out to all new starters and also existing staff as a refresher. Induction procedures detail incident response, well being and training opportunities and provides a structured and welcoming introduction the business.

A cohort of Senior Managers will complete the level three apprenticeship programme in the coming months and all senior leaders have taken part in a bespoke management and leadership training programme to develop communication and performance management skills.

An all staff survey was carried out in 2024, 38% of staff took part and the results showed significant improvement from the survey carried out in 2022. There was an average increase of 20% in satisfied or above answers with 98% of the respondents feeling happy to recommend SWISCo as an employer to friends or family.

JCNC meetings with Unions, all staff briefings and staff forum meetings have taken place throughout the year and allowed staff across the business to feel informed, valued and listened to with some successes being the roll out of new PPE and waterproofs and changes in operating arrangements around welfare facilities and breaktimes.



## OB3 - To ensure a positive staff culture within the business

The programme of Mental Health First Aiders has grown and there are now eleven trained and supported staff within the business offering support and guidance to colleagues, their names and contact details are heavily publicised, and it is a very well used provision, offering easily accessible and friendly support to those that need it. Backing up the in-house offer is a new outsourced specialist service, now provided by Red Poppy which is free to access for all staff.

Following feedback from staff, new welfare facilities have been created at Fleet Walk, Babbacombe Downs and Brixham. These purpose-built facilities provide warm and dry areas for break times and staff 1:1s and have reduced travel time to and from depots creating a more efficient and effective service.

Recognising the fact that much of our workforce have limited digital connectivity, all communications are available in alternative paper, poster or verbal format. Help is offered with access to digital systems and pay slips and holiday cards are offered in hard copy if requested.





## OB4 - To ensure everyone goes home safely

SWISCo utilises the Council EVOTIX system to deliver our obligation to operate a Health and Safety Management system. There has been considerable in-house training for staff and managers on the use of the system to report hazards, near misses and incidents but as importantly how to analysis and close off open cases by documenting actions and mitigations. The system is available to all staff and hard copy access is provided for front line staff.

The core principle of Health and Safety Management is the prevention of incidents and at SWISCo we deliver this through Hazard and Near Miss reporting. Staff are reminded of the importance of this on a regular basis through team meetings, posters, stickers in vehicles and all staff briefings. QR codes are present in all vehicles and depots to provide instant digital access to the EVOTIX system and hard copy report forms are available throughout the business.

Senior Managers meet weekly in an incident review panel forum to discuss and review all EVOTIX cases from the preceding week. These meetings are chaired by the Health and Safety Manager or nominated deputy and are mandatory attendance for all Service and Team Managers. Learning and Mitigations are discussed and fed into the Risk Assessment Groups (RAG'S) which meet regularly so best practice can be rolled out across the whole business.





## OB4 - To ensure everyone goes home safely

Health and Safety training is delivered in a tiered approach focus on general and service/task specific requirements where applicable. Tool box talks are delivered in-house and a programme of training, delivery and recording is currently being developed to ensure consistency across the business. Over 85% of our Team and Service Managers are qualified to National Examination Board in Occupational Safety and Health (NEBOSH) Certificate level and First Aid trained. First Aid training for Team Leaders is currently being rolled across all service areas.

A specialist in health surveillance for the operational workforce was procured this year to continue the delivery of the annual health surveillance programme for all staff in operational roles. This programme identifies those at greatest risk or with developing symptoms in areas such as hearing, sight impairment, muscular skeletal and exposure to vibration and recommends mitigations or preventative measures where required. The results of this testing and any subsequent actions is documented on EVOTIX and adaptations to working practices or conditions are made where required. A recent example of this was the roll out of Hand Arm Vibration monitoring equipment to all staff at risk of exposure. The system monitors tool and equipment usage, records exposure to vibration as a result in real time and is analysed weekly by the Team Manager and the Health and Safety Manager.

SWISCo's non-fatal injury and illness rate (average of 6.6% for 24/25) is benchmarked against national averages and trends to measure performance, the SWISCo rate is consistently below the national average for the waste industry (7.91%) and comparable to the national average for the construction industry of (6.16%)



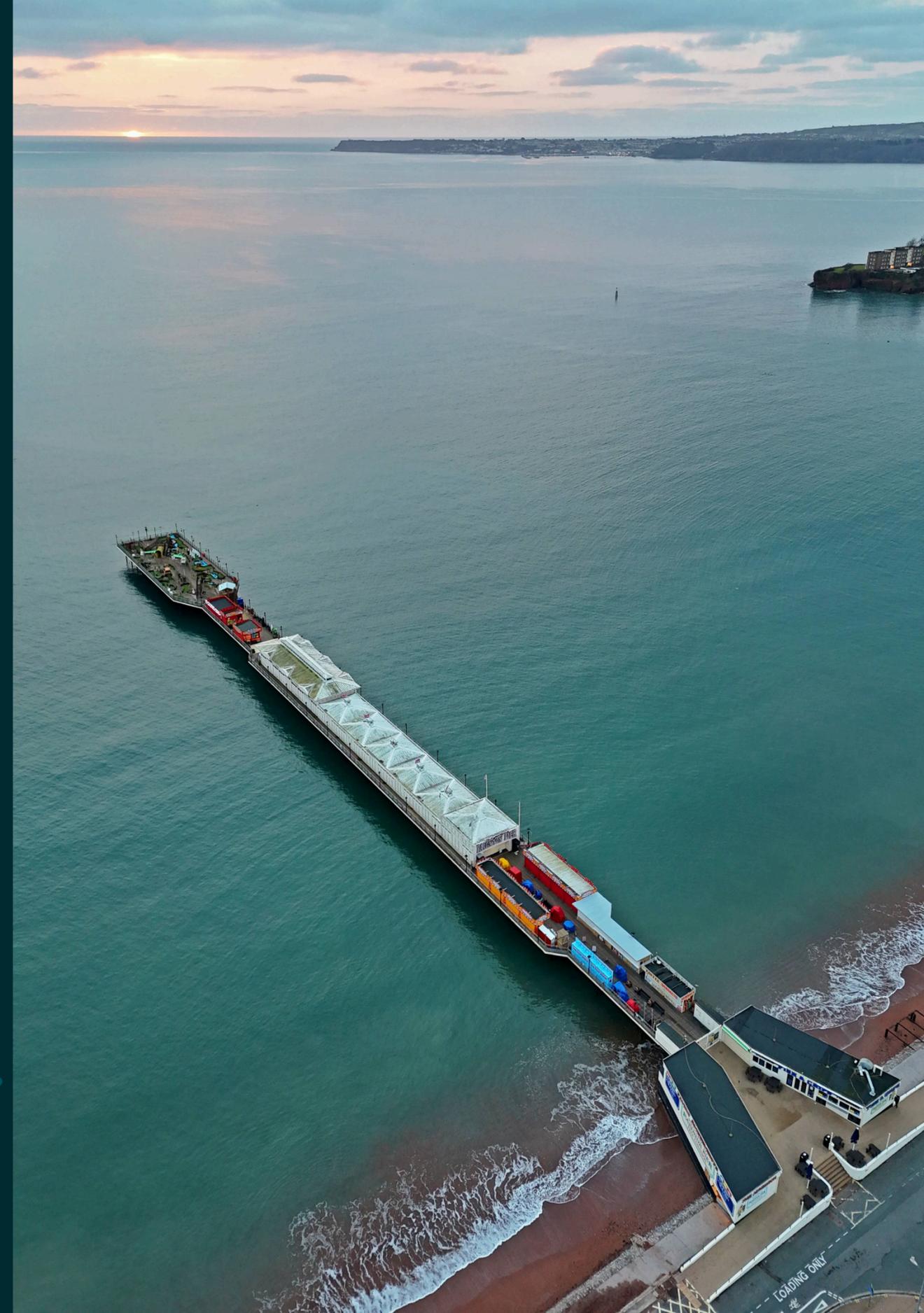
# OB5 - To understand the influence that SWISCo has on the Torbay Story

SWISCo is now a Foster Friendly employer with a dedicated policy in place to ensure every accommodation is made in line with operational requirements. We were accredited with a Bronze Armed Forces Covenant in 2024 and now have a Armed Forces champion networking with ex-service personnel throughout the business.

During 24/25 SWISCo played host to a rolling programme of 8 Department of Work and Pension (DWP) 8 week assisted work placements, two long term specialist work placements from Coombe Pafford school and a number of day visits of groups of young people with significant learning and physical difficulties from Mayfield School.

Proceeds from the collection of Christmas trees was donated to Rowcroft Hospice and support was provided in terms of provision of green waste bins and waste collection for events to a number of community and volunteer organisations within Torbay.

SWISCo has now partnered with the local Community Payback team from the Ministry of Justice, the team are co located at Borough Road Depot and deploy across the Bay 5 days a week carrying out maintenance and improvement task with offenders on community service.



## OB5 - To understand the influence that SWISCo has on the Torbay Story

SWISCo are working with colleagues in Adult Services to roll out a training programme for front line staff on how to identify and deal with safeguarding issues, and have delivered a number of co-production activities with the Office of the Police and Crime Commissioner (OPCC) and the Community Safety team.

SWISCo is proud to have significantly contributed to a number of heritage and cultural initiatives over the last year including the redesign of Torre Abbey landscape and grounds through the Heritage Lottery project, the celebration of the 80 year anniversary of D Day through crest bed planting in Torquay and Paignton and the design and construction of the Rifles Garden in partnership and to celebrate the connection with the Rifles Regiment.

In 2024 thanks to the quality of service provided by SWISCo and the work of various local Friends Groups, Torquay and Preston won gold in the South West in Bloom competition and also particular national awards for the restoration and management of heritage parks and planting and as such were selected as the South West entrant for the 2025 national Britain in Bloom competition.





## OB5 - To limit the environmental impact of our business

In 24/25 over 700 tonnes of seaweed were raked off local beaches all of which was recycled via composting and reused as high quality compost on flowerbeds, allotments and community gardens. The Commercial recycling rate increased considerably to 20.5%, and with the roll out of greater separation opportunities to local businesses as part of the Simpler Recycling legislation, will continue to increase in future years.

SWISCo have worked closely with the Environment Agency (EA) during 24/25 and have now assured compliance with permit conditions for all depots and sites including the Waste Transfer Station. There is still work to do regarding the Fire Prevention Plan and this will continue in liaison with the EA into 25/26. WSP have been commissioned as consultant design engineers for the new Waste Transfer Station and early stages of feasibility and options are continuing at pace. The new site will not only ensure compliance with all environmental permitting requirements it will also offer significant opportunities to further increase reuse and recycling rates.





## OB5 - To limit the environmental impact of our business

Work continues regarding the baselining of the Carbon Footprint of the business, working closely with the Council Climate team SWISCo have ambitions regarding the installation of solar panels on the extensive areas of roof available to us. There is still considerable financial challenge in terms of running alternative fuel vehicles both in terms of charging capacity and fleet and garage facilities suitable to manage and maintain them. Plant and Equipment is now battery as standard wherever possible, new pedestrian sweepers and barrows are rechargeable electric and alternative fuel is actively considered and priced in every vehicle procurement.

SWISCo are proud to have led on, designed and procured a dynamic street lighting system which will allow systematic control of all highway lighting in Torbay making significant savings and reductions in terms of energy usage. SWISCo have now installed 20 Big Belly solar compacting bins in Torquay with plans to install a further 25 over the coming months. As well as reducing street clutter, preventing overflowing bins and using the graphics panels to promote the Torbay Story these units also self compact and as a result of reduced annual collections visits by 18,900. This not only makes the operation far more efficient it also saves significant journey miles and therefore carbon emission.



## GRI - Expand the services delivered on behalf of the Council to maximise opportunities for efficiency

Discussions took place with the Shareholder Panel in February 2025 around the fork in the road which is the opportunity for SWISCo to expand commercial services to increase 3rd party income or expand the range of services provided on behalf of the Council. The Shareholder Panel provided the lens through which this should be viewed, namely the current local government reorganisation and the detailed plans which need to be provided to government by November 2025 and hence Swisco needed to demonstrate exemplar best practice, so our neighbours could benefit from the ability to use their service provision.

The client has confirmed that the key objective for SWISCo is to sustain its performance and where possible improve on that supporting the Council through the delivery of additional services where appropriate to do so. This means that the previous objective to expand commercial services is no longer a priority for the Council allowing the executive team to maintain focus on delivering for the residents and communities of Torbay.

The outcome of the discussion was that the objective should be to ensure there was a structure which protected Swisco through the LGR to reflect the benefit to the people of Torbay brought by the high quality services provided by SWISCo.



# GRI - Expand the services delivered on behalf of the Council to maximise opportunities for efficiency

It was agreed that it was necessary for SWISCo to expand the range of services as follows:

- Identify the full breadth of place based services provided by neighbouring District Councils;
- Ensure that by November 2025 that Swisco provide on behalf of the Council all such services within Torbay to an exemplar standard; and
- Swisco have an understanding as to how it services could be scaled to cover a larger area in the context of the existing resources of our neighbours.

In light of this SWISCo has expanded the scale of operations by taking on the Harbour Security function and from July 2025 will be providing 24hr security provision at Brixham Harbour. SWISCo was able to deliver this service at a competitive rate compared to external providers and will work with the Harbour team to ensure the service is of the very highest quality and resilience, providing not only the required security but also added value harbour duties such as dock mastering and caretaking.

The additional 2025 Brighter Bay funding will allow SWISCo to expand the Street Cleansing service to also provide enhanced cleaning and repairs and maintenance to street and urban infrastructure to further improve the quality of the built environment in Torbay.





## GR2 – Increase 3rd party income

Whilst there was a clear direction from the Shareholder Panel that priority should be given to GR1 - Expand the services delivered on behalf of the Council to maximise opportunities for efficiency, there was a small increase in overall 3rd party income of 2% to £3.26mil (including recyclable material sales and weighbridge income) and an organic growth in the commercial services offered to external customers during the year with turnover increasing by approx. 8% to £1.4mil. Commercial waste operations expanded in the later part of the year to take account of the unique position SWISCo is in locally to work with businesses to offer the separated collections they now require as a result of the 'Simpler Recycling' legislation.

The SWISCo MOT bay is now fully operational and as a result, in line with Department of Transport regulations, MOT's are being offered, on a low key basis to employees and external customers, creating direct income from the MOT fee but also secondary spend as a result of MOT failures being repaired. Whilst costs did increase at a higher rate than overall income, as a result of commercial activity and third party income SWISCo created a surplus of £904k in 24/25, from all external income sources. The surplus was rolled into delivering services for Torbay Council meaning that the residents and communities of the Bay benefited from nearly £1million of services at no cost to the Council.



# 2024/25 Highlights: Parks

To complement the improvements to the cutting schedule along Riveria Way the English Riveria Flower Bed saw three season planting for the first time, ensuring that it looked at its best for the Easter bank holidays.

The improvements brought about by Brighter Bay and the hard work of community and friends groups were recognised in the South West in Bloom results with Torquay and Paignton winning Gold awards and Torbay being nominated to represent the South West at the 2025 national finals. Torbay also won the Abbiss Cup and the Plantscape Coastal Trophy for the quality of design and management of the sea front gardens in Torquay.

Barrier planters and hanging baskets were re introduced to the Bay for the first time in many years. The displays created in Station Square and Torquay Rd looked sensational during the spring and summer and there will be more to come in 2025 including around the Strand, Brixham Harbour, Torwood Street and Fleet Walk.

SWISCo was proud to be able to show support for the Armed Forces with the delivery of the Rifles Garden and also planting to celebrate the 80th anniversary of D Day in Torquay and Paignton.

Throughout 2024 a series of workshops were held with the Friends Groups that do so much to benefit the parks and green spaces, the programme ended with the development of the Volunteer Charter which sets out how SWISCo will support the groups, what they can expect from SWISCo and how together we will work safely and in partnership to improve the natural environment in the Bay.





# 2024/25 Highlights: Street Cleansing

In 2024, thanks to the Brighter Bay initiative 2 new weed spraying quad bikes and a specialist weed ripper machine were purchased. These machines and their crews are now dedicated to delivering weed free pavement and kerb edges across the Bay. Due to years of neglect there is much work to do but by concentrating on the final mile routes as a priority and delivering a regular schedule around the whole highway network positive improvements can be seen across the Bay.

Solar compacting Big Belly bins have been introduced in Torquay and Paignton and more are planned for the coming year. These units hold 600 litres of waste rather than the normal 90 or 120 so require less visits to empty, do not overflow due to an automatic lock when full and proudly wear the Torbay Story graphics and logos.

SWISCo has increased the amount of year round Street Orderlies within our town centres and thanks to the Brighter Bay funding there is now a permanent year round orderly presence, working closely with the Harbour team in Brixham, backed up by additional seasonal staff in the summer. The orderlies are now equipped with pedestrian electric sweeper units, powered barrows with pressure washing equipment and have localised welfare facilities to improve efficiency and working conditions.

Working in partnership with the Ministry of Justice and Office of the Police and Crime Commissioner, SWISCo now host the local Community payback team. The team are co located with SWISCo and provide services around the Bay in conjunction with SWISCo 5 days per week. Recent success has seen many areas of woodland edge litter picked and the railings around Torquay Harbour repainted.

Looking ahead to 25/26 SWISCo will be deploying a Street Improvement Team to work alongside the Neighbourhood Enforcement and Street Cleansing Teams as well as the Community Safety Team from the Council and the local Police to identify and deliver improvements to street infrastructure and the built environment to further improve the appearance of the Bay.

# 2024/25 Highlights: Enforcement

After a difficult start due to recruitment and system issues the team have delivered against every reported unauthorised encampment with an average time on site before eviction of 3 days. Using the intelligence gained from this work the team are working closely with other services and partners to ensure vulnerable sites are secure as possible to prevent unauthorised entry.

The team work against a programme of Engage, Educate and Enforce and will patrol on foot an average of 128km across the Bay each week. During these patrols offenders will be engaged with and if applicable and a Fixed Penalty Notice for Enviro Crime will be issued. Engagement and Education is carried out with groups and individuals that the team meet with residents being encouraged to report Enviro Crime through the Abavus 'Report IT' app.

The team have worked closely with local Police, the Council Community Safety Team, the Beach team and also the Office of the Police and Crime Commissioner to deliver target operations around Castle Circus, promenades and beaches, Berry Head and Hopes Nose. Fly Tipping has been a particular focus and around 25 FPN's have been issued per month following investigations to identify offenders.

Following process re design the Neighbourhood Enforcement Team will be working closely with the Council Community Safety Team to support and assist in the removal of tent encampments in 2025.



# 2024/25 Highlights: Highways

The Highway Inspection Manual was rewritten in 2024 to allow the Highways Inspectors greater flexibility and discretion when prioritising highway repairs and interventions. The new approach is risk based so ensures those defects that cause the greatest hazard, are generally more noticeable and effect the greatest number of road users are repaired first.

An additional team was added to the operational service and as a result the reported defects have been attended to more quickly and where ever possible done so using a right first time approach by patching rather than regulating. In order to fully develop this approach a mini planner has been purchased.

A number of major schemes were completed including Shiphay Lane reconstruction, Goodrington Rd major reconstruction and the refurbishment of the drainage system on the Ring Rd. The team worked closely with external contractors on a number of road and junction improvements and despite significant challenges were able to ensure the works took place with as little disruption to road users as possible.

A number of 20mph zones were designed and implemented during 24/25 covering access routes to schools and residential areas, working with closely with the Cabinet.

The surface dressing programme continued with works undertaken in 5 major residential areas in Preston and the America Lane resurfacing project was completed to provide over a mile of all-weather countryside cycling and walking route.

Thanks to the funding available as part of the Brighter Bay initiative over 17km of line marking was carried out by external contractors during overnight works covering the major routes arterial routes across the Bay. A further programme of large-scale line marking is planned for 2025 which will further improve the appearance and safety of the highway network. Alongside the unprecedented amount of work carried out by external contractors SWISCo recommissioned the in house line marking team and existing equipment and purchased a new purpose built line marking truck. The flexibility this offers to SWISCo can be deployed on an ad hoc basis to carry out reactive work, deliver Traffic Regulation Orders such as speed limits and parking restrictions and efficiently deliver small scale works in residential areas across the Bay.



# 2024/25 Highlights: Recycling & Waste

A Direct Debit option was introduced for the Kerbside Garden Waste service and along with additional and increase publicity took the total number of subscriptions to over 11,000 and a total tonnage collected of 4,550 compared to 2,800 in 23/24.

Further improvements took place to the IT operating system that schedules and manages all the kerbside collections, this resulted in improved performance around assisted collections, greater accessibility for residents to report issues and allowed SWISCo to further improve the efficiency of the collection service.

A programme of work was completed to identify and process map the introduction of separated recycling collections to all flats and HMO's in Torbay, covering over 6000 properties this piece of work will substantially increase opportunities for residents to recycle their household waste whilst further improving the recycling rate and increasing income from recyclable material sales.

Following the introduction of the 'Simpler Recycling' initiative by the Government in 2024 SWISCo have implemented a major initiative to offer business's in Torbay the opportunity to comply with the new legislation which requires them to split out all recyclable materials with particular focus on food waste. Looking ahead to 25/26 additional purpose built vehicles have been ordered to ensure that collection of separated business waste is as efficient as possible.

After a series of near misses around batteries igniting in vehicles and plant, SWISCo introduced battery bags for use by residents when presenting batteries for kerbside recycling. These bright pink bags are now well used and have helped to mitigate the safety risk posed by batteries and vapes in co-mingled recycling. The roll out of the bags was supported by a targeted marketing campaign, the quality of which was recognised by the Local Authority Recycling Advisory Committee awarding the scheme 'Best Communication Campaign of 2024' at the national awards.

The HWRC booking system continued to function well, ensuring residents did not have to queue to access to site and had an easy experience when on site. Over 146,000 visits were made and thanks to the introduction of paint recycling, black bag splitting and sorting and a partnership with a local homeless charity to reuse furniture a greater amount of waste was recycled than ever before.



# SWISCo

A Torbay Council Company

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## Business Plan 2024-2029



Agenda Item 12  
Appendix 2



# Executive Summary

From very challenging and difficult beginnings SWISCo has stabilised the core service it offers and regained a positive reputation with the residents, communities, partners and elected Members in Torbay.

Behind this renaissance in delivering effective and efficient statutory and discretionary Council services is a successful programme of staff reorganisation and engagement, the roll out of various digital operating systems, effective budgeting with ambitious savings targets, a fleet investment programme and the development of many innovative ways of working.

Recognising that the staff are the companies most important and expensive assets, effective, dynamic and visible leadership has been at the heart of the company's development. Ensuring that clear objectives are established, staff receive regular and appropriate performance management and feedback and above all feel valued and involved has been key to the success.

Looking ahead to the future in light of the success of the previous business plan it is clear that from these now firm and solid foundations, focused on customer service and value for money, there are significant opportunities for the business to grow to further increase the efficiencies and quality of service it provides for Torbay Council.

SWISCo has the capacity and structure to deliver not only more of the same but also to expand to be responsible for services currently delivered directly by Torbay Council. There are numerous economies of scale and efficiency that could be exploited by expanding SWISCo's remit by transferring responsibility for services that would fit into the operational and cultural envelope offered by SWISCo.

Whilst it is of paramount importance that Torbay Council remain our priority there is the potential to financially contribute to the services provided on their behalf via income generated by working for external customers in the local and regional area delivering services aligned to current expertise and infrastructure.

# Our Journey 2021-2024

Torbay Council established SWISCo in 2020 as a LATCo (Local Authority Owned Trading Company) following the end of TOR 2 which was a joint venture with Kier.

The effects of the Covid 19 Pandemic, which had particularly serious implications on the continued operation of front-line services, and the national HGV driver shortage had particular impact on the early development of SWISCo as it dealt with the many serious challenges left over from the management and investment approach adopted by TOR 2.

The 2021 – 2024 business plan has seen the stabilisation of the Company and the roll out of several strategic projects focused on ensuring delivery of the agreed business plan. As per the aims of the business plan these have led to a noticeable improvement in the quality of services delivered by the company to the residents and communities of Torbay and a positive impact on the place



### WR1

Increase recycling rate towards the 45% target and reduce disposal tonnages and costs.

35.6% - 20/21

37.9% - 22/23

41.7% - Q1 23/24

Residual household waste kg/Household reduced from 553 in 20/21 to 498 in 22/23

### WR2

Gain the confidence of Torbay residents to work in partnership with SWISCo by providing a regular and consistent recycling and waste service.

On time collection rates:

60.1% - 20/21

86.0% - 22/23

98.0% + Q1 23/24

### WR3

Identify from recycling service enhancements how we have positively contributed to Torbay Council's Climate objectives.

Vehicle telemetry data indicates a 5% reduction in idle time between 2020 and 2023

### WR4

Show the efficiency of sorting materials in the right containers at the kerbside and recycling centres which have been promoted through a comprehensive education programme.

Over 400 interventions to date in 2023

38 significant events attended since 2020

## HF1

**Increase the level of planned highways works undertaken by SWISCo**

By developing innovative routes to supply chain and bringing increased project management back in house SWISCo have delivered an increase of 15% in planned works .



## HF2

**Implement a strategy to upgrade and modernise the SWISCo fleet to support the business needs and to support Carbon reduction targets.**

Phase 1 fleet review complete – leased vehicles purchased compliant with EURO 5 emissions.

Electric vehicles trialled and HGV versions deemed not suitable due to battery life and reduction in carrying capacity.

Electric alternative considered as standard in any procurement exercise.



## HF3

**Improve the coordination and management of highway works by the introduction of a dedicated streetworks team and the implementation of street works permit scheme.**

Complete – budget on target



## HF4

**Deliver Torbay Councils Annual Highway Maintenance scheme in accordance with the Asset Management Strategy to provide a more effective and efficient service**

Asset Management Strategy was revised in 2021 to reflect current budget availability and commissioning arrangements

Annual Programme has been delivered within available budget



PG1

Deliver an award winning service that promotes public value and biodiversity through the implementation of Park Management Plans in collaboration with Friends of Groups

Torquay, Brixham and Babbacombe – GOLD 2022 SW in Bloom

Torquay – Winner of Tesco Cup (runner up) – 2022 Britain in Bloom

6 Green flag awards in 2023



PG2

Deliver a stronger approach to community working by establishing at least ten Parks Friends Groups and over 3000 hours of Community Volunteer hours

6 new Friends of groups

12 new Focus Groups

In excess of 10,000 hours of volunteer hours



PG3

Deliver an inclusive Green Infrastructure strategy.

Tree and Woodland Strategy complete

Open Space Strategy complete in draft subject to changes in legislation due to introduction of Biodiversity Net Gain.



PG4

Deliver Torbay's Local Environmental Quality Action Plan

(50%) Increase in street cleansing resource.

Working against 'Right First Time' principle rather than monitored quality assessment.

Awaiting new Gov. Oflog policy guidance.



## BC1

**Achieve an Accreditation in Customer Service Excellence**

Call abandoned rate dropped from 41% in 20/21 to 8.9% 22/23

Customer Call Centre now consolidated into central team



## BC2

**Achieve Accreditation for our Health and Safety and Environment Management Systems to ISO 45001, 45003 & 14001**

Carried forward to next business plan



## BC3

**From Top to Bottom all staff will have a clear understanding of SWISCo's mission and be working to our values.**

Establishment of staff forum meeting regularly with representatives from across the business

Development with staff of SWISCo core values and behaviours Regular all staff briefings

Staff Survey in 2022 revealed that 70% of staff are satisfied with SWISCo as an employer and appreciate the core values of the company.



## BC4

**We will increase our 3rd Party revenue by at least 30%**

20/21 = £1.48m

22/23 = £3.3m (44%)





**Alan Denby**  
Chairman

Director of Pride in Place  
Torbay Council



**Matthew Fairclough-Kay**  
Director

Director of Corporate Services  
Torbay Council



**Matthew Reeks**  
Director

Managing Director  
SWISCo

# Governance

SWISCo is a Private Limited Company incorporated on 18th September 2019 under the Companies Act 2006 with Torbay Council as the sole shareholder.

Under the terms of the Memorandum and Articles of Association the Board of Directors has responsibility for the supervision and management of the Company and its business.

The Managing Director of the company is accountable to the Board of Directors and also a senior representative from the Council acting in the client role to ensure performance against the Commissioning Agreement which forms the specification for the work the Company undertakes on behalf of the Council.

The governance oversight of the SWISCo is provided by the Shareholder Panel which operates at a high strategic level and is classified as a Shareholder Board in terms of its governance status.





# Our Mission

Page 335

To Proudly Deliver Outstanding Services for our Customers



# Our Values



# Key Objectives and Growth for 2024 - 2029

OB1

To recognise and deliver against the particular needs of all the SWISCo customer groups and be regarded as the supplier of choice



OB3

To ensure a positive staff culture within the business



OB5

To understand the influence that SWISCo has on the Torbay Story



GR1

Expand the services delivered on behalf of the Council to maximise opportunities for efficiency



OB2

To drive efficiency, innovation and best practice throughout our business to ensure best value for our customers



OB4

To ensure everyone goes home safely



OB6

To limit the environmental impact of our business



GR2

Increase 3<sup>rd</sup> party income in ways which do not conflict with Council services



**OB1 - To recognise and deliver against the particular needs of all the SWISCo customer groups and be regarded as the supplier of choice.**

SWISCo have a range of 'customers' from Elected Members, Council Officers in the client role, every resident/taxpayer in the Bay and our private commercial clients across the broad range of services we offer.

What will success look like:

- **Recognition of reliability of service delivery (and thus trust) as a key metric though-out the organisation .**
- **Communication with our customers in a form appropriate for their needs which also provides forward visibility of work programs and no surprises.**
- **Clear governance framework, regularly reviewed to provide oversight of service performance agreements with Torbay Council**
- **Regular monitoring of agreed work programmes provided to Council.**
- **Fully functioning regularly updated website**
- **Annual programme of multimedia marketing and engagement campaigns incl. schools**
- **To work in partnership with other Council depts and services to deliver the Torbay Way**

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# OB1

# Success

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**OB1A - Recognition of reliability of service delivery (and thus trust) as a key metric though-out the organisation .**

**Target/Key result:** Waste and Recycling collections to be 98%+ on time.

**Target/Key result:** Operations as per the Commissioning Agreement to be 90%+ on schedule.

**Target/Key result:** Service and 'Report It' requests to be actioned within 48hrs

**Target/Key result:** Information Governance process's to be actioned and closed in line with Council targets

**Target/Key result:** Monthly meeting between MD and Client and Quarterly work programme meetings with HoS

**Influences:** Direct relationship between annual budget and level of service so clear priorities required from Council

**Reporting:** Quarterly to Board, Client and Shareholder Panel



**OB1B - Communication with our customers in a form appropriate for their needs which also provides forward visibility of work programs and no surprises**

**Target/Key result:** All capital and developmental works to have a specific communication and engagement plan agreed with Client.

**Influences:** Pre delivery timescales and resources

**Reporting:** Annually and as required prestige



# OB1

# SSaCCoNS

Page 340

**OB1C - Clear governance framework, regularly reviewed to provide oversight of service performance agreements with Torbay Council**

**Target/Key result:** Annual service performance agreements to be agreed with Council in conjunction with annual budget.

**Influences:** Direct relationship between annual budget and level of service so clear priorities required from Council

**Reporting:** Annually



**OB1D - Regular monitoring of agreed work programmes provided to Council**

**Target/Key result:** Operational Work programmes for key service areas to be provided to Council and monitored against expected performance in monthly dashboard.

**Target/Key result:** Strategic work programme to be reviewed by SWISCo SLT and shared with Client officer minimum of monthly

**Influences:** IT systems, Operational issues, Weather, other Council requirements

**Reporting:** Monthly to client officer and quarterly to Board and Client Panel



# OB1

# SSCCONS

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**OB1E - Regular positive engagement with relevant community organisations and partnerships**

**Target/Key result:** To formally meet all Friends Groups individually minimum of once per year to agree annual park plan.

**Target/Key result:** To attend four Community Partnership Chairs meetings per year.

**Target/Key result:** To attend a minimum of 10 community events per year.

**Influences:** Staff availability

**Reporting:** Annually



**OB1F - Fully functioning regularly updated website.**

**Target/Key result:** To recognise that the website is the hub of all customer and community interactions and engagement.

**Target/Key result:** Website updates to be live within 48 hours of request.

**Target/Key result:** REPORT IT function to be fully operational through SWISCo website.

**Target/Key result:** Work programmes for key service areas to be published and updated weekly

**Influences:** Ownership of editing rights, IT capacity

**Reporting:** Annually



# OB1

# SESSIONS

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## OB1G - Annual programme of multimedia marketing and engagement campaigns

**Target/Key result:** To produce and deliver an annual marketing and engagement plan in conjunction with Council detailing a minimum of 4 key themes.

**Target/Key result:** To visit min. 10 schools per year

**Target/Key result:** To visit a min. 5 Community Partnerships per year.

**Target/Key result:** To post a min. 48 creative Social media posts per year..

**Influences:** Approval of programme by Council, Availability of Comms resource (Council and SWISCo)

**Reporting:** Annually



## OB1H - To work in partnership with other Council depts and services to deliver the Torbay Way

**Target/Key result:** Waste and Recycling collections to be 98%+ on time.

**Target/Key result:** Operations as per the Commissioning Agreement to be 90%+ on schedule.

**Target/Key result:** Service and 'Report It' requests to be actioned within 48hrs

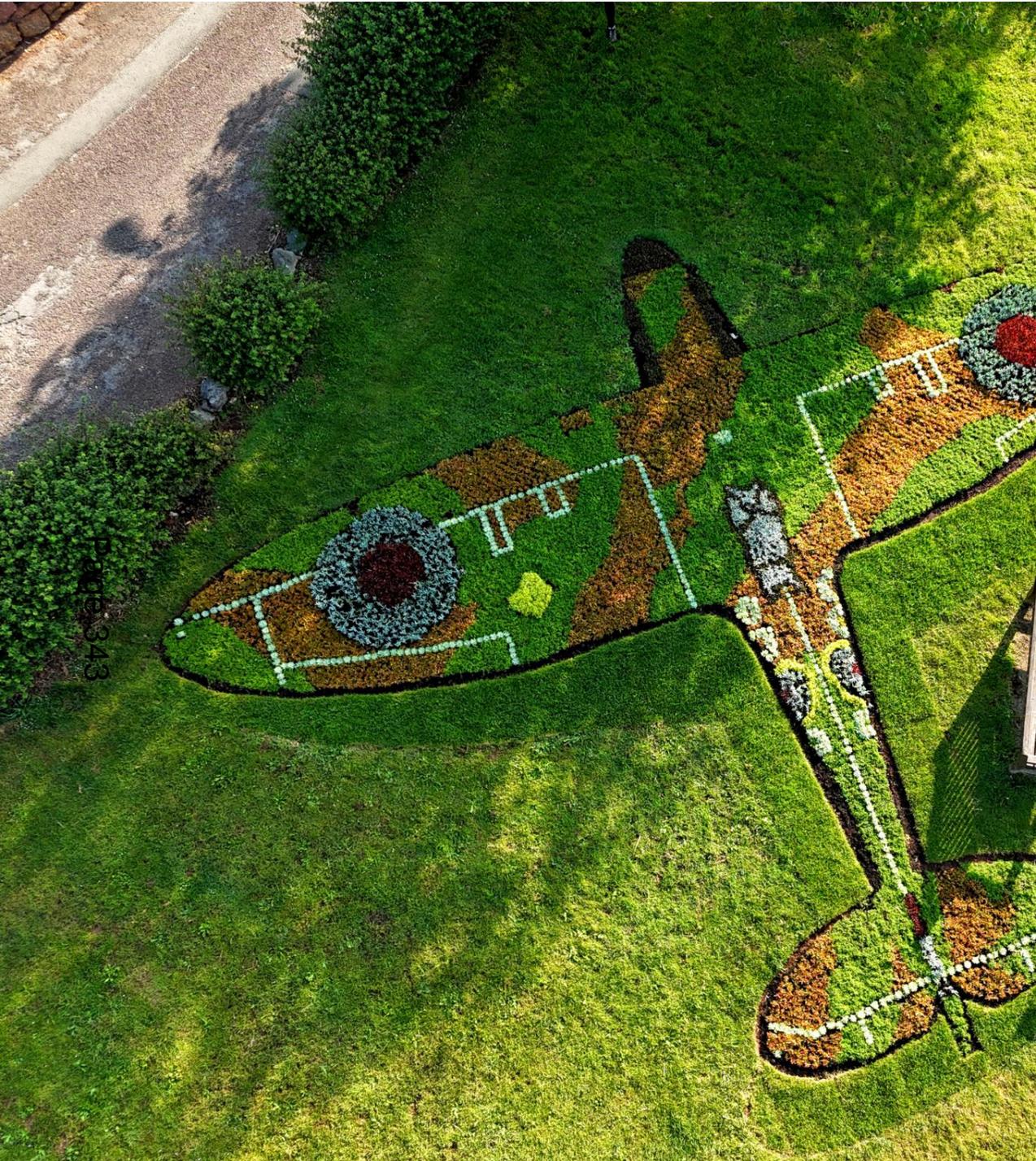
**Target/Key result:** Information Governance process's to be actioned and closed in line with Council targets

**Target/Key result:** Monthly meeting between MD and Client and Quarterly work programme meetings with HoS

**Influences:** Staff capacity, ownership and relevance of service requests, complaints and Member enquiries

**Reporting:** Annually





**OB2 - To drive efficiency's innovation and best practice throughout our business to ensure best value for our customers.**

Across all the services that SWISCo are involved in there is a constant and significant industry led drive for new techniques, equipment and technology. The challenges faced by SWISCo are by no means unique and we will strive to place ourselves to be aware and receptive of new ways of working. As a business we will understand the implications of the TECKAL principles in terms of the need to balance our aspirations to innovate with the constraints put upon us by our circumstance.

What will success look like:

- **Ongoing fleet and plant replacement programme**
- **Robust, dynamic and at pace procurement process's and pipeline plans.**
- **Regular financial monitoring to identify areas in need of process engineering.**
- **Workforce horizon planning and service redesign**
- **Engagement with industry leading providers and suppliers**
- **Work towards recognised standards in terms of relevant ISO awards**



# OB2

# Success

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## OB2A - Ongoing investment and replacement programme

**Target/Key Result:** Vehicles are leased for a maximum of 4 weeks.

**Target/Key Result:** Vehicle and plant procurement is complete via framework in under two weeks

**Target/Key Result:** Fleet and Plant IT system to monitor spend and viability of vehicles and plant.

**Influences:** Procurement regulations, availability of finance to fund replacement

**Reporting:** Annually



## OB2B - Ensure our supply chain is delivering best value to us

**Target/Key Result:** Robust and actionable service level agreements, contracts or specifications are in place.

**Target/Key Result:** Robust, dynamic and at pace procurement process's and plans to ensure value for money.

**Target/Key Result:** Annual procurement pipeline to be agreed with Council team.

**Target/Key Result:** Noncompliant spend to be formalised.

**Target/Key Result:** Frameworks to be established for regular spend e.g fleet.

**Influences:** Procurement regulations, availability of procurement team

**Reporting:** Annually



# OB2

# SESSIONS

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**OB2C - Regular financial monitoring and analysis to identify areas in need of process engineering.**

**Target/Key Result:** Monthly budget monitoring and analysis to identify areas of concern.

**Target/Key Result:** Areas of concern to be discussed at SWISCo SLT and Board.

**Influences:** Procurement regulations, availability of capital funding

**Reporting:** Quarterly in dashboard to Board and Shareholder Panel



**OB2D - Workforce horizon planning and service redesign**

**Target/Key Result:** Create workforce horizon plan.

**Target/Key Result:** Vacancy requests to be approved by HoS following consultation with workforce plan

**Influences:** Availability of qualified/skilled staff.

**Reporting:** Annually





OB2

SSCCONS

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**OB2E - Engagement with industry leading providers and suppliers**

**Target/Key Result:** Minimum of three liaison visits with similar providers per year

**Target/Key Result:** Minimum of four national level engagements e.g conference, trade show per year

**Influences:** Staff availability

**Reporting:** Annually



SWISCo  
SLT

**OB2F - Work towards recognised standards in terms of relevant ISO standards**

**Target/Key Result:** All work programmes and strategy work to be of a standard required by relevant ISO standards.

**Target/Key Result:** Minimum of one ISO accreditation to be achieved by 2029

**Influences:** Staff availability

**Reporting:** Annually



SWISCo  
SLT

### **OB3 - To ensure a positive staff culture within the business.**

The current workforce of around 360 makes SWISCo one of the biggest employers in the Bay. The workforce ranges from front line operational staff through to semi-professional and professional and technical office-based roles.

Our workforce is critical to the delivery of services and the success of our business, and we are justifiably proud of the actions we have taken thus far to increase the reputation locally of SWISCo as an employer and to stabilise and improve conditions for our workforce leading to much greater staff retention and easier recruitment.

What will success look like:

- **Reduced sickness and absence**
- **Reduce reliance on long term agency employees**
- **Enhance reputation leading to more effective recruitment and retention**
- **Regular training and development for all staff**
- **Staff feel valued and that they have a voice.**
- **Health and Wellbeing is a core element of our business.**
- **All staff are fully engaged in the principles and ambitions of our business and success is celebrated.**

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**OB3A - Reduced sickness and absence**

**Target/Key Result:** Working days absence rate to be below 4% (national waste industry average)

**Influences:** Health of workforce, staff morale, HR IT system

**Reporting:** Quarterly in dashboard to Board and Shareholder Panel



**OB3B - Reduce reliance on long term agency employees.**

**Target/Key Result:** Workforce to be maximum of 15% Agency staff (not including seasonal staff)

**Target/Key Result:** Agency staff to be offered temporary to permanent conversion after maximum of 12 weeks if appropriate.

**Influences:** HR capacity, Suitability of Agency staff for permanent employment, production of relevant documents and details by Agency staff during recruitment

**Reporting:** Quarterly in dashboard to Board and Shareholder Panel





## OB3C - Enhance reputation leading to more effective recruitment and retention

**Target/Key Result:** Staff turnover rate to be less than 40%

**Target/Key Result:** Vacancies to be filled within 4 weeks of advertisement.

**Influences:** HR capacity, Suitability of Agency staff for permanent employment, production of relevant documents and details by Agency staff during recruitment process.

**Reporting:** Quarterly in dashboard to Board and Shareholder Panel



## OB3D - Regular training and development for all staff

**Target/Key Result:** All staff to have received min. 3 toolbox talks per year. All HGV Drivers to have completed one CPC unit per year.

**Influences:** Resources to allow time to be taken out of BAU for training

**Reporting:** Annually





**OB3E - Staff feel valued and that they have a voice.**

**Target/Key result:** Staff Forum with representatives from all service areas to be held min. every two months.

**Target/Key result:** Annual staff survey and feedback of results and actions

**Target/Key result:** Hold twice yearly JCNC with Unions

**Target/Key result:** Minimum of three all staff briefings per year by Managing Director

**Influences:** staff willingness to take part. Resources to organise and impact on business

**Reporting:** Annually



**OB3F - Health and Wellbeing is a core element of our business.**

**Target/Key result:** There to be a minimum of 6 trained mental health first aiders and access to them is published to the workforce.

**Target/Key result:** Wellbeing support service to be available and all staff to be aware of how to access it.

**Target/Key result:** All staff on sick leave for more than 1 week are contacted by HR or Line Manager every week.

**Influences:** Resource for support service, willingness of staff to be trained as mental health first aiders.

**Reporting:** Annually





**OB3G - To understand and cater for the literacy and IT capabilities of our staff**

**Target/Key result:** To always provide alternative to IT option and offer additional help if required

**Influences:** Resources to organise and impact on business

**Reporting:** Annually





## OB4 - To ensure everyone goes home safely

SWISCo operates in some of the most hazardous industries in the UK and as such our absolute duty and priority is the health and safety of our workforce. We will strive to embed a safe working culture in the DNA of our business and ensure all our staff are equipped with the knowledge, skills, and equipment to be safe and operate in a business that celebrates safe working practices above productivity and efficiency.

What will success look like:

- **Manage all Health and Safety with EVOTIX management system.**
- **All staff to receive regular, relevant, and recognised Health and Safety training.**
- **All staff to be aware of importance and means of Hazard Reporting**
- **Regularly review incidents to ensure adequate learning in the business and relevant preventative mitigation is put in place.**
- **Compliant programme of testing and monitoring.**
- **Regularly review risk assessments in forums to include all elements of the business.**
- **Monitor incident rates against national best practice and ensure SWISCo is below them.**





**OB4A - Manage all Health and Safety with agreed management systems**

**Target/Key result:** All staff to be aware of and connected to EVOTIX system.

**Target/Key result:** All Health and Safety information to be stored on EVOTIX.

**Influences:** Accessibility, Resources

**Reporting:** Annually



**OB4B - All staff to receive regular, relevant, and recognised Health and Safety training**

**Target/Key result:** All staff to attend minimum of 12 toolbox talks per year.

**Target/Key result:** Minimum of 50% of Service and Team Managers to be NEBOSH qualified.

**Target/Key result:** Minimum 10% of workforce to be first aid trained

**Target/Key result:** Minimum of 1 Mental Health First Aider per service area

**Influences:** Resources

**Reporting:** Annually





**OB4C - All staff to be aware of importance and means of Hazard Reporting**

**Target/Key result:** Hazard spotting to be promoted at least three times per year

**Target/Key result:** Hazard reports to increase month on month

**Influences:** Resources

**Reporting:** Quarterly in dashboard to Board and Shareholder Panel



**OB4D - Regularly review incidents to ensure adequate learning in the business and relevant preventative mitigation is put in place**

**Target/Key result:** Incident review panel to be held weekly and attended by representatives from every service area.

**Target/Key result:** Actions to be recorded on EVOTIX and closed at following review panel

**Influences:** Resources

**Reporting:** Recorded in EVOTIX and raised at Board if required





## OB4E - Compliant programme of testing and monitoring

**Target/Key result:** Annual programme of Health Surveillance for all staff with required follow up's and actions.

**Target/Key result:** All specialist plant and equipment to be tested as required

**Target/Key result:** Results of compliance programme to be recorded on EVOTIX

**Influences:** Resources, availability, cost and performance of external service providers

**Reporting:** Recorded in EVOTIX and reported annually



## OB4F - Regularly review risk assessments in forums to include all elements of the business

**Target/Key result:** Minimum of 6 Risk Assessment Groups to meet minimum of 4 times per year to review relevant risk assessments.

**Target/Key result:** Results to be recorded on EVOTIX and shared with staff through toolbox talks.

**Influences:** Staff availability

**Reporting:** Recorded in EVOTIX and reported annually





**OB4G - Monitor incident rates against national best practice and ensure SWISCo is below them**

**Target/Key result:** Record and monitor SWISCo Health and Safety data from EVOTIX against comparable national averages.

**Target/Key result:** SWISCo to outperform comparable national averages

**Influences:** Resources

**Reporting:** Quarterly in dashboard to Board and Shareholder Panel



## OB5 - To understand the influence that SWISCo has on the Torbay Story

As a leading employer and manager of the place SWISCo has great influence and impact on the appearance, reputation, and success of Torbay. Our social values need to reflect and further those of the Council.

What would success look like:

- **Develop social values partnerships with local charities and business.**
- **Contribute to Torbay wide events and campaigns.**
- **Collaborate and engage with wider initiatives.**
- **Understand and promote social, cultural, natural and built heritage within the Bay.**

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**OB5A - Develop social values partnerships with local charities and business**

**Target/Key Result:** Become accredited as a foster friendly employer.

**Target/Key Result:** Agree an Armed Forces Covenant

**Target/Key Result:** Offer a minimum of six assisted apprenticeships, care leaver placements or work experience placements per year.

**Target/Key Result:** Provide sponsorship to a minimum of three local charities or groups per year

**Influences:** Staff availability, viability of schemes

**Reporting:** Annually



**OB5B - Contribute to Torbay wide events and campaigns.**

**Target/Key Result:** Work with Client and external providers to provide relevant services to a minimum of four events per year.

**Target/Key Result:** Work with Client and external providers to deliver targeted street cleansing services when required.

**Influences:** Resources, communication

**Reporting:** Annually





## OB5C - Collaborate and engage with wider initiatives

**Target/Key Result:** Minimum of two staff briefings per year to include update on the Torbay Story to ensure staff are aware of strategic developments and the role SWISCo plays.

**Target/Key Result:** Actively engage with partners and other Council teams to deliver a minimum of three co production opportunities per year.

**Influences:** Staff availability, availability of partners and opportunities.

**Reporting:** Annually



## OB5D - Understand and promote social, cultural, natural and built heritage within the Bay.

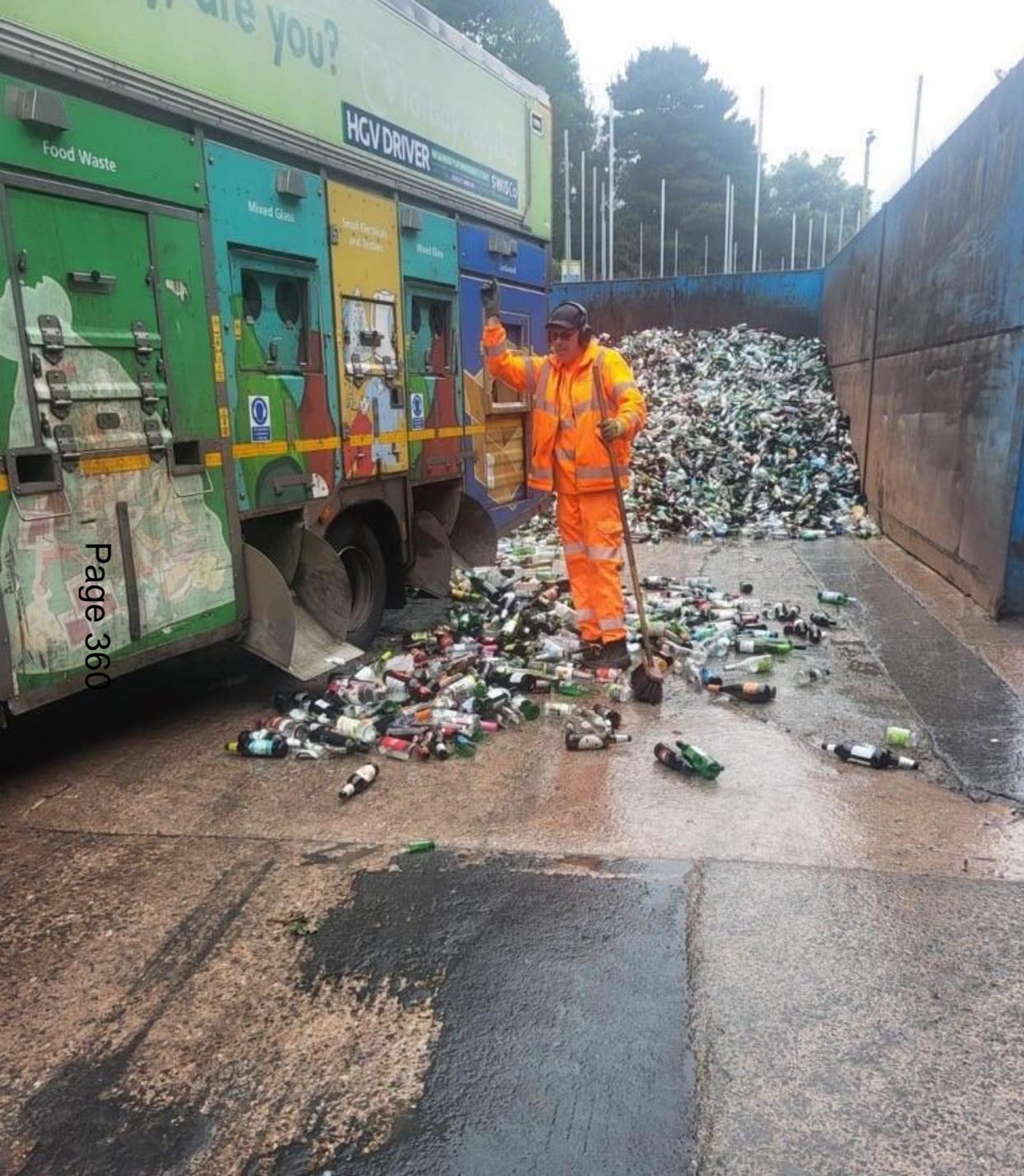
**Target/Key Result:** Engage and consult with relevant partners to ascertain heritage considerations in proposed strategic plans and works.

**Target/Key Result:** Deliver a minimum of three heritage improvements per year.

**Influences:** Staff availability, availability of partners and opportunities.

**Reporting:** Annually





## **OB6 - To limit the environmental impact of our business**

The services that SWISCO delivers hold many opportunities for environmental benefit and gain. SWISCO be realistic in its ambitions to be carbon neutral and ensure that initiatives to do so are economically viable and will not negatively impact service delivery. We will maximise all opportunities to improve biodiversity and carbon sequestration and engage with residents to ensure a joined-up approach especially in terms of recycling.

What will success look like:

- **Promote reduction of waste and actively pursue initiatives to do so.**
- **Increased recycling rate in residential and commercial waste operations**
- **Manage all environmental permits and activities through Environmental Management System**
- **New Waste Transfer Station facility**
- **Record and reduce carbon emissions and review all business decisions considering carbon considerations.**
- **Alternative fuelled fleet wherever practically and economically viable**





**OB6A - Promote reduction of SWISCo waste and actively pursue initiatives to do so**

**Target/Key Result:** SWISCo generated Residual waste to be less than 150 tonnes per year

**Influences:** Staff behaviour, supply chain, turnover

**Reporting:** Quarterly to Board and Client Panel



**OB6B - Increased recycling rate in commercial waste operations**

**Target/Key Result:** Commercial recycling to be greater than 30%

**Influences:** Council waste strategy, funding and permission for engagement campaigns

**Reporting:** Quarterly in dashboard as part of waste data flow





## OB6C - Manage all environmental permits and activities through Environmental Management System

**Target/Key Result:** Compliance with all relevant environmental permits

**Target/Key Result:** Creation of SWISCo wide Environmental Management System

**Influences:** Council funding, project management resource, planning, EA and SWW Approval

**Reporting:** Annually



## OB6B - Staff are engaged and proactive in ways of reducing the Environmental impact of our business

**Target/Key Result:** Staff survey <70% overall happy with SWISCo

**Target/Key Result:** Continued participation in the Torbay Climate Partnership was set up (2021) to help coordinate and accelerate actions to help tackle climate change in Torbay. As part of a wider membership that includes public, private, community and voluntary, SWISCo provides an integral and important role in the climate change adaptation agenda

**Influences:** Greener Way for our Bay (a framework for reducing carbon emissions in Torbay)

**Reporting:** Annually





### OB6E - New Waste Transfer Station facility

**Target/Key Result:** Capital and Growth programme to stay within timeline

**Influences:** Council funding, project management resource, planning permission, EA approval.

**Reporting:** Monthly through Capital and Growth Board. Quarterly to Board



### OB6F - Record and reduce carbon emissions and review all business decisions in light of carbon considerations

**Target/Key Result:** To establish accurate carbon baseline to be completed by Dec 2024.

**Target/Key Result:** Using baseline data create a options for a realistic and costed pathway to carbon neutrality and annual targets to be completed by Dec 24 for approval and decision by Board and Shareholder Panel.

**Target/Key Result:** Implement pathway to carbon neutrality in line with Board and Shareholder Panel decision.

**Influences:** Staff resource, data availability, agreed data standard, funding

**Reporting:** Annually





**OB6G - Alternative fuelled fleet wherever practically and economically viable**

**Target/Key Result:** Alternative fuelled options are considered with every fleet and vehicle purchase and appropriate business case created and approved

**Influences:** Technology, practicality and cost

**Reporting:** Annually



## GR1 - Expand the services delivered on behalf of the Council to maximise opportunities for efficiency

Operating as a LATCO with an increasing high reputation as an employer of choice recruitment to operational front line roles is potentially easier and cheaper than direct to Council. Combined with the existing management structure, range of services already delivered and digital operating systems there is potential for further Council services to be delivered by SWISCo. The recent shift of the Enviro Crime, Unauthorised Encampment and Dog Warden portfolio is an example of how performance, flexibility and co efficiency of services can be enhanced by the SWISCo operating model.

Front line operational staff make up a large element of the SWISCo workforce and as a result the culture and staff engagement and management style of the business is wholly focused on this cohort of staff.

There are now a variety of overlaps between services delivered by SWISCo and Torbay Council and as this increases so do the opportunities for efficiencies to be realised and processes streamlined through business operating systems already embedded in SWISCo and joined up working.

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What would success look like:

- **SWISCo is considered in all future Council service reviews and redesigns.**
- **Business cases are developed in relation to services being delivered by SWISCo as required to access value, efficiencies and benefits.**



## GR2 – Increase 3<sup>rd</sup> party income

SWISCo has many and varied opportunities to increase the amount of work undertaken for the private sector, these need to be balanced against their potential impact on the services delivered to the Council and wherever possible there should be a co benefit. SWISCo will clearly identify and manage the risks associated with commercial expansion and be realistic in its ambitions for growth considering TECKAL factors and primary function to the Council.

In order to prevent any negative impact on quality of services delivered on behalf of Torbay Council and make the expansion of commercial services a serious reality a clear delineation needs to be created between commercial and Council operations. This requires an appreciation that there is little opportunity for staff to occupy strategic or tactical roles in both the Council and commercial growth areas of work without detriment to one or the other caused by resource and time limitations. The current operating model focuses all the strategic capacity in the business to Council work.

As such it is intended that a unit be created within SWISCo to account for and deliver the commercial services of the business. Overheads will be calculated not as percentage of the overall turnover but as a business unit cost operating alongside the work carried out for Torbay Council. This will allow an accurate and real world appreciation of costs and transparency between the true cost of Council services and real net profit from commercial activities. It is also necessary to ring fence roles to commercial work to ensure an accurate account of available time and resource and true re-costing of the work of these roles against SWISCo as a whole.





## GR2 – Increase 3<sup>rd</sup> party income

There is a direct link between the improved reputation of SWISCo in terms of the service delivered to residents and communities of Torbay and the success of commercial growth. There will be occasions when marketing for commercial work needs to be focused on the target market and it is anticipated there are opportunities for cross branding between the areas of work to amplify the co benefits of high levels of customer service and best value.

In order to allow competition with private service providers to be achievable there may be occasions where discussion needs to take place around the principles of the SWISCo as a LATCO sharing services, policies and operating principles with the Council.

What would success look like:

- **Create group accounting principles and process's which allow clear identification of costs, overheads and profits of commercial work**
- **Agree with shareholder that significant commercial growth requires ringfenced staff and investment**
- **Carry out detailed market analysis of opportunities and constraints for target services to allow creation of evidence-based growth plan and establish opportunities and associated risks.**
- **Increase marketing of SWISCo commercial services through other Council functions and services e.g planning and capital projects.**
- **Focus on integrated opportunities where clients require multiple commercial services offered by SWISCo e.g schools, academy's, industrial parks and developers**



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## Final Mile and Prestige Routes - Grass Cutting & Sweeping

● Complete ● Not Required ● Staff Unavailable ● Too Wet ● Unservicable Machinery



14 Cuts per year (March - October)

## Grass Cutting in Destination Parks

● Complete ● Not Required ● Staff Unavailable ● Too Wet ● Unservicable Machinery



14 cuts per year (March - October)

## Highway Grass Verge Cutting

● Complete ● Not Required ● Staff Unavailable ● Too Wet ● Unservicable Machinery



5-7 cuts per year (March - October)

## Grass Cutting in Residential Parks

● Complete ● Not Required ● Staff Unavailable ● Too Wet ● Unservicable Machinery



10 cuts per year (March - October)

## Additional Planting, Beds and Decorative

Flower bed	Status
Torquay Crest Bed	On target
Torbay Park Paignton	On target
Roundham	On target
Paignton Town Green	On target
Paignton Creat Bed	On target
Hanging Baskets, Station Square	On target
Barrier Planters, Torquay Rd, Paignton (next to Tesco Express)	On target

## Number of Vehicles/Caravans Removed

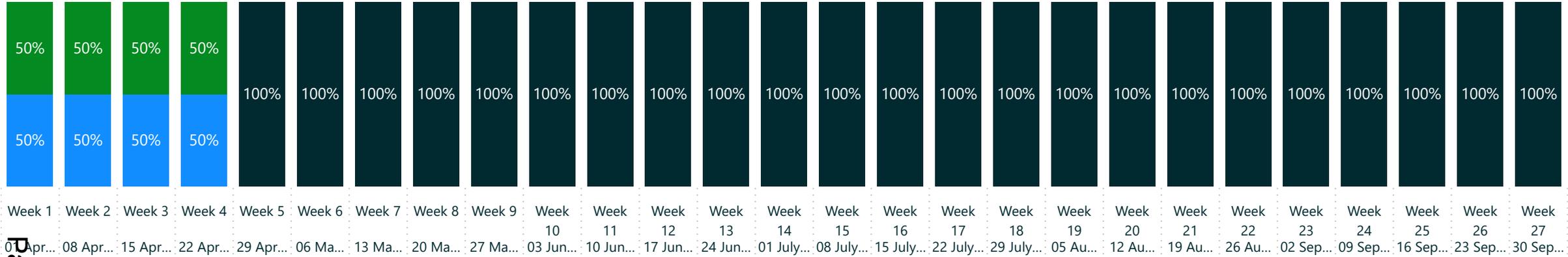
Town	Year	vehicles/caravans removed
Brixham	2024	14
Paignton	2024	14
Torquay	2024	14

## Number of Encampments Removed

Town	Year	Encampments removed
Brixham	2024	1
Paignton	2024	13
Torquay	2024	10

## Maxwind Pedestrian Brush in Brixham

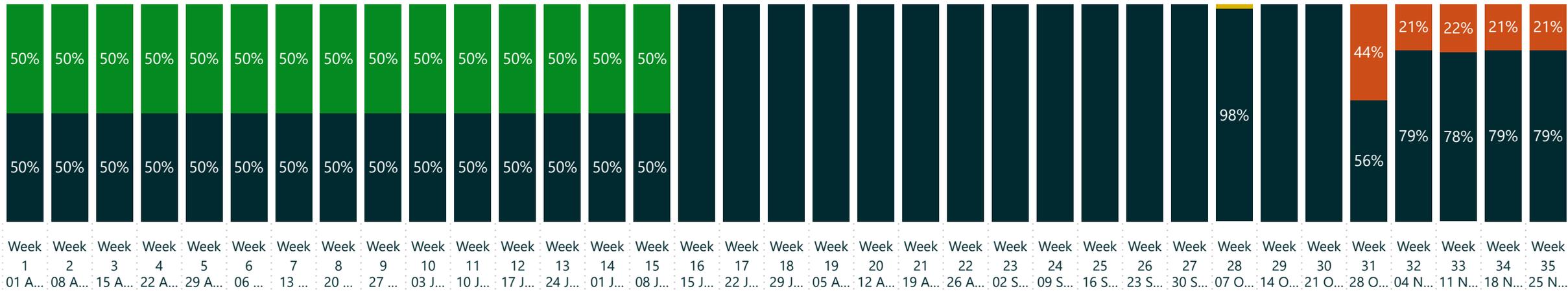
● Complete ● Not Required ● Staff Unavailable ● Too Wet ● Unservicable Machinery



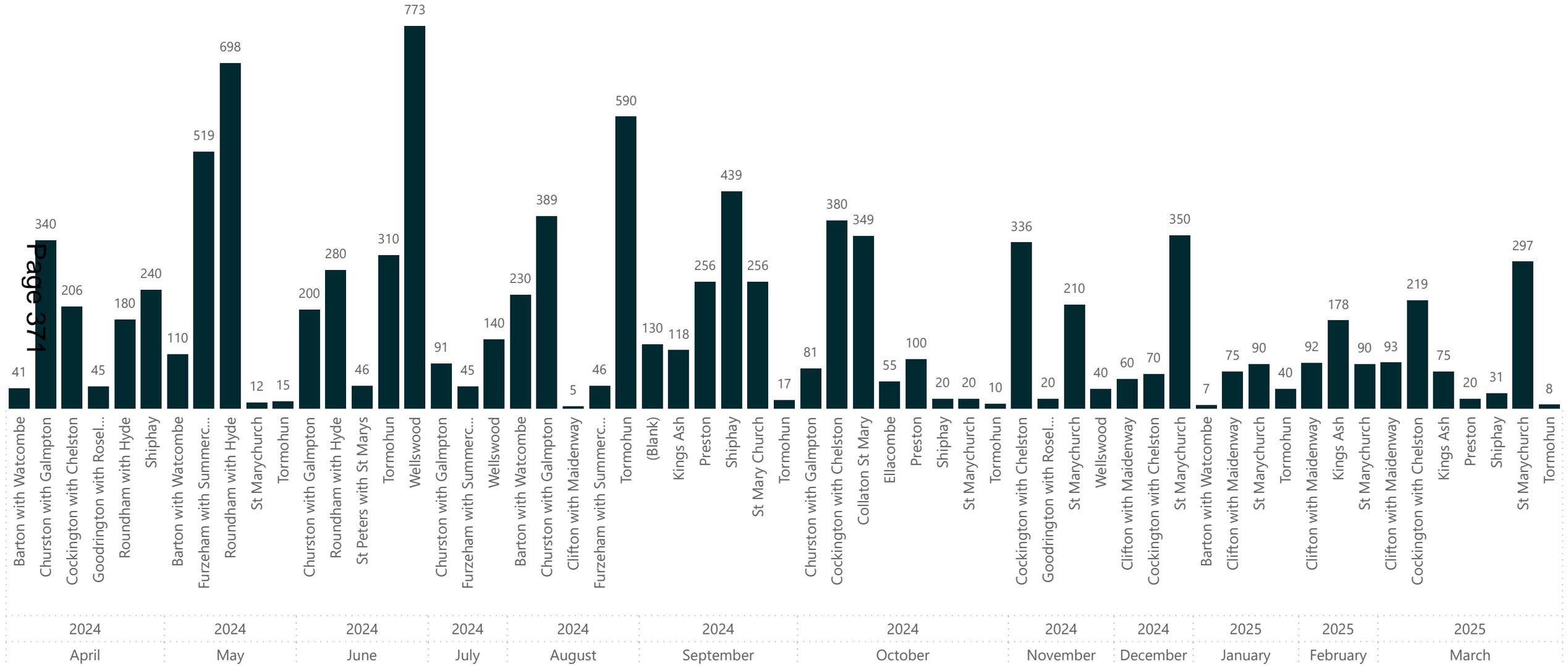
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## Weed Spraying with Quad Bikes

● Complete ● Not Required ● Staff Unavailable ● Too Wet ● Unservicable Machinery



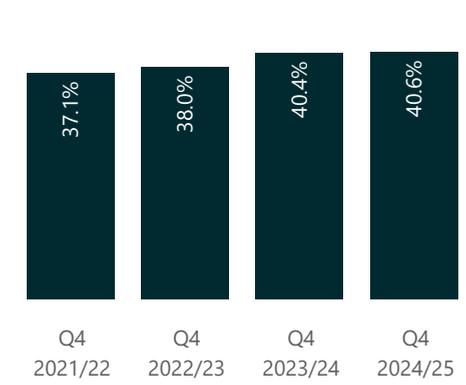
Line Marked Metres by Month and Ward



Quarterly Recycling Rate Q1 20/21 to Q3 24/25



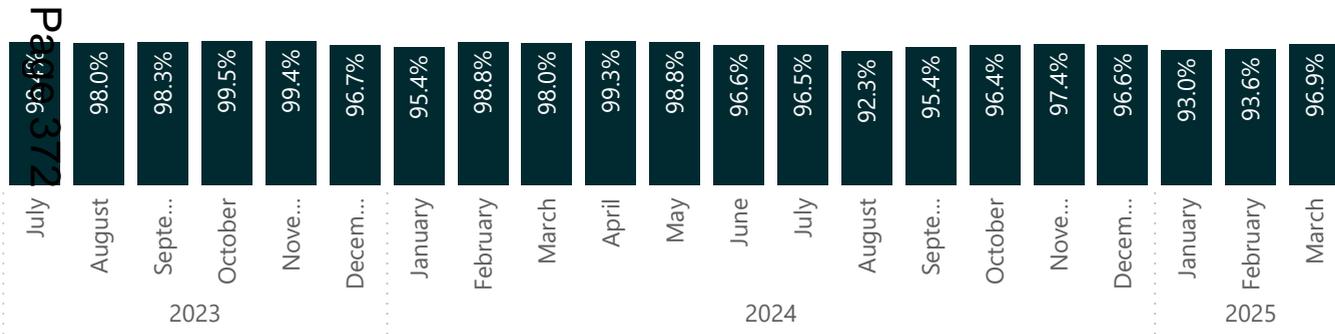
Year on Year Annual Recycling Rate



Commercial Contracts 2023 vs 2024 so far



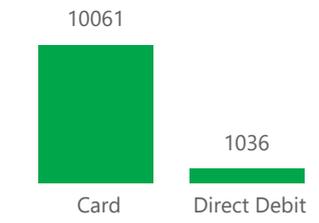
Percentage of On Time Recycling Collections



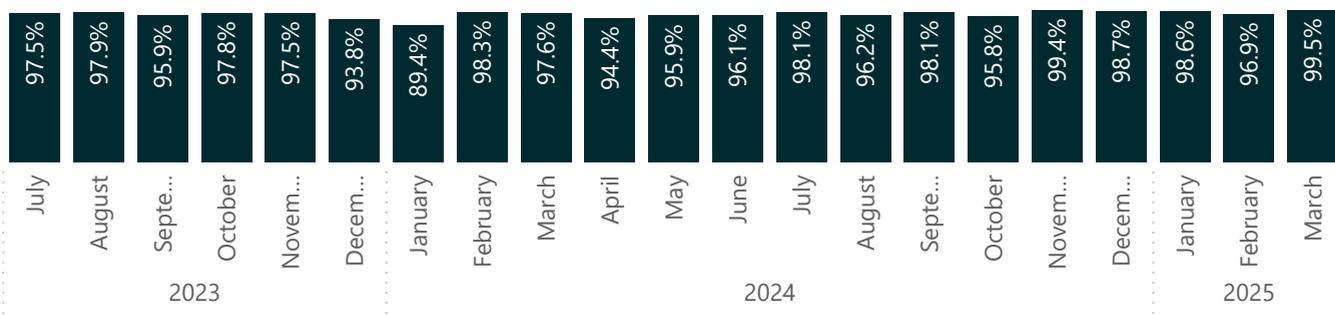
Garden Waste Subscriptions



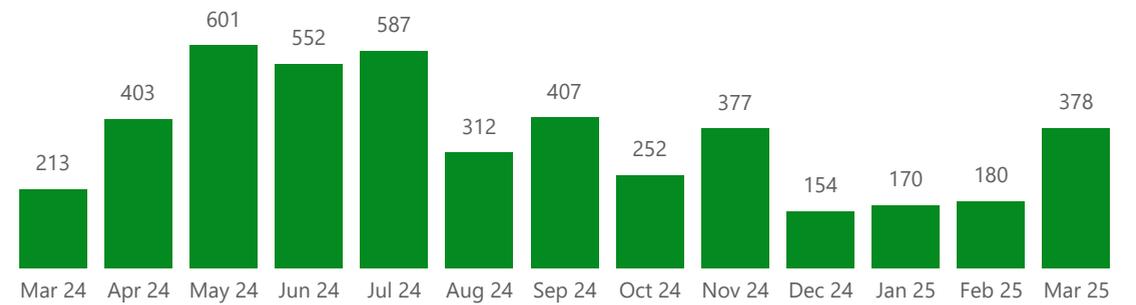
Subscriptions by Payment Method



Percentage of On Time Residual Collections

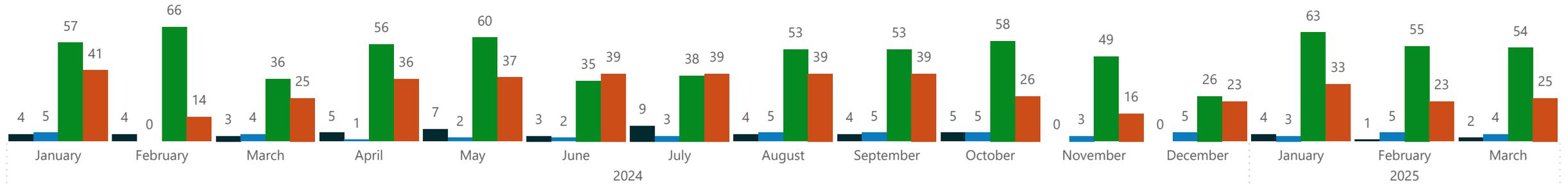


Tonnes of Garden Waste Kerbside Collected



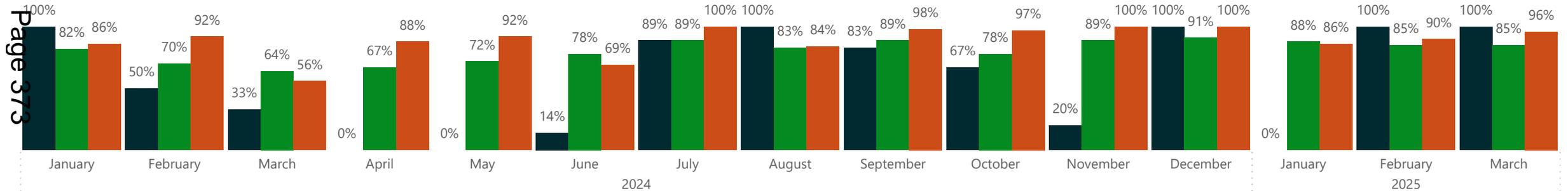
### Monthly Cases received 2024/25

● Complaints ● Compliments ● Member Enq ● Service Req



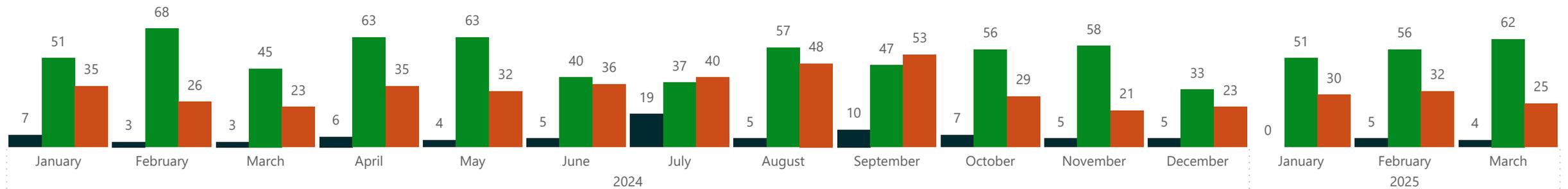
### Monthly Cases closed with target 2024/25

● Corporate stage 1 ● Member enquiry ● Service request



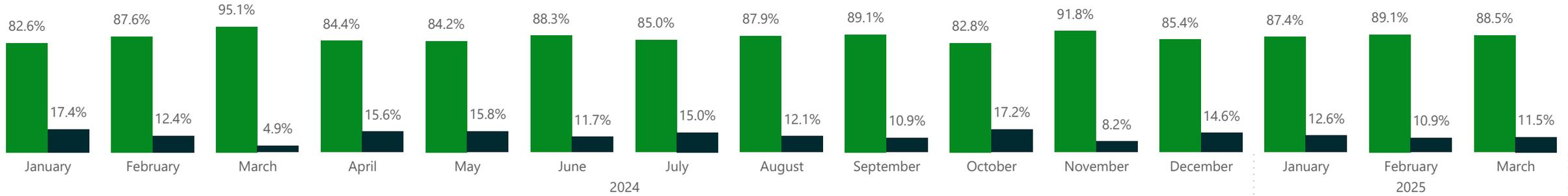
### Monthly Cases closed within Month 2024/25

● Corporate Stage 1 Cases Closed ● Member enquiry Cases Closed ● Service Request Cases Closed



Connection % and Abandon % by Month

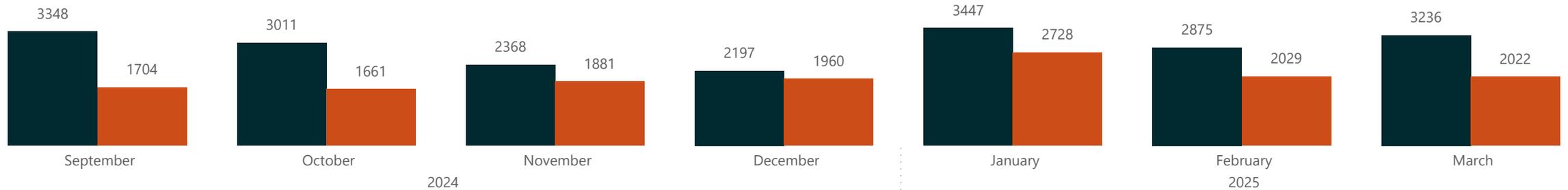
● Connection % ● Abandon %



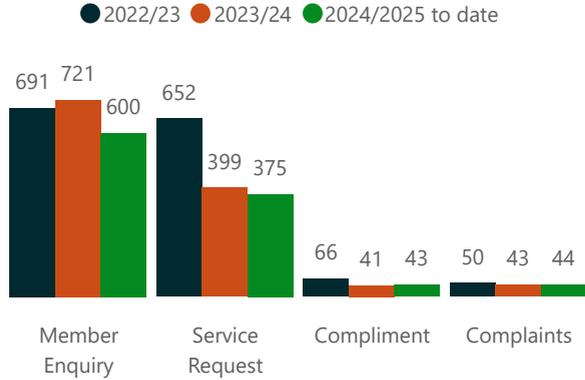
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Service Req - Calls vs Online formS

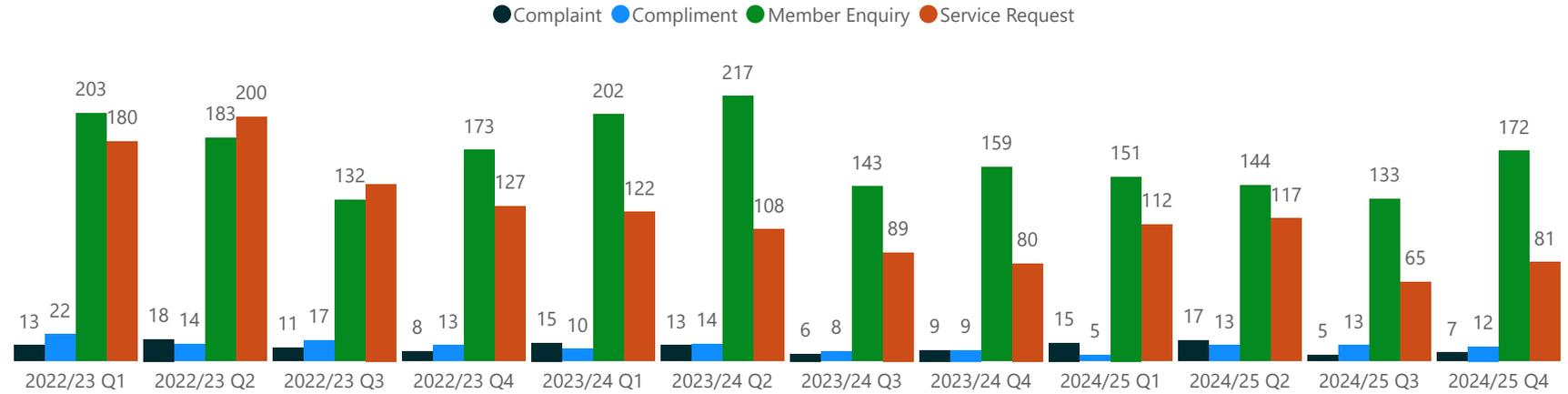
● Sum of Calls ● Online Service Req



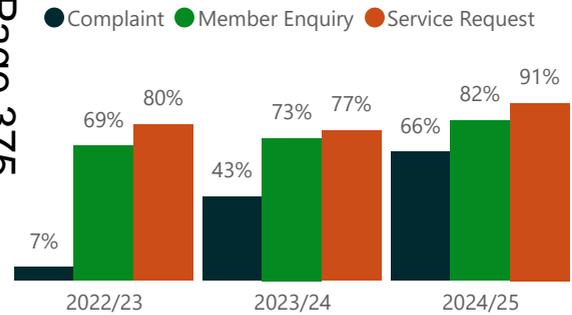
## Cases Received



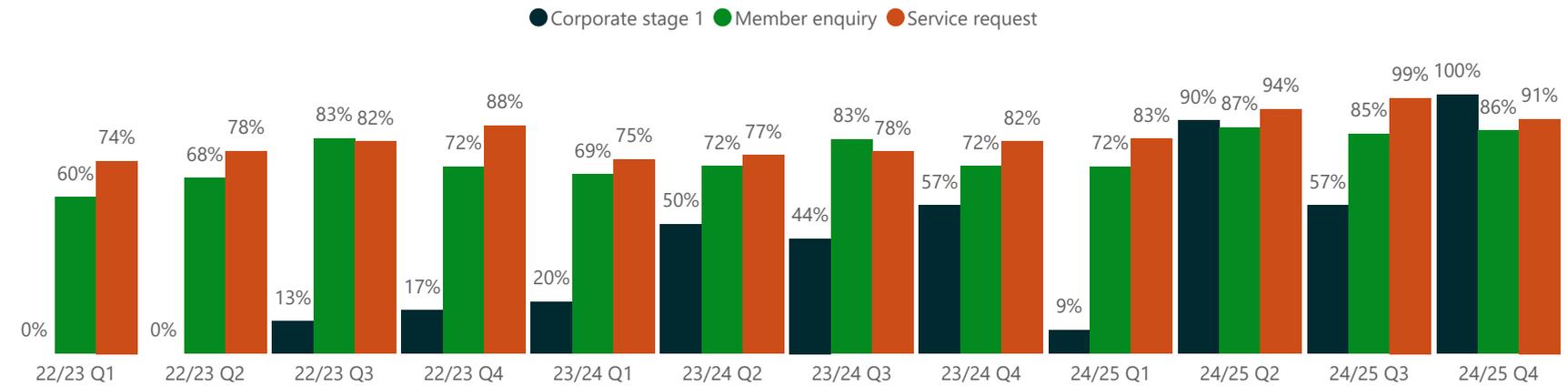
## Quarterly Cases received



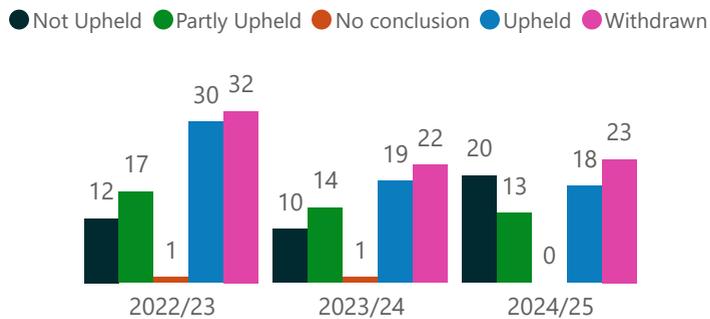
## Cases closed with target



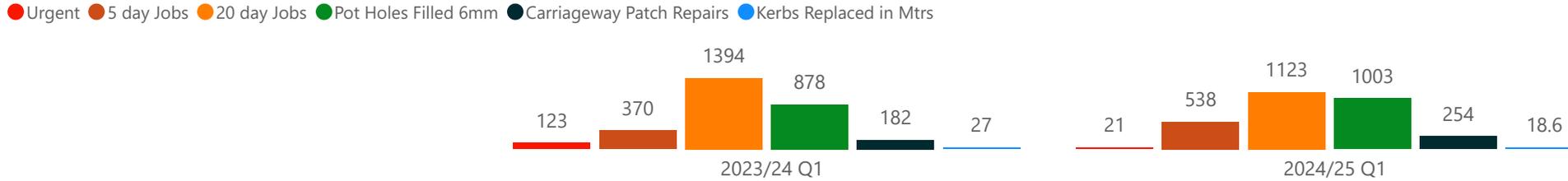
## Quarterly Cases closed with target



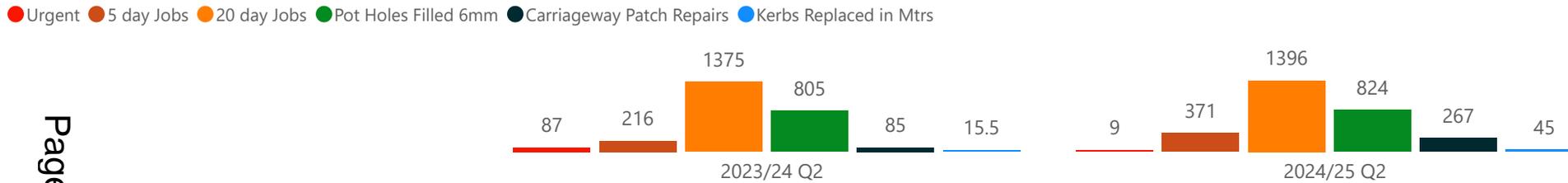
## Stage 1 Complaint Outcomes



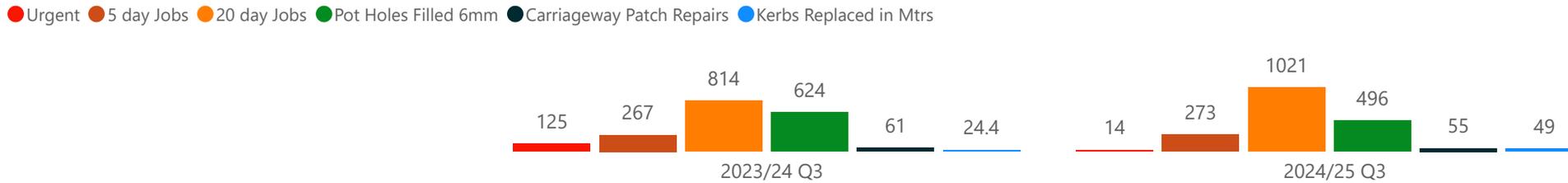
## Highways Jobs Quarter 1 Comparison 2023/24 to 2024/25



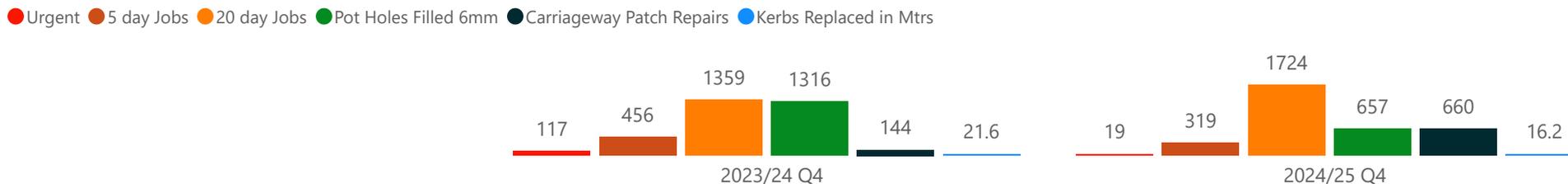
## Highways Jobs Quarter 2 Comparison 2023/24 to 2024/25



## Highways Jobs Quarter 3 Comparison 2023/24 to 2024/25



## Highways Jobs Quarter 4 Comparison 2023/24 to 2024/25



# SWISCo Annual Financial Report 2024 - 2025

## Summary of Profit and Loss – Full Year 24/25

€000s	Year to date		Budget Variance (Ytd) Better/(Worse)	(ytd) Better / (Worse)	Reason for variance	
	Actual	Budget				
<b>Revenue</b>						
	Service Management Fee	16,653	16,543	110	1%	Additional Commissioning Fee (backpay related)
	Ordered Works	4,715	3,824	891	23%	Higher Highways and Streets instructions
	External Customers	2,156	2,608	-453	-17%	Lower Street Enforcement, Weighbridge revenue,
	Recycled Materials	1,103	1,162	-59	-5%	Lower recycling revenue
		<b>24,627</b>	<b>24,138</b>	<b>489</b>	<b>2%</b>	
<b>Cost of Sales</b>						
	Direct Payroll	10,811	11,123	312	3%	
	Agency Staff	1,576	1,559	-17	-1%	Vacant positions still being covered by Agency / small number of posts still unfilled.
	<b>Total Staff costs</b>	<b>12,388</b>	<b>12,682</b>	<b>294</b>	<b>2%</b>	
	Plant & Materials	5,150	4,537	-613	-14%	Higher vehicle hire / higher vehicle repairs / higher fuel / higher material disposals (wood/green)
	Sub-contractors	1,710	1,482	-228	-13%	Higher Sub Contract Lining Torbay Recharge, Lower Highways (Ordered), lower Streets (Ordered)
	Other	615	515	-100	-16%	Higher PPE costs / Lower Able Investigation costs / Lower instructions - Coast Path Grant
	<b>Total</b>	<b>19,862</b>	<b>19,216</b>	<b>-646</b>	<b>-3%</b>	
<b>Gross Profit</b>		<b>4,765</b>	<b>4,922</b>	<b>-157</b>	<b>-3%</b>	
<b>Indirect Costs</b>						
	Payroll & Staff Costs	1,157	1,196	39	3%	Lower staff costs
	Rent & Rates	518	530	12	2%	
	Utilities	427	368	-60	-14%	Higher utility costs
	Insurance	876	807	-69	-8%	Increased Premium
	Other (incl. IT/P&L on Asset Disposal)	562	514	-48	-9%	IT costs Relating to the IT Grant & purchases of IT Hardware/Software
	Central Recharge (TC)	532	531	-1	-0%	
		<b>4,073</b>	<b>3,945</b>	<b>-127</b>	<b>-3%</b>	
<b>EBITDA</b>						
	Depreciation	717	729	11	2%	
	Interest Payable	241	246	5	2%	
<b>Net Pre-Tax Profit / (Loss)</b>		<b>-266</b>	<b>2</b>	<b>-268</b>		<i>Loss against turnover = 1.08%</i>

## **2025/26 Budget**

### **Cyclical Commissioning Fee**

Agreement has been reached between Torbay Council and SWISCo that the Cyclical Commissioning fee for 2025/26 will be

	<b>£000's</b>
2024/25 Base Cyclical fee	16,543
Rebase of 2024/25 for 2024/25 Inflationary pay rise	110
2025/26 Uplift (3.5%)	575
Adjustment for NI Changes	350
EPR Administration	150
Additional Brighter Bays Funding	300
<b>Total 2025/26</b>	<b>18,028</b>

*Any additional pay increase costs beyond the 3.5% increase above will be met by Torbay Council rebasing the 2025/26 Commissioning fee*

**2025/26 Budget**

<b>SWISCO LIMITED</b>		
<b>Budget Summary 25-26</b>		
<b>P&amp;L SUMMARY</b>		
<b>BUDGET</b>		
	<b>2024/25 Actuals (Feb 25 est)</b>	<b>Budget 25-26</b>
Internal	(1,205)	(1,205)
Cyclical	(16,644)	(18,028)
Ordered	(4,655)	(4,365)
External	(3,292)	(3,718)
<b>Total Revenue</b>	<b>(25,796)</b>	<b>(27,316)</b>
<b>Cost of Sales</b>	<b>21,891</b>	<b>22,642</b>
<b>Gross Margin</b>	<b>(3,905)</b>	<b>(4,673)</b>
<b>Overheads (Overheads Team only)</b>	4,153	4,384
<b>(Profit) / Loss before Finance</b>	<b>248</b>	<b>(289)</b>
		0
Finance Charges (Bank charges & Misc Interest)	27	74
Parent Company Loan Interest	214	213
<b>(Profit) / Loss after Finance</b>	<b>489</b>	<b>(2)</b>
		<b>0</b>
<b>COST OF SALES</b>		<b>0.00000</b>
Labour	10,872	12,428
Agency	1,655	1,162
<b>Total Labour</b>	<b>12,527</b>	<b>13,590</b>
Plant	3,950	3,923
Materials	3,005	2,827
Sub-Contract	1,828	1,784
Other Costs	582	519
<b>Total Cost of Sales</b>	<b>21,891</b>	<b>22,642</b>
		<b>0</b>
<b>Overheads</b>		<b>0.00000</b>
Staff Costs - Payroll	918	1,166
Staff Costs - Other	236	180
Establishment (inc L&B/ Ex Torbay Vehicle Depn)	1,901	1,917
Office Costs	439	438
General (Includes (Profit)/Loss on Asset Disposal)	128	134
Central Recharge	530	549
<b>Total Overheads</b>	<b>4,153</b>	<b>4,384</b>

## **Proposed Capital Spending**

### **Fleet replacement Strategy**

Much of the current SWISCo fleet, inherited from TOR 2 is reaching or beyond end of life, is unreliable and causing SWISCo to incur unsustainable repair costs. These vehicles are also no longer fit for purpose and causing reputational damage to the business and the Council. There are ongoing discussions between SWISCo and Torbay Council regarding an extended parent loan facility in order to implement the proposed Fleet replacement strategy. The additional ongoing replacement of the fleet via parent loan facility is essential in order to allow SWISCo to operate a financially viable, fit for purpose, safe and reliable fleet. If the parent loan is agreed, details of the expected\*\* year 1 fleet replacement strategy is shown in appendix 1 below.

\*\* Vehicles and Plant will be replaced on a reactive basis dependant on breakdowns and condition assessment

### **Additional Extended Producer Responsibility (EPR) Funding**

It has been agreed within the Torbay Council budget setting process that £900,000 of new, one off funding (Extended Producer Responsibility payment from DEFRA) will be allocated to SWISCo for the purchase of new vehicles in order to comply with new legislation and continue improving the recycling performance within Torbay. Details of this planned spend are shown in appendix 2 below.

**Meeting:** Cabinet

**Date:** 14 July 2025

**Wards affected:** All

**Report Title:** Council Business Plan 2023-2027 - Refresh 2025

**When does the decision need to be implemented?** Immediately following call-in period

**Cabinet Member Contact Details:** Councillor David Thomas, Leader of the Council,  
[david.thomas@torbay.gov.uk](mailto:david.thomas@torbay.gov.uk)

**Director Contact Details:** Matthew Fairclough-Kay, Director of Corporate Services,  
[matthew.fairclough-kay@torbay.gov.uk](mailto:matthew.fairclough-kay@torbay.gov.uk)

## 1. Purpose of Report

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- 1.1 Following the Local Elections in May 2023, the Community and Corporate Plan was agreed by the Council. This set out the priorities of the Council for the next twenty years and the approach we are taking in delivering against the vision.
- 1.2 In order to provide focus for delivery over the administration period, the Cabinet developed a Council Business Plan. This provides details of the specific actions being taken to deliver the priorities within the Community and Corporate Plan together with milestones and/or targets.
- 1.3 The Council Business Plan is a living document, as such is reviewed and refreshed annually to take into account progress on delivery against the plan and make any changes required from factors arising since the last review. This is the first annual review, further details have been added to areas that were only broadly defined on initial publication. Updates on progress were included in the Corporate Performance Report which was considered by the Overview and Scrutiny Board on 4 June 2025.

## 2. Reason for Proposal and its benefits

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- 2.1 The proposals in this report help us to deliver the Council's ambition by providing a clear set of priority actions which will be undertaken by Directorates across the organisation.
- 2.2 The reason for the decision is to ensure that direction is provided to the organisation on the priorities for the remainder of the administrative period.

### 3. Recommendation(s) / Proposed Decision

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1. That the Council Business Plan 2023-2027 - Refresh 2025 be approved.

#### **Appendices**

Appendix 1: Council Business Plan 2023-2027 - Refresh 2025

#### **Background Documents**

None

# Supporting Information

## 1. Introduction

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- 1.1 Following the Local Elections in May 2023, a new Community and Corporate Plan was agreed by the Council. This sets out the priorities of the Council for the next twenty years and the approach we will take in delivering against the vision.
- 1.2 In order to provide focus for delivery over the next four years, the Cabinet has developed a Council Business Plan. This provides details of the specific actions, which will be taken to deliver the priorities within the Community and Corporate Plan together with milestones and/or targets.
- 1.3 The Business Plan sets out the priority actions that will be undertaken together with the milestones against which progress will be measured. It also provides a set of wider performance indicators that will assist the Council in measuring progress towards its overall ambitions set out in the Community and Corporate Plan. The refreshed version of the Council Business Plan is set out at Appendix 1.
- 1.4 The Business Plan forms part of the Council's performance framework with the regular performance reports being written to show progress against the milestones and the performance indicators.
- 1.5 In terms of target setting, the Best Value Duty requires local authorities to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". In practice, this covers how authorities exercise their functions to deliver a balanced budget, provide statutory services, including adult social care and children's services, and secure value for money in all spending decisions.
- 1.6 Both the Community and Corporate Plan and Council Business Plan include a set of performance indicators that will be used to measure success on how we are performing against our themes and priorities. Annual targets have been set for the performance indicators where we have direct control over influencing the outcome and demonstrate our commitment to continuously improve.
- 1.7 The targets set for Children's Services' performance indicators are based on the average performance of our statistical neighbours. The targets set for our Adult Social Care indicators are locally agreed with our integrated service providers, Torbay and South Devon NHS Foundation Trust.
- 1.8 Both Plans also contain a set of performance indicators that do not have targets set. These indicators are in place to track contextual performance either to support other indicators or our longer-term ambitions (where the Council has no control over making an immediate

positive impact). In addition to this, where we have targets that have already been agreed as part of adopted policy framework documents or partnership plans with other agencies, these figures have been included.

- 1.9 Divisional Directors and Heads of Service (as appropriate) have also been preparing service plans. These include the relevant priority actions as well as operational priorities for each service. Subsequently actions will be included within each member of staffs' appraisals. (It is recognised that these service plans will need to be reviewed once the Business Plan is approved to ensure consistency.)
- 1.5 The Council Business Plan will be kept under regular review with additional milestones added, as appropriate, as options appraisals and action plans are prepared and considered. The quarterly performance report will provide a narrative of our progress against the themes and actions, with the annual performance figures in the year end report being used to review and revise targets for the coming years.

## 2. Options under consideration

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- 2.1 There have been wide ranging discussions between members of the Cabinet and Directors about the priority actions that can be reasonably taken over the coming four years to meet the ambitions of the Community and Corporate Plan. Those discussions have included the milestones that need to be set and the performance indicators that will be used to measure progress.
- 2.2 It is felt that the proposed Council Business Plan now put forward for consideration is achievable whilst seeking to secure continuous improvement as an organisation.

## 3. Financial Opportunities and Implications

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- 3.1 The priority actions have been put forward having regard to the Council's Medium Term Resource Plan. Where decisions are needed to be made in order to meet the milestones described, the financial implications of those decisions will be considered at that stage.

## 4. Legal Implications

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- 4.1 There is no statutory requirement to have a Council Business Plan. However, being clear about how we will move towards our ambitions gives the Council, our staff, partners and the community a clear understanding of what we seek to achieve and how to prioritise our spending.
- 4.2 Where decisions are needed to be made in order to meet the milestones described, the legal implications of those decisions will be considered at that stage.

## 5. Engagement and Consultation

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- 5.1 The Council Business Plan does not form part of the Policy Framework and therefore does not need to be subject to public consultation. However, the priority actions take account of the feedback received through the Residents Satisfaction Survey undertaken during Summer 2023 and the engagement events that have subsequently been held.

## 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 Not applicable

## 7. Tackling Climate Change

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- 7.1 As the Council makes progress against the priority actions within the Council Business Plan due regard will be given to how the work can assist the Council is tackling climate change. The Council Business Plan will also include key milestones from the Carbon Neutral Council Action Plan and the Torbay Carbon Neutral Plan.

## 8. Associated Risks

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- 8.1 Without a Council Business Plan it becomes difficult to set a coherent direction of travel for the Council given the finite resources available. The Council Business Plan is a critical part of the Council's performance framework.
- 8.2 The Council's Risk Registers need to be reviewed to ensure that any risks arising from the delivery of the Council's Business Plan are adequately reflected. This will take place as Directors and their teams prepare their service plans.

## 9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age Page 386	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents.</p> <p>It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.</p>	Not applicable	Not applicable
Carers	At the time of the 2021 census there were 14,900	The Council's business plan will help to ensure that the organisation meets	Not applicable	Not applicable

	<p>unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>its corporate vision and aims which includes supporting Torbay's most vulnerable residents.</p> <p>It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.</p>		
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents.</p> <p>It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo</p>	Not applicable	Not applicable

		their own equality impact assessments.		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.	Not applicable	Not applicable
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of this business plan.	Not applicable	Not applicable

		<p>However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.</p>		
<p>Pregnancy and maternity</p>	<p>Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.</p>	<p>The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents.</p> <p>It is not anticipated that any adverse impacts will be caused by the implementation of this business plan.</p> <p>However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.</p>	<p>Not applicable</p>	<p>Not applicable</p>
<p>Race</p>	<p>In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black,</p>	<p>The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents.</p>	<p>Not applicable</p>	<p>Not applicable</p>

	Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.			
Page 390	Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	<p>The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents.</p> <p>It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.</p>	Not applicable	Not applicable
	Sex	51.3% of Torbay's population are female and 48.7% are male	The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which	Not applicable	Not applicable

		<p>includes supporting Torbay's most vulnerable residents.</p> <p>It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.</p>		
<p>Sexual orientation</p> <p>Page 391</p>	<p>In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.</p>	<p>The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents.</p> <p>It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.</p>	<p>Not applicable</p>	<p>Not applicable</p>

Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.	Not applicable	Not applicable
<b>Additional considerations</b>				
Socio-economic impacts (Including impacts on child poverty and deprivation)		The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant	Not applicable	Not applicable

		subsequent decisions will undergo their own equality impact assessments.		
Public Health impacts (Including impacts on the general health of the population of Torbay)		<p>The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents.</p> <p>It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.</p>	Not applicable	Not applicable
Human Rights impacts		<p>The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents.</p> <p>It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level</p>	Not applicable	Not applicable

		nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.		
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	The Council's business plan will help to ensure that the organisation meets its corporate vision and aims which includes supporting Torbay's most vulnerable residents. It is not anticipated that any adverse impacts will be caused by the implementation of this business plan. However, due to the high-level nature of the plan it is not possible to be certain. Thus, relevant subsequent decisions will undergo their own equality impact assessments.	Not applicable	Not applicable

## 10. Cumulative Council Impact

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- 10.1 In developing the Council Business Plan the Members of the Cabinet and the Directors have been aware of the cumulative council impact. Overall, the Council Business Plan should have a positive cumulative impact.

## 11. Cumulative Community Impacts

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- 11.1 In developing the Council Business Plan the Members of the Cabinet and the Directors have been aware of the cumulative community impact. Overall, the Council Business Plan should have a positive cumulative impact.

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# Council Business Plan 2024-27

**Investing in our future. Delivering the basics well.**

Refresh 2025

## Introduction

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Our Council Business Plan is the delivery plan for our Community and Corporate Plan. Whilst the Community and Corporate Plan sets the council's vision, objectives and priorities for the next twenty years, the Council Business Plan is a more focussed delivery plan of what the council will undertake through until 2027.

The business plan sets out, against each theme of the Community and Corporate Plan, the priority actions which the council will take, together with the key milestones for delivering those actions. It also includes key performance indicators to help us measure our progress towards the outcomes we are seeking to achieve. Our Corporate Performance Report sets out our progress towards achieving our priority actions and our progress towards our ambitions.

We know that whilst Torbay is a fantastic place to live, work and visit we still face big challenges, and that some parts of Torbay suffer from nationally significant levels of poverty. This business plan brings together the key actions we will be undertaking over the next four years to tackle those challenges and improve Torbay for all.

The business plan focuses on transformational activity we will be undertaking, but the council will continue to deliver its day-to-day business in providing important services to our customers. As part of this we will continue to explore and implement ways to improve the delivery of these vital services and identify efficiencies where possible. We will also continue to play our part regionally and nationally in representing and promoting Torbay to ensure our residents get the investment and services they deserve.

As agreed when the Council Business Plan was approved, the Plan is kept under regular review with additional milestones and projects added as options appraisals and action plans are developed. This is the first review of the Council Business Plan.

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This document can be made available in other languages and formats.  
For more information please contact [engagement@torbay.gov.uk](mailto:engagement@torbay.gov.uk)

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# Community and People

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We want people across Torbay to celebrate success and feel part of their community.

Torbay will be recognised as a child friendly place. We want all residents, including our children and young people, to feel and be safe and to live well within their communities.

Everyone will have access to support, information, advice and guidance so they can meet their aspirations. With the best possible education and training, people will be enabled to fulfil their potential. We will support people to live independently.

Our communities will be encouraged and supported to bring about positive change for the good of Torbay. People will have a better sense of ownership of the services and activities available to them. We will minimise barriers for community service delivery whilst maintaining our duty of care and legal requirements. We will build strong working relationships with our community police.

## Our priorities

We will:

- Ensure our town centres are safe and welcoming for all (C1)
- Keep children safe in their communities and provide safe environments for our young people to thrive in (C2)
- Ensure early intervention is effective and targeted (C3)
- Provide the best care and support available so that residents are empowered to achieve what matters most to them (C4)
- Provide clear signposting for those needing our help (C5)
- Support and encourage community action (C6)
- Improve wellbeing and reduce social isolation (C7)

## The outcomes we want to see

- All residents are supported to live independent, healthy, active lives, without the need for long-term services
- Young people in receipt of services from children's services are prepared for adulthood
- People with care and support needs feel empowered and can access good or outstanding quality and tailored care and support
- Carers are identified quickly and provided with the information, advice and support services they need
- People feel they belong to their local area
- Gaps in healthy life expectancy between affluent and deprived areas of Torbay are reduced
- People feel that their physical and mental wellbeing is as good as possible

## Priority C1: Ensure our town centres are safe and welcoming for all

### Action C1.1 Deliver Operation Town Centres

Milestones:

Submit application for membership of Community Safety Accreditation Scheme .....	June 2025
Review and refresh multi-agency anti-social behaviour processes and procedures in conjunction with Police .....	July 2025
Implement new multi-agency anti-social behaviour governance framework for town centres under Community Safety Partnership .....	July 2025
Establish Evening Night-time Economy working group .....	July 2025
Develop and build the Safer Torbay brand.....	July 2025
Undertake Residents' Satisfaction Survey .....	September 2025
Deliver the Castle Circus and Torquay Town Centre Improvement Program .....	December 2025
Develop sustainable approaches of existing projects such as MVP and Street Marshalls.....	March 2026

### Related Actions

- Action C2.2 Achieve UNICEF UK Children Friendly Community status
- Action C3.1 Promote healthy behaviours and environments
- Action P1.1 Deliver the Council's Housing Strategy
- Action P1.3 Provide support for those who are homeless
- Action P2.1 Deliver town centre regeneration schemes (including associated affordable housing)
- Action P2.2 Deliver as part of the Levelling Up Partnership
- Action P3.2 Develop and deliver an updated Culture Strategy
- Action E3.1 Improve transport connectivity and sustainability to, from and within Torbay

## Performance Indicators

### Community and Corporate Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
CP1 Percentage of Residents' Satisfaction Survey respondents who feel very or fairly safe in their local area after dark	-	35.0%	Not due	40%
CP2 Percentage of Residents' Satisfaction Survey respondents who feel very or fairly safe in their local area during the day	-	60.0%	Not due	70%

## Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP1 Percentage of people that describe Torbay as Safe and Welcoming (Annual Visitor Survey)	N/A	New	tbc	tbc
BP2 Number of fixed penalty notices issued by SWISCo's Enforcement Team	N/A	New	141	Monitoring only
BP3 Number of residents signing up to Residents' Discount Scheme per year	N/A	New	1,749	2,098
BP106 Number of businesses participating in Residents' Discount Scheme per year	N/A	New	137	164

## Outcomes

- People feel safe in their local area, during the day and after dark
- People feel they belong to their local area
- People feel that their physical and mental wellbeing is as good as possible

## Priority C2: Keep children safe in their communities and provide safe environments for our young people to thrive in

### Action C2.1 Fully embed the Family Hub model across Torbay

Milestones: Review and re-procurement of 0-19 services to support embedding of Family Hub model and support young people with special educational needs and/or disabilities to age 25 .... April 2027

Identify activities to be delivered from the Family Hub for older children ..... April 2027

Expand the Family Hub deliver model to deliver from community based places to reach those families who may not engage ..... April 2027

### Action C2.2 Achieve UNICEF UK Child Friendly Community status

Milestones: Development Phase (2-3 months)..... October 2025

Delivery Phase (2- 4 years) ..... 2026-28

### Action C2.3 Undertake a review of Torbay's play parks

Milestones: Improvement Plan for Torbay's Play Parks approved..... September 2025

Implementation of Improvement Plan for Torbay's Play Parks ..... from September 2025

### Related Actions

Action C1.1 Deliver Operation Town Centres

Action C3.1 Promote healthy behaviours and environments

Action C4.2 Deliver a Carers Strategy

Action C5.1 Improve how we signpost to information, advice and guidance

Action C6.1 Consider how community action can be encouraged, supported and rewarded

Action C6.2 Develop a plan to support Torbay's community centres

Action C7.1 Help people to live well and independently

Action P1.1 Deliver the Council's Housing Strategy

Action P1.3 Provide support for those who are homeless

Action P5.4 Improve road safety, especially around schools and address speeding traffic spots

Action E1.1 Improve the skills and qualifications of our residents, including children and young people

Action E3.1 Improve transport connectivity and sustainability to, from and within Torbay

# Performance Indicators

## Community and Corporate Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
CP3 Rate per 10,000 children of cared for children at the end of the period	124	118	111	109
CP4 Percentage of the Torbay child population living in one of the 20% most deprived areas	Next set of results due 2025 2019 = 30.1%			Monitoring only

## Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP4 Percentage of contacts to Children's Services progressing to early help services in the period	28%	31%	24%	Monitoring only*
BP5 Annualised rate per 10,000 children of referrals to Children's Services. in the period	822	745	702	Monitoring only*
BP6 Percentage of referrals in the period that were previously open to Children's Services within the last 12 months	22%	27%	25%	Monitoring only*
BP7 Percentage of cared for children in the period with three or more placements in the last 12 months	21%	18%	16%	14%
BP8 Percentage of cared for children aged 15 or under at the end of the period who have been cared for children for 2.5 years or more, who have been in the same placement for two years or more, or who are currently placed for adoption and their current and previous placement totals two years or more	61%	66%	64%	66%
BP9 Annualised rate per 10,000 children of children becoming cared for in the period	44	29	35	34
BP10 Number of requests for new Education Health and Care Plan (EHCP) assessments (YTD)	349	333	233	Monitoring only
BP11 Number of those receiving support via the family hubs	28,983	32,690	41,287	42,500

\* these indicators have been changed to "monitoring only" until the impacts of the children's social care reforms are understood

## Outcomes

- Fewer children need to be cared for by the Council
- All residents are supported to live independent, healthy, active lives, without the need for long-term services
- Young people in receipt of services from children's services are prepared for adulthood
- People with care and support needs feel empowered and can access good or outstanding quality and tailored care and support
- People feel they belong to their local area

## Priority C3: Ensure early intervention is effective and targeted

### Action C3.1 Promote healthy behaviours and environments

Milestones:

Develop a Healthy Weight Framework and Action Plan .....	September 2025
Develop and implement an Unhealthy Food Advertising Policy for council owned assets .....	March 2026
Develop an oral health service and pathway for excluded groups including the homeless .....	March 2026
Review and re-procure public health services to support healthy behaviours .....	May 2026

### Related Actions

Action C1.1 Deliver Operation Town Centres

Action C2.1 Fully embed the Family Hub model across Torbay

Action C7.2 Support young people who experience SEND to live independently

## Performance indicators

### Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP12 Percentage of physically inactive adults	24.1%	21.8%	Not yet published	Monitoring only
BP13 The estimated proportion of people who are dependent on opiates and/or crack cocaine, not in the treatment system	43.0%	45.0%	48.1%	45%
BP14 The estimated proportion of people who are dependent on alcohol, not in the treatment system	64.9%	59%	62.3%	58%
BP15 Treatment progress measure (all substances) – showing substantial progress	54%	48%	44%	48%

## Outcomes

- Fewer children need to be cared for by the Council
- All residents are supported to live independent, healthy, active lives, without the need for long-term services
- Young people in receipt of services from Children’s Services are prepared for adulthood
- People with care and support needs feel empowered and can access good or outstanding quality and tailored care and support

- Carers are identified quickly and provided with the information, advice and support services they need
- Gaps in healthy life expectancy between affluent and deprived areas of Torbay are reduced
- People feel that their physical and mental wellbeing is as good as possible

## Priority C4: Provide the best care and support available so that residents are empowered to achieve what matters most to them

### Action C4.1 Agree and program the Memorandum of Understanding for Adult Social Care with Torbay and South Devon NHS Foundation Trust, and associated financial transformation plan

Milestones: Digital front door for Adult Social care contacts implemented.... July 2025  
 Technology enabled care offer.....August 2025  
 New community offer in place ..... September 2025  
 New operating model designed..... December 2025

### Action C4.2 Deliver the Carers Strategy

Milestones: Reset action plan on annual basis ..... September 2025  
 Work with Carers Forum for replacement care offer  
 to support our unpaid Carers ..... September 2025  
 Carers Week annual event ..... October 2025

### Related Actions

- Action C1.1 Deliver Operation Town Centres
- Action C2.1 Fully embed the Family Hub model across Torbay
- Action C3.1 Promote healthy behaviours and environments
- Action C5.1 Improve how we signpost to information, advice and guidance
- Action C7.1 Help people to live well and independently
- Action C7.2 Support young people who experience SEND to live independently
- Action P1.3 Provide support for those who are homeless

## Performance indicators

### Community and Corporate Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
CP5 Differential in life expectancy in most deprived ward from least deprived ward	M – 11 yrs F – 6 yrs (2018-22)	M – 10 yrs F – 5 yrs (2019-23)	Not yet published	Monitoring only

## Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP16 Percentage of clients receiving Direct Payments.	19.8%	19.2%	18.2%	23%
BP17 Percentage of adult carers reporting as much contact as they would like.	N/A	29.8%	Not Due	30%
BP18 Percentage of adult social care users who have as much contact as they would like.	46.3%	47.7%	Data not available	47.4%
BP107 Overall satisfaction of Carer's with Social Services	N/A	35.9%	Not Due	tbc

## Outcomes

- All residents are supported to live independent, healthy, active lives, without the need for long-term services
- Young people in receipt of services from children's services are prepared for adulthood
- People with care and support needs feel empowered and can access good or outstanding quality and tailored care and support
- Carers are identified quickly and provided with the information, advice and support services they need
- Gaps in healthy life expectancy between affluent and deprived areas of Torbay are reduced
- People feel that their physical and mental wellbeing is as good as possible

## Priority C5: Provide clear signposting for those needing our help

### Action C5.1 Improve how we signpost to information, advice and guidance

Milestones: Improve accessibility, by updating all pages to the latest templates..... September 2025

Improve accuracy and search results, by reviewing any pages that have not been updated for more than 12 months..... December 2025

Improve sats navigation, by reviewing current site architecture and content/layout of home page and main topic landing pages .....March 2026

### Related Actions

Action C1.1 Deliver Operation Town Centres

Action C2.1 Fully embed the Family Hub model across Torbay

Action C4.2 Deliver a new Carers Strategy

Action C7.2 Support young people who experience SEND to live independently

## Performance indicators

### Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP19 Average customer wait time when contacting customer services by phone	5 mins 54 seconds	4 mins 28 seconds	5 mins 40 seconds	5 mins

## Outcomes

- All residents are supported to live independent, healthy, active lives, without the need for long-term services
- Young people in receipt of services from children’s services are prepared for adulthood
- People with care and support needs feel empowered and can access good or outstanding quality and tailored care and support
- Carers are identified quickly and provided with the information, advice and support services they need
- People feel that their physical and mental wellbeing is as good as possible

## Priority C6: Support and encourage community action

### Action C6.1 Consider how community action can be encouraged, supported and rewarded

Milestones: Establish a UNICEF Youth Governance Framework.....February 2026

### Action C6.2 Develop a plan to support Torbay's community centres

Milestones: Refresh the community centre condition surveys .....tbc

### Related Actions

Action C2.1 Fully embed the Family Hub model across Torbay

Action C4.2 Deliver a new Carers Strategy

Action C5.1 Improve how we signpost to information, advice and guidance

Action C7.2 Support young people who experience SEND to live independently

## Performance indicators

### Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP20 Percentage of Community Ward Fund spent	63.34%	74.64%	51.8%	85%

## Outcomes

- All residents are supported to live independent, healthy, active lives, without the need for long-term services
- People with care and support needs feel empowered and can access good or outstanding quality and tailored care and support
- Carers are identified quickly and provided with the information, advice and support services they need
- People feel they belong to their local area
- People feel that their physical and mental wellbeing is as good as possible

## Priority C7: Improve wellbeing and reduce social isolation

### Action C7.1 Help people to live well and independently

- Milestones: Develop the 25/26 Action Plan to support the delivery of  
“The Big Plan” for learning disabilities .....August 2025
- Create our Housing in Later Life strategy ..... September 2025
- Develop revised contracting and fee framework for  
regulated care to support a diverse and  
High-Quality care market ..... February 2026
- Develop delivery plan and embed legislative changes  
to care leaver’s duties outlined in the Children’s  
Wellbeing and Schools Bill.....January 2026

### Action C7.2 Support young people who experience SEND to live independently

- Milestones: Updated Joint Strategic Needs Assessment for SEND .....August 2025
- Further review and changes implemented to ensure  
correct SEND school placements to meet the needs of Torbay’s  
children and young people .....June 2026

### Action C7.3 Deliver priorities in the Torbay Suicide Prevention Action Plan

- Milestones: Deliver Torbay Baton of Hope Relay .....September/October 2025
- Develop legacy following Torbay Baton of Hope  
Relay debrief..... December 2025
- Deliver the 2025/2026 Annual Torbay Suicide Prevention  
Action Plan .....March 2026
- Deliver the 2026/2027 Annual Torbay Suicide Prevention  
Action Plan .....March 2027

### Action C7.4 Deliver priorities within the Domestic Abuse and Sexual Violence Strategy

- Milestones: Undertake a review of current Domestic Abuse and  
Sexual Violence learning offers to ensure  
they are up to date, tailored to different audiences ..... September 2025
- Deliver three communications campaigns  
(including 16 Days of Action) ..... April 2026
- Develop and explore sustainable funding options  
for a behaviour change programme in Torbay ..... July 2026

### Related Actions

- Action C1.1 Deliver Operation Town Centres
- Action C2.1 Fully embed the Family Hub model across Torbay
- Action C2.2 Achieve UNICEF UK Child Friendly Community status

- Action C3.1 Promote healthy behaviours and environments
- Action C4.1 Agree and program the Memorandum of Understanding for Adult Social Care and associated financial transformation plan
- Action C4.2 Deliver a new Carers Strategy
- Action C5.1 Improve how we signpost to information, advice and guidance
- Action C6.2 Develop a plan to support Torbay's community centres

## Performance indicators

### Community and Corporate Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
CP6 Percentage of Resident's Satisfaction Survey respondents who feel very or fairly strongly that they belong to their local area (raw data)	-	66%	Not due	70%
CP7 Directly age standardised suicide rate per 100,000 for Torbay	16.6 (2020-22)	12.5 (2021-23)	Not yet published	Monitoring only

### Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP21 Torbay Domestic Abuse Service - New placements in the service – Adults	N/A	1,015	991	Monitoring only
BP22 Torbay Domestic Abuse Service - New placements in the service - Number of children who are part of households accessing the service	690	797	692	Monitoring only
BP23 Torbay Domestic Abuse Service – Number of Multi Agency Risk Assessment Conference repeat cases within 12 months	136	72	81	Monitoring only
BP25 Percentage of people with a learning disability in settled accommodation, with or without support	N/A	83.6%	86.2%	86.5%
BP26 Number of concessionary bus journeys	2,043,586	2,295,672	2,221,583	Monitoring only

## Outcomes

- People feel safe in their local area, during the day and after dark
- Fewer children need to be cared for by the Council
- All residents are supported to live independent, healthy, active lives, without the need for long-term services
- Young people in receipt of services from children's services are prepared for adulthood

- People with care and support needs feel empowered and can access good or outstanding quality and tailored care and support
- Carers are identified quickly and provided with the information, advice and support services they need
- People feel they belong to their local area
- People feel that their physical and mental wellbeing is as good as possible

# Pride in Place

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We will invest in our three towns to enable them to develop their own distinct identities and roles. Using Torbay's unified and complementary offer as a UNESCO Geopark and a premier marine and natural experience, we will attract, retain, and grow leading edge technology businesses. We want Torbay to be a place where people of all ages want to live as well as visit. A place where everyone benefits from and enjoys a premier resort experience.

There will be more good quality, affordable and permanent properties that people, including those who are vulnerable, or care experienced, can call their home. We will work with landlords and developers to maximise the use of suitable housing stock, including social housing, and create decent accommodation across Torbay. We want this to be an even better place for people to live in whilst protecting our environment.

We will work to get the basics right, so that our town centres, seafronts and residential areas are clean, safe and well-maintained.

We will celebrate and protect the places that make Torbay special, maximising the cultural, heritage and event opportunities for our residents and visitors alike. Working in partnership we will continue to address the climate emergency so as to create a sustainable future.

## Our priorities

We will:

- Improve the delivery, affordability and quality of housing (including housing standards) for residents in Torbay (P1)
- Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects (P2)
- Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors (P3)
- Ensure the effective operation of SWISCo to have resources to reinvest in Torbay (Operation Brighter Bay) (P4)
- Protect and enhance our lived, built and natural environments, including our green spaces (P5)
- Improve the delivery of our planning service (P6)
- Deliver priority capital projects within the Council's Capital Programme (P7)

## The outcomes we want to see

- Enhanced high streets that attract long-term tenants and an increased number of visitors
- An enhanced and coherent culture, heritage and events offer with increased engagement and participation
- Increased customer satisfaction with our parks, green spaces and streets
- More equitable access to warm, healthy, affordable homes for all people in Torbay
- Younger, skilled people are attracted and retained to live and/or work in Torbay

- Increased customer satisfaction with the Council's planning service
- Increased resident satisfaction with the local area

## Priority P1: Improve the delivery, affordability and quality of housing (including housing standards) for residents in Torbay

### Action P1.1 Deliver the Council's Housing Strategy

Milestones: Undertake a housing condition survey .....	May 2025
Preparation of business case for accommodation repurposing project (scheme 3) .....	October 2025
Planning submission for accommodation repurposing project scheme 2 – Seabury Hotel .....	December 2025
Complete the St Kilda's project .....	July 2026
Delivery of accommodation repurposing project scheme 1 – Brampton Court.....	March 2026
Secure planning permission for accommodation repurposing project scheme 2 - Seabury Hotel.....	March 2026
Start on site for accommodation repurposing project scheme 2 - Seabury Hotel.....	Summer 2026

### Action P1.2 Deliver positive outcomes for Torbay from the Devon and Torbay Combined County Authority

Milestones: Agreement of Devon and Torbay Local Transport Plan.....	June 2025
Agreement of local growth plan.....	Autumn 2025
Corporate Plan.....	Winter 2025
Transfer of powers in relation to the adult education budget.....	2026/27

### Action P1.3 Provide support for those who are homeless

Milestones: Develop a Homelessness and Rough Sleeping Strategy and associated action plan which aims to reduce the need for temporary accommodation:	
Formation of Homelessness and Rough Sleeping Partnership .....	July 2025
Sustainable integrated partnership delivery of alternative provision for SWEP.....	September 2025
Expansion of the Housing Early Help approach to homeless families with Children's Services.....	June 2025

### Related Actions

- Action C3.1 Promote healthy behaviours and environments
- Action C7.1 Help people to live well and independently
- Action C7.2 Support young people who experience SEND to live independently
- Action P2.1 Deliver town centre regeneration schemes (including associated affordable housing)

## Performance indicators

### Community and Corporate Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
CP8 Net additional dwellings (all tenures) completed each year	251	211	Data not available yet	300
CP9 Number of new affordable homes completed each year	32	9	52	Monitoring only
CP10 Number of new social rent homes completed each year (a sub-set of CP9)	15	0	0	Monitoring only

### Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP27 Average numbers in temporary accommodation on any one night this quarter	166	129	157	169
BP28 Average numbers in temporary accommodation on any one night this quarter - With dependents (including pregnant women)	85	61	71	77
BP29 Average numbers in temporary accommodation on any one night this quarter - Single households (including childless couples)	81	68	86	92
BP30 Number of families in B&B accommodation longer than 6 weeks this quarter to whom we owe a housing duty	Q1 - 1 Q2 - 0 Q3 - 1 Q4 - 0	0	1	0
BP31 Number of rough sleepers (annual)	20	27	29	25
BP32 Total number of placements provided to different individuals at the Hostel per annum	54	77	82	72
BP33 Average length of stay at the Hostel (Days)	506 (Feb 2023)	231	283	230
BP34 Percentage of households assessed and owed the main duty	39%	29%	65%	Monitoring only
BP35 Percentage of care experienced young people in suitable accommodation.	81%	82%	89%	90%
BP36 Number of requests for assistance from the Housing Standards service	291	319	400	Monitoring only

BP37 Number of legal notices served to improve quality of accommodation	41	46	46	Monitoring only
BP99 Number of Torbay Council social housing units	-	0	11	60
BP101 Total number of help desk calls	-	74	58	Monitoring only
BP102 Number of help desk calls not responded to within set timescales	-	0	0	Monitoring only
BP103 Percentage of compliance tests completed	-	100%	100%	100%
BP104 Number of compliance defects unresolved / outstanding	-	0	0	0
BP105 Rental income collected as a percentage of debt raised	96%	99%	99%	100%

## Outcomes

- More equitable access to warm, healthy, affordable homes for all people in Torbay
- Younger, skilled people are attracted and retained to live and/or work in Torbay
- Increased resident satisfaction with the local area

## Priority P2: Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects

### Action P2.1 Deliver town centre regeneration schemes (including associated affordable housing)

Milestones: Deliver the regeneration scheme at Union Square, Torquay

- Planning application ..... April 2025
- Planning Determination ..... Autumn 2025
- Construction programme  
(subject to planning & funding)..... Autumn 2026-Summer 2028

Deliver the regeneration scheme at Crossways, Paignton

- Planning application ..... July 2025
- Planning Determination ..... November 2025
- Construction programme  
(subject to planning & funding)..... March 2026-September 2027

Deliver the regeneration scheme at The Strand, Torquay

- Planning application ..... October 2025
- Planning Determination ..... March 2026
- Construction programme  
(subject to planning & funding)..... January 2027-Winter 2028

Submission of Torquay's Plan for Neighbourhoods..... November 2025

Deliver the regeneration scheme at Victoria Square, Paignton

- Planning application ..... Summer 2026
- Planning Determination ..... Autumn 2026
- Construction programme  
(subject to planning & funding)..... Summer 2027-Summer 2029

Deliver the regeneration scheme at Central Car Park, Brixham

- Agree the business case ..... Autumn 2026
- Start on site..... Autumn 2026

### Action P2.2 Deliver as part of the Levelling Up Partnership

Milestones: Deliver the Cultural Infrastructure projects ..... October 2025

Deliver the Community Infrastructure projects..... July 2025

(Other Levelling Up Partnership milestones are referenced within other Actions)

### Related Actions

Action C1.1 Deliver Operation Town Centres

Action C2.2 Achieve UNICEF UK Child Friendly Community status

Action P1.1 Deliver the Council's Housing Strategy

Action E3.1 Improve transport connectivity and sustainability to, from and within Torbay

## Performance indicators

### Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP38 Total annual footfall in Torquay's Town Centre	N/A	New	10,917,929	Monitoring only
BP39 Total annual footfall in Paignton's Town Centre	N/A	New	12,050,637	Monitoring only
BP40 Total annual footfall in Brixham's Town Centre	N/A	New	4,633,664	Monitoring only

## Outcomes

- Enhanced high streets that attract long-term tenants and an increased number of visitors
- An enhanced and coherent culture, heritage and events offer with increased engagement and participation
- Increased customer satisfaction with our parks, green spaces and streets
- More equitable access to warm, healthy, affordable homes for all people in Torbay
- Younger, skilled people are attracted and retained to live and/or work in Torbay
- Increased resident satisfaction with the local area

## Priority P3: Maximise heritage and cultural opportunities for the enjoyment and benefit of residents and visitors

### Action P3.1 Enhance Torbay’s cultural heritage

Milestones: Complete Heritage Places development phase ..... Summer 2025  
 Develop Torre Abbey Phase 3 (New Beginnings) delivery phase funding application .....June 2026  
 Undertake Stage 1 of works at the Pavilion..... Summer 2026  
 With Paignton Picture House Trust, complete the renovation of Paignton Picture House.....August 2026  
 Complete Phase 1 works at Oldway Mansion .....March 2028

### Action P3.2 Develop and deliver an updated Culture Strategy

Milestones: Review Torbay’s cultural infrastructure ..... July 2025  
 Update Torbay’s cultural strategy..... November 2025

### Action P3.3 Consider whether a showground can be established in Torbay

Milestones: Undertake feasibility study to assess whether Torbay’s meadows and green spaces can be utilised as show grounds..... Summer 2025

### Related Actions

- Action C2.2 Achieve UNICEF UK Child Friendly Community status
- Action C3.1 Promote healthy behaviours and environments
- Action P2.1 Deliver town centre regeneration schemes (including associated affordable housing)
- Action P2.2 Deliver as part of the Levelling Up Partnership
- Action E3.1 Improve transport connectivity and sustainability to, from and within Torbay

## Performance indicators

### Community and Corporate Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
CP11 Cultural participation (Arts Council measure 3 yearly figure)	-	Not due	Not yet published	Not due

### Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP41 Number of events facilitated on Council land	86	86	89	95

BP42 Number of Arts Council National Portfolio organisations within Torbay	0	2	Not yet published	Not due
BP43 Number of organisations directly promoting Torbay's UNESCO Geopark Status (Ambassadors)	-	39	40	40
BP44 Number of Cultural Organisations recording an annual increase in participation and engagement from previous year	-	New	Not yet published	tbc

## Outcomes

- Enhanced high streets that attract long-term tenants and an increased number of visitors
- An enhanced and coherent culture, heritage and events offer with increased engagement and participation
- Increased customer satisfaction with our parks, green spaces and streets
- Younger, skilled people are attracted and retained to live and/or work in Torbay
- Increased resident satisfaction with the local area

## Priority P4: Protect and enhance our lived, built and natural environments, including our green spaces

### Action P4.1 Deliver Operation Brighter

Milestones: Introduction of street scene improvement team..... Summer 2025  
Introduction of the green space improvement team..... Summer 2025  
Enhance Brixham Harbour security & public realm ..... Summer 2025  
Achieve installation of at least 40 solar powered bins ..... Summer 2025  
Develop the partnership with community payback ..... Ongoing  
Increase the number of grass cuts per growing season  
in residential areas from seven to eight..... October 2025

### Action P4.2 Deliver the Paignton & Preston Sea Defence scheme

Milestones: Start of the Paignton and Preston seafront works ..... October 2025  
Complete the Paignton seafront works..... April 2027  
Complete the Preston seafront works ..... November 2026

### Action P4.3 Deliver the Carbon Neutral Council Action Plan and support the delivery of the Torbay Carbon Neutral Plan

Milestones: Finalise the business case and enter into the commercial agreement for Brokenbury Solar Park ..... July 2025

Undertake feasibility studies to decarbonise ten of the Council's worst energy performing buildings ..... September 2025

Apply for Public Sector Decarbonisation Scheme funding for one school / other Council asset .....October 2025

Commence development of a Local Energy Action Plan (stage 1 – 3) and develop a long-term plan to complete its development .....March 2026

Develop a long-term plan for how to increase energy saving advice and funding to retrofit homes in Torbay.....March 2026

Subject to the development and approval of the business case, roll out of a programme of solar PV on roofs across the council's worst energy performing buildings .....March 2027

Complete the decarbonisation programmes at Tor Hill House, Paignton Library and Sherwell Valley Primary School.....March 2027

Subject to the development and approval of the business case, install a new streetlighting control management system and LED lighting .....March 2027

Explore transition of the Council's and SWISCo's fleets to EV alternatives.....March 2027

**Action P4.4 Improve road safety, especially around schools and address speeding traffic spots**

Milestones: Implement 20 mph zones subject to results of consultation ..... Summer 2025

**Related Actions**

- Action C1.1 Deliver Operation Town Centres
- Action C2.3 Undertake a review of Torbay's play parks
- Action C3.1 Promote healthy behaviours and environments
- Action C6.1 Consider how community action can be encouraged, supported and rewarded
- Action C6.2 Develop a plan to support Torbay's community centres
- Action P1.1 Deliver the Council's Housing Strategy
- Action P2.1 Deliver town centre regeneration schemes (including associated affordable housing)
- Action P2.2 Deliver as part of the Levelling Up Partnership
- Action P3.1 Enhance Torbay's cultural heritage
- Action P4.1 Deliver Operation Brighter Bay
- Action P6.1 Make improvements to the Planning Service

# Performance indicators

## Community and Corporate Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
CP12 Percentage of Residents' Satisfaction Survey respondents who feel very or fairly satisfied with their local area as a place to live	N/A	59%	Not due	70%

## Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP45 Percentage of grass cutting schedule achieved during the period	-	New	96%	100%
BP46 Percentage of street sweeping schedule achieved during the period	-	New	100%	100%
BP47 Percentage of weed spraying schedule achieved during the period	-	New	79%	100%
BP48 Percentage of line marking schedule achieved during the period	-	New	100%	Monitoring only
BP49 Number of repairs and interventions made to our carriageways and footways	6,162	6,386	7,657	8,429
BP50 Percentage of Residents' Satisfaction Survey respondents who feel very or fairly satisfied with the road maintenance services provided by the Council	N/A	16%	Not due	50%
BP51 Percentage of Residents' Satisfaction Survey respondents who feel very or fairly satisfied with the pavement maintenance services provided by the Council	N/A	34%	Not due	50%
BP52 Percentage of Residents' Satisfaction Survey respondents who feel very or fairly satisfied with the street cleansing services provided by the Council	N/A	44%	Not due	60%
BP53 Percentage of Residents' Satisfaction Survey respondents who feel very or fairly satisfied with the parks and green spaces maintained by the Council	N/A	64%	Not due	70%
BP54 Capital monies spent on flood alleviation and coastal protection schemes	£718,512	£433,647	£1,273,030	Monitoring only
BP55 Tonnes of CO2e -Torbay (annual)	396.7 kt (2022)	Not Yet Published	Not Yet Published	Monitoring only
BP56 Tonnes of CO2 - Torbay Council operations and services (annual)	5,011	Data not yet available	Data not yet available	Monitoring only

BP57 £ secured through various external decarbonisation funds	£59,000	£8.1m	£5,320,000	Monitoring only
BP58 Number of people killed or seriously injured on Torbay's roads	49 (2022)	52 (2023)	36 (Provisional Data)	36 (or 2024 data whichever is lower)

## Outcomes

- Enhanced high streets that attract long-term tenants and an increased number of visitors
- An enhanced and coherent culture, heritage and events offer with increased engagement and participation
- Increased customer satisfaction with our parks, green spaces and streets
- Younger, skilled people are attracted and retained to live and/or work in Torbay
- Increased resident satisfaction with the local area

## Priority P5: Ensure the effective operation of SWISCo to have resources to reinvest in Torbay

### Related Actions

Action C1.1 Deliver Operation Town Centres

Action C6.1 Consider how community action can be encouraged, supported and rewarded

Action P4.1 Deliver Operation Brighter Bay

### Outcomes

- Increased customer satisfaction with our parks, green spaces and streets
- Increased resident satisfaction with the local area

## Priority P6: Improve the delivery of our planning service

### Action P6.1 Make improvements to the Planning Service

Milestones: Conclude the Planning Service for the Future project ..... Summer 2025

Continue to raise awareness of pre-application engagement with the Planning Service .....March 2026

Ensure improved performance through quarterly reporting ....March 2026

## Performance indicators

### Council Business Plan

Definition		2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
Major planning applications	BP59 Average number of days taken to validate from when required information is received	12.12	12.78	5.50	5 days
	BP60 % Determined within timescales (including extensions of time)	91.67%	73.91%	66.67%	85%
	BP61 % Determined within timescales (without extensions of time)	29.17%	4.35%	16.67%	35%
	BP62 Number of appeals	1	0	2	Monitoring only
	BP63 % of appeals allowed (upheld in the applicant's favour)	0.00%	N/A	50%	30%
Minor planning applications	BP64 Average number of days taken to validate from when required information is received	13.03	12.13	9.89	5 days
	BP65 % Determined within timescales (including extensions of time)	69.08%	76.13%	82.25%	85%
	BP66 % Determined within timescales (without extensions of time)	36.55%	41.15%	42.01%	50%
	BP67 Number of appeals	15	30	18	Monitoring only
	BP68 % of appeals allowed (upheld in the applicant's favour)	20.00%	16.67%	27.78%	30%
Other planning applications	BP69 Average number of days taken to validate from when required information is received	13.14	12.83	10.42	5 days
	BP70 % Determined within timescales (including extensions of time)	79.24%	83.37%	75.00%	90%
	BP71 % Determined within timescales (without extensions of time)	42.90%	47.29%	38.08%	60%
	BP72 Number of appeals	26	33	37	Monitoring only

	BP73 % of appeals allowed (upheld in the applicant's favour)	42.31%	36.36%	43.24%	30%
Number of enforcement cases live	BP74 notices issued (during the quarter)	4	15	11	Monitoring only
	BP75 cases closed (during the quarter)	281	206	262	Monitoring only
	BP76 cases opened (during the quarter)	362	297	258	Monitoring only
	BP77 open cases as at the last day of the quarter	522	586	590	400

## Outcomes

- Enhanced high streets that attract long-term tenants and an increased number of visitors
- An enhanced and coherent culture, heritage and events offer with increased engagement and participation
- More equitable access to warm, healthy, affordable homes for all people in Torbay
- Increased customer satisfaction with the Council's planning service
- Increased resident satisfaction with the local area

## Priority P7: Deliver priority capital projects within the Council's Capital Programme

### Related Actions

- Action C7.1 Help people live well and independently
- Action P1.1 Deliver the Council's Housing Strategy
- Action P1.2 Deliver positive outcomes for Torbay from the Devon and Torbay Combined County Authority
- Action P2.1 Deliver town centre regeneration schemes (including associated affordable housing)
- Action P2.2 Deliver as part of the Levelling Up Partnership
- Action P3.1 Enhance Torbay's cultural heritage
- Action P5.2 Deliver the Paignton Sea Defence Scheme
- Action P5.3 Deliver the Carbon Neutral Council Action Plan and support delivery of the Torbay Carbon Neutral Plan
- Action P5.4 Improve road safety, especially around schools and address speeding traffic spots
- Action E3.1 Improve transport connectivity and sustainability to, from and within Torbay

### Outcomes

- Enhanced high streets that attract long-term tenants and an increased number of visitors
- An enhanced and coherent culture, heritage and events offer with increased engagement and participation
- More equitable access to warm, healthy, affordable homes for all people in Torbay
- Younger, skilled people are attracted and retained to live and/or work in Torbay
- Increased resident satisfaction with the local area

# Economic Growth

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We will attract, retain and grow our economic specialisms so we have growth which builds on our reputation. There will be good employment and learning opportunities that enhance the potential for our residents and our communities. Residents will be able to access those opportunities because of the improved connectivity to, from and within Torbay.

Torbay is looking to the future and reaching out to collaborate, attract more investment and make the most of the considerable assets and opportunities it has.

We want to create the conditions for a strong and sustainable economy that supports a diverse mix of industries and jobs that inspire, providing equality of opportunity. We will support businesses to flourish and grow as well as attracting new businesses to the Bay.

## Our priorities

We will:

- Encourage aspiration, providing opportunities for everyone to raise their skill level, particularly in high value careers (E1)
- Drive training opportunities across all sectors to empower people to improve their skills (E2)
- Improve transport links to and within Torbay (E3)
- Develop a year-round economy (E4)
- Increase in the amount of full-time employment opportunities within Torbay (E5)
- Focus on inclusive growth, with opportunities which benefit everyone (E6)

## The outcomes we want to see

- Established pathways for young people, including those with special educational needs and/or disabilities (SEND), and unemployed to employment opportunities with skills levels moving toward national averages
- People have better transport and digital connections to jobs and amenities
- Vacancy rates falling year on year with business reporting they can find talent
- Improved productivity in Torbay which closes the gap compared to the national data
- The number of businesses and jobs in Torbay increases
- Better balance of full-time to part-time opportunities
- Targeted approach to inward investment which attracts new high-tech companies

## Priority E1: Encourage aspiration, providing opportunities for everyone to raise their skill level, particularly in high value careers

### Action E1.1 Improve the skills and qualifications of our residents, including children and young people

Milestones:

Match 100% of careers hub eligible schools with an enterprise adviser.....	October 2025
Pilot new programme to increase the opportunities for children and young people who experience SEND and/or who are care experienced to access work experience.....	October 2025
Start eight new supported SEND internships .....	October 2025
Embed the use of Employment and Skills Plans through Build Torbay.....	June 2026
85% of careers hub eligible schools achieving Gatsby benchmark 5.....	June 2026

### Related Actions

- Action C2.1 Fully embed the Family Hub model across Torbay
- Action C2.2 Achieve UNICEF UK Child Friendly Community status
- Action C3.1 Promote healthy behaviours and environments
- Action C4.2 Deliver a Carers Strategy
- Action C5.1 Improve how we signpost to information, advice and guidance
- Action C7.1 Help people to live well and independently
- Action C7.2 Support young people who experience SEND to live independently
- Action P1.2 Deliver positive outcomes for Torbay from the Devon and Torbay Combined County Authority
- Action P1.3 Provide support for those who are homeless
- Action P2.2 Deliver as part of the Levelling Up Partnership
- Action E3.1 Improve transport connectivity and sustainability to, from and within Torbay

## Performance indicators

### Community and Corporate Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
CP13 Percentage of people in Torbay who are economically active (aged 16 to 64)	78.0% (2022)	75.7% (2023)	79.4% (2024)	Monitoring only
CP14 Percentage of former cared for children who are now aged 19-21 and in employment, education or training (EET)	55%	55%	53%	74%

## Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP78 Number of people supported through Multiply programme	146	437	231	tbc
BP79 Percentage of adults with a learning disability in paid employment	7.8%	6.3%	6.6%	7%
BP80 Number of secondary schools engaged with Business Voluntary Enterprise Advisers	100%	93.0%	100%	100%
BP81 Percentage of pupils achieving a 9 to 5 pass in English and Maths	52.3%	48.9%	51.20%	Monitoring only
BP82 Proportion of 16 - 17 year olds who were not in education, employment or training (NEET)	3.2%	4.4%	3.9%	Monitoring only
BP83 Percentage of people aged 16 to 64 in Torbay that hold an NVQ4+ qualification	36.5% (2022)	35.0% (2023)	33.8% (2024)	Monitoring only

## Outcomes

- Established pathways for young people, including those with special educational needs and/or disabilities (SEND), and unemployed to employment opportunities with skills levels moving toward national averages
- Vacancy rates falling year on year with business reporting they can find talent
- Improved productivity in Torbay which closes the gap compared to the national data
- The number of businesses and jobs in Torbay increases

## Priority E2: Drive training opportunities across all sectors to empower people to improve their skills

### Action E2.1 Develop a series of training programmes

Milestones: Launch the Connect to Work programme..... October 2025  
 Deliver a sector pathway programme providing  
 routeways into key local careers .....March 2026  
 Begin 2nd year of the Connect to Work programme..... April 2026

### Related Actions

- Action C2.1 Fully embed the Family Hub model across Torbay
- Action C2.2 Achieve UNICEF UK Child Friendly Community status
- Action C3.1 Promote healthy behaviours and environments
- Action C4.2 Deliver a Carers Strategy
- Action C5.1 Improve how we signpost to information, advice and guidance
- Action C7.1 Help people to live well and independently
- Action C7.2 Support young people who experience SEND to live independently
- Action P1.2 Deliver positive outcomes for Torbay from the Devon and Torbay Combined County Authority
- Action P2.2 Deliver as part of the Levelling Up Partnership
- Action E3.1 Improve transport connectivity and sustainability to, from and within Torbay

## Performance indicators

### Council Business Plan

Definition	2023/2024 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP84 Number of people achieving a new qualification, licence or skill	-	New	171	tbc
BP85 Number of employed people undertaking training	-	New	99	160
<b>BP86 Number of people supported into work</b>	<b>-</b>	<b>New</b>	<b>88</b>	97

## Outcomes

- Established pathways for young people, including those with special educational needs and/or disabilities (SEND), and unemployed to employment opportunities with skills levels moving toward national averages
- People have better transport and digital connections to jobs and amenities
- Vacancy rates falling year on year with business reporting they can find talent
- Improved productivity in Torbay which close the gap compared to the national data

## Priority E3: Improve transport links to and within Torbay

### Action E3.1 Improve transport connectivity and sustainability to, from and within Torbay

Milestones: Consultation on initial priorities within the Local Cycling and Walking Infrastructure Plan ..... December 2025  
 Introduce electric buses into service ..... Summer 2026

#### Related Actions

- Action C2.2 Achieve UNICEF UK Child Friendly Community status
- Action C3.1 Promote healthy behaviours and environments
- Action C7.1 Help people to live well and independently
- Action C7.2 Support young people who experience SEND to live independently
- Action P1.2 Deliver positive outcomes for Torbay from the Devon and Torbay Combined County Authority
- Action P2.1 Deliver town centre regeneration schemes (including associated affordable housing)
- Action P2.2 Deliver as part of the Levelling Up Partnership
- Action P5.3 Deliver the Carbon Neutral Council Action Plan and support the delivery of the Torbay Carbon Neutral Plan
- Action P5.4 Improve road safety, especially around schools and address speeding traffic hotspots

## Performance indicators

### Community and Corporate Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
CP15 Local bus and light railway passenger journeys originating in the authority area	5,210,967	5,957,370	5,569,205	6,126,107

### Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP87 Number of public electric vehicle charging points installed on council owned land (cumulative totals)	0	0	16	100
BP88 Number of electric vehicles registered in Torbay	1,027	810	Data not available	Monitoring only
BP89 Number of electric buses in service	0	0	0	40

## Outcomes

- People have better transport and digital connections to jobs and amenities
- Vacancy rates falling year on year with business reporting they can find talent
- Improved productivity in Torbay which closes the gap compared to the national data
- The number of businesses and jobs in Torbay increases

## Priority E4: Develop a year-round economy

### Action E4.1 Develop the local economy so it is growth focused, sustainable and thriving

Milestones: Work with the Hi-Tech Cluster to develop links with regional universities and others to increase the number and value of research and development grants in Torbay ..... Ongoing

Secure a site for the Technology Production Park ..... July 2025

Achieve planning permission for Technology Production Park ..... Autumn 2025

Continue to deliver a business support programme to help boost innovation across our key sectors.....March 2026

Continue to deliver a business support programme to help businesses improve their resource efficiency .....March 2026

Develop additional accommodation for the Brixham Fish Market to support the maritime and fisheries sectors (subject to Levelling Up Funding).....March 2026

Review Destination Management Plan..... December 2026

### Related Actions

- Action C2.2 Achieve UNICEF UK Child Friendly Community status
- Action C3.1 Promote healthy behaviours and environments
- Action C7.1 Help people to live well and independently
- Action C7.2 Support young people who experience SEND to live independently
- Action P1.1 Deliver the Council’s Housing Strategy
- Action P1.2 Deliver positive outcomes for Torbay from the Devon and Torbay Combined County Authority
- Action P2.1 Deliver town centre regeneration schemes (including associated affordable housing)
- Action P2.2 Deliver as part of the Levelling Up Partnership
- Action P3.2 Develop and deliver an update Cultural Strategy
- Action P5.3 Deliver the Carbon Neutral Council Action Plan and support the delivery of the Torbay Carbon Neutral Plan

## Performance indicators

### Community and Corporate Plan

Definition	2023/2024 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
CP16 Employment by occupation group 1-3: Managers, Directors and Senior Officials; Professional Occupations; Associate Professional Occupations	42.1% (2022)	42.8% (2023)	41.4% (2024)	Monitoring only

CP17 Employment by occupation group 4-5: Administrative & Secretarial Occupations; Skilled Trades Occupations	21.3% (2022)	21.1% (2023)	23.0% (2024)	Monitoring only
CP18 Employment by occupation group 6-7: Caring, Leisure and Other Service Occupations; Sales and Customer Service Occupations	19.0% (2022)	17.6% (2023)	18.5% (2024)	Monitoring only
CP19 Employment by occupation group 8-9: Process Plant & Machine Operatives; Elementary Occupations	17.1% (2022)	18.5% (2023)	17.1% (2024)	Monitoring only
CP20 National Non Domestic Rates – Total number of occupied hereditaments (premises)	5,204 (31/3/2023)	5,025 (31/3/2024)	4,873 (31/3/2025)	Monitoring only
CP21 National Non Domestic Rates – Total number of void hereditaments (premises)	504 (31/3/2023)	567 (31/3/2024)	659 (31/3/2025)	Monitoring only
CP22 Gross Value Added per hour worked	£27.10 (2022)		Not yet published	Monitoring only
CP23 Gross Value Added per filled job	£39,282.10 (2022)		Not yet published	Monitoring only

### Council Business Plan

Definition	2023/2024 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP90 Number of visitors to Torbay (annual figure)	3,959,300 (2022)	3,768,500 (2023)	Data not available	Monitoring only
BP91 Occupancy rate of Council Let Estate (Inc former TDA Estate)	93%	90%	89.2%	90%
<b>BP92 Occupancy rate at EPIC</b>	<b>90.0%</b>	<b>95.0%</b>	<b>100%</b>	80%

### Outcomes

- People have better transport and digital connections to jobs and amenities
- Vacancy rates falling year on year with business reporting they can find talent
- Improved productivity in Torbay which closes the gap compared to the national data
- The number of businesses and jobs in Torbay increases
- Better balance of full-time to part-time opportunities
- Targeted approach to inward investment which attracts new high-tech companies

## Priority E5: Increase the amount of full-time employment opportunities within Torbay

### Action E5.1 Create more full-time job opportunities in Torbay

- Milestones: Confirm criteria for the Enterprise Development Funding, proposed in the 2024/25 budget, to support economic growth and job creation ..... May 2025
- Review the Economic Growth Strategy to ensure that the action plan remains consistent with the objectives of the Council and its Place Partners. .... July 2025
- Increase the availability for children and young people to have access to wraparound positive activities during the school holidays.....December 2025
- Deliver the Early Years entitlements to support parents with flexible childcare to return to work.....January 2026

### Related Actions

- Action C2.2 Achieve UNICEF UK Child Friendly Community status
- Action C7.1 Help people to live well and independently
- Action C7.2 Support young people who experience SEND to live independently
- Action P1.1 Deliver the Council's Housing Strategy
- Action P1.2 Deliver positive outcomes for Torbay from the Devon and Torbay Combined County Authority
- Action P2.1 Deliver town centre regeneration schemes (including associated affordable housing)
- Action P2.2 Deliver as part of the Levelling Up Partnership
- Action P3.2 Develop and deliver an update Cultural Strategy
- Action P6.1 Make improvements to the Planning Service
- Action E1.1 Improve the skills and qualifications of our residents, including children and young people
- Action E3.4 Improve transport connectivity and sustainability to, from and within Torbay
- Action E4.1 Develop a local economy so it is growth focussed, sustainable and thriving

## Performance indicators

### Community and Corporate Plan

Definition	2023/2024 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
CP24 Earnings by Torbay Residence (gross weekly pay – full time workers)	£566.70	£574.90	£632.50	Monitoring only
CP25 Percentage of people in Torbay in employment (aged 16 to 64)	76.0%	74.1%		Monitoring only

CP26 Percentage of Torbay population with full time jobs	59.2%		Not yet published	Monitoring only
CP27 Out of Work Benefits Claimant Count	3.3%	3.4%		Monitoring only

### Council Business Plan

Definition	2023/2024 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP93 Earnings by Torbay Workplace (gross weekly pay - Full time workers)	£503.00	£543.30	£608.10	Monitoring only
BP94 Percentage of Torbay unemployed	3.0% (2022)	2.8% (2023)	Not Yet Published	Monitoring only
BP95 Births of new enterprises (new enterprise start-ups)	N/A	10.1% (2023)	Not Yet Published	Monitoring only
BP96 Deaths of enterprises (enterprises ceasing to exist)	N/A	11.2% (2023)	Not Yet Published	Monitoring only

### Outcomes

- Vacancy rates falling year on year with business reporting they can find talent
- Improved productivity in Torbay which closes the gap compared to the national data
- The number of businesses and jobs in Torbay increases
- Better balance of full-time to part-time opportunities

## Priority E6: Focus on inclusive growth, with opportunities which benefit everyone

### Related Actions

- Action C2.2 Achieve UNICEF UK Child Friendly Community status
- Action C7.1 Help people to live well and independently
- Action C7.2 Support young people who experience SEND to live independently
- Action P1.1 Deliver the Council's Housing Strategy
- Action P1.2 Deliver positive outcomes for Torbay from the Devon and Torbay Combined County Authority
- Action P2.1 Deliver town centre regeneration schemes (including associated affordable housing)
- Action P2.2 Deliver as part of the Levelling Up Partnership
- Action P6.1 Make improvements to the Planning Service
- Action E1.1 Improve the skills and qualifications of our residents, including children and young people
- Action E3.4 Improve transport connectivity and sustainability to, from and within Torbay
- Action E4.1 Develop a local economy so it is growth focussed, sustainable and thriving
- Action E5.1 Create more full time job opportunities in Torbay

### Performance indicators

#### Council Business Plan

Definition	2022/2023 Outturn	2023/2024 Outturn	2024/2025 Outturn	2025/2026 Target
BP97 Number of individuals attending inclusive growth events delivered or commissioned by the Council	183	112	499	130
BP98 The percentage of total Council spend on goods and services from local businesses based within Torbay	N/A	46%	51% (Q1-Q3)	55%

### Outcomes

- Established pathways for young people, including those with special educational needs and/or disabilities (SEND), and unemployed to employment opportunities with skills levels moving toward national averages
- People have better transport and digital connections to jobs and amenities
- Vacancy rates falling year on year with business reporting they can find talent
- Improved productivity in Torbay which closes the gap compared to the national data
- The number of businesses and jobs in Torbay increases
- Better balance of full-time to part-time opportunities

**Meeting:** Cabinet/Council      **Date:** 14 July/24 July 2025

**Wards affected:** All wards in Torbay

**Report Title:** Torbay Council Pensions Discretions

**When does the decision need to be implemented?** September 2025

**Cabinet Member Contact Details:** Cllr Alan Tyerman, Cabinet Member for Housing and Finance, alan.tyerman@torbay.gov.uk.

**Director/Divisional Director Contact Details:** Matthew Fairclough-Kay, Director of Corporate Services, (01803) 207449, [matthew.fairclough-kay@torbay.gov.uk](mailto:matthew.fairclough-kay@torbay.gov.uk)

## 1. Purpose of Report

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- 1.1 Under the current Local Government Pension Scheme Regulations, Torbay Council can exercise a range of pension discretionary policies which apply to its employees who are members of the scheme. The current discretions were agreed at Council in February 2025.
- 1.2 There is a requirement to amend the current discretions to introduce a Shared Cost Additional Voluntary Contribution arrangement (SCAVC).
- 1.3 An employer can choose to contribute towards a member's Additional Voluntary Contribution via a shared cost arrangement (SCAVC) where an employee has elected to pay AVC's by salary sacrifice. The amount of these employer shared cost AVC's will not exceed the amount of salary sacrificed by the employee. The proposals in this report provide benefits for both the Council and employees.

## 2. Reason for Proposal and its benefits

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- 2.1 Torbay Council will pay shared cost AVCs where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer shared cost AVCs will not exceed the amount of salary sacrificed by the employee. This is a discretion of the Council which is subject to the employee meeting the conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time.
- 2.2 The benefit of this proposal is that both the Council will pay less National Insurance and Employee will pay less in Tax and National Insurance contributions, it will also encourage employees to save more for their pension.

### 3. Recommendation(s) / Proposed Decision

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#### 3.1 That Cabinet recommends to Council:

That the amended Employers Pensions Discretions as set out in Appendix 1, to the submitted report, which now include the Shared Cost Additional Voluntary Contribution Scheme be approved.

### Appendices

Appendix 1: Torbay Council Pension Discretions

### Background Documents

Copies of Torbay Councils associated Policies will be made available upon request. All current policies are held on the Council's MyView system:-

<https://myview.torbay.gov.uk/dashboard/dashboard-ui/index.html#/landing>

# Supporting Information

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## 1. Introduction

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- 1.1 Under the current Local Government Pension Scheme Regulations, Torbay Council can exercise a range of pension discretions which apply to its employees who are members of the scheme. The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations. The current discretions were agreed by Council in February 2025.
- 1.2 It is now requested that they are amended to include the SCAVC arrangement.  
See Pensions Discretions, Appendix 1, for full details of the existing and recommended discretions.
- 1.3 There are currently only 10 employees in a historical non-salary sacrifice AVC scheme. These scheme members will have the option to move to the new scheme. The remainder of the workforce will be invited to join the new scheme should they wish.

## 2. Options under consideration

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- 2.2 There are no other options under consideration.
- 2.3 The Employers Pensions Discretions were last approved by Council in February 2025. There were no changes at this time.
- 2.4 Approval is now sought to amend the discretions to include an SCAVC scheme.

## 3. Financial Opportunities and Implications

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- 3.1 The introduction of a Shared Cost AVC will bring savings in Tax and National Insurance for scheme members and National Insurance savings for the Council. However, the level of savings will be dependent on the number of employees who participate in the SCAVC scheme.
- 3.2 There is no cost to the Council for a Shared Cost AVC as the employee will be sacrificing an element of their salary which will then be used by the Council to pay for the employer contribution to the SCAVC. For example: if an employee elects for a £50.00 per month SCAVC, their contribution will be £1.00 per month, and the Council will pay £49.00 per month. However, the employee will be sacrificing £49.00 per month of their pay, which will in effect pay for the Council's contribution. The Council will make NI savings on the sacrificed amount of £49.00 per month.

- 3.3 There are no additional costs to the Council to the provider to implement this scheme, however, the provider will impose a 5% charge on the total amount of SCAVC payable which will be neutralised by the savings being made by National Insurance by the Council.

## 4. Legal Implications

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- 4.1 The Council is required to review and publish its LGPS discretions annually in line with the LGPS Regulations, including any amendments to the discretions. Changes can be made to the discretionary pension policies at any time, but any amendments made must be published for one month before any new decisions can be exercised.

## 5. Engagement and Consultation

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- 5.1 There will be a communication and engagement exercise with all members of staff once the scheme is introduced to invite employees to join the scheme if they wish, it is optional.
- 5.2 Trade Unions have been informed of our intention to introduce the scheme at the Torbay Joint Consultative Committee.
- 5.3 Agreement has been sought from the Director of Finance/Section 151 Officer to implement this scheme.

## 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 The proposed provider for the SCAVC Scheme has been procured through the appropriate Procurement process.

## 7. Tackling Climate Change

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- 7.1 There are no climate change implications associated with these proposals.

## 8. Associated Risks

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- 8.1 There are no associated risks with this proposal. The decision to join the SCAVC scheme is optional for employees, and they will be provided with the information necessary through the Engagement and Communication exercise to decide whether to join the scheme based on their personal circumstances.

## 9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.</p>		<p>Human Resources</p>
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.</p>		<p>Human Resources</p>
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.</p>		<p>Human Resources</p>
Gender reassignment	<p>In the 2021 Census, 0.4% of Torbay's community answered that their gender</p>	<p>There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.</p>		<p>Human Resources</p>

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.			
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the			Human Resources

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.			
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Sex	51.3% of Torbay's population are female and 48.7% are male	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	have previously served in the UK armed forces.			
<b>Additional considerations</b>				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Public Health impacts (Including impacts on the general health of the population of Torbay)		There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Human Rights impacts		There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared	There are no equality considerations, the amendment to the pension discretions applies to all employee groups equally.		Human Resources

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
	for and care experienced children and young people.			

## 10. Cumulative Council Impact

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10.1 None.

## 11. Cumulative Community Impacts

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11.1 None.



Looking forward to your retirement

## Employer Pensions Discretions Policy

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**The LGPS Regulations 2013**

and

**The LGPS Regulations 2014**

(Transitional Provisions and Savings)

and

**The LGPS Regulations 2008**

(Benefits, Membership and Contributions)

**(as at 14<sup>th</sup> May 2018)**

**Employer name:** TORBAY COUNCIL

**Policy effective from:** 01/09/2025

These policies may be subject to review from time to time. Affected employees will be notified of any subsequent change to this Policy Statement.

**Print name of authorised officer:** Anne-Marie Bond

**Job title:** Chief Executive

**Date:**

**Signature of authorised officer:**

## Mandatory LGPS 2013 & 2014 discretions

### **Power of employing authority to grant additional pension**

#### **Regulation R31**

An employer can choose to grant extra annual pension\* (at full cost to themselves) to:

- a) an active member; or
- b) to a member, within 6 months of leaving, whose employment was terminated on the grounds of redundancy or business efficiency

*\*(Current maximum additional pension allowed is £6,822 (figure at 1 April 2018))*

#### **Please state your decision below:**

Torbay Council will not normally exercise the discretion to grant additional pension except in exceptional circumstances.

### **Shared Cost Additional Pension Scheme**

#### **Regulation R16 (2) (e) and R16 (4) (d)**

Where an active member wishes to purchase extra annual pension by making additional pension contributions (APCs)\*, an employer can choose to voluntarily contribute towards the cost of purchasing that extra pension via a shared cost additional pension contribution (SCAPC)

*\*(Current maximum additional pension allowed is £6,822 (figure at 1 April 2018))*

**NOTE:** this discretion does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work (or such a longer period as the Scheme employer may allow) to pay a SCAPC to cover the amount of pension

#### **Please state your decision below:**

Torbay Council will not normally enter into a Shared Cost Additional Pension Contribution contract to count towards a member's APC purchase except in exceptional circumstances.

'lost' during that period of absence. That is because, in those cases, the Scheme employer must contribute 2/3rds of the cost to a SCAPC; there is no discretion [regulation 15(5) of the LGPS Regulations 2013].

### **Flexible Retirement Regulation R30 (6) and TP11 (2)**

Under the regulations, once an employee reaches age 55, they may remain in employment and draw their retirement benefits.

However, there are certain conditions that must be met:

- a) The employer must agree to the release of the pension.
- b) The employee must reduce either their hours, and/or their grade. *(The specific reduction required is not set out in the regulations, but instead must be determined by the employer, whom must specify the requirements within their flexible retirement policy).*

In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives reduction on compassionate grounds or a member has protected rights).

**If flexible retirement is permitted, employers will need to publish a Flexible Retirement Policy and send Peninsula Pensions a copy. This can be done on the final section of this template.**

### **Please state your decision below:**

Torbay Council will take all reasonable steps to accommodate an employee's request for Flexible Retirement.

The Council will consider waiving a reduction to pension benefits where flexibility will enable the Council to retain key skills within critical service areas.

The Council will also consider requests where an employee is aged between 55 and 60, satisfies the 85 year rule and in which case the decision incurs a pension strain cost.

Such requests will be considered by the Head of Paid Service and/or the Council, dependent on the seniority of the role and the associated cost, in line with the Local Government Transparency Code 2015.

### **Waiving of actuarial reduction**

**Regulation R30 (8) , TP3 (1), TPSch2, Para 2(1), B30 (5) and B30 (A) (5)**

Employers have the power to waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits paid on the grounds of flexible retirement.

Employers may also waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits for deferred members and suspended tier 3 ill health pensioners who elect to draw benefits on or after age 60 and before normal pension age.

Employers also have the power to waive, in whole or in part, the actuarial reduction applied to active members' benefits when a member chooses to voluntarily draw benefits on or after age 55 before age 60 and on or after age 60 and before Normal Pension Age (NPA).

**Please state your decision below:**

Torbay Council will consider waiving a reduction to pension benefits in the event of Flexible Retirement where flexibility will enable the Council to retain key skills within critical service areas.

The Council will not waive the actuarial reduction applied to deferred member's benefit requests, suspended tier 3 ill health pensioners or active members who retire voluntarily and draw benefits from age 55 to Normal Pension Age.

### **Power of employing authority to 'switch on' the 85 year rule**

**(excludes flexible retirement) upon the voluntary early payment of benefits.**

**TP1(1)(c) Sch2**

The 85-year rule does not (other than on flexible retirement) automatically fully apply to members who would otherwise be subject to it and who choose to

**Please state your decision below:**

Torbay Council will not 'switch on' the 85 year rule for current or former members who voluntarily draw their

voluntarily draw their benefits on or after age 55 and before age 60.

An employer can therefore choose whether to switch on the 85-year rule for members:

- 1) who voluntarily draw their benefits on or after age 55 and before age 60 and,
- 2) former members who ceased active membership between 1<sup>st</sup> April 2008 and 31<sup>st</sup> March 2014 and choose to voluntarily draw their suspended tier 3 ill health pension (on or after 14 May 2018) on or after age 55 and before age 60.
- 3) former members who ceased active membership between 1<sup>st</sup> April 1998 and 31<sup>st</sup> March 2014) and elect for voluntary early payment of any deferred benefits

pension benefits early, except in exceptional circumstances.

## Non-Mandatory/Recommended LGPS 2013 & 2014 discretions

### Regulation R17 (1) and TP15 (1) (d) and A25 (3) and definition of SCAVC in RSch 1

#### Shared Cost Additional Voluntary Contribution Arrangement

An employer can choose to pay for or contribute towards a member's Additional Voluntary Contribution via a shared cost arrangement (SCAVC). An employer will also need to decide how much, and in what circumstances to contribute to a SCAVC arrangement.

#### Please state your decision below:

Torbay Council will pay shared cost AVCs where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer shared cost AVCs will not exceed the amount of salary sacrificed by the employee. This is a discretion of the Council which is subject to the employee meeting the conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time.

### Non-mandatory policies but recommended by Peninsula Pensions:

**Reg 16(16)** - An employer can extend the 30-day deadline for a member to elect for a SCAPC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave).

**Reg 22(7) and (8)** - Whether to extend the 12-month time limit for a member to elect not to aggregate post 31<sup>st</sup> March 2014 (or combinations of pre-April 2014 and post March 2014) deferred benefits.

#### Please state your decision below:

Reg 16(16) – Torbay Council will not extend the 30-day deadline upon return from a period of absence allowing for a member to elect for a SCAPC unless the Council have not provided sufficient time to enable the member to make the election.

Reg 22(7) and (8) – Torbay Council will not extend the 12-month time limit except in exceptional circumstances.



**Reg 27 of the LGPS (Amendment) Regs 2018 -**

Whether to extend the 12-month option period for a member to elect to aggregate pre-1st April 2014 deferred benefits.

**R100 (6)** - Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS

**R9(1) & R9(3)** - Determine rate of employees' contributions and when the contribution rate will be assessed

Reg 27 of the LGPS (Amendment) Regs 2018 - Torbay Council will not extend the 12-month option period except in exceptional circumstances.

R100 (6) – Torbay Council will consider member requests for the acceptance of transfer values on an individual basis.  
R9(1) & R9(3) – Torbay Council will assess and determine an employee's contribution rate on a monthly basis.

**Pre LGPS 2014 discretions**

To cover scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014 (no need to complete if not applicable).

**Reg 30(5) , TP2(1) Sch2, Reg 30A(5) TP2(1) Sch 2****Early payment of benefits**

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65

**Policy decision**

Torbay Council will not waive the actuarial reduction to the early payment of a deferred benefit except in exceptional circumstances.

Torbay Council will not waive the actuarial reduction to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65.

To cover scheme members who ceased active membership between 1 April 1998 and 31 March 2008 (no need to complete if not applicable).

**Regulation 31(2), 31(5), 31(7A) of the LGPS Regulations 1997 and paragraph 2(1) of Schedule 2 to the LGPS (TP) Regs2014**

**Early payment of benefits**

Employers can allow the early payment of deferred benefits to former members of the LGPS between the ages of 50 and 55.

Employers can also choose, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65

**Regulation D11(2)(c) of the LGPS Regulations 1995**

**In relation to members who ceased active membership before 1 April 1998:**

Whether to grant applications for the early payment of deferred pension benefits on or after age 50 and before NRD on compassionate grounds.

**Policy decision**

Torbay Council will consider requests for the early payment of deferred benefits to former members between age 50 and 55 where there is no cost to the Authority.

Torbay Council will not waive any actuarial reduction that would apply to benefits paid before age 65 where there is a cost to the Council.

Reg D11(2)(c) of the LGPS Regs 1995 – Torbay Council will only grant applications for early release of deferred pension benefits on compassionate grounds to former members between age 50 and NRD where there is no cost to the Council.

## Flexible Retirement Additional Policy

### Flexible Retirement (Regulation R30 (6) and TP11 (2))

#### This must be completed if you allow flexible retirement

You will need to consider; -

1. The minimum reduction in hours or grade required.
2. Whether the employee should commit to a reduction in hours or grade for a minimum period.
3. Whether the employee should commit to remaining in employment with the employer for a minimum period

You should also state; -

1. Whether, in addition to the benefits the member has accrued prior to 1<sup>st</sup> April 2008(which the member must draw) to permit the member to choose to draw;
  - All, part, or none of the benefits they accrued after 31<sup>st</sup> March 2008 and before 1<sup>st</sup> April 2014 and/or,
  - All, part, or none of the benefits accrued after 31<sup>st</sup> March 2014, and,
  - Whether to waive, in whole, or in part, any actuarial reduction which would normally be applied to the benefits for Flexible retirement taken before normal retirement age.

#### Please state your decision below:

1. The minimum recommended reduction in hours is 40%, however, reductions of 20% will also be considered. The minimum reduction in grade is one full grade.
2. The employee must commit to a permanent reduction in hours or grade.
3. The employee must commit to remaining in employment for a minimum period of 1 year, however, the Council can terminate that employment prior to the 1 year deadline.
  - Torbay Council will permit Flexible Retiree's to draw all of their benefits accrued after 31<sup>st</sup> March 2008 and before 1<sup>st</sup> April 2014.
  - The Council will permit members to draw all of their benefits accrued after 31<sup>st</sup> March 2014.
  - The Council will not waive, in whole, or in part, any actuarial



reduction which would normally be applied to benefits taken before NRA except in exceptional circumstances.

