

Monday, 9 February 2026

CABINET

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

Tuesday, 17 February 2026

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 (Chair)

Councillor Billings

Councillor Jacqueline Thomas

Councillor Bye

Councillor Tranter

Councillor Chris Lewis

Councillor Tyerman

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 - www.torbay.gov.uk

CABINET AGENDA

1. **Apologies**
To receive apologies for absence.
2. **Minutes**
To confirm as a correct record the Minutes of the meeting of the Cabinet held on 16 December 2025. (Pages 5 - 28)
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. **Rent and Service Charge Policy**
To consider a report that seeks approval of an updated Rent and Service Charge Setting Policy, which sets the framework for implementing proposed annual rent increases for Torbay Council's housing stock. (Pages 29 - 64)
7. **Revenue and Capital Budget 2026/2027**
To receive the recommendations of the Overview and Scrutiny Board on the Cabinet's draft budget proposals for 2026/2027 and to make final recommendations to the Council. (Pages 65 - 80)

8. **Budget Monitoring - Revenue and Capital Outturn 2025/26 Quarter 3** (Pages 81 - 106)
To consider a report that provides a high-level budget summary of the Council's revenue and capital position for the financial year 2025/26, reviewing budgets and considering year-end forecasts.

9. **Implementation of the English Riviera Beach Standards** (Pages 107 - 136)
To consider a report that sets out the rationale for the implementation of the English Riviera Beach Excellence and Quality Standards (ERBS) as Torbay's locally owned beach quality framework replacing participation in the Blue Flag international award scheme.

10. **Devon Local Nature Recovery Strategy** (Pages 137 - 154)
To consider a report on the Devon Local Nature Recovery Strategy (LNRS) – a joint strategy for Devon, Plymouth and Torbay.

11. **Access to Devon County Household Waste Recycling Centre - Cabinet Response to Council Recommendation** (Pages 155 - 164)
To consider a report that responds to the Council's recommendation to Cabinet for the Director of Pride in Place to approach Devon County Council to explore the possibilities to enable Torbay Council residents to access the Brunel Road Recycling Centre, Brunel Road, Newton Abbot.

12. **Update on capital investment to implement the Play Park Improvement Strategy Report of the Overview and Scrutiny Board** (Pages 165 - 172)
To respond to the recommendations of the Overview and Scrutiny Board.

13. **Housing Standards Enforcement Policy Review** (Pages 173 - 262)
To consider a report that seeks approval of the Housing Standards Enforcement Policy.

14. **Housing Ombudsman Self-assessment for Complaint Handling** (Pages 263 - 310)
To consider a report on the above.

15. **Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions** (Pages 311 - 340)
To consider a report on the above.

16. **National Year of Reading 2026 | Go All In** (Pages 341 - 350)
To consider a report that seeks endorsement of the National Year of Reading initiative.

17. **Notice of Motion - Motor Neurone Disease** (Pages 351 - 352)
To consider the attached motion, notice of which has been given in accordance with Standing Order A14 by the members indicated.

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.

Minutes of the Cabinet

16 December 2025

-: Present :-

Councillor David Thomas (Chair)

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

(Also in attendance: Councillors Carter, Cowell, George Darling, Mandy Darling, Douglas-Dunbar, Johns, Law, Barbara Lewis, Long, Spacagna, Stevens and Tolchard)

62. Announcement - Torbay and South Devon NHS Foundation Trust Section 75 Partnership Agreement with Torbay Council for the delivery of Adult Social Care in Torbay

The Leader of the Council advised that Torbay and South Devon NHS Foundation Trust were seriously considering ending the Section 75 Partnership Agreement with Torbay Council for the delivery of Adult Social Care in Torbay.

It was noted that the Torbay Integrated Care Organisation represented a pioneering, fully integrated health and social care model aligned with the NHS 10-Year Plan and currently under consideration by the Casey Commission as part of national reform.

The Trust did not believe consultation with residents was required; however, it was highlighted that such a decision would constitute a substantial change and that consultation should take place. Whilst the Council cannot force the Trust to undertake consultation, the Council can make everyone aware of the potential for such a decision to be made. Members were informed that decisions were likely in January and February, with notice potentially being given by 31 March 2026.

The Leader of the Council emphasised that the Torbay Model had historically reduced hospital admissions and that Council funding had been verified as fair, with financial pressures arising from system behaviours rather than underfunding. Transformation plans existed but had not been implemented. Regular dialogue had taken place with the Chair of the Trust, who supported integration but required NHS financial backing. The Leader of the Council expressed disappointment that no invitation had been extended to present the case to the Trust Board. Discussions were expected with NHS England and cross-government departments.

All Leaders on the Council were united in support of maintaining the integrated arrangements and collectively called on Government to ensure their continuation.

63. Minutes

The Minutes of the meeting of the Cabinet held on 2 December 2025 were confirmed as a correct record and signed by the Chairman.

64. Disclosure of Interests

Councillor Bye declared a non-pecuniary interest as set out in Minute 70.

65. Matters for Consideration

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

66. Public Question Time

In accordance with Standing Order A24, the Cabinet heard from Mr Tom Crump who had submitted a statement and question in relation to the nomination to list The Edge, Brixham as an Asset of Community Value. The Cabinet Member for Tourism, Culture & Events and Corporate Services, Councillor Jackie Thomas, responded to the question and the statement that had been put forward.

67. The Edge, Brixham - Nomination to list as an Asset of Community Value**68. The Monastery, Paignton - Nomination to list as an Asset of Community Value****69. Disposal of Surplus Assets****70. Brixham Town Centre Vision and Torbay Vision****71. Acquisition of Land and Linked Development of up to 25 Homes for Social Rent in Paignton****72. Torbay Joint Health and Wellbeing Strategy: Launch of Public Consultation****73. Inclusion Annual Report****74. Notice of Motion - Fair Prices for Memorial Benches**

Chair

Record of Decisions

The Edge, Brixham - Nomination to list as an Asset of Community Value

Decision Taker

Cabinet on 16 December 2025.

Decision

That the outcome of the officer assessment be noted and it be confirmed that the nomination to list The Edge, Brixham as an Asset of Community Value does not meet the statutory criteria under the Localism Act 2011 and is therefore refused.

Reason for the Decision

To ensure compliance with the Council's Asset of Community Value Policy and uphold transparency in line with the Localism Act 2011 and Asset of Community Value (England) Regulations 2012.

Implementation

This decision will come into force and may be implemented on 31 December 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The nomination, to list The Edge, Brixham was submitted by The Edge, Brixham Community Interest Company (CIC).

The Edge occupies a Grade II listed former United Reformed Church building, previously operated by and owned by Brixham Youth Enquiry Service (Brixham YES). The building currently hosts a wide range of community services, including; independent food bank and community fridge, community kitchen, yoga, arts and crafts, and board game groups, IT support sessions, neurodiverse coffee mornings, music and wellbeing activities, and children's holiday clubs.

These activities clearly demonstrate that the building furthers the social wellbeing and interests of the local community, as envisaged under Section 88 of the Localism Act 2011.

Although the nominator is a newly formed CIC, it was established following the Administration of Brixham YES, with the intention of continuing the services previously provided. Evidence suggests these services have been delivered from the building for over five years prior to the nomination.

The nominator has advised that, despite entering into a three-year arrangement with the administrators of Brixham YES and receiving assurances regarding continued use, they have recently discovered that the building is now being marketed for sale.

Under Section 88 of the Localism Act 2011, a building or land may be listed as an Asset of Community Value (ACV) if:

- Present and Future Test (s.88(1)):

The current non-ancillary use furthers the social wellbeing or interests of the local community, and it is *realistic* to think that such use will continue.

- Past and Future Test (s.88(2)):

There was a time in the recent past when the non-ancillary use furthered the social wellbeing or interests of the local community, and it is realistic to think that such use could resume within the next five years.

The Edge clearly satisfies the current use requirement under s.88(1), as it hosted multiple community services. The key issue was whether it was realistic to think such use would continue, given:

- the property is subject to insolvency proceedings and is being marketed for sale;
- Administrators are legally obliged under the Insolvency Act 1986 to secure the best price, which may result in disposal to a private purchaser.
- There is no guarantee that the community use can continue.

After reviewing the nomination against the statutory criteria in Section 88 of the Localism Act 2011, officers concluded that the asset did not meet the requirements for listing as an Asset of Community Value (ACV).

While the building was currently used for community activities, Section 88(1) requires that it is *realistic to think* such use will continue. The property's involvement in insolvency proceedings and its active marketing for sale create significant uncertainty regarding future occupation by the nominating CIC. The nominator holds no security of tenure, and there is no restrictive covenant on the property's title; therefore, any future owner may lawfully use the property for any purpose permitted under planning legislation.

In the absence of evidence demonstrating that the asset could be secured for ongoing community use, officers considered that the statutory requirement of realistic future use was not satisfied.

At the meeting Councillor Jackie Thomas proposed and Councillor Bye 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

The options were:

Refuse the Nomination:

Although the property currently serves a community function, Section 88 of the Localism Act 2011 requires it to be realistic that such use will continue.

The evidence did not demonstrate this. Insolvency proceedings, active marketing, and lack of security of tenure created significant uncertainty, with no legal mechanism to secure ongoing community benefit.

Given these factors, the statutory criteria were not met, and officers advise that the statutory test under Section 88 of the Localism Act 2011 was not met, and therefore the property could not be listed as an Asset of Community Value.

Accept the Nomination:

This option was not recommended, as the nomination fails to meet the statutory criteria.

Furthermore, listing would impose restrictions on disposal and register a local land charge. However, insolvency-related sales are exempt from the moratorium, limiting any practical benefit. Listing could also deter buyers and expose the Council to compensation claims.

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

19 December 2025

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

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Record of Decisions

The Monastery, Paignton - Nomination to list as an Asset of Community Value

Decision Taker

Cabinet on 16 December 2025.

Decision

That the outcome of the officer assessment be noted and it be confirmed that the nomination to list The Monastery, Paignton as an Asset of Community Value does not meet the statutory criteria under the Localism Act 2011 and is therefore refused.

Reason for the Decision

To ensure compliance with the Council's Asset of Community Value Policy and uphold transparency in line with the Localism Act 2011 and Asset of Community Value (England) Regulations 2012.

Implementation

This decision will come into force and may be implemented on 31 December 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The nomination to list The Monastery, Paignton, was submitted by the Clifton with Maidenway Community Partnership. The Monastery is owned by the Council and has remained vacant since November 2017, with community use having ceased over eight years ago. It was previously declared surplus and recommended for disposal by Cabinet on 6 August 2019, a position reaffirmed following Cabinet and Director discussions earlier this year.

Under Section 88 of the Localism Act 2011, an asset may be listed as an Asset of Community Value (ACV) if it meets one of two statutory tests:

- Present and Future Test (Section 88(1)):

The current non-ancillary use of the building furthers the social wellbeing or interests of the local community, and it is *realistic* to think that such use will continue.

- Past and Future Test (Section 88(2)):

There was a time in the recent past when the building's use furthered the social wellbeing or interests of the local community, and it is realistic to think that such use could resume within the next five years. The term "*recent past*" was not defined in legislation but was commonly interpreted by local authorities as meaning within the last five years.

The Monastery had been vacant since 2017 and therefore failed the Present and Future Test, as there was no current community use. Under the Past and Future Test, community use ceased more than eight years ago, exceeding the commonly accepted five-year threshold.

After reviewing the information against the statutory criteria and relevant case law, officers concluded that the nomination does not meet the requirements for listing The Monastery as an Asset of Community Value.

This conclusion was based on the following factors:

- The property had been vacant since 2017, and community use ceased more than eight years ago, which did not satisfy the “*recent past*” threshold generally interpreted as within five years.
- The Monastery’s primary function was as a place of worship; it did not demonstrate the sustained or embedded community role seen in exceptional cases upheld by tribunals.
- There was no realistic prospect of resuming community use within five years without significant investment and a funded plan.
- No exceptional circumstances have been identified to justify departure from the standard interpretation of the criteria.

Following the publication of the report to Cabinet on 18 November 2025, the Leader announced that these matters would be deferred until 16 December 2025 to allow nominators additional time to provide further information.

On 1 December 2025, the nominator submitted additional information stating that the asset had been used after 2017 for elections prior to the Covid pandemic and utilised by the emergency services for training purposes. These activities were ancillary uses and did not constitute use of the facility by the community to further its social wellbeing or interests. Accordingly, the position remains unchanged.

At the meeting Councillor Jackie Thomas proposed and Councillor Bye seconded a motion that was agreed unanimously by the Cabinet, as set above.

Alternative Options considered and rejected at the time of the decision

The options were:

Refuse the nomination:

The Monastery ceased community use in 2017 over eight years ago. This period exceeded what could reasonably be considered “recent” for a vacant building, particularly one that had not been maintained or used for any community purpose since closure.

On this basis, the statutory test under section 88(2) was not met.

Accept the nomination:

This option was not recommended, as the nomination failed to meet the statutory criteria.

Should circumstances change and the property be brought back into community use in the future, a fresh nomination could be submitted at that time. Accordingly, officers advise against acceptance of the nomination.

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

19 December 2025

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

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Record of Decisions

Disposal of Surplus Assets

Decision Taker

Cabinet on 16 December 2025.

Decision

That the Director of Finance be authorised to dispose of the freehold interest of the land and buildings listed in Appendix 1 to the submitted report on suitably agreed terms, adopting the most appropriate methods of disposal, to be determined by Strategic Head of Asset Management, following an adequate period of marketing on each individual asset.

Reason for the Decision

Many of the identified assets were situated in the community and had lain empty and unused for some time. Frequent site inspections were necessary. Disposing of these assets would have an immediate impact by reducing the cost and necessity for staff and resources to be deployed to manage these properties. On disposal, the sites would be repurposed and brought back into beneficial use by the individual purchasers. The Council would also receive a capital receipt which would be recycled for the repair and maintenance of the remaining estate. It was recognised that holding assets empty for prolonged periods of time can have a detrimental impact on communities, such sites can generate anti-social behaviour and have a negative social impact.

Implementation

This decision will come into force and may be implemented on 31 December 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Torbay Council's Strategic Asset Management Plan sets out the Council's approach to the strategic management of its assets, how it would support service delivery, provide the Council with income and how it would fulfil its mission to support, enable and empower its residents, our communities and our partnerships, to promote growth and place shaping within Torbay.

An identified principle of the Strategic Asset Management Plan is at regular intervals to review all non-operational and surplus assets to identify opportunities to create or increase revenue income, provide investment opportunities or deliver capital receipts to stimulate development, growth and reinvestment. To this end a disposal schedule of under-performing assets which provide a low return, are non-strategic and are at the end of the economic life has been created.

The disposal schedule identifies 15 assets. Of those assets listed for freehold disposal, several have been identified as benefiting from a planning brief to support the process, to attract interest from developers and to maximise receipts without further investment in the asset or expenditure associated with obtaining planning consent.

The programme for disposal separated assets into tranches. Tranche one would primarily see the grouping of assets to be auctioned via a single local auction event. This would create a marketing opportunity in that there would be a greater ground swell of 'combined catalogue' interest than if each lot were to be placed into a regional or online auction amongst other remote, unconnected properties.

Tranche two would see disposal of assets that required planning briefs and were likely to be sold via informal tender, with tranche three disposed of via private treaty or informal tender.

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

Alternative Options considered and rejected at the time of the decision

There were no alternative options considered. The Council's Asset Management Strategy sets out that the Council would 'always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest'. Disposing of assets following a suitable period of marketing would ensure that best value was established and obtained, meeting that requirement.

The Council was not under any obligation to dispose of any given asset. However, the Council's ongoing management and cost of holding these assets was significant. Disposing of the assets listed in Appendix 1 to the submitted report, would remove this liability and generate a capital receipt.

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

19 December 2025

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

Record of Decisions

Brixham Town Centre Vision and Torbay Vision

Decision Taker

Cabinet on 16 December 2025.

Decision

1. that, subject to the inclusion of the recommendations of the Overview and Scrutiny Board on 4 December 2025 the Brixham Vision document be approved to steer both the delivery of current regeneration sites and the development of future proposals for the sites and areas of public realm identified by the vision as suggested priorities;
2. that subject to the inclusion of the recommendations of the Overview and Scrutiny Board on 4 December 2025 the Torbay Vision document be approved to provide an overarching strategic place vision that works with the three Town Centre Visions and influences the delivery of current regeneration sites and the development of future proposals for the sites and areas of public realm identified by the vision as suggested priorities; and
3. that the documents are updated as and when is necessary by presenting the revised document and evidence base to Cabinet.

Reason for the Decision

To respond to the recommendation of the Overview and Scrutiny Board and to provide a guiding document to:

- increase investment in our three towns to enable them to develop their own distinct identities and role;
- attract, retain, and grow our economic specialisms so we have growth which builds on our reputation; and
- create a future pipeline of investment priorities derived from the evidence used to produce the Visions and from our emerging Economic Plan.

Implementation

This decision will come into force and may be implemented on 31 December 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The successful bids for Future High Streets Funding, Town Deal, Levelling Up Partnership, Levelling Up Round 3 (LUF3), and the recent direct award through the Plans for Neighbourhoods, in addition to the development sites acquired by the Council since 2019, had created the need for a place vision that links the funding and assets (development sites) together. This would create a clear vision of how development sites work together to regenerate Torbay as whole, and at local level to address both the needs and exploit the opportunities of the economies of Brixham Port and Town Centre, Paignton Town Centre and Harbour and Torquay Town Centre and Harbour. Change will come through using the overall vision across Torbay to shape existing and future proposals in line with the vision for Torbay

and at a local level in more detail the visions for Brixham, Paignton and Torquay.

The development proposals for the sites in Brixham that were currently being worked up have been produced iteratively with the delivery of Brixham Harbour/Town Centre Public Realm Improvements which have been delivered, the development of the proposals for Oxen Cove and Brixham Central area (Public Realm improvements, Transport Interchange and Car Parking).

The Overview and Scrutiny Board considered the Brixham Town Centre Vision and Torbay Vision report on 4 December 2025 and recommended approval subject to amendments. At the meeting Councillor Chris Lewis proposed and Councillor Billings 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

Option 1 – Do Nothing – This would have resulted in handing back the One Public Estate (OPE) 8 funding allocated for the purpose of producing a strategy for Transforming Torbay.

Option 2 – Take a statutory Masterplanning approach by updating the current adopted Masterplans for Paignton and Torquay Town Centres. This would have taken a longer period of time and not covered the wider Torbay area and been subject to a length statutory consultation period. With the current Government requiring that all Local Plans were to be updated by the end of the current parliament the visions along with the new Local Plan can inform the need to update or supersede the current town centre Masterplans.

Option 3 – The preferred option - produce vision documents for; Torbay, Brixham Port and Town Centre, Paignton Town Centre and Harbour and Torquay Town Centre and Harbour.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

Yes

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

Councillor Bye declared a non-pecuniary interest as he owns property in Fore Street, Brixham.

Published

19 December 2025

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

Record of Decisions

Acquisition of land and linked development of up to 25 homes for social rent in Paignton

Decision Taker

Cabinet on 16 December 2025.

Decision

- 1) that delegated authority be given to the Director of Regeneration, in consultation with the Cabinet Member for Housing and Finance and the Director of Finance, to acquire the Land identified in Exempt Appendix 1 and to enter into a linked Design and Build Joint Contracts Tribunal (JCT) build contract with the developer, all as set out in Exempt Appendix 2 (subject to satisfactory completion of all necessary due diligence, an acceptable amount of Homes England grant funding, and of an acceptable Planning Permission);
- 2) that an Overall Project Budget of £4.913m (including build cost, land cost and all internal/on-costs), to be funded by an allocation of prudential borrowing of up to £2.098m from the £20.000m of capital headroom approved by Council in May 2025, combined with an allocation of other internal/external affordable housing subsid(ies), and subject to grant funding from Homes England's Affordable Homes Programme, be approved;
- 3) that delegated authority be given to the Director of Finance, in consultation within the Cabinet Member for Housing and Finance and the Director of Regeneration to increase the Overall Project Budget by maximum of £100,000 (if necessary), to fund any amendments required to the scheme to secure an acceptable Planning Permission. Such increase in budget to be funded by an increase to the Homes England Grant and/or other internal/external subsidies only (subject to approval of an updated Full Business case and independent Value for Money review); and
- 4) that delegated authority be given to the Head of Strategic Housing and Delivery to finalise all terms to acquire and develop the site, and to work with Homes England to secure the maximum possible allocation of grant funding to support the project's delivery.

Reason for the Decision

In May 2025, Torbay Council's Cabinet agreed to the establishment of an Accommodation Repurposing Programme, with an initial funding package of £20.000m of prudential borrowing, to enable schemes to be progressed for approval by Cabinet.

This scheme fully meets the objectives of the Accommodation Repurposing Programme and would conform with the funding mechanisms, management proposals and lettings policies of the programme.

Implementation

This decision will come into force and may be implemented on 31 December 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council had been presented with an opportunity to increase the social housing stock for local people, at a rent that was genuinely affordable. This would be achieved by redeveloping a small brownfield site in central Paignton. The scheme would deliver up to 25 units of social housing for households aged 55+.

To ensure the Council meets its established local housing need, and provide investment in the economy, it was proposed that the Council delivered the site as part of its over-arching Accommodation Repurposing Programme.

The delivery model, known as a 'package deal' in the social housing industry, would result in the Council acquiring the site from the developer at the point at which they secured a viable planning consent for social housing, with the Council simultaneously entering into a construction contract with the developer to build the consented scheme on the Council's behalf. Working with a developer in this way offers the Council a speedy, very low upfront risk mechanism to secure additional affordable housing, with minimal internal resources required to secure the scheme through to construction. Package Deals were a common delivery mechanism for social housing, offering both the developer and the Council a minimal risk route to delivery, which secured early commitment from both parties. The model ensures that responsibility for the initial site purchase and the securing of a viable planning consent was the responsibility of the developer partner. If the developer cannot secure an acceptable Planning Permission or the Council was unable to secure the necessary quantum of Homes England grant, any deal would fall away with no contractual obligation to proceed further. However, if a suitable planning consent was secured and grant confirmed, and the final construction price was viable, the Council would purchase the land at the pre-agreed price and enter into a liked JCT Design & Build Contract to build out the project.

At the meeting Councillor Tyerman proposed and Councillor Tranter 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

The preferred option was to proceed with the acquisition and development to deliver up to 25 new homes for social rent, to be let through Devon Home Choice to eligible households with a local connection to the local area.

The alternative option was to not proceed, effectively stepping away from the opportunity to bring forward a brownfield site to support the local housing market. This option was discounted. Whilst this option would avoid capital risk; it would not improve the housing situation and would be less likely to secure delivery of the site to meet Local Plan targets in the short-medium term. It would also be reputationally damaging for the authority in respect of a project that had wide political support and was supported for this use by the vendor. It would also mean Torbay missed an opportunity to increase its social housing stock.

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

19 December 2025

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

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Record of Decisions

Torbay Joint Health and Wellbeing Strategy 2026-2030

Decision Taker

Cabinet on 16 December 2025.

Decision

That the 'Our Healthy Neighbourhoods' Torbay Health and Wellbeing Strategy 2026-2030, as set out in Appendix 1 to the submitted report, be launched for public consultation.

Reason for the Decision

Local authorities and NHS have a joint duty to produce, through the Health and Wellbeing Board a Joint Health and Wellbeing Strategy.

Implementation

This decision will be implemented immediately.

Information

The Joint Health and Wellbeing Strategy provides the strategic direction for each organisation on the Health and Wellbeing Board in order to improve the health and wellbeing of the population of Torbay and reduce inequalities in the population. The Joint Health and Wellbeing Strategy has been developed following engagement with Health and Wellbeing Board members, Devon County Council and Plymouth City Council in terms of Strategy development and timescales, Integrated Care Board (ICB) colleagues, taking account of the developing ICB Health and Care Strategy, Place Leadership Board, Local Care Partnership and Economy colleagues to enable shared priorities and some consistency of approach.

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

Alternative Options considered and rejected at the time of the decision

There were no alternative options considered.

Is this a Key Decision?

Yes

Does the call-in procedure apply?

No

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

None

Published

19 December 2025

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

Record of Decisions

Inclusion Annual Report

Decision Taker

Cabinet on 16 December 2025.

Decision

- 1) that the progress made in delivering the Equality and Diversity Action Plan 2025-2026 be noted; and
- 2) that the refreshed Equality, Diversity and Inclusion Action Plan 2026-2027 as set out in Appendix 1 to the submitted report be approved.

Reason for the Decision

The Council had a legal obligation to publish equality objectives. Under the Public Sector Equality Duty, it was important that the Council promote and fully embed inclusion.

Implementation

This decision will come into force and may be implemented on 31 December 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

In May 2025, the Council updated its equality objectives to meet its specific duties within the Equality Act. A review of the progress against each of the Council's equality objectives had been undertaken. The Council was proud of the steps that had been taken to promote inclusion and recognised that further work was needed to mainstream inclusion across the Council. The refreshed Equality and Diversity Action Plan for 2026/27 aimed to support the Council to continue this work in a meaningful and impactful manner.

At the meeting Councillor Tranter proposed and Councillor Tyerman 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

No alternative options were considered.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

19 December 2025

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

Record of Decisions

Notice of Motion - Fair Prices for Memorial Benches

Decision Taker

Cabinet on 16 December 2025.

Decision

- 1) that the Divisional Director of Place Operations seek customer feedback and undertake an evaluation of the Memorial Bench Policy and recommend any necessary changes to the Director of Pride in Place; and
- 2) that the Director of Pride in Place implement any changes identified in the evaluation in consultation with the Cabinet Member for Pride in Place, Transport and Parking.

Reason for the Decision

To respond to the Motion in respect of the Memorial Bench Policy.

Implementation

This decision will come into force and may be implemented on 31 December 2025 unless the call-in procedure is triggered (as set out in Standing Orders in relation to Overview and Scrutiny).

Information

The Cabinet considered a motion in relation to the policy and pricing of Memorial Benches, notice of which was given in accordance with Standing Order A14.

The motion Promoter, Councillor Long and Supporter, Councillor George Darling requested the Cabinet consider instructing the Director of Pride in Place:

- 1) to review the memorial bench policy and introduce a standard 15-year sponsorship model, with consultation at the end of the term for renewal or maintenance;
- 2) to abolish the current zoning system and adopt a single, fair pricing structure across Torbay, in line with neighbouring authorities;
- 3) that the Director of Finance be requested to set revised charges that are affordable and reasonable, while covering installation and maintenance costs.
 - Suggested benchmark: £2,200–£2,400 for a 15-year exclusive bench sponsorship (single rate across Torbay).
 - Shared plaques to be priced at £600–£650 per plaque

The Cabinet Member for Pride in Place, Transport and Parking, Councillor Billings advised the Cabinet of the following:

The Memorial Bench Policy was developed to address the demand from Torbay's residents who wanted to honour the memory of their loved ones. Since the implementation of the Policy families across Torbay have dedicated benches. It was of note that both premier sea-front

Zone 1 and residential Zone 2 options had been almost equally popular and that a sizable proportion of the take-up had been for the new shared dedication options.

With the new Policy having been in place for 12 months it seemed appropriate to take further stock of customer feedback and consider whether changes to the Policy were required.

In light of the above, Councillor Billings proposed and Councillor Chris Lewis seconded a motion that was agreed unanimously, as set out above.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

19 December 2025

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

Meeting: Cabinet

Date: 17 February 2026

Wards affected: All Wards

Report Title: Rent and Service Charge Policy

When does the decision need to be implemented? April 2026

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

Director Contact Details: David Carter, Director of Regeneration, david.carter@torbay.gov.uk

1. Purpose of Report

- 1.1. The report seeks approval to adopt an updated Rent and Service Charge Setting Policy, which sets the framework for implementing proposed annual rent increases for Torbay Council's housing stock, to be implemented from 01 April 2026.
- 1.2. The Council, as a social housing landlord, is required to meet the requirements set out in the Government's Rent Standard Guidance. As such, the proposal is to increase rents charged by CPI + 1% for homes owned and let as either social rented or affordable rented housing (it should be noted that Temporary Accommodation does not fall under the Government Rent Standard).
- 1.3. Furthermore, for the Council to update by a maximum of CPI + 1%, for the remainder of the period covered by the current Rent Standard.

2. Reason for Proposal and its benefits

- 2.1. The proposal in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by ensuring fair rent for the Council's housing stock.
- 2.2. The Council is required to adopt a Rent and Service Charge Policy, which sets the framework for all its housing stock, which manages tenants expectations in respect of annual increases, and gives certainty to the Council for business planning purposes.
- 2.3. The Council is obliged to meet the requirements set by Government in this regard, and so this paper brings our rent policy into line with the national standard and expectation.

3. Recommendation(s) / Proposed Decision

- 3.1 that the Rent and Service Charge Setting Policy set out at Appendix 1 be approved;
- 3.2 that Council on 26 February 2026 be recommended to approve as part of the Revenue Budget Fees and Charges the proposed rent increase for 2026/2027 whereby all Social Housing rents are increased by CPI+1%, equalling 4.8% in total; and
- 3.3 that rent reviews take place on all Service Occupancy properties and those rents be increased up to open market value.
- 3.4 That delegated authority be provided to the Director of Regeneration, in consultation with the Cabinet Member for Housing and Finance, to approve an annual update to this policy, for the remainder of the period covered by the Rent Standard and Guidance (subject to Government Policy continuing to cap annual increases to rent and service charge to CPI + 1%)

4. Appendices

Appendix 1: Rent and Service Charge Policy

5. Background Documents

[Rent Standard and Guidance - GOV.UK](#)

Supporting Information

6. Introduction

- 6.1 Social Housing tenants need to receive at least one month's notice to increase their rent; notices are normally hand delivered the last week in February.
- 6.2 This paper sets out an approach to ensure our Rents and Service Charges remain in accordance with the requirements set by the Government's Rent Standard, published in February 2026 with a simplified mechanism to update in future years, for as long as the current Rent Standard remains in force.

7. Options under consideration

- 7.1 Not applicable

8. Financial Opportunities and Implications

- 8.1 Agreeing a policy that proposes rent increases below what is permitted under the Government's Rent Standard has the potential to create revenue pressures with the management and maintenance of our properties. The proposal as set out reduces this risk and keeps the Council in-step with the national policy position.
- 8.2 Furthermore, any inflationary increase below this amount would severely hinder the Council's ability to deliver any further new social housing, as annual rent increases are essential to fund new long-term borrowing.

9. Legal Implications

- 9.1 This policy is in accordance with the government's stated requirement for landlords of social housing

10. Engagement and Consultation

- 10.1 Not applicable

11. Procurement Implications

- 11.1 Not applicable

12. Protecting our naturally inspiring Bay and tackling Climate Change

- 12.1 Not applicable

13. Associated Risks

- 13.1. Any inflationary increase has the potential to increase the risk of default in respect of payment. However, the Council operates an effective housing management service, who are tasked with working closely with individual tenants to manage this risk appropriately.
- 13.2. Whilst there is a very small risk of default, this is a normal issue for social housing landlords. However, without inflating rents, the Council would be unable to borrow the necessary capital to fund new housing delivery; the impact of this would far outweighs the impact of this inflationary increase and so on balance, officers strongly recommend that this paper should be endorsed in full, to provide fairness and transparency to our tenants, and to ensure we can continue to deliver new affordable homes for local households.

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
<p>Age</p> <p>Page 33</p>	<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>Safe, secure and affordable accommodation is vital to ensure wellbeing. This is key as people tend to experience increased fragility as they age.</p> <p>It is recognised that paying fees and charges may be difficult for some pensioners due to high levels of poverty within this demographic. Furthermore, some pensioners may difficulty accessing financial wellbeing information due to the societal shift to 'digital first' models of service delivery.</p> <p>Safe, secure and affordable accommodation is also important for children and young people to ensure that they can reach their potential.</p>	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>Information about charges and fees will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis</p>	<p>Pride in Place</p> <p>Rent Arrears and Debt Recovery policy promotes a payment culture, early intervention when arrears occur and signposting to relevant agency.</p>

			<p>which is provided by Torbay Council.</p> <p><u>Help with the cost of living - Torbay Council</u></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, secure and affordable accommodation is vital to ensure wellbeing.</p> <p>It is recognised that paying fees and charges may be difficult for some carers due to higher levels of poverty within this demographic.</p> <p>However, it is recognised that people with caring responsibilities are more likely to experience financial hardship.</p>	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>Information about charges and fees will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council.</p> <p><u>Help with the cost of living - Torbay Council</u></p>	Pride in Place

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>Safe, secure and affordable accommodation is vital to ensure wellbeing.</p> <p>It is recognised that people with disabilities and in particular learning disabilities face increased vulnerabilities when compared to the wider population.</p> <p>It is recognised that paying fees and charges may be difficult for some people with disabilities due to higher levels of poverty within this demographic.</p> <p>It is also recognised that those with some mental health conditions may find applying for financial support daunting.</p>	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>Information about charges and fees will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council.</p> <p><u>Help with the cost of living - Torbay Council</u></p>	Pride in Place
Gender reassignment	<p>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.</p>	<p>There is no differential impact anticipated.</p>	<p>Not applicable</p>	<p>Not applicable</p>

	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 is no differential impact.	Not applicable	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.	Not applicable	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	It is recognised that people who are from black, Asian or minority ethnic backgrounds are more likely to experience financial hardship.	We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met. Information about charges and fees will be clearly communicated to	

	the 20% most deprived areas in England.		tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required. This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council, this includes links for benefit and finance advice, housing and homelessness. <u>Help with the cost of living - Torbay Council</u>	
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact.	Not applicable	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	It is recognised that families and households headed by females are more likely to experience financial hardship and be on lower income and thus, experience homelessness.	We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.	Pride in Place

		<p>Information about charges and fees will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council.</p> <p><u>Help with the cost of living - Torbay Council</u></p>		
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		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,	Veterans often suffer complex physical and/or mental medical conditions resulting from their service experiences.	We will work in a person centred and trauma informed manner alongside other Council departments to ensure	Pride in Place

<p>5.9 per cent of the population have previously served in the UK armed forces.</p>	<p>Torbay Council is committed to working with Veterans under the Localism Act.</p>	<p>that individual needs are met.</p> <p>Information about charges and fees will be clearly communicated to tenants in a format and manner that is accessible to them. The service will also signpost service users to partner agencies where additional support is required.</p> <p>This signposting will supplement the information about the cost-of-living crisis which is provided by Torbay Council. Help with the cost of living - Torbay Council.</p> <p><u>Help with the cost of living - Torbay Council</u></p> <p>We will also signpost to appropriate organisations providing support to the armed forces community.</p>	
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Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Torbay Council set rents under the Rent Standard set by the Government. Rents are capped at the Local Housing Allowance rate.	That we take steps under this policy to support this.	Pride in Place
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact anticipated	Not applicable	Not applicable
Human Rights impacts		There is no differential impact anticipated	Not applicable	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	Not applicable	Not applicable

15. Cumulative Council Impact

15.1. None

16. Cumulative Community Impacts

16.1. None

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Rent & Service Charge Policy

February 2026

1 Contents

2	Version control	3
3	Executive Summary	4
4	Key terms	4
5	Policy Statement.....	5
6	Scope.....	5
7	Aims, Objectives & Responsibilities.....	6
8	Rent Setting	8
9	Service Charges	10
10	Financial hardship.....	13
11	Communication	14
12	Governance and Record-Keeping.....	14
13	Equality & Diversity.....	15
14	Associated Documents.....	15
15	Appendices	15
16	Conclusion.....	16

2 Version control

Date	Details	Updated by	Commentary
August 2024	V1	Anita Merritt	Initial policy draft for Torbay Council
February 2026	V2	Anita Merritt / Sam Irving	Policy revised to align with the Regulator of Social Housing Rent Standard and December 2022 Policy Statement on rents for social housing; clarifies re-let rules; adds UC/HB signposting, trust wording, worked examples and an annual timetable.

3 Executive Summary

3.1.1 This Rent & Service Charge Policy (February 2026) sets out Torbay Council's approach to setting, reviewing, and communicating rents and service charges for its social and affordable rented homes. The policy ensures compliance with the Regulator of Social Housing's Rent Standard, which governs how rents must be set and increased for Registered Providers, including stock-owning Local Authorities. It also reflects the government's Policy Statement on Rents for Social Housing, which establishes the basis of Formula Rent, permitted flexibilities, and the framework for Affordable Rent.

3.1.2 The primary objective of the policy is to provide a fair, transparent and affordable system for charging tenants, ensuring rents remain compliant with legislation, represent value for money, and support sustainable housing management and maintenance. The policy incorporates updated requirements under the Consumer Standards, including the 2024 Safety and Quality Standard, which requires landlords to provide well maintained, safe homes and effective landlord services.

4 Key Terms

- **Social rented housing** - Since 2001 social rents are set using a government formula ("formula rent") using average sector rent, relative county earnings, number of bedrooms and property value. Flexibility allows charging up to +5% over formula rent (or +10% for Supported Housing) where justified. Rationale for any flexibility will consider local circumstances and affordability
- **Affordable rented housing** - Homes let at Affordable Rent where the rent, including service charge, does not exceed 80% of open market

rental value (inclusive of service charge), subject to Homes England/Secretary of State conditions where applicable.

- **Consumer Price Inflation (CPI)** - the September CPI preceding the rent year is used for annual rent setting under current policy. References to CPI are to the September figure unless stated otherwise.

5 Policy Statement

5.1 Context

- 5.1.1 Torbay Council sets rents and service charges annually for social housing tenants. We work within the framework set by the Regulator of Social Housing (RSH) and provide the correct notices within appropriate timeframes to all our customers.
- 5.1.2 This policy must be read alongside the Rent Standard and any government policy or direction in force at the time.

6 Scope

6.1 Extent

- 6.1.1 This policy provides the framework for Torbay Council to set its approach to rents and service charges, including any annual increases in accordance with Tenancy Agreements. This policy covers:
 - Annual changes to rents for existing tenants in social or affordable rented homes;

- Setting the initial rent for new tenants offered social or affordable rented homes; and,
- Setting and reviewing service charges that apply to social or affordable rented homes.

6.1.2 Cabinet will revisit this Policy annually and make amendments as required.

6.2 Limitations

6.2.1 This policy does not cover charges payable or collected on behalf of third parties (contained in any relevant agreements). Furthermore, it does not apply to commercial tenancies, homes owned by the Council and provided as Temporary Accommodation, hostels or other nightly-paid Emergency Accommodation provided under non-secure agreements/licenses.

7 Aims, Objectives & Responsibilities

7.1 Overall Aims

7.1.1 To ensure that rents and service charges are applied and recovered in accordance with legislative and regulatory requirements, and to publish a fair, equitable and affordable system of charging to tenants, which represents Value for Money.

7.2 Objectives

7.2.1 The objectives of this policy are to:

- Comply with the RSH Consumer Standards (from 1 April 2024), including the Safety and Quality Standard;

- Ensure any charges are made in accordance with relevant land transactions and legal obligations (including, where relevant, legitimate Estate Management Charges);
- Ensure compliance with the Landlord & Tenant Act 1985 (as amended) and any other relevant legislation; and,
- Ensure rents and service charges are affordable to customers on low incomes and/or in receipt of benefits, and that they represent Value for Money and adequately meet the Council's operating costs.

7.3 Key Responsibilities

- **Cabinet** – establishes the framework for setting rents and service charges; ensures an annual review and compliance with the regulatory and legislative requirements; aligns with corporate strategies e.g., the Medium Term Financial Plan and annual budget).
- **Head of Strategic Housing & Delivery** – ensures consistent, fair application and compliance.
- **Director/Deputy Director of Finance** - ensures calculations accord with policy; provides financial advice to Cabinet and Head of Strategic Housing & Delivery.
- **Housing Manager** – implements rent and service charge policy; updates systems; communicates with tenants; issue notices promptly and accurately; delivered audit recommendations.

7.4 Tenants' Obligations

7.4.1 Tenants must comply with Tenancy Agreement terms. Collection and arrears management are covered by the Council's Income and Arrears Policy.

8 Rent Setting

8.1 Current and New Social Rent Tenants

8.1.1 The Council sets social rents in accordance with the Formula Rent methodology. This takes account of:

- Value of property in 1999 (determined by the District Valuer);
- Property size (number of bedrooms);
- Average income for the region (set by government); and,
- Up to 5% flexibility (or 10% for Supported Housing).

8.1.2 Rents are calculated and collected over a 12-month period. Changes take effect on a specified date, with written notice issued at least 4 weeks in advance. Service charges are added to social rents (and charged separately). Tenants will be notified in writing at least 4 weeks prior to any changes coming into effect.

8.2 Current and New Affordable Rent Tenants

8.2.1 Affordable Rents are set at no more than 80% of comparable Market Rents, inclusive of service charges. Rents are calculated and collected over a 12-month period, with written notice at least 4 weeks in advance of any changes.

8.2.2 Rents of Affordable Rented properties will be increased by CPI + 1%, annually.

8.2.3 Rents are calculated and collected over a 12-month period. Rent increases/decreases will take effect on any day within the month. Tenants will be notified in writing at least 4 weeks prior to any changes coming into effect.

8.3 Re-Lets – Social Rent

- 8.3.1 On re-let, the rent will be rebased to Formula Rent with permitted flexibility of up to +5% (or +10% for Supported Housing), where justified by local circumstances and affordability. Where the existing rent exceeds this ceiling, it will be reduced to formula + flexibility at re-let.
- 8.3.2 At renewal to the same tenant, rent will be set in accordance with the Rent Standard applicable at the time (normally the previous rent uplifted by the permitted annual change).

8.4 Re-Lets – Affordable Rent

- 8.4.1 On re-let, the rent will be reassessed to ensure it does not exceed 80% of market rent (inclusive). Proportionate valuation methods may be used (e.g., comparable desktop review).
- 8.4.2 At renewal to the same tenant, the rent will comply with the Rent Standard and affordable rent requirements in force at the time.

8.5 Annual Rent Reviews

- 8.5.1 Torbay Council will set and vary Social Rent and Affordable Rent in line with the RSH's Rent Standard and any government policy or direction in force.
- 8.5.2 Unless otherwise directed, annual rent changes are based on the September CPI for the preceding year plus 1 percentage point, applied from the start of the rent year.
- 8.5.3 The Director/Deputy Director of Finance will prepare the schedule of revised rents, and the Housing Manager will issue statutory notices at least 4 weeks in advance following Cabinet approval as part of the annual budget process.

8.6 Exceptional Government Directions

- 8.6.1 In recent years, Government has issued a national direction that temporarily changes the permitted formula for annual rent increases (for example, imposing a cap or alternative inflation index).
- 8.6.2 Where such a direction is issued, Torbay Council will comply with the requirements in full and apply the revised rent setting formula for that year. Any such changes will be reflected in the rent setting process, communicated clearly to tenants and reported to Cabinet as part of the annual rent decision.

9 Service Charges

9.1 Variable Service Charge Regime

- 9.1.1 Torbay Council operates a Variable Service Charge regime to recover the full, fair and reasonable cost of landlord services linked to specific properties. Charges are reviewed annually.

9.2 Apportioning Service Charges

- 9.2.1 Torbay will recover all eligible landlord costs. Calculations take account of the development's specific services and property-level eligibility.
- 9.2.2 Costs such as communal cleaning/maintenance of the property (including communal plant), insurances and warranties are apportioned. Costs are generally recharged on a flat-rate per property basis to those in receipt of the service, unless another objectively fair method is justified.

9.2.3 In apportioning costs associated with services shared with others, Torbay Council will apply a fair and reasonable split between all affected customers, regardless of tenure (unless a specific alternative method is warranted). Estimated budgets are used as the basis for apportionment.

9.3 Management, Administration and Other Costs

9.3.1 A management and administration charge of up to 15% of estimated eligible service costs (before over/under-recovery) may be applied to reflect central management, procurement, invoicing, reconciliation and audit of the Variable Service Charge Regime. The percentage will be reviewed annually for value for money and benchmarked.

9.3.2 Within six months of financial year end, each customer will receive a Service Charge Statement of Actual Income and Expenditure, including over/under-recovery. Any under-recovery will be added to the following year's budget and recovered in equal instalments; any over-recovery will be deducted from the following year's budget and adjusted in equal instalments.

9.3.3 The Housing Manager will seek to minimise variances each year by setting appropriate budgets informed by historic data and reasonable forecasts.

9.4 Notification and Recovery of Service Charges

9.4.1 All customers will be notified in writing of service charges for the forthcoming financial year at least 4 weeks before they take effect (the "Rent & Service Charges Letter"). The letter will indicate whether specific items are potentially eligible for Housing Benefit or Universal Credit. Eligibility is determined by DWP rules; see the DWP Universal Credit landlord guidance for details.

9.4.2 Where a change in-year introduces a new charge (e.g., completion of an adaptation), customers will be notified at least 4 weeks in advance. Customers must pay service charges under their Tenancy Agreements; non-payment triggers the relevant Arrears Recovery Policy.

9.4.3 Service charges are reviewed on an annual basis to ensure that the income is sufficient to cover future costs of service provision. For new developments, a benchmark service charge will be set in the first year, to be reviewed at the end of the first financial year and will be adjusted accordingly once there is a clear picture of the annual cost for the service provision for the specific property. Any service charge that a tenant is liable to pay will be detailed in the relevant Tenancy Agreement.

9.4.4 Torbay Council will seek to recover the full cost associated with providing services to all homes that it owns, that fall outside its statutory duties as a social landlord, in accordance with the relevant Tenancy Agreement.

9.4.5 Where specific equipment or an individual service has been provided to support a tenant in maintaining their Tenancy Agreement, the cost of that service and of maintaining any such equipment will be charged as a service charge specific to that property (e.g., a stair lift).

9.4.6 A list of services for which costs are recharged through service charges is provided at Appendix 2 to this policy.

9.5 Sinking Funds

9.5.1 Sinking funds may be provided for periodic expenditure such as equipment replacement. Payments may be:

- In advance, based on estimated replacement cost and useful life; or,
- Retrospective, based on actual cost and useful life.

9.5.2 Annual payments will be held separately and accrue interest (at the rate achieved by Torbay Council) to offset inflationary increases. Service charge monies, including sinking/reserve funds, are held on trust in accordance with section 42 of the Landlord and Tenant Act 1987, with interest treated per HMRC guidance.

9.5.3 If replacement cost exceeds the fund balance, Torbay will consult affected customers on options (e.g., phasing, supplementary charges). If the cost is less than the balance, Torbay will consult on refunding the surplus or using it to reduce future contributions.

10 Financial Hardship

10.1 Financial Support and Affordability

10.1.1 Torbay Council recognises that some tenants may face financial difficulty in meeting their rent and service charge obligations. We will take proactive steps to support tenants who experience affordability challenges, including offering referrals to independent money and debt advice services, supporting applications for Housing Benefit or Universal Credit, and signposting to Discretionary Housing Payments where appropriate.

10.1.2 The Council will also work with tenants to agree realistic repayment plans for arrears and will provide early intervention support to prevent financial hardship from escalating. Our approach is designed to promote tenancy sustainment while maintaining fairness and consistency.

11 Communication

11.1.1 Tenants will receive regular communication, including:

- Rent & Service Charges Letter (4 weeks prior to implementation), detailing charges, effective date, calculation method, and support routes for financial difficulty
- Service Charge Statement (within six months of year-end);
- On request, additional information explaining how specific charges are calculated will be provided where proportionate.

11.1.2 If you need any of our documents, policies or letters in any other format or another language, please let us know.

12 Governance and Record-Keeping

12.1.1 Torbay Council will maintain clear and robust records to evidence how rents and service charges are calculated each year, including formula rent data, market rent valuations, service charge budgets, actual expenditure and apportionment methods. Documentation will be retained in accordance with the Council's informationg overnance and audit requirements to ensure transparency, accountability and regulatory assurance.

12.1.2 Internal Audit may periodically review rents etting and service charge processes, and any recommendations will be implemented to strengthen compliance and financial controls.

13 Equality & Diversity

13.1.1 Torbay Council is committed to promoting equality and inclusion. The Equality Act 2010 protects nine characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity, civil partnership). Under the Public Sector Equality Duty we will eliminate discrimination, advance equality of opportunity and foster good relations.

13.1.2 Each annual rent and service-charge decision will be supported by an Equality Impact Assessment, with findings summarised in Cabinet papers.

14 Associated Documents

- Torbay Council Lettings Policy
- Torbay Council Rent Arrears and Debt Recovery Policy
- Relevant law governing implementation of this Policy (outlined in Appendix 3)

15 Appendices

- **Appendix 1** – Summary of Rent types and changes
- **Appendix 2** - Schedule of Chargeable Services, including Eligibility for Housing Benefit or Universal Credit
- **Appendix 3** - Relevant law governing implementation of this Policy
- **Appendix 4** – Typical Annual Rent & Service Charge Timetable

16 Conclusion

16.1.1 This policy provides Torbay Council with a clear, transparent, and regulation compliant framework for setting, reviewing, and communicating rents and service charges. It ensures alignment with the Regulator of Social Housing's Rent Standard, which establishes how rents must be set and increased for social and affordable rented homes, and reflects national government policy on Formula Rent, permitted flexibilities, and Affordable Rent requirements. The policy also embeds the expectations introduced through the Consumer Standards, including the Safety and Quality Standard, which requires landlords to maintain homes to a safe, decent, and well managed standard.

16.1.2 Through clear rules on rent setting, relets, service charge apportionment, sinking funds, and tenant communication, the policy supports fairness, affordability, and consistency for tenants while ensuring the Council can sustainably manage and maintain its homes. By incorporating annual Equality Impact Assessments and providing transparent information about Housing Benefit and Universal Credit service charge eligibility, the policy reinforces Torbay Council's commitment to equity, accountability, and informed customer choice.

16.1.3 Overall, the policy strengthens governance, enhances clarity for tenants, aligns with best practice from other stockholding authorities, and ensures Torbay Council meets its statutory and regulatory duties in delivering high quality social housing services.

Appendix 1 – Summary of Rent Types and Changes

Rent type	Circumstance	Rent charge	Service charge	LHA cap to be applied?	Reference
SOCIAL RENT	New tenancy – general needs social housing	Formula rent plus 5%	Additional	No	Welfare & Reform Act 2016. Sch 2 Part 1 Section 1 Paras (3) to (5). Feb 2019 Policy Statement para 2.2 and 2.14. Rent Standard 2020
	New tenancy – ‘supported housing’	Formula rent plus up to 10%	Additional	No	For relevant properties within the definition of ‘Supported Housing’ outlined within the Rent Standard (in force from time to time)
	Re-let (at the end of Fixed Term Tenancy	Rebases to formula rent + permitted flexibility. Renewal to same tenant	Additional	No	Policy Statement on Rents for Social Housing (DLUHC, updated 14 Dec 2022); RSH Rent Standard (current).

		follows Rent Standard annual uplift.			
AFFORDABLE RENT	New tenancy	The higher of: (1) formula rent; or, (2) 80% of current open market rent (revalued).	Included	No	Policy Statement on Rents for Social Housing (DLUHC, updated 14 Dec 2022), chapter on Affordable Rent
	Re-let (at the end of a Fixed Term Tenancy)	The higher of: (1) formula rent; (2) 80% of current open market rent (revalued); or, (3) previous rent if valued higher.	Included	No	Feb 2019 Policy Statement para 3.15 & 3.16

Appendix 2 - Schedule of Chargeable Services

(including Eligibility for Housing Benefit or Universal Credit)

Service Charge Description	Description	Housing Benefit Eligible?	Universal Credit Eligible?
Communal Adaptations	Servicing of communal lifts and any other specific adaptations	Yes	Yes
Equipment Maintenance	Servicing of communal equipment and installations Running costs of intercom system (excluding repairs)	Yes	Yes
Estates and Communal Areas	Caretaking / Cleaning of communal spaces and associated direct costs (including communal window cleaning) TV license for communal areas	Yes	Yes
External Contractor Charges	3rd party block management charges	Yes	Yes
Grounds Maintenance and Landscaping	Maintenance of communal green spaces and associated direct costs	Yes	Yes
Laundry Charges	Running costs of communal laundry facilities	Yes	Yes
Utilities – Communal	Gas, electric and water supplies to communal areas / facilities	Yes	Yes

Utilities – Personal	Recharge of gas, electric and water supplies that are supplied through a communal meter, but which relate to individual residential properties	No	No
Window Cleaning – Personal	Cleaning of external windows of residential properties within a block	No	Yes – if property is not on ground floor
Personal Adaptations	Servicing of lift provided as a specific property adaptation (i.e. property adaptation rather than communal adaptation) Decommissioning of adaptations that are no longer required (one-off, on request)	No	No
Property Insurance	Apportioned share of landlord property insurance	Yes	Yes
Management	15% of calculated service charges	Yes	Yes

This list may be subject to change and will be periodically updated if new charges are applied or if an existing charge is discontinued.

Appendix 3 – Relevant Law Governing Implementation of this Policy

Law	Summary
Landlord and Tenant Act 1985 (as amended)	<ul style="list-style-type: none"> - Definition of service charges - Provision for managing variable service charges - Can only charge or vary service charges as set out in the Tenancy Agreement/ Tenants' rights in relation to service charges, consultation, information, recognised tenant's association - Amounts payable must be reasonably incurred Services provided must be of a reasonable standard
Housing Act 1996 Page 63	<p>Makes it easier for to challenge unreasonable service charges</p> <p>Gives jurisdiction for the First-Tier Tribunal (Property Chamber) Valuation Tribunals (LVT) to determine service charge disputes.</p>
The Service Charges (Consultation Requirements) (England) Regulations 2003	<p>Required consultation before we can lawfully charge for 'qualifying works or services under 'qualifying long-term agreements'.</p>
The Service Charges (Summary of Rights and Obligations, and Transitional Provision (England) Regulations 2007	<p>Required content and format of service charge demands, to include summary of rights or tenants have the right to withhold payment</p>

Appendix 4 – Typical Annual Rent & Service Charge Timetable

Period	Action
July–September	Monitor CPI; update market rent comps for Affordable Rent re-lets.
October–January	Draft budgets; propose rent changes per Rent Standard; consult internally; equality impact assessment.
January	Production of Cabinet papers, ready for approval in February by Cabinet
February–March	Issue Rent & Service Charges Letters at least 4 weeks ahead of effective date
01 April	New rents/service charges take effect (unless otherwise specified).
By 30 September	Issue Service Charge Statements (actuals) within six months of year end.

Revenue and Capital Budget 2026/2027 – Report of the Overview and Scrutiny Board

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

Background

1. The Cabinet's Draft Revenue and Capital Budget proposals for 2026/2027 were published on 4 December 2025 and available on the Council's website at [Proposed Budget for 2026/2027 - Torbay Council](https://yoursay.torbay.gov.uk/project/bbf6ff87-6e0f-4af7-928cce1fadd55eb5). The Panel considered the following documents as part of the consultation process:
 - Revenue Report:
 - Budget Overview Report;
 - Fees and Charges;
 - Reserves Statement
 - Financial Sustainability Plans Summary;
 - Capital Report:
 - Capital Strategy;
 - Treasury Management Strategy;
 - Grant Funding Pending Business Case;
 - Updated Capital Investment Plan;
 - Round Table Feedback paper from session held on 24 November 2025;
 - Key Lines of Enquiry Responses; and
 - Chief Finance Officer's Update Report and Indicative Budget Figures by Service.
2. The background papers to the Review can be found at:

[Agenda for Priorities and Resources Review Panel 2026/2027 on Wednesday, 10 December 2025, 5.00 pm](#)

[Agenda for Priorities and Resources Review Panel 2026/2027 on Monday, 15 December 2025, 5.00 pm](#)

[Agenda for Priorities and Resources Review Panel 2026/2027 on Wednesday, 7 January 2026, 5.00 pm](#)

3. The Priorities and Resources Review Panel 2026/2027 was established to scrutinise the proposals and to make comments, observations and recommendations as necessary to the Cabinet's Revenue and Capital Budget proposals for 2026/2027. The Review Panel comprised of the Councillors on the Overview and Scrutiny Board, as they had developed a strategic and overall knowledge of the Council's revenue and capital budgets through quarterly monitoring meetings held throughout the year, namely, Councillors Cowell, Douglas-Dunbar, Fellows, Foster, Johns, Law, Long, Spacagna, Stevens and Tolchard, with Councillor Bryant representing Councillor Stevens at the meeting on 7 January 2026 (Chaired by Councillor Long).
4. The Review Panel met in public on 10 and 15 December 2025 and 7 January 2026 and heard evidence from the Leader and Deputy Leader of the Council, the Cabinet Members as well the Chief Executive and Directors.

Key Findings

5. The Panel considered the proposals for investment in services, efficiencies and income generation for 2026/2027 and the Capital Budget and the findings from their meetings are set out in this report. The report was presented to the Overview and Scrutiny Board 14 January 2026 and approved unanimously and will now be submitted to the Cabinet as part of the consultation process.

Revenue Budget

6. Budget Overview

- 6.1 The Panel reviewed all the Consultation documents for the proposed Revenue and Capital Budget 2026/2027. Unlike other Councils who continue to report financial difficulties and the need to reduce services, Torbay Council has remained in a secure financial position through careful financial management and investment. It was acknowledged that there were relatively few changes to the budget compared with last year with a continuation of the Financial Sustainability Plans to help to ensure that high-cost budget items remain on track, with innovative solutions expanded and delivered to provide the best outcomes within the financial envelope the Council works within. At the point of the launch of the consultation and the initial Priorities and Resources meetings, Members noted that the Local Government Finance Settlement figure had not yet been confirmed by Government and therefore the proposed budget had been prepared during a period of uncertainty. The detail was expected on 17 December 2025 which would include the three-year settlement thus giving more certainty for future years, however, it was recognised that it was likely that overall Torbay Council would receive less Government financial support going forward.
- 6.2 It was however expected that the final Settlement detail would cover the £700,000 shortfall that existed for 2026/2027 in the consultation documents as well as potentially allowing for some additional investment as there had been in previous years and the public's views were being sought on areas for investment.

6.3 Following receipt of the final Settlement the Chief Finance Officer provided a written statement setting out the final implications of the funding, which was considered at the meeting on 7 January 2026. The key updates were:

The Settlement indicated that Torbay Council will receive £204.377m as its Core Spending Power allocation in 2026/2027. This provided £1.2m more funding compared to the figures published for consultation, which would close the gap of £700,000 and leave £500,000 remaining to be allocated. This was a 5% increase on the baseline figure for 2025/2026 used within the Government's model. However, the model does assume a higher increase to our Council Tax base than forecasted and therefore a higher level of Council Tax funding. After adjusting for Torbay's local figures, this would mean an increase of 4.4%.

Many of the previous specific grants have been rolled into the main funding formula, although some have remained separate and have been consolidated into four new grants. Torbay Council's allocations for the new consolidated grants are shown within the table below.

Local Government Finance Settlement - Consolidated Grants 2026/27 to 2028/29				
<i>Select authority:</i>				
Consolidated Grant	2026/27 £m	2027/28 £m	2028/29 £m	Total £m
Homelessness, Rough Sleeping and Domestic Abuse Grant ^{2,3}	1.9	1.9	1.9	5.7
Public Health Grant ^{4,5}	13.0	13.2	13.5	39.6
Crisis and Resilience Funds	2.5	2.5	2.4	7.4
Children, Families and Youth Grant ⁷	2.5	2.4	2.2	7.0
Mayoral Capacity Funding	0.0	0.0	0.0	0.0
Total	19.8	20.0	20.0	59.8

Although some minor changes are expected within the final settlement, in general there appears to be real term reductions in these grants, with the exception of a small inflationary uplift to the Public Health Grant (circa 2%). Compared to 2025/2026, there is an increase in the Children's, Families and Youth Grant of £458k in 2026/2027. However, there is then a 12% reduction shown over the next two years to 2028/29 that will need to be planned for. It will therefore be important for the additional £458k to be spent in a way that does not see all of it committed to the base budget, setting aside funding to offset future reductions in grant.

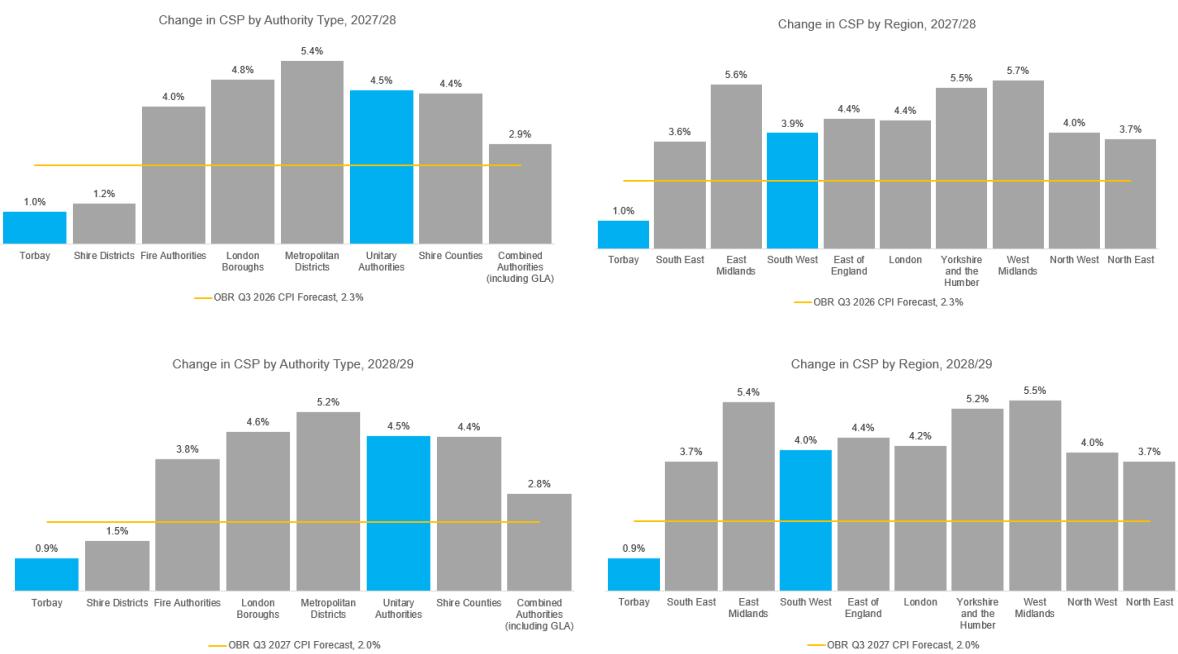
Although the 2026/2027 settlement for Torbay Council is reasonable, of real concern is its allocation of funding in years two and three of the multi-year settlement. The table overleaf shows how Torbay Council's Core Spending Power allocation would only increase by a maximum of 1% in both 2027/2028 and 2028/2029 with cash increases of just £1.9m, compared with the increase

of £9.7m (5%) in 2026/2027.

Illustrative Core Spending Power of Local Government:					
	2024-25 £ millions	2025-26 £ millions	2026-27 £ millions	2027-28 £ millions	2028-29 £ millions
Core Spending Power	178.1	194.6	204.4	206.3	208.3
Core Spending Power year-on-year change (£ millions)		16.6	9.7	1.9	1.9
Core Spending Power year-on-year change (%)		9.3%	5.0%	1.0%	0.9%

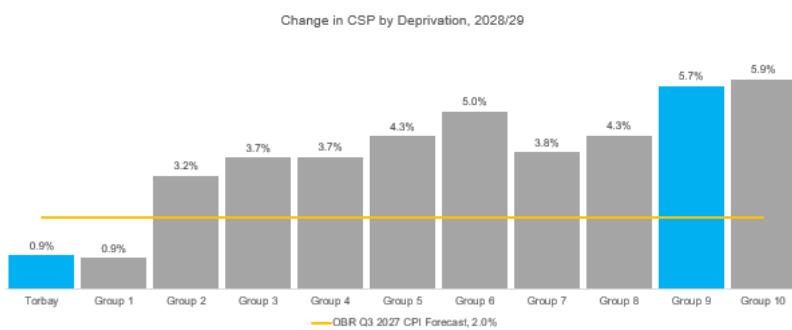
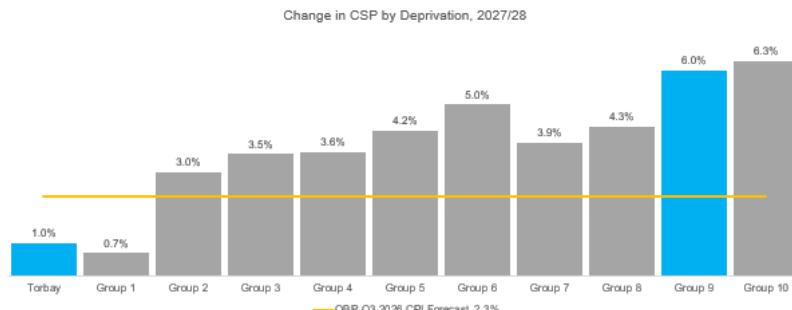
The significant reductions in Torbay Council's Funding formula assessment and allocation of grants from 2026/2027 onwards, already assume 4.99% increases from Council Tax each year and an overly optimistic increase in the Council's Council Tax base figures. The net funding increase of £1.9m per annum will be well below predicted inflation and not sufficient to fund areas such as uplifts on salaries and wages and increased demand for Social Care.

This settlement for Torbay is particularly poor when compared with other Councils. The table below shows how Torbay's percentage funding increase for 2027/2028 and 2028/2029 compares with the average increase across other Unitary Authorities and other Councils across the Southwest.



This analysis excludes City of London, for which bespoke arrangements will be made after 2027/28, meaning there is no published CSP.

The new Fair Funding Formula refers to supporting areas of deprivation as one of its main aims, yet it clearly does not appear to be achieving this for Torbay. The graph overleaf shows how Torbay compares with other Councils that have similar levels of deprivation, using the Index of multiple deprivation. Torbay Council is within the second highest banding (group 9), which has an average increase in Core Spending Power for 2027/2028 of 6% compared with Torbay's 1% increase. Similarly, in 2028/2029, the average increase is 5.7% compared with Torbay 0.9% increase.



The Council will be making representations to Government and liaising with local Members of Parliament with regards to how poorly Torbay has fared for future year funding allocations prior to final national figures being confirmed in early February 2026. If representations are unsuccessful, the Council will face significant funding gaps in future years of circa £3m a year.

The paper highlighted the future pressures in adult social care and the need for significant investment in adult social care transformation and risk to the future of the Integrated Care Organisation with Torbay and South Devon NHS Foundation Trust and an overspend of circa £30m in this area. Together with challenges to deliver ambitious regeneration plans across Torbay and that this was an area the Cabinet was also considering further investment in alongside suggestions received from the public consultation and feedback from the Priorities and Resources Review Panel. Due to the shortfall in future years it was highlighted that investment should be used for one off funding, rather than adding to the Base Budget.

6.4 The proposals within the published budget consultation papers included one off funding for 2026/2027 to address non-reoccurring pressures:

	2026/27
Estimated one-off or time limited pressures	£
LGR preparation costs	0.100
Fleet walk - required investment	0.650
Paignton and Preston waterfront - reduced income	0.300
Assets under transition - e.g. Union Square, The Strand	0.500
ICT - replacement server	0.200
H&S works on on former TCCT land & assets	0.200
Special Housing reserve for those most in need	0.500
	2.450

6.5 The Cabinet's original consultation proposals set a Council Tax rate of 2.75% plus the 2% precept for adult social care. With each 1% of Council tax estimated to generate £850,000 of additional income to deliver services. However, Members were advised that following the Provisional Local Government Financial Settlement received on 17 December 2025, the Cabinet were proposing to set a Council Tax rate of 4.99% including the precept for adult social care due to the significant reduction in the proposed allocation from Government in Years 2 and 3 of the three year settlement.

6.6 From April 2025, the Council increased the amount of Council Tax payable on second homes to 100% which was continuing in 2026/2027.

7. Key Lines of Enquiry

7.1 Members asked questions around which stand-alone grants would continue in the budget and which ones had been rolled over as part of the overall statement and what were the implications.

There were lots of changes proposed as part of the new Fair Funding Formula 2.0 arrangements. Some grants were expected to be included within the main settlement formula allocation (SFA) with others being consolidated into larger grants that fund similar services/outcomes.

The Council received details and allocations within the provisional settlement on 17 December 2025, but there would be winners and losers as different formulas were being used to allocate many of the grants. It would be easier to reconcile and identify variances in the consolidated grants, but more difficult where they had gone into the main formula.

Consolidated grants

Four new consolidated grants were being established, which brought together funding streams that fund similar services and outcomes. All 4 consolidated grants would be ringfenced. Further detail on these grants would be provided at the Provisional Settlement, along with multi-year allocations and information on their distribution and conditions, which the Council would be required to regularly report against specific criteria to ensure the funding was being spent as intended. All funding figures below were across the 3 years of the multi-year Settlement.

In response to questions around safeguarding that grants were being used as intended, Members were advised that part of the Government's reason for the change was to ensure that money was spent in the right way and the Council would need to demonstrate how the money had been spent and what it had delivered against the specific criteria. This was monitored through quarterly returns to the Government.

Homelessness, Rough Sleeping and Domestic Abuse Grant (£2.4 billion). This grant would be in Core Spending Power, with the total amount confirmed at the final Settlement. It would bring together:

- a. Almost £1.1 billion for the Prevention, Relief and Staffing element of the Homelessness Prevention Grant (HPG). This funding would be distributed

using the prevention and relief element of the HPG funding formula which was consulted on earlier this year;

- b. Rough Sleeping Prevention and Recovery Grant (RSPARG) and Rough Sleeping accommodation Programme (RSAP) funding, worth £879 million. This funding would be distributed using a rough sleeping and single homelessness formula developed with local authorities; and
- c. The Domestic Abuse Safe Accommodation Grant, which was delivered through the Settlement in 2025/2026, worth at least £480 million.

Children, Families and Youth Grant (£3.1 billion). This would bring together:

- a. Funding for children's social care reform worth £2.4 billion, which would be in Core Spending Power, consisting of:
 - The Children's Social Care Prevention Grant, worth £809 million;
 - Families First Partnership programme funding (previously Supporting Families) within the Children and Families Grant, worth £760 million;
 - New funding from the Transformation Fund announced at the 2025 Spending Review, worth £319 million; and
 - Further new investment now confirmed, worth £547 million.
- b. The Holiday, Activities and Food Grant (HAF), worth over £623 million. This included funding worth £12.9 million for the 2026/2027 financial year to support local authority capacity on school-age childcare across the HAF programme, wraparound childcare and new free breakfast clubs.
- c. The Pupil Premium Plus Post-16 Grant, worth £41.5 million.

There was a separate grant for Family Hubs but that had been amalgamated with the grant for the Best Start to Life and had been secured for three years with separate key performance indicators which had to be reported against.

Public Health Grant (£13.45 billion). This would bring together funding from the existing Public Health Grant, using the same distribution approach as in previous years, with the following funding streams. Further detail on their distribution would be published at the provisional Settlement.

- a. Drug and Alcohol Treatment and Recovery Improvement Grant (DATRIG), worth £1 billion. This included the Rough Sleeping Drug and Alcohol Treatment grant worth £185 million, which would continue to fund existing local authorities receiving this funding component, with a modest expansion to
 - a. Small number of additional local authorities with high levels of need;
 - b. Local Stop Smoking Services and Support Grant, worth £210 million;
 - c. Individual Placement and Support Grant, worth £67.3 million; and
 - d. Existing public health funding for the Swap to Stop scheme, worth £50 million.

Crisis and Resilience Fund (£2.5 billion). This would make it easier for local authorities to provide preventative support to communities and assist people when faced with a financial crisis, by bringing together the following

grants, which would end in March 2026, into one new, streamlined fund. This would not be in Core Spending Power.

- a. Household Support Fund; and
- b. Discretionary Housing Payments (in England).

Consolidation into the Revenue Support Grant

The proposals were expected to consolidate 17 funding streams into the unringfenced Revenue Support Grant (Core Spending Power). All figures below were national allocations across the 3 years of the multi-year Settlement:

Consolidating funding new to the Settlement, keeping existing distributions:

- a. War Pensions Disregard grant (£36 million); and
- b. Social Care in Prisons grant (£33 million).

Consolidating funding new to the Settlement, redistributed using the new Fair Funding Assessment:

- a. Temporary accommodation funding worth £969 million over the multi-year Settlement, previously part of the Homelessness Prevention Grant. The Fair Funding Assessment included a temporary accommodation formula to reflect this change;
- b. Virtual School Head for Children with a Social Worker and Children in Kinship Care (£61 million);
- c. Biodiversity Net Gain Planning Requirement (£29 million);
- d. Deprivation of Liberty Safeguards Funding (£15 million);
- e. Local Government Finance Data Review (<£1 million);
- f. Enforcement of Location Restriction and Volume New Burdens grant (<£1 million);
- g. Enforcement of Calorie Labelling Regulations New Burdens grant (<£1 million);
- h. Awaab's Law New Burdens grant (<£1 million); and
- i. Social Housing New Burden grant (<£100,000).

Consolidating existing Settlement funding, redistributed using the new Fair Funding Assessment. The values associated with the first 5 funding streams below assume that in 2025/2026 they would have, without simplification, been held flat and continued to be paid as a separate grant:

- a. Social Care Grant (£17.8 billion);
- b. Market Sustainability and Improvement Fund (£3.2 billion);
- c. Employer National Insurance Contributions (£1.5 billion);
- d. New Homes Bonus (£871 million);
- e. Funding Floor (£364 million); and
- f. Funding from the following grants (treated as one funding stream in our totals) brought together into the Children and Families Grant in 2025/2026 (worth £483 million):
 - i. Supported Accommodation Reforms (£284 million);
 - ii. Staying Put (£100 million);
 - iii. Virtual School Heads Extension for previously looked after children (£23 million);
 - iv. Leaving Care Allowance uplift (£40 million); and
 - v. Personal Advisors Extended Duty (£36 million).

7.2 Members questioned how the funding streams for Children's Services due to end in March 2026 had been addressed within the budget proposals and what the implications of this was.

The Council was not expecting any material reductions in grant funding relating to Children's Services in 2026/2027. It was believed that the inclusion and allocation of the Social Care Grant within the main SFA was a contributing factor to Torbay Council's estimated poor settlement allocation – due to different formulas being used. 50% of this grant was always used to fund Children's Services. This reduction had been taken into account within Torbay Council's budget proposals.

7.3 Members questioned what the impact would be of the Government's announcement that it was going to take over special educational needs and disabilities (SEND) and the impact on the higher needs block of the dedicated schools grant.

Any change would not impact on the 2026/2027 financial year and would be from 2028 onwards. It was not clear how the Government intended to deal with historic spend. There were expected challenges to the higher needs block in terms of pressures arising from the pay award and the impact on schools' budgets which could mean that schools need additional SEND funding to be able to deliver early support to SENDK (special educational and disabilities known), as well as the potential for element three to increase which would put more pressure on the higher needs block and safety valve. The Council would be working with school leaders to look at ways of mitigating and managing these risks with 2026/2027 being the last year of the safety valve with £3.1 million to draw down, as well as impacts of falling numbers of children on role, which impacted on the funding per pupil schools receive.

7.4 Members asked if the updated figures showing a 12% reduction in funding for Children's Families and Youth Grants was due to the Government intending to take over responsibility for Special Educational Needs and Disabilities (SEND) from the Local Authority and if deprivation had been taken into account.

Torbay Council had been assisted by the Government with SEND through the Safety Valve which has balanced some of the impact of funding pressures within that area. It was expected that the Government would be taking over SEND from 2028 but that was separate to the Financial Settlement. Whilst it was recognised that the Council had received an additional £458,000 Children's Services grant funding in 2026/2027, there was increased pressure of high-cost placements moving forward with the Council looking at options to address this including securing its own children's home run by a qualified provider.

7.5 Members asked questions around how the funding streams for Adult Social Care, including domestic abuse, due to end in March 2026 been addressed within the budget proposals and what the implications of this were.

The Council was not expecting any material reductions in Domestic Abuse Safe Accommodation grant, which was expected to continue and be consolidated within the Homelessness, Rough Sleeping and Domestic Abuse

Grant in 2026/2027. Funding also included the Rainbow Grant for domestic abuse. The Council was recruiting to a Domestic Abuse Lead post as the current postholder was retiring.

Changes were expected to the Homelessness Prevention Grant (HPG), which would see it split up and the Prevention, Relief and Staffing element allocated through a consolidated grant and the Temporary Accommodation element wrapped up into the main SFA. There was a risk that the Council may see a reduction in funding compared to the current baseline due to formula changes and would assess this once we have the settlement figures. The base budget for 2025/2026 was not increased from the 2024/2025 value with increases being used as one-off to mitigate against the risk of any grant funding reductions.

It was expected that the conditions around the HPG would continue to focus on prevention to prevent people becoming homeless and if they do support through temporary accommodation. There were no proposed changes to service delivery.

The Director of Finance believed that the inclusion and allocation of the Social Care Grant within the main SFA was a contributing factor to Torbay Council's estimated poor settlement allocation – due to different formulas being used. 50% of this grant was always used to fund Adult Social Care Services. This reduction was taken into account within Torbay Council's budget proposals.

7.6 Members questioned how the £150k voluntary and community sector contracts funding would be allocated.

This fund had been built in to help build some capacity within the voluntary and community sector to support valued services e.g. the community helpline where people were presenting with more complex needs, which takes longer to provide support and involves more call backs. It was recognised that it was important to support this sector to reduce pressures on statutory services.

7.7 Members questioned how costs for care home fees had been built into the budget and if the Council was likely to have increased costs due to increases in national insurance and living wage.

The funding of the care home market was part of the Section 75 agreement with the NHS as part of the Integrated Care Organisation (ICO). An uplift had been agreed, with the market sustainability and investment fund being passported to the ICO to support providers and help support a sustainable care market. The NHS sets the fees with the Council working in partnership with the providers. These fees were higher in Torbay compared to our neighbouring authorities and other areas within the region.

7.8 Members asked if funding had been identified within the budget for a data analysis post to support Safer Torbay with evidence-based evaluation of their work.

A review was being carried out around the Safer Partnership role looking at how the Partnership was tracking outcomes with the Cabinet Member for Adult and Community Services working with officers to look at how the

Council could support this. There was a commitment to utilise some existing resource to pull together an outcomes framework within the existing budget.

7.9 Members asked questions around how the funding streams for Public Health, including drugs and alcohol, due to end in March 2026 been addressed within the budget proposals and what the implications of this were.

Further detail on the distribution and allocations of Public Health grant funding would be published at the provisional Settlement, but the Council was not expecting any material reductions in funding or negative impact on services.

The level of funding for Drug and Alcohol Treatment and Recovery Improvement Grant (DATRIG) and stop smoking grant in 2026/2027 was expected to be similar to the amount of grant received in 2025/2026 and therefore no additional budget allocation was proposed in 2026/2027. Should the funding allocation be less than expected there was sufficient Public Health reserves to support the smoking provisions that need to be continued in 2026/2027, without the need for any wider Council budget requirement.

The Healthy Weight Framework looks at how Public Health support people with their weight which was being addressed holistically. There was no specific funding to support obesity in young people. But there was money to invest in individual weight management for adults. The NHS continues to have a specific programme, but it was not clear if this was targeted at young people. Most of the work was around diabetes working with adults and co-ordinating support for families.

7.10 Members asked, following a recommendation from the Audit Committee, if additional funding had been included in the budget for resourcing for the Counter Fraud Team.

Rather than provide additional funding for Counter Fraud, the Council had been working closely with Devon Assurance Partnership and had subsequently seconded two FTE Torbay Council fraud staff to the partnership for an initial 12 month period. This had enabled the Council to gain access to a wider pool of fraud staff, and expertise, covering a larger geographical patch. To date, this had been a positive move – the Council would keep the arrangement under review over the coming months.

7.11 Members discussed the potential impact of Local Government Reorganisation (LGR) on Service budgets and questioned if the £100k was a sufficient reserve to cover costs, which were unknown at this stage but could be wide ranging if Torbay does not stay the same size. It was acknowledged that funding could be impacted if Torbay's boundaries expand due to us currently receiving favourable funding for areas such as Public Health due to high levels of deprivation within our existing boundaries. It was noted that the funding Settlement was based on Torbay Council staying the same and that LGR implications had not been factored into the three year Settlement.

7.12 Members challenged the submitted sustainability plans and progress made to date and received the following updates:

- Home to school transport was maintaining a position of not increasing spend and may come in £100k underspent in the 2025/2026 financial year, but more work was required around post 16 working with Adult Services colleagues.
- The Locality Model pilot was showing positive signs linking to SEND and the safety valve.
- The placement plan for children's social care was more challenging with high unregulated provider costs and the requirement for post 16 supported accommodation to be Ofsted Registered which was increasing their costs. The Council was looking at how to bridge the gap to ensure that providers could still support the young people who need their services. The Government was looking at Regional Care Co-operatives and work around placement sufficiency which was impacting on the sector. There were benefits and weaknesses of this model as it could increase pressure of areas competing with each other for scarce placements. The Minister also wants to encourage Fostering Hubs to help increase the number of families coming forward to become foster carers, but pilots which had been rolled out for 18 months were not producing the increases in families expected. Also learning from secure welfare when it went into a national responsibility when a placement was requested there were 60 or more others wanting a placement. Members welcomed any initiatives that would help increase the number of foster carers in Torbay and supported Member involvement in any campaigns or initiatives.
- Housing and homelessness were still a pressure, and a reserve had been included within the budget for affordable accommodation to enable the Council to move from the traditional temporary accommodation as it was better for families to move to a lifetime home rather than temporary accommodation. The reserve would be used to assist with delivery options when they arise e.g. Aria and Midvale to bring properties online. There was an increase in demand, but the prevention work was working well with rent support and working and negotiating with landlords to enable families to maintain their homes. The Renters Rights Bill would put pressure on landlords, and this was being monitored on a monthly basis. Schemes such as Hotels to Homes were driving forward innovation within Torbay.
- Adult Social Care Transformation - there was still a lot of work to do around this area working with Channel 3 and the ICO. Including looking at how to reshape the care market, how we support people with supported living, model of care, transition of young people with SEND from Children's Services and pressures around staffing. There was a disparity between reablement from the hospital which was very good compared to reablement within the community. A new Reablement Service had been procured and would be announced in the New Year working with three local providers to support people in the community funded through the Better Care Fund. This was a test and learn pilot with a view to moving to the Revenue Budget in future years.

7.13 Members asked questions around how the Budget related to the Business Plan and the Management Fee for SWISCo and sought reassurance that the SWISCo budget was sufficient taking into account additional in-year requests in 2025/2026.

7.14 Members asked questions around the Torbay Coast and Countryside Trust (TCCT) going into liquidation, including implications for Sites of Specific Scientific Interest (SSI).

It was too early to tell what the costs to the Council would be as a result of the changes to TCCT. There was a cost for SWISCo to provide the services and an ask for some capital investment for some of the trees and coast path to be maintained. The excellent work of the TCCT volunteers was acknowledged and the need for SWISCo to work with the volunteers and some of the former staff moving forward. There was a lot of expertise within SWISCo and they were looking to compliment that with who they need to bring in from the former TCCT and what the requirements were for management, including co-ordinating the volunteers. There had been issues with the maintenance of some of the vehicles and buildings and there may be better ways of delivering some of the elements of the services previously provided by the TCCT. SWISCo would not be running the farming operation and there would be a change in the way in which some of the land was being managed going forward. It was expected that more detailed information would be known by the Summer. Natural England and The Heritage Lottery Fund had been briefed.

7.15 Members asked questions around heritage and events, including if there were proposals to do more in the Town Centres, if employing apprentices would help with capacity in the Events Team and if there was sufficient funding in the budget for Torquay Museum and Brixham Museum and the swimming pools.

Members were advised that capacity in the Events Team was always a challenge when the Council directly delivers events such as the Illumination trail and the English Riviera Airshow. There was a lot of work involved around health and safety compliance. Apprentices would not help in this particular area. There was a need to work with Councillors and partners to ensure that we focus resources on the right things. This was covered in one of the Place Sustainability Plans looking to help prioritise staff resources. The Council was already working with South Devon College and their students having work experience with the ice rink. There was a need to make sure Torbay has skills in the community to put on events themselves.

Torquay Museum, Brixham Museum and the Geopark were all areas which needed to be reviewed, there was no intention to reduce the funding for the Museums and the National Lottery Heritage Fund was supporting work with the Geopark with Terra Firma over the next 12 months to see how they can make the Geopark intrinsic to the wider Bay. Paignton Picture House had also been supported by the Council and was due to open next year.

Members were advised that the Bay of Lights covered more than just the illumination trail in Torquay, including the train of lights in Paignton and lights and lanterns and illuminations in Brixham. There was a desire to widen the illumination trail but this was already very costly to put on and would require more investment from local businesses in order to deliver this on a wider scale. Approximately £20,000 sponsorship had been received this year towards the illumination trail as well as contributions from the English Riviera

Business Improvement District Company (ERBID). The Council needed to improve how we identify and ask local businesses to contribute towards our events which bring a lot of visitors into the Bay and money into local businesses.

It was noted that each pool was now becoming more financially secure since the Swimming Pool Support Fund grant improvement works, these works have enabled them to become more energy efficient. Officers understand that the annual grant (£12,000) from Torbay Council was helping the pools stay on top of essential maintenance works. Officers are aware that Admiral Swimming Pool is identifying and applying for grants and raising funds to renew their ventilation system and Swim Torquay are applying for grants and raising funds to refurbish their changing rooms. The Council has not had any requests from them for further Council funding.

7.16 Members asked questions around the funding for Local Government Reorganisation (LGR) and if funding was provided by the Government.

All costs associated with LGR had to be met by the local authorities themselves. There was no additional funding from the Government to cover any costs.

7.17 Members were advised that they key costs impacting on Corporate Services related to ICT, Legal Services and LGR and making sure that the Council can keep running properly and safely. The Council was still facing staffing challenges in Legal Services with the current approach to directly appoint staff being successful but the volume of work against available staff was still a challenge. Investment was required to maintain our IT resilience. There were also additional costs for the Libraries to cover increases in National Insurance etc. costs.

Capital Budget

8 Key Lines of Enquiry

8.1 Members asked questions in relation to the SWISCo capital programme e.g. fleet replacement scheme.

The Council had approved a capital loan to SWISCo on 11 September 2025 to enable them to modernise their fleet of vehicles to be funded from reduced costs on leases and maintenance of older vehicles – see [Agenda for Council on Thursday, 11 September 2025, 5.30 pm](#). A note on the fleet replacement was circulated to the Members of the Panel on 9 January 2026.

8.2 Members sought reassurance that lessons had been learned from the overspend and delay for the Armada Park and Torre Valley North projects.

It was noted that this had been impacted by ability to use unallocated Section 106 funding, tying down match funding and relationships with the voluntary groups. A lessons learnt report was due to be presented to the Capital and Growth Board in January 2026 and would come to the Cabinet Regeneration and Capital Projects Working party after that. Reassurance was given that all

requests for Section 106 Funding above £50,000 would go via the Capital and Growth Board in the future to include details of the scheme, funding and costs. A report would also be presented to the Working Party on CIL and Section 106 funding so that Members were updated on the current sums available to see what opportunities there were for more flexible use or combining funds where appropriate. It was noted that the pace of CIL contributions was going to decrease due to the lack of developments and the number of proposals being land banked. This was also impacted by affordable housing schemes with a need for more private led housing schemes to come through.

8.3 Members asked for a written response on the amount of loss in business rates and rents for The Strand and Union Square.

For the Strand an overspend on Business rates of **£108k** for 2026/2027 was estimated.

For Union Square an overspend of £400k as the net pressure across the following areas was estimated:

- Business Rates = **£100k**
- Loss of rental income = **£300k**

The total estimated pressure was £508k, hence the £500k proposed within the 2026/2027 budget papers.

8.4 Members asked for clarification on the Reserves.

The Revenue Reserves Policy was included within the Priorities and Resources Review Panel pack for the 10 December 2025 meeting (pages 119 - 130) and provides further information on the Council's reserves and their governance and principles etc.

This year the only transfer planned/highlighted within the paper was the transfer of surplus reserves within the collection fund to increase the Major Repairs and Maintenance reserve to £1m.

The Reserves Statement was included as a table at the end of the document, which summarises the actual and estimated balance at the start of each financial year.

9. Conclusion

9.1 The Panel reflected and debated the information provided to them, both verbal and written, following which recommendations were formed (as set out below). Members welcomed that due to prudent management of the Revenue Budget over the past few years, there were no specific cuts to services identified within the proposals with focus being given to the high-spend areas via the Financial Sustainability Plans. Overall Members supported the Revenue and Capital Budget 2026/2027 consultation proposals. Members welcomed the additional £1.2m funding in 2026/2027 but were disappointed that due to the lack of proposed funding from the Government in future years there was a need to increase the Council Tax by the full 4.99% instead of 4.75% to try to

protect some of the Base Budget moving forward, rather than helping to ease some of the financial pressures of Torbay's residents.

9.2 Members were gravely concerned over the impact of the Government's Financial Settlement Proposals for 2027/2028 and 2028/2029. Members felt that the new Fair Funding Formula was far from fair as it failed to recognise one of its main aims being the intention to support areas of deprivation in respect of Torbay. Compared with other Councils that have similar levels of deprivation, using the Index of multiple deprivation Torbay Council is within the second highest banding (group 9), which has an average increase in Core Spending Power for 2027/2028 of 6% compared with Torbay's 1% increase. Similarly, in 2028/2029, the average increase is 5.7% compared with Torbay 0.9% increase. This will have a huge impact on Torbay's residents and the ability for the Council to provide the required support with continued cost of living pressures and high levels of poor health and people out of work. Members felt that all efforts should be made to raise awareness of this and to try to get a fair deal for Torbay moving forward and to take advantage of any opportunities for additional funding/grants.

9.3 The Panel formed the following recommendations to the Cabinet which were approved by the Overview and Scrutiny Board on 14 January 2026. On being put to the vote, the motion was declared carried unanimously.

10. Recommendations

10.1 That the Cabinet be recommended:

1. that any additional money received in the final Government Financial Settlement be used for an adult social care transformation reserve and that all appropriate steps be taken to work with the Government to secure additional funding to help deliver this;
2. that the Panel acknowledge the Cabinet's intention to increase the Council Tax by 4.99% in recognition of the impact on the Council's funding in 2027/2028 and 2028/2029; and
3. that the Cabinet, Directors and the Members of Parliament be recommended to continue to take all appropriate steps to provide evidence and put the Council's case forward that the Fair Funding Formula does not recognise Torbay's deprivation and the impact that it will have moving forward.

Meeting: Cabinet

Date: 17 February 2026

Wards affected: All Wards

Report Title: Budget Monitoring – Revenue and Capital Outturn 2025/26 Quarter 3

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

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

Supporting Officer Contact Details: Ian Rowswell, Deputy Director of Finance,
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1. Purpose and Introduction

- 1.1. This report provides a high-level budget summary of the Council's revenue and capital position for the financial year 2025/26, reviewing budgets and considering year-end forecasts. These forecasts are based on the levels of spend and financial information at the end of quarter 3 (Q3), up to 31 December 2025.
- 1.2. The Council is currently projecting an overspend of £0.699m by the end of the year, a decrease of £524k on the position projected at quarter 2 (Q2). The report highlights the areas where material variances are being projected, the reasons for them and mitigating action being taken.
- 1.3. An updated forward looking Capital Investment Plan was included within the 2025/26 budget papers. An updated Plan is shown as Appendix 1 and highlights a total revised capital budget of £128.491m for the period up to 2028/29 and a revised budget of £57.637m for 2025/26.

2. Recommendations

Recommendation for Cabinet

- 2.1. That the Cabinet notes the forecast revenue outturn position and amendments made to the published 2025/26 Capital Investment Plan.

3. 2025/26 Budget Summary – as at 31 December 2025

3.1. The Council are currently projecting an overspend against its revenue budget of **£0.699m** for the end of 2025/26.

3.2. The table below provides a summary across Council Service Directorates.

Service	Budget £m	Projected Outturn £m	Variance £m
Adults and Community Services	49.282	49.145	-0.137
Children's Services	46.026	48.236	2.210
Corporate Services	15.397	15.799	0.402
Financial Services	12.356	10.499	-1.857
Investment Portfolio	-4.134	-4.134	0.000
Pride in Place Services	28.560	28.641	0.081
Public Health Services	0.016	0.016	0.000
Revenue sub-total	147.503	148.202	0.699
Sources of Finance	147.503	147.503	0.000
Revenue Over/ (Under) spend	0.000	0.699	0.699

3.3. The two areas where significant overspends are being forecast are Children's Social Care Placements and Legal Services, which total over £3.2m. These will be mentioned in more detail later in the report. Whilst the projected outturn for legal services has reduced slightly since Q2, the projected overspend on Children's Placements has again increased significantly from £2.087m to £2.828m. Underspends from an unused pay contingency budget and an increase in estimated underspend on Treasury Management have reduced the impact on the projections and resulted in the overall reduction to the estimated outturn position by £0.524m.

3.4. Robust financial management and control continues to be required from all services across the Council in order to mitigate current and emerging spending pressures to ultimately achieve a breakeven position by the year end.

3.5. Financial Sustainability Plans are being maintained by each Director, which are overseen collectively by the Chief Executive and Directors in respect of the following key risk areas. These will continue to be reviewed and updated:

- Adult Social Care – Transformation programme

- Adult Social Care – Market management
- Children’s Social Care placements
- Home to School Transport
- Children’s Locality Model and oversight of Safety Valve
- Prevention and Relief of homelessness
- Legal Services – staffing and agency costs
- Revenue and Benefits (Council Tax and NNDR collection rates)
- Events
- Management of Heritage Assets (Cockington, Oldway, Torre Abbey and Pavilion)
- Optimisation of Council Assets
- Planning, Building Control and Land Charges income targets
- Council Use of Artificial intelligence and Overarching Plan (being developed)

3.6. Action taken in respect of these plans will continue to have a positive impact, mitigating current costs or pressures that otherwise would emerge and help to reduce projected overspends, where forecast.

3.7. The Dedicated Schools Budget, and particularly the Higher Needs Block, is not currently shown within the table above. Spend continues to be monitored as part of the Safety Valve agreement in order to facilitate the write-off of accumulated deficits, currently forecast to be over £17m by year end. Achieving the targets outlined and agreed within the Safety Valve Plan continues to be challenging with an overspend on the DSG budgets of £2.685m now being forecast for 2025/26. A summary of the position is shown in para 3.23.

Service Budgets

3.8. The table below summarises the most material variances (over circa £0.100m), which are explained further within the service sections of the report.

Service	Current Budget £m	Projected Outturn £m	Outturn Variance £m
Children's – Section 17 costs	0.580	0.800	0.220
Children's - Social care placements (excl. UASC)	23.559	26.387	2.828
Children's – Staff costs (including agency)	22.228	21.623	(0.605)
Children's - Disabilities (Day Services/Dom Care Direct Payments and Overnight Breaks)	1.479	1.582	0.103
Children's – Learning Academy Training	0.167	0.067	-0.100
Corporate – Legal Services	2.085	2.513	0.428
Finance – Investments and borrowing	18.572	17.472	-1.100
Finance – Unused central pay contingency	-0.757	0.000	-0.757
Place – Torre Abbey	0.416	0.541	0.125
Place - Highways – road closure income	(0.130)	(0.230)	-0.100
Place – Concessionary Fares	3.656	3.516	-0.140
Place – Waste Disposal	5.019	5.119	0.100
Place – Car Parking	(5.985)	(6.435)	(0.450)
Place - SWISCO	18.028	18.328	0.300
Total of variances over £100k			0.852

(Note: Other variances under £100k are not highlighted within this table hence totals will differ from overall variance mentioned above)

Adult Services (incl. Community and Customer Services)

3.9. Overall Adult Services are forecasting an underspend of (**£0.137m**), all of which relates to Community Services rather than to Adult Social Care. No material variances are being reported and a small number of underspends are being forecast across Community services including, environmental protection, housing standards and safer communities, due to vacancies and timing of recruitment.

3.10. Within Adult Social Care the majority of spend is against a fixed price financial arrangement (contract) for the delivery of services provided by the Integrated Care Organisation (ICO) and no variances are being reported.

3.11. In previous years we have experienced overspends and pressures within our Housing Options Service relating to increasing costs for homelessness prevention and the provision of Temporary Accommodation. A combination of increases in the 2024/25 and

2025/26 budget, alongside management actions and the purchase of our own properties has resulted in no significant overspends being projected so far in this year. A Financial Sustainability Plan remains in place, which will continue to be monitored closely.

Children's Services

3.12. Overall Children's Services are forecasting an overspend at Q3 of **£2.210m**. The table below highlights the material variances.

Service	Budget £m	Projected Outturn £m	Variance £m
Section 17	0.580	0.800	0.220
Social care placements (excl. UASC)	23.559	26.387	2.828
Staff costs (including agency)	22.228	21.623	(0.605)
Learning Academy Training	0.167	0.067	(0.100)
Home to School Transport	4.107	4.186	0.079
Disabilities – Day Services/Dom Care Direct Payments and Overnight Breaks	1.479	1.582	0.103
Special Guardianship, adoption and residence order allowances	2.829	2.772	(0.057)
Adopt South-West service – Inter agency fees	0.688	0.598	(0.090)
Other variances	-	-	(0.168)
Forecast Outturn Position	-	-	2.210

3.13. Expenditure relating to support for children in need under Section 17 of the Children Act 1989 is forecast to exceed budget by **£0.220m**. This is due to ongoing increases in demand, particularly in areas such as housing support, to ensure the Council meets its duty to safeguard children and promote their welfare.

3.14. The Service is currently projecting an overspend of **£2.828m** across budgets for children social care placements, an increase of £0.741m on the projection at Q2. This movement is caused by cost increases rather than an increase in the number of placements. There is a national sufficiency issue in respect of placements, affecting both fostering and residential children's homes. This challenge is further compounded by the requirement for post-16 placements to be Ofsted registered. These factors are causing significant disruptions in the market, with private providers substantially increasing their costs.

3.15. In practical terms, this means that for each available placement, there are a large number of local authority referrals. Despite receiving expressions of interest and attending matching meetings, providers often select children who are easier to place, leaving our more complex children, who may have dis-regulation issues or Deprivation of

Liberty Safeguards (DoLS), struggling to find suitable placements. As a result, we are increasingly relying on unregulated provision, which is not only on the rise nationally but also comes at a significantly higher cost.

- 3.16. We continue to work diligently to manage these pressures and limit any adverse impact on our budget. Our financial sustainability plan remains in place as we strive to navigate these challenging circumstances.
- 3.17. An underspend of **(£0.605m)** is currently being forecast in relation to our budgets for Staffing (including agency). This is due to the new staffing structure being implemented from 1st September 25, where there are vacant posts which are yet to be filled. Also the use of agency staff continues to be reduced wherever possible.
- 3.18. The underspend projected on the budget for Learning Academy Training has increased since Q2 as is now estimated to be **£0.100m** at year end. This links with the underspend forecast above on staffing – with demand for training in the year below the level expected.
- 3.19. An overspend of **£0.079m** is now being forecast on Home to School Transport services. Actions taken within the Financial Sustainability Plan for this area, have managed to mitigate pressures to date but increasing requirements for more bespoke arrangements to get to and from school has resulted in an increase to projected year end costs.
- 3.20. An overspend of **£0.103m** is now projected on Disabilities services due to increased demand across day services, domiciliary care / direct payments and overnight short breaks.
- 3.21. Outside of Local Authority funded activities, the schools' higher needs block in the Dedicated Schools Grant (DSG) remains under financial pressure from continual referrals for assessment for higher needs support for children.
- 3.22. The Council is part of the Department for Education (DfE) Safety Valve programme, which supports councils in achieving future financial sustainability in this area. The DfE provides additional funding in line with the Councils recovery plan, which reduces the cumulative DSG deficit.
- 3.23. Torbay Council has already received £9.810m from the DfE in response to its recovery plan, without which the DSG cumulative deficit is forecast to be £17.154m at the end of 25/26. It is critical that the Council continues to deliver on its recovery plan and the Service continues to work with Schools, robustly monitoring the position. This is becoming increasingly challenging and we are currently projecting an overspend on the DSG budgets in 2025/26 totaling £2.685m, with further breakdown shown below:

Summary of Children's Services DSG projected year end position 25/26	Over/(Under) Spend
Budget Area	£
Special School / High Needs in-year adjustments	0.500
EHCP - In-year adjustments for Primary & Secondary Schools	0.550
No formal agreement with Health for their contributions towards EHCP costs	0.150
South Devon College placements	0.210
Independent Special School Placements	0.651
Recoupment between other Local Authorities for our pupils in their provision and vice versa	0.040
Education Other than at School - Bespoke Packages / Alternative Provision / SEND Direct Payments	1.140
Education element of Joint Funded Cared for Children Placements	-0.063
Staff costs in-year vacancy savings	-0.096
Medical Tuition Service - Contract Refund and savings from service coming back in-house from Sept 25	-0.356
Vulnerable Children - including, Hospital Tuition & EAL	-0.059
Other DSG	0.018
Total	2.685

Corporate Services

3.24. Overall Corporate Services are forecasting an overspend of **£0.402m**, a reduction on the figure reported at Q2. The table below highlights the material variances of which the Legal Services budget is projecting an overspend of **£0.428m**. The service continues to experience financial challenges despite significant budget increases in recent years to reflect increasing demand and difficulties in recruiting permanent staff. This is a national issue across the public sector, with difficulties competing with the salaries paid by other organisations, particularly within the private sector. Market factors have been reviewed to improve recruitment, but high demand levels mean vacancies and absences have been covered by agency staff and consequently spend levels have remained high. This figure has reduced by £115k since Q1 and a financial sustainability plan remains in place for this area.

Financial Services

3.25. An underspend of **(£1.100m)** is projected across our Treasury Management budgets – an increase on the Q2 figure. This is mainly as a result of increased interest rates being secured, meaning the Council has earned higher levels of interest on its cash investments than budgeted. We also have a saving on interest payable by the Council on the amounts borrowed as a result of managing borrowing requirements.

3.26. As part of setting the 2025/26 budget a central contingency was held to mitigate the risk from pay awards being higher than budgeted. This has not been required in 2025/26 and an underspend of **(£0.757m)** is being reported.

Investment Portfolio

3.27. The Council's Investment Portfolio is forecast to provide a net revenue contribution, after the use of the investment property reserve, to cover lost rent, holding costs of vacant premises and landlord's works.

3.28. The Council's investment portfolio continues to contribute £4.1m towards Council activity, in line with the budget, whilst also maintaining its Investment Fund Reserve to offset future pressures as and when they arise.

Pride of Place

3.29. Overall Pride of Place services are projecting an overspend of **£0.081m**. The table below highlights the material variances.

Service	Budget £m	Projected Outturn £m	Variance £m
Torre Abbey	0.416	0.541	0.125
Highways – road closure income	(0.130)	(0.230)	(0.100)
Concessionary Fares	3.656	3.516	(0.140)
Bus subsidies	0.220	0.292	0.072
Waste Disposal	5.019	5.119	0.100
Car Parking	(5.985)	(6.435)	(0.450)
SWSICO	18.028	18.328	0.300
Other variances	-	-	0.174
Forecast Outturn Position	-	-	0.081

3.30. The budgets for Torre Abbey are forecast to overspend by **£0.125m** by the year end. This pressure also emerged last year and is due to income levels being below budget for a number of areas, including the café and weddings. A Financial Sustainability Plan is being finalised to cover this area and identify actions that can be taken to manage spend, optimise income and reduce the overspend.

3.31. An underspend of **(£0.100m)** is projected on the Highways budget, mainly as a result of income from road closures continuing to exceed the budget.

3.32. The Concessionary fares budget is forecast to underspend by **(£0.140m)** this year. The costs linked to the number of users are expected to be lower than estimated within the budget.

3.33. A over spend of **£0.072m** is forecast within our bus subsidy budget in order to continue operating agreed routes. This is based on estimated increases in the subsidies provided to suppliers exceeding those budgeted.

3.34. The Waste Disposal budget is forecast to overspend by **£0.100m**, a slight reduction on the Q2 projection. Waste volumes, (tonnages), are higher than predicted at this point in the financial year and costs are likely to exceed budget by year end.

3.35. The Car Parking budget is forecast to underspend by **£0.450m**. This is due to forecast income at year end projected to exceed budgeted income targets both from off street car parks and enforcement. The warm weather during the summer months had a positive impact with increased demand for off street car parks in particular.

3.36. An overspend of **£0.300m** is being projected for SWISCO, which relates to agency & insurance costs exceeding budget plus the projected level of enforcement income being much lower than budgeted.

Public Health

3.37. Public Health is reporting a balanced position within its ring-fenced grant.

4. Collection Fund

4.1. Collection rates in 2025/26 do not have any impact on the current financial year with the Collection Fund equalisation reserve being maintained to manage any impact of shortfalls. No draw down was required in 2024/25 and a surplus was transferred into this reserve pending a further review around risk and appropriate reserve levels.

4.2. In-year income collection rates for 2025/26 are expected to be in line with budgeted levels.

5. Wholly Owned Companies

5.1. As highlighted above SWISCO is experiencing a number of financial pressures relating to operational delivery throughout 2025/26. The previous report provided for an additional loan to support a phased replacement of an ageing fleet of vehicles, to mitigate the additional costs associated with increased repairs and maintenance costs and associated hire costs. However, other pressures remain and SWISCO have experienced increased insurance costs this year as well as agency staff costs that are much higher than budgeted due to the need to cover for various sickness and other absence.

5.2. SWISCO are also projecting a significant shortfall in enforcement income compared with the annual budget. An approach that focuses much more on education and community engagement rather than issuing penalty notices is working well but having an impact on the level of income collected.

5.3. TEDC staff returned to Council management in April 2024 and assets and contracts transferred at different times throughout the last year, with some further transfers of assets planned as soon as legally possible. Consequently, it is still necessary for the company to be in existence, however we do not anticipate any material impact on the Council's accounts.

5.4. More detailed financial reporting about the Council's wholly owned Companies forms part of the Council's Statement of Accounts.

6. Capital

6.1. The 2025/26 Capital Plan budget of £32.606m was approved in February 2025 as part of the annual budget setting process. The budget papers included an updated forward

looking capital programme, estimating the spend over the next 3-years (2025/26-2027/28).

6.2. The 2025/26 Capital Plan budget increased to £73.771m to incorporate reviews that took place at the monthly Capital and Growth Board meetings during quarters 1 and 2.

6.3. It is now recommended that an additional £10.969m is added to the capital plan, which reflects the latest position within capital projects and the reviews undertaken by the Capital and Growth Board during quarter 3.

6.4. In addition, a review of the approved capital plan has been undertaken as part of the budget monitoring process and project budgets have been reprofiled where required to reflect the anticipated project spend profile for the period of the plan.

6.5. The review has resulted in £27.103m being reprofiled to future years, this has reduced the quarter 3 revised budget to £57.637m.

6.6. Details of the budget revisions and budget reprofiles are included in Appendix 1 and are summarised in the table below.

Project Name	Total Spend Previous Years £000's	2025/26 Budget			
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's	Revised Budget £000's
Schools Capital Programme	54	6,423	0	(1,760)	4,663
Projects under Feasibility and Development	25,607	20,757	2,455	(5,582)	17,630
Economic Development / Regeneration	2,799	357	1,393	0	1,750
Housing Development / Investment	3,122	16,963	4,300	(6,250)	15,013
Environment / Climate Capital Investment	2,863	5,931	2,772	(5,406)	3,297
Transport Capital Investment	479	13,933	0	(5,699)	8,234
Coastal Defence / Flood alleviation	1,499	7,807	0	(2,406)	5,401
Sports, Leisure and Culture	635	184	21	0	205
Schools Closed Projects	7,325	767	0	0	767
Other Closed Projects	66,209	649	28	0	677
Total	110,592	73,771	10,969	(27,103)	57,637

The table below highlights the changes and provides a reconciliation from the approved budget to the revised budget.

Project Name	Amount	Comments
Revised Budget 2025/26	£73,771,000	Approved in September 2025
Additions to the Capital Plan		
Crossways, Paignton	£1,729,000	Budget increase as per the Outline Business case presented to December CGB, required to progress the preferred scheme through to Full Business Case stage Link to CGB Business Case: <u>OBC - Crossways</u> Source of Funding: Disabled Facilities Grant, Brownfield Land

		Release Fund, ASC Revenue and Capital, S106 Funding
Pavilion	£600,000	Funding for works in respect of intrusive investigation works required at the Pavilion Source of Funding: Capital Receipts Underwriting...
Paignton Picture House	£1,245,000	Source of Funding: Prudential borrowing
Affordable Housing - St Boniface Church	£4,300,000	Budget for acquisition of land at St Boniface Church and to enter into a design and build contract to construct social rented 'later living' apartments. Link to CGB Business Case: FBC - Affordable Housing - St Boniface Source of Funding: Homes England Grant, Accommodation Repurposing Programme grant, Prudential Borrowing
Household Waste Recycling Centre Relocation Project	£376,000	Budget for the Household Waste Recycling Centre (HWRC) project to be progressed as a Tier 3 Capital Project Link to CGB Business Case: PID - HWRC Relocation Project Source of Funding: Extended Producer Responsibility Grant
Street Lighting Upgrade	£2,262,000	Budget to fund the Street Lighting upgrade CMS and LED upgrade project. Link to CGB Business Case: FBC - Street Lighting Upgrade Project Source of Funding: Prudential Borrowing
<u>2025/26 Other Budget Adjustments</u>		
Various Project Budgets	£457,000	Funding Source: Various
Revised Budget before reprofiling	£84,740,000	
Budgets Reprofiled to future years Schools Capital Programme Projects under Feasibility and Development Housing Development Environment / Climate Capital Investment Transport Capital Investment Coastal Defence / Flood alleviation	(£1,760,000) (£5,582,000) (£6,250,000) (£5,406,000) (£5,699,000) (£2,406,000)	Budgets reprofiled to future years based on anticipated spend profile in respect of projects
2025/26 Quarter 3 Revised Budget	£57,637,000	

6.7. In addition, further projects will be moved from feasibility and development to fully approved projects throughout the period on completion and approval of robust business cases. The business cases for these projects are reviewed by the Capital and Growth Board who recommend projects and funding for approval by Council.

6.8. Further to the Council's decision in December 2025, to resolve to use Compulsory Purchase Order (CPO) powers to acquire land suitable to develop a New Waste Transfer Station and Household Waste Recycling Centre, we are first required to try to acquire suitable land by negotiation. Council Officers are currently in negotiations with a landowner for a parcel of suitable land, to be transacted as soon as practicable. A record of decision will be produced, which will identify the use of an earmarked Waste reserve as initial funding for this purchase, the balance of which is £230k. The use of our general comprehensive spending review (CSR) reserves has been identified to fund the balance needed to acquire the land in advance of developing an outline business case.

6.9. The level of cost inflation on construction contracts remains high and along with supply chain issues have impacted on the "pace" of spend and capital expenditure for the year being less than forecast. The balance on unspent capital budgets will be transferred into future years.

6.10. The range of capital projects demonstrates the breadth and scale of the capital programme projects affecting services including highways, schools, housing and regeneration.

7. Risks & Sensitivity

7.1. There are a number of financial risks facing the Council as shown below:

Risk	Impact	Mitigation
Financial sustainability and write-off of the DSG Deficit, given increasing spending challenges.	High	The Service continues to work closely with its schools and robustly manages and reports on its recovery plan approved with the Department for Education's Safety Valve programme.
Adult Social Care funding is not sufficient to meet forecast costs	High	A new five-year contract has been agreed from April 2025 and the Director of Adult Social Care continues to work closely with Health Trust colleagues and our third-party transformation partners on a range of intervention activity and savings plans, in collaboration with the Trust.
Price increases from high inflation rates continue to have an impact on both revenue and capital costs.	Medium	The 2025/26 base budget included a higher than usual allowance for inflationary pressures and appropriate contingencies/reserves are held for revenue and capital.

The “cost of living” economic impact on the Council’s residents from higher fuel and utility costs is likely to impact on both demand for council services and may result in reduced income from Council Tax.	Medium	The Council will continue to mitigate where possible the impact on council services and support/signpost residents to support. The Council will continue to administer payments under both the Household Support Fund and Council Tax Rebates, whilst also monitoring collection rates.
Unable to recruit staff and need to use agency staff.	High	Work continues to identify solutions to these challenges which seem to be on a national scale. Legal services staff continues to be a challenging area and the Financial Sustainability Plan will continue to be updated and reviewed.
Delivery of financial sustainability plans	Medium	Plans will be monitored at Directors’ meetings to assess progress and potential risks/issues and opportunities.
Investment Property Income changes	High	The Investment Board will continue to review future leases and manage any potential break clause implications – maintaining appropriate balances within the Investment Reserve
Voids in commercial properties and sites held pending development incur costs in excess of budget.	High	The 25/26 budget allocated £300k to help establish a reserve that can be used to offset unplanned costs.
Demands on the Council Repairs and Maintenance (R&M) budgets exceed funding available.	High	The R&M budget was increased by £200k in 24/25 and a further £400k in 25/26.
Temporary Accommodation – increasing demand and cost pressures within the local housing market.	Medium	Budgets have been increased over recent years and robust monitoring will continue, including assessing the impact from directly procuring properties to increase the stability of accommodation options available to the Housing Options team

Appendices

Appendix 1 – Capital Plan summary as at Q3 2025/26

Appendix 2 – Write-offs over £5k - EXEMPT

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Appendix 1 - 2025/26 - Quarter 3

Project Name	Total Spend Previous Years £000's	2025/26 Budget					Revised 4-Year Plan					Total Scheme Spend £000's
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	2028/29 £000's	Total for Plan Period £000's		
Schools Capital Programme	54	6,423	0	(1,760)	4,663	4,663	3,291	1,580	1,381	10,915	10,968	
Projects under Feasibility and Development	25,607	20,757	2,455	(5,582)	17,630	17,630	14,966	2,153	30	34,779	60,386	
Economic Development / Regeneration	2,799	357	1,393	0	1,750	1,750	4,570	0	0	6,320	9,119	
Housing Development / Investment	3,122	16,963	4,300	(6,250)	15,013	15,013	7,250	1,000	1,000	24,263	27,385	
Environment / Climate Capital Investment	2,863	5,931	2,772	(5,406)	3,297	3,297	3,406	1,000	1,000	8,703	11,566	
Transport Capital Investment	479	13,933	0	(5,699)	8,234	8,234	8,656	3,285	3,121	23,296	23,776	
Coastal Defence / Flood alleviation	1,499	7,807	0	(2,406)	5,401	5,401	9,306	2,233	0	16,940	18,439	
Sports, Leisure and Culture	635	184	21	0	205	205	0	0	0	205	840	
Schools Closed Projects	7,325	767	0	0	767	767	0	0	0	767	8,091	
Other Closed Projects	66,209	649	28	0	677	677	0	0	0	677	66,886	
Total	110,592	73,771	10,969	(27,103)	57,637	57,637	51,445	11,251	6,532	126,865	237,457	

Capital Plan Detail

Schools Capital Programme

Project Name	Total Spend Previous Years £000's	Q3 - 2025/26 Budget				Revised 4-Year Plan					
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	2028/29 £000's	Total for Plan Period £000's	Total Scheme Spend £000's
Capital Repairs and Maintenance	N/A	716	0	0	716	716	200	200	200	1,316	N/A
Education Review Projects	N/A	1,128	0	(800)	328	328	1,460	368	368	2,524	N/A
High Needs Capital Provision	N/A	2,161	(700)	(499)	1,662	1,662	1,249	750	750	4,411	N/A
Devolved Formula Capital	N/A	113	0	0	113	113				113	N/A
Foster Homes Adaptations	N/A	81	0	39	120	120	82	82	43	327	N/A
Childcare Expansion	18	180	0	0	180	180				180	199
White Rock Primary Defects	0	200	0	(100)	100	100	100			200	200
YMCA	28	152	0	0	152	152				152	180
Sherwell School Salix	0	44	0	0	44	44				44	44
Mayfield College Relocation	7	588	0	0	588	588				588	595
Family Time Relocation	0	200	0	0	200	200				200	200
Childrens Home	0	490	0	(400)	90	90	200	180	20	490	490
The NEST at South Devon College	0	370	0	0	370	370				370	370
Combe Pafford School	0	0	700	0	0	0				0	0
Total	54	6,423	0	(1,760)	4,663	4,663	3,291	1,580	1,381	10,915	15,578

Schools Closed Projects

Project Name	Total Spend Previous Years £000's	2025/26 Budget				Revised 4-Year Plan					Total Scheme Spend £000's
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	2028/29 £000's	Total for Plan Period £000's	
Paignton Academy STEPS Relocation	969	281	0	0	281	281				281	1,250
Acorn Centre (Youth Investment Fund)	487	42	0	0	42	42				42	529
St Cuthbert Mayne Expansion	5,015	427	0	0	427	427				427	5,441
St Cuthbert Mayne Phase 2	854	17	0	0	17	17				17	871
Total	7,325	767	0	0	767	767	0	0	0	767	8,091

Projects under Feasibility and Development

Project Name	Total Spend Previous Years £000's	2025/26 Budget			Revised Budget £000's	Revised 4-Year Plan					Total Scheme Spend £000's
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's		2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	2028/29 £000's	Total for Plan Period £000's	
Crossways, Paignton - Regeneration	5,248	1,154	1,729	(1,683)	1,200	1,200	1,700	554	0	3,454	8,702
Edginswell Railway Station	2,809	49	0	0	49	49	80	30	30	189	2,998
Union Square Acquisition & Development (Town Deal)	7,079	3,963	0	(1,963)	2,000	2,000	1,963	0	0	3,963	11,042
Strand Redevelopment	3,126	2,047	0	0	2,047	2,047	2,430			4,477	7,603
Torquay Town Deal - Pavilion	205	1,296	600	(600)	1,296	1,296	600	0	0	1,896	2,100
Torbay Road Paignton (High Streets Funding)	123	145	0	0	145	145	0	0	0	145	269
Station Square (High Streets Funding)	479	1,271	0	0	1,271	1,271	1,477	0	0	2,748	3,227
Victoria Centre (Paignton) (FHSF)	2,466	1,547	0	0	1,547	1,547	0	0	0	1,547	4,013
Oldway Mansion - phase 1 of Master-Plan	531	1,520	0	980	2,500	2,500	4,400	1,569	0	8,469	9,000
Brixham Square Public Realm (part of LUP £20m)	3	747	0	0	747	747	0	0	0	747	750
Brixham Central Car Park (part of LUP £20m)	119	314	0	0	314	314	0	0	0	314	434
Torbay Tech Park (Part of LUF £20m)	84	6,316	0	(2,316)	4,000	4,000	2,316	0	0	6,316	6,400
Brixham Port Infrastructure (Part of LUF £20m)	158	383	0	0	383	383	0	0	0	383	541
Cultural Infrastructure (LUP part of £20m)	400	0	101	0	101	101	0	0	0	101	501
Foxhole Play & Ecology Hub	60	(25)	25	0	0	0	0	0	0	0	60
Edginswell Business Park - Unit 3	0	30	0	0	30	30	0	0	0	30	30
Total	25,607	20,757	2,455	(5,582)	17,630	17,630	14,966	2,153	30	34,779	60,387

Economic Development / Regeneration

Project Name	Total Spend Previous Years £000's	2025/26 Budget				Revised 4-Year Plan					
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	2028/29 £000's	Total for Plan Period £000's	Total Scheme Spend £000's
Paignton Picture House (High Streets Funding)	2,430	355	1,245	0	1,600	1,600	4,570			6,170	8,600
Small Projects - UK Shared Prosperity Fund	369	2	148	0	150	150				150	519
Total	2,799	357	1,393	0	1,750	1,750	4,570	0	0	6,320	9,119

Housing Development / Investment

Project Name	Total Spend Previous Years £000's	2025/26 Budget				Revised 4-Year Plan					
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	2028/29 £000's	Total for Plan Period £000's	Total Scheme Spend £000's
Disabled Facilities Grants	N/A	1,100	0	0	1,100	1,100	1,000	1,000	1,000	4,100	N/A
Collaton St Mary Land Disposal	130	415	0	0	415	415				415	545
St Kilda's, Brixham - Affordable Housing	232	3,960	0	0	3,960	3,960				3,960	4,191
Hotels to Homes - Scheme 1 (Brampton Court)	916	2,712	0	0	2,712	2,712				2,712	3,628
Hotels to Homes - Scheme 2 (Seabury Hotel)	575	3,420	0	(2,600)	820	820	2,600			3,420	3,995
Local Authority Housing Fund - 4 Housing Units	288	1,360	0	0	1,360	1,360				1,360	1,648
Affordable Housing - Aria Heights	980	2,916	0	0	2,916	2,916				2,916	3,896
Affordable Housing - Midvale Road	0	774	0	0	774	774				774	774
Affordable Housing - Acquisition of Land	0	306	0	0	306	306				306	306
Affordable Housing - St Boniface	0	0	4,300	(3,650)	650	650	3,650			4,300	4,300
Total	3,122	16,963	4,300	(6,250)	15,013	15,013	7,250	1,000	1,000	24,263	27,385

Environment / Climate Capital Investment

Project Name	Total Spend Previous Years £000's	2025/26 Budget				Revised 4-Year Plan					Total Scheme Spend £000's
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	2028/29 £000's	Total for Plan Period £000's	
SWISCO Loan - Vehicle & Equipment Replacement	N/A	3,368	0	(3,000)	368	368	1,000	1,000	1,000	3,368	N/A
Tor Park Road Site Improvements	215	985	0	0	985	985				985	1,200
Grant Payment to SWISCO, Food Waste Collection Grant	120	0	29	0	29	29				29	149
Waste Recycling Centre	0	0	376	0	376	376				376	376
Car Park Investment	699	151	0	0	151	151				151	850
Climate Change Initiatives	92	319	0	0	319	319				319	410
Green Waste Bins	272	(17)	92	0	75	75				75	348
Solar Farm, Brokenbury (EGF)	867	51	0	0	51	51				51	918
Solar Farm, Nightingale Park (EGF)	338	194	0	(144)	50	50	144			194	532
Paignton Library Heat Decarbonisation	0	430	0	0	430	430				430	430
Tor Hill House Roof and Solar Panels	0	450	0	0	450	450				450	450
Street Lighting Upgrade	0	0	2,262	(2,262)	0	0	2,262			2,262	2,262
Energy Efficiency Programme	0	0	13	0	13	13				13	13
Total	2,863	5,931	2,772	(5,406)	3,297	3,297	3,406	1,000	1,000	8,703	11,566

Transport Capital Investment

Project Name	Total Spend Previous Years £000's	2025/26 Budget				Revised 4-Year Plan					Total Scheme Spend £000's
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	2028/29 £000's	Total for Plan Period £000's	
Transport Highways Structural Maintenance	N/A	3,482	0	0	3,482	3,482	2,050	2,050	2,050	9,632	N/A
Transport Integrated Transport Schemes	N/A	2,415	0	(1,615)	800	800	2,686	1,071	1,071	5,628	N/A
Transport - Torquay Gateway Road Improvements	N/A	364	0	(314)	50	50	250	64		364	N/A
Transport - Western Corridor	N/A	450	0	(400)	50	50	300	100		450	N/A
Shiphay Lane (Active Travel Fund)	29	197	0	0	197	197				197	225
Zero Emission Buses Grant	N/A	5,525	0	(2,525)	3,000	3,000	2,525			5,525	N/A
Bus Improvement Plans	0	1,136	0	(836)	300	300	836			1,136	1,136
Cleennon Valley Walking & Cycling Route	0	345	0	0	345	345				345	345
Babbacombe Beach Road	451	19	0	(9)	10	10	9			19	470
Total	479	13,933	0	(5,699)	8,234	8,234	8,656	3,285	3,121	23,296	23,776

Coastal Defence / Flood alleviation

Project Name	Total Spend Previous Years £000's	2025/26 Budget				Revised 4-Year Plan					Total Scheme Spend £000's
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	2028/29 £000's	Total for Plan Period £000's	
Flood Alleviation - Monksbridge	138	40	0	0	40	40	0	0	0	40	178
Paignton & Preston Waterfront	976	7,406	0	(2,406)	5,000	5,000	9,306	2,233	0	16,539	17,515
Flood Alleviation - Torquay	16	136	0	0	136	136	0	0	0	136	152
Paignton Flood Alleviation	45	107	0	0	107	107	0	0	0	107	153
Brixham Flood Alleviation	65	60	0	0	60	60	0	0	0	60	125
Collaton St Mary Flood Alleviation	259	58	0	0	58	58	0	0	0	58	316
Total	1,499	7,807		(2,406)	5,401	5,401	9,306	2,233	0	16,940	18,439

Sports, Leisure and Culture

Project Name	Total Spend Previous Years £000's	2025/26 Budget				Revised 4-Year Plan					Total Scheme Spend £000's
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	2028/29 £000's	Total for Plan Period £000's	
Haldon & Princess Pier	17	78	0	0	78	78	0	0	0	78	95
Torre Valley North Sports Facilities	423	6	13	0	19	19	0	0	0	19	442
Armada Park Refurbishment	168	(8)	8	0	0	0	0	0	0	0	168
Torre Abbey Renovation - Phase 3	28	108	0	0	108	108	0	0	0	108	136
Total	635	184	21	0	205	205	0	0	0	205	840

Closed Projects

Project Name	Total Spend Previous Years £000's	2025/26 Budget				Revised 4-Year Plan					Total Scheme Spend £000's
		Approved Budget £000's	Budget Revisions £000's	Budget Reprofiled £000's	Revised Budget £000's	2025/26 Total Revised Budget £000's	2026/27 £000's	2027/28 £000's	2028/29 £000's	Total for Plan Period £000's	
The Pines (TCCT)	0	75	0	0	75	75	0	0	0	75	75
Maidencombe Beach CP (TCCT)	0	45	0	0	45	45	0	0	0	45	45
Claylands Redevelopment	10,757	20	0	0	20	20	0	0	0	20	10,777
Edginswell Business Park Unit 1	6,402	65	0	0	65	65	0	0	0	65	6,466
Edginswell Enabling Works (LEP GBF)	4,657	1	8	0	9	9	0	0	0	9	4,667
Harbour View Hotel Development	21,006	58	0	0	58	58	0	0	0	58	21,064
Temporary Accommodation	9,086	2	0	0	2	2	0	0	0	2	9,088
RICC Improvements - Backlog Repairs	1,226	24	0	0	24	24	0	0	0	24	1,250
Torre Abbey Gatehouse/SW Wing	1,217	132	0	0	132	132	0	0	0	132	1,350
Flood Alleviation - Cockington	337	(9)	20	0	11	11	0	0	0	11	348
Tor Hill House Lighting Upgrade	134	66	0	0	66	66	0	0	0	66	200
Torquay Strand Public Realm (Town Deal Funding)	130	125	0	0	125	125	0	0	0	125	254
Torquay Town Deal - Core Area Public Realm	5,275	45	0	0	45	45	0	0	0	45	5,320
Total	66,209	649	28	0	677	677	0	0	0	677	66,886

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Agenda Item 8

Appendix 2

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Meeting: Cabinet Meeting

Date: 17 February 2026

Wards affected: All

Report Title: Implementation of the English Riviera Beach Standards

When does the decision need to be implemented? Upon conclusion on the call-in period.

Cabinet Member Contact Details: Councillor Adam Billings, Cabinet Member for Pride in Place, Transport 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

- 1.1. This report sets out the rationale for the implementation of the English Riviera Beach Excellence and Quality Standards (ERBS) as Torbay's locally owned beach quality framework replacing participation in the Blue Flag scheme. The report supports an operational decision and explains how the new ERBS framework provides a more appropriate, environmentally sensitive and cost-effective approach to beach management within Torbay.

2. Reason for Proposal and its benefits

- 2.1. Torbay Council, is implementing a bespoke two-tier beach quality framework designed specifically for Torbay's beaches.
- 2.2. The English Riviera Beach Excellence and Quality Standards provide a clear, transparent and locally accountable operational framework for beach management that reflects Torbay's unique coastal character and environmental sensitivities. This new framework puts local priorities first, focusing on water quality, cultural heritage, inclusivity and delivering an exceptional, welcoming experience for all beach users.
- 2.3. The Blue Flag scheme has become increasingly rigid, operationally restrictive and costly. It is imposing requirements that are impractical for Torbay and risks undermining the natural, unspoilt beauty of our beaches. In response, Torbay Council is moving to a locally defined framework that maintains high standards while enabling proportionate, environmentally responsible management and improved value for money.

3. Recommendation(s) / Proposed Decision

- 3.1 That Cabinet approve the implementation of the English Riviera Beach Standards (ERBS) as Torbay's locally owned beach quality framework, replacing participation in the Blue Flag scheme.
- 3.2 That Cabinet agrees that ERBS will apply a two-tier recognition system (Excellence and Quality Standards) for eligible beaches, with Compliant Natural Beach designation for undeveloped sites.
- 3.3 That Cabinet approve the operational framework and assessment criteria as set out in the report, including baseline thresholds, scoring methodology, and annual review process and delegates to the Director of Pride in Place in consultation with the Cabinet member for Pride in Place any minor revisions required for the effective implementation of the ERBS.
- 3.4 Approve reallocation of the former Blue Flag accreditation budget (£11,000) towards practical improvements required to meet and exceed ERBS criteria.

4. Appendices

N/A

5. Background Documents

<https://www.torbay.gov.uk/democraticservices/documents/s127904/Destination%20Management%20Plan-22-27%20final%20consultation%20draft.pdf>

This Sets the strategic context for ERBS, aligning with priorities for quality, sustainability, and year-round tourism.

<https://www.torbay.gov.uk/council/policies/planning-policies/local-plan/local-plan/>

Provides statutory planning framework for place-making, environmental protection, and inclusive communities supported by ERBS.

<https://torbaystory.co.uk/>

Provides the overarching narrative for promoting Torbay as a place to live, work, visit, and invest. Embedding ERBS within this story reinforces civic pride and destination identity.

<https://static1.squarespace.com/static/55371ebde4b0e49a1e2ee9f6/t/65cdeae3c0cee32bf475dd2/1707993840562/Beach+Criteria+and+Explanatory+Notes+2024.pdf>

Used for comparison in the report to show where ERBS improves or replaces legacy requirements.

Supporting Information

6. Introduction

- 6.1. Torbay's beaches are central to the area's identity, economy, health and wellbeing. They support tourism, biodiversity, recreation and community life. While the Blue Flag scheme has historically offered recognition, its increasingly prescriptive requirements no longer align well with Torbay's diverse coastline, sensitive marine environments and operational realities. In response, Torbay Council has developed a locally defined framework that retains high standards while allowing proportionate, place-based management.
- 6.2. The English Riviera Beach Excellence and Quality Standards aligns closely with the strategic priorities of the English Riviera Destination Management Plan 2022 to 2030, which sets out the ambition to reposition the English Riviera as a high quality, sustainable and year round coastal destination. The Destination Management Plan places strong emphasis on improving the overall quality and consistency of the visitor experience, strengthening essential visitor services, enhancing the natural environment, and celebrating the area's distinctive sense of place through the UNESCO Global Geopark. The English Riviera Beach Standards directly support these priorities by providing a clear and locally designed framework that improves beach management, environmental protection, accessibility and the overall visitor welcome. In doing so, the Standards contribute directly to the Destination Management Plan's vision for a more competitive, resilient and environmentally responsible destination that reflects the English Riviera's unique coastal character.
- 6.3. These Standards also support the wider objectives of the Torbay Local Plan 2012 to 2030 by reinforcing its focus on place making, environmental protection, sustainable tourism, inclusive communities and long term economic resilience. By strengthening the management, presentation and protection of Torbay's beaches, which are some of the area's most important natural assets, the Standards help maintain high quality public spaces, support the visitor economy and contribute positively to community wellbeing.
- 6.4. To ensure fairness across very different types of beaches, the English Riviera Beach Standards apply a consistent assessment framework, but only beaches with the necessary access, facilities and management infrastructure are considered eligible for a Quality or Excellence Standard. Natural or undeveloped sites such as Watcombe and Hollicombe are therefore designated as Compliant Natural Beaches, recognising their high environmental value and excellent water quality without penalising them for the absence of infrastructure. These beaches remain within the assessment and monitoring framework to ensure ongoing environmental protection, but award thresholds and associated remedial action processes apply only to fully serviced, Standard eligible beaches where management interventions can reasonably influence the scoring.
- 6.5. To maintain a clear and proportionate minimum level of performance, the Standards include a baseline requirement for award-eligible beaches. Assessment scores are calculated as a percentage based on the total number of criteria met. Any Standard eligible beach that scores below 50% will be considered as not meeting the minimum operational baseline. A score below this threshold triggers the Remedial Action Pathway, requiring targeted corrective actions and a scheduled re-inspection within appropriate timescales. Beaches

scoring 50% to 64% remain eligible for the Quality Standard, while those achieving 65% or above receive the Excellence Standard. This approach ensures essential standards are maintained while recognising the different characteristics and operational realities of Torbay's diverse beaches.

6.6. English Riviera Beach Standards Framework

The framework is structured around six locally defined themes:

- Clean and safe bathing waters
- Natural environment and biodiversity protection
- Clean, well-managed and welcoming beaches
- Visitor experience and amenities
- Access, inclusion and safety
- Culture, heritage and local identity

6.7. Recognition Levels

Excellence Standard: For beaches achieving the highest standards in water quality, safety, amenities, and seasonal dog restrictions.

Quality Standard: For beaches offering excellent visitor experience, with good standards in water quality but with variations in amenities or dog access.

6.8. How ERBS Improves on Blue Flag

- The English Riviera Beach Standard framework strengthens core outcomes previously associated with the Blue Flag while refocusing beach management on locally determined priorities as listed below:
- Higher Water Quality Standards: The Blue Flag Criteria require a minimum of 5 water samples ERBS will deliver a minimum of 10 water samples during the bathing season and predictive pollution alerts in place by 10am on the day of the predicted pollution, exceeding Blue Flag's minimum requirements.
- Phasing of Enhanced Cultural, Heritage and Environmental Interpretation: New interpretive panels, digital content, and QR-linked information to tell the unique ecological and cultural story of each beach.
- Ambitious Sustainability Framework: Habitat-sensitive management tailored to seagrass, biodiversity and local conditions Biodiversity actions, smarter waste systems, stronger environmental management, and improved public education on waste, water safety and water quality. Launch of an annual water safety campaign in conjunction with RNLI and Tor Bay Harbour Authority.
- Committed to making our beaches fully inclusive, accessible and safe: Develop a program to transform into vibrant destinations by introducing facilities such as inflation stations, saunas, ice baths, and family-friendly lifeguard training centres for children to help build strong community hubs.
- Local Ownership and Governance: Creation of a formal Beach Stakeholder Forum involving key stakeholders to include businesses, operators, environmental and water safety groups.

6.9. Excellence and Quality Assessment Criteria

Assessment criteria include water quality compliance, enhanced monitoring, habitat sensitive monitoring, cleanliness, visitor information, amenities where appropriate, access and inclusion, water safety, dog management and local character as per table below:

Theme	Criterion	
Clean and safe bathing waters	Water Quality	Bathing water quality meets or exceeds Bathing Water Regulations 2013 standards, achieving at least 'Good' (minimum requirement for the Quality Standard) and aiming for 'Excellent' (minimum requirement for the Excellence Standard). A full four- year dataset is published on the Council's website, with Environment Agency updates displayed on applicable beaches and clearly communicated to the public.
Clean and safe bathing waters		Enhanced local monitoring is in place at Torbay's designated bathing waters, including in- season sampling, regular visual checks, timely updates displayed on the beach in the display board and pollution risk forecasts (PRFs) where provided by the Environment Agency. On site advisory signage is used to communicate any EA notices. The designated bathing waters in Torbay are as follows: Maidencombe, Watcombe, Oddicombe, Babbacombe, Ansteys Cove, Meadfoot, Beacon Cove, Torre Abbey, Hollicombe, Preston Sands Paignton Sands, Goodrington, Broadlands, Breakwater Beach (Shoalstone), St Mary's Bay. The Environment Agency samples designated bathing waters and publishes classifications Daily PRFs are issued only at a number of designated sites and therefore not every designated beach will have a PRF on any given day or season. ERBS therefore requires PRF signage and communications on beaches where EA provides a forecast for that site, alongside our routine local monitoring at all designated bathing waters.
Natural environment and biodiversity protection	Natural Environment	Beach managed in a habitat-sensitive way, avoiding damage to natural features and biodiversity.
Clean, well-managed and welcoming beaches	Cleanliness & Management	Beach and access points are clean, well-managed and appropriate to the scale and character of the beach.
Visitor experience and amenities	Visitor Information	Clear, accurate on-site information provided (safety, water quality, access, dog arrangements).

Visitor experience and amenities	Amenities (where appropriate)	Toilets, bins and facilities provided and maintained where demand and location make this appropriate.
Access, inclusion and safety	Access & Inclusion	Access arrangements are appropriate to the site, with clear information on routes and limitations.
Access, inclusion and safety	Water Safety	Risk-based water safety measures in place, including signage, equipment, education or partnership provision as appropriate.
Clean, well-managed and welcoming beaches	Dog Management	Dog access arrangements are clearly signed and managed in line with local policy (including seasonal restrictions where applied).
Culture, heritage and local identity	Culture & Local Character	Beach reflects local character and identity through presentation, interpretation or setting.

6.10. Annual Review of the ERBS Framework

The English Riviera Beach Standards will be reviewed annually to ensure they remain current, effective and aligned with best practice. As part of this review, all beaches will be reassessed, scoring will be updated, and the four-year water quality dataset will be refreshed. Any changes to criteria, baseline thresholds or eligibility will be approved through internal governance and communicated to stakeholders ahead of the next seasonal rollout.

The annual review will consider:

Water quality: Incorporate the Environment Agency's latest annual classifications (Excellent/Good/Sufficient/Poor) for all designated bathing waters.

Operational standards: Review in- season evidence (cleanliness, amenities, access & inclusion, water safety, interpretation/branding) and user feedback to refine proportionate actions for the next season.

Eligibility & thresholds: Reconfirm the ERBS recognition levels, baseline thresholds and award eligibility rules for Quality and Excellence, maintaining fairness across different beach types.

Who is involved

Environment Agency (EA): Provides statutory classifications.

Tor Bay Harbour Authority: Input on risk- based water safety measures, patrol models and seasonal safety campaigns.

Beach Stakeholder Forum: A formal group of businesses, operators, environmental partners and water- safety groups and local University that reviews, assesses and agrees the proposed beach standards, criteria clarifications, signage updates and operational adjustments ahead of each bathing season, ensuring local ownership and transparency.

Torbay Council (Beach Services; Director/Portfolio Holder): Review, finalises guidance and implements agreed changes for the new season.

Process and timeline

October–November (Evidence refresh): Beach Services collates EA annual classifications and compiles the operational evidence (inspections, incidents and user feedback).

Early December (Stakeholder Forum): Convene the Beach Stakeholder Forum to review the evidence for each beach, assess and agree the draft English Riviera Beach Standard assessments (Excellence, Quality or Natural Beach) for the forthcoming season, and to agree any minor updates to criteria wording and signage.

Mid- December (Governance sign- off): The Director of Pride in Place, in consultation with the Cabinet Member for Pride in Place and Director of Service approves minor revisions to the ERBS framework for implementation.

January–March (Implementation): Update English Riviera Beach Standard web pages and QR- linked content, adjust signage templates, and align external messaging with destination marketing for the coming bathing season.

6.11. Blue Flag Criteria Comparison

The detailed review below confirms the English Riviera Beach Standard retains or enhances core blue flag outcomes. Certain infrastructure requirements are excluded due to incompatibility with Torbay's coastal conditions and sensitive marine habitats.

Blue Flag Criteria	Improve	Retain	Exclude
Criterion 1 Display Blue Flag programme details on the main beach information board, including season and contacts.	Improved board information: Introduce ERBS branded flags, QR codes linking to ERBS and specific page that provides detailed information on the beach	Yes	
Criterion 2 Promote at least five public environmental education activities each season.		Yes	

Criterion 3 Publish up-to-date bathing water quality results and explain what they mean for beach status.		Yes	
Criterion 4 Provide information about local ecosystems, sensitive areas, and cultural sites with a visitor code of conduct.		Yes	
Criterion 5 Show a clear beach map with boundaries, key facilities, access, zones and sampling points.	This is currently available on Torbay's main beaches increase implementation of new signage on other beaches	Yes	
Criterion 6 Display a beach code of conduct reflecting relevant laws for activities, animals, zoning, litter and vehicles.	.	Yes	
Criterion 7 Take and submit a minimum of five evenly spaced water samples per season at defined points (≤ 31 days apart).	Torbay beaches have an increased sampling frequency to weekly in peak season. we already include predictive alerts signage for pollution.	Yes	

Criterion 8 Ensure independent accredited sampling and laboratory analysis, with a pre-set sampling calendar and history.	Publish a 4-year dataset online.	Yes	
Criterion 9 Prevent industrial or wastewater discharges from affecting the beach and inform the public of any intermittent outfalls.		Yes	
Criterion 10 Meet 95th percentile limits for E. coli and intestinal enterococci to achieve 'Excellent' classification.		Yes	
Criterion 11 Keep water free of oil and floatables; act immediately on abnormal physical/chemical changes.	Daily visual checks; oil spill response kit available along with trained responders.	Yes	
Criterion 12 Establish a stakeholder beach management committee to oversee	Set up a Beach Stakeholder Engagement Forum twice yearly.	Yes	

environmental compliance (guideline).			
Criterion 13 Comply with all applicable planning, environmental and coastal legislation for beach location and operations.		Yes	
Criterion 14 Consult experts and implement plans to manage nearby sensitive habitats and areas.		Yes	
Criterion 15 Maintain a clean beach, access paths and car parks, managing litter without harming flora and fauna.	Increased peak bin emptying in place. Daily beach and access path cleans already in place.	Yes	
Criterion 16 Leave natural seaweed/debris where possible, only removing when it poses a hazard or nuisance, and dispose responsibly.		Yes	
Criterion 17 Provide and maintain adequate, well-placed waste bins, adjusted for	Covered bins with anti-gull features in place; introduction of smart bins with fill-level sensors for	Yes	

peak use and local conditions.	real-time servicing initiated.		
Criterion 18 Offer facilities to separate at least three recyclable materials or seek dispensation if none exist locally.	Link in with SWISCo to focus on waste reduction campaigns and signage.	Yes	
Criterion 19 Provide an adequate number of toilets with clear signage; showers/change facilities encouraged.	Seasonal showers in place.	Yes	
Criterion 20 Keep toilet/restroom facilities clean with a frequency that matches visitor numbers.		Yes	
Criterion 21 Ensure toilet facilities have controlled sewage disposal (municipal connection or compliant on-site systems).		Yes	
Criterion 22 Prohibit unauthorised camping, driving and dumping; manage any		Yes	

permitted vehicles with clear by-laws and controls.			
Criterion 23 Strictly control access by dogs and domestic animals; assistance dogs excepted per law.	Clear dog control signs; changing from byelaws to PSPO's fines and public guidance.	Yes	
Criterion 24 Properly maintain all buildings and beach equipment to be safe, clean and environmentally appropriate.	Annual asset condition survey; safe systems for repairs; fence off works; record inspections.	Yes	
Criterion 25 Monitor nearby marine/freshwater sensitive habitats (e.g., seagrass) at least once per season with expert input.		Yes	
Criterion 26 Promote sustainable transport options (public transport, cycling, walking) and traffic management (guideline).	bike racks in place on many beaches look at increasing this; signposted walking links.	Yes	
Criterion 27 Implement public safety measures based on risk assessment,	We are currently in talks and engaging RNLI and Surf lifesaving club for discussions on	Yes	

<p>including lifeguards or public rescue equipment.</p>	<p>future sea safety on our main beaches as well as providing 6 weeks of Lifeguarding cover through Surf Lifesaving group for Torre Abbey next year; we have risk assessments for most of our main beaches & propose increase this to include Goodrington.</p>		
<p>Criterion 28 Provide clearly signposted first aid—lifeguards, staffed stations, or accessible equipment—with qualified personnel.</p>	<p>Torbay Council provide first aid boxes to cafes or shops on seafronts for public use, this is signposted as well as public AEDs.</p>	<p>Yes</p>	
<p>Criterion 29 Maintain an emergency pollution response plan, contacts, public warning procedures, and flag withdrawal protocol.</p>		<p>Yes</p>	
<p>This criterion requires buoyed swim zones which would damage seagrass meadows in areas such as Torre Abbey. It also</p>		<p>This criterion requires buoyed swim and paddleboard zones which would damage seagrass meadows in areas</p>	

<p>mandates paddle craft zones and exclusion of 100m for motor craft. The setup cost is £72k with ongoing yearly costs of £26k, plus lifeguard patrols at £26k per beach for 6 beaches and £11k for the flag.</p> <p>These requirements do not fit Torbay beaches and would spoil the natural, unspoilt beauty of the coastline.</p>			<p>such as Torre Abbey. It also mandates paddle craft zones and exclusion of 100m for motor craft. The setup cost is £72k with ongoing yearly costs of £24k, plus lifeguard patrols at £26k per beach for 6 beaches and £11k for the flag.</p> <p>These requirements do not fit Torbay beaches and would ruin the natural, unspoilt beauty of the coastline.</p>
<p>Criterion 31 Provide safe public access and protect users with information, signage and maintained infrastructure.</p>	<p>We regularly inspect access routes; repair handrails/steps; and provide clear safety info; 5 knot markers implemented seasonally.</p>	<p>Yes</p>	
<p>Criterion 32 Make potable drinking water available on or near the beach (guideline).</p>	<p>Drinking water is available and is protected from animal contamination at signposted locations.</p>	<p>Yes</p>	
<p>Criterion 33 Ensure at least one municipal Blue Flag</p>	<p>We are improving our accessibility across our beaches</p>	<p>Yes</p>	

beach has accessible facilities for people with disabilities.	with beach with DDA compliant ramp and access matting at Goodrington, DDA compliant ramps and Changing Places WC at Paignton and wish to continue improve on access at Torbay Beaches over the next couple of years.		
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6.12. Blue Flag Comparison Summary

This table provides a high-level comparison between the former Blue Flag approach and the English Riviera Beach Excellence and Quality Standards. It demonstrates that the local framework retains or enhances core outcomes while allowing proportionate, environmentally sensitive and cost-effective management suited to Torbay's coastline.

Area	Blue Flag (Overview)	English Riviera Beach Standards
Water Quality	Seasonal compliance with international thresholds.	Enhanced local monitoring, increased sampling and predictive pollution alerts.
Environmental Protection	Standardised requirements, limited flexibility for sensitive habitats.	Habitat-sensitive management tailored to seagrass, biodiversity and local conditions.
Visitor Experience	Uniform international presentation.	Locally distinctive beaches reflecting culture, heritage and sense of place.

Safety & Management	Prescriptive infrastructure and zoning requirements.	Risk-based, proportionate safety measures aligned to beach characteristics.
Accessibility & Inclusion	Minimum compliance requirement.	Progressive improvement approach with inclusive initiatives and community access.
Cost & Value	External accreditation fees and fixed compliance costs.	Investment retained locally and directed to priority improvements.

6.13. What This Means for Residents and Visitors

For residents, the English Riviera Beach Excellence and Quality Standards provide confidence that Torbay's beaches are clean, safe, well-managed and protected for future generations. The locally owned framework prioritises environmental stewardship, accessibility and community benefit, ensuring beaches remain welcoming public spaces that support health, wellbeing and everyday enjoyment.

For visitors, the standards offer clarity, transparency and reassurance. Clear local branding, consistent information on water quality and safety, and an emphasis on visitor experience help position Torbay's beaches as high-quality destinations that reflect local character rather than a generic international template. The approach supports sustainable tourism by balancing enjoyment with protection of sensitive coastal environments.

6.14. Risk & Mitigation

Risk	Mitigation
Loss of international recognition	Strong local branding, clear messaging and destination marketing supported by ERBID and Torbay Council
Perception of reduced standards	Strong and clear upfront narrative explaining why ERBS is a better fit for Torbay than Blue Flag, including alignment with the DMP and Local Plan. Publish clear criteria, scoring percentages, eligibility rules and

	transparent reporting of annual results to reinforce credibility and maintain public trust.
Legal challenge re copying Blue Flag	Distinct structure, language governance model and assessment approach to demonstrate that ERBS is a uniquely local framework.
Stakeholder resistance	Early engagement through Beach Stakeholder Forum. Supported by consistent and proactive communication

6.15. Operational and Environmental Fit with Torbay Beaches

The increasingly stringent application and enforcement of existing Blue Flag criteria have introduced increasingly stringent requirements around beach zoning, mandatory buoyed swim and paddlecraft areas, extensive exclusion zones for motorised craft and associated lifeguard patrolling obligations. In Torbay, beaches are characterised by low gradients, extensive tidal ranges and sensitive marine habitats, including seagrass meadows. The installation of fixed or seasonal buoyed zones would require significant seabed disturbance, posing a risk to these habitats and detracting from the natural, open character of the coastline. These measures are therefore poorly suited to Torbay's physical and environmental conditions.

6.16. Conclusions

Blue Flag no longer reflects the operational, environmental or strategic realities of Torbay's beaches. A bespoke Torbay Beach Standard offers a more flexible, cost-effective and locally accountable approach, while maintaining high standards and public confidence.

6.17. Next Steps and Milestones

Milestone	Description	Target Date	Owners
Agree criteria and framework	Final agreement of ERBS structure, scoring, eligibility and baseline.	31 January 2026	Director
Discuss at Resorts Tactical Meeting	Present ERBS framework, confirm operational implications and timeline.	February 2026	Director/ Portfolio Holder/ Beach Services

Design & Produce ERBS Flags, Banners and Signage	Create visual identity, flags, banners, signage templates and digital assets.	February 2026	Beach Services/ Comms Team / ERBID
Stakeholder Engagement	Engage Members, community groups and seafront businesses to explain benefits and responsibilities.	February – March 2026	Director/Portfolio Holder/ Comms Team/ Beach Services /
Finalise Criteria and Guidance	Produce final guidance documents, briefing packs and implementation materials.	31 March 2026	Director/ Comms Team/ Beach Services /
Issue Press Release	Public announcement of the ERBS launch, including visuals, key messages and stakeholder quotes.	Early April 2026	Comms Team / ERBID / Beach Services
Align with Destination Marketing Strategy	Ensure ERBS messaging is embedded within destination marketing, visitor comms and promotional activity.	April 2026	ERBID / Comms / Beach Services
Develop Digital Platform	Update beach pages, add ERBS information, and publish water sampling results & datasets.	30 April 2026	Web Team / Beach Services
Annual Review Statement Added to Framework	Insert a formal commitment to an annual ERBS review, including scoring updates and dataset refresh.	May 2026	Beach Services/Director

7. Options under consideration

7.1. Option 1 – Continue with Blue Flag Accreditation

Advantages:

- Maintains international recognition and a widely understood quality mark.
- Provides consistency with other UK coastal destinations.

Disadvantages:

- Increasingly prescriptive and operationally restrictive for Torbay's beaches.
- Requires costly infrastructure changes (buoyed zones, lifeguard patrols) incompatible with local conditions and sensitive habitats.
- Estimated cost: £72,000 initial setup + £191,000 annual pressure (lifeguards, maintenance, accreditation fees).
- Risks damaging seagrass meadows and natural character of beaches.

Why not chosen:

This option is financially unsustainable, environmentally harmful, and misaligned with Torbay's strategic priorities for flexibility and local accountability.

7.2. Option 2 - Withdraw from Blue Flag without introducing a replacement standard

Advantages:

- Immediate cost savings on accreditation and compliance.
- Removes operational restrictions.

Disadvantages:

- Loss of any formal quality assurance framework for beaches.
- Negative perception from residents, visitors, and businesses; reputational risk.
- No structured approach to maintain standards or drive improvements.

Why not chosen:

This option would undermine public confidence and destination marketing, leaving beaches without a clear accountability framework.

7.3. Option 3 Implement the English Riviera Beach Standards (ERBS)

Advantages:

- Locally owned, flexible framework tailored to Torbay's coastline and environmental sensitivities.
- Aligns with the English Riviera Destination Management Plan and Torbay Local Plan.
- Delivers higher standards tailored to Torbay's local requirements, ensuring water quality, accessibility, and visitor experience improvements that reflect the area's unique coastal character.
- Avoids costly and unsuitable infrastructure requirements.
- Investment retained locally for practical improvements (access, signage, biodiversity).

Disadvantages:

- Requires initial stakeholder engagement and branding work.
- Loss of international Blue Flag recognition (mitigated by strong local branding and communications).

Why chosen:

This option delivers a proportionate, environmentally responsible, and cost-effective approach while maintaining high standards and supporting Torbay's strategic vision.

8. Financial Opportunities and Implications

- 8.1. In 25-26 the blue flag accreditation £11,000 it is envisaged that the expenditure will be reallocated into practical visible improvements to our beaches in order for them to meet and exceed the ERBS.
- 8.2. The forecast costs of retaining Blue Flag accreditation would have been significant. Blue Flag in 2026-27 would of required buoyed bathing zones, paddle-craft segregation, 100-metre motor-craft exclusion zones, and a fixed lifeguard model. For Torbay, this equates to an initial capital cost of £72,000, plus annual costs of £24,000 for maintaining the zoning infrastructure, £156,000 for mandatory lifeguard provision, and the £11,000 accreditation fee. This represents a minimum annual pressure of £191,000, in addition to the £72,000 one-off setup cost.
- 8.3. Maintaining the Blue Flag award would absorb substantial resources in infrastructure that does not align with Torbay's coastline, would negatively impact sensitive areas such as seagrass meadows, and would divert funding away from locally prioritised improvements.
- 8.4. By contrast, the English Riviera Beach Standards (ERBS) provide a more sustainable and locally tailored basis for investment. Rather than funding imposed buoy lines and fixed patrol

models, the ERBS framework enables investment to be directed into areas that matter more to residents, businesses and visitors, including:

- improved access and inclusive beach facilities
- enhanced cleanliness and smarter waste systems
- higher-standard water quality monitoring and public information
- environmental protection and biodiversity projects
- interpretation, culture and visitor experience
- more flexible, risk-based safety management
- community-focused amenities such as inflation stations and accessible facilities

While the avoided Blue Flag costs do not create additional funding, the ERBS framework will guide how we prioritise future investment, ensuring resources are focused on locally important improvements and long-term beach management.

9. Legal Implications

9.1. The implementation of the English Riviera Beach Excellence and Quality Standards (ERBS) does not introduce new statutory obligations but must operate within existing legal frameworks, including:

- Bathing Water Regulations 2013 – ERBS maintains and enhances compliance with water quality standards set under UK and EU law.
- Environmental Protection Act 1990 – ERBS supports obligations for waste management and cleanliness on public beaches.
- Equality Act 2010 – ERBS includes accessibility and inclusion measures to ensure compliance with duties to provide reasonable adjustments.
- Marine and Coastal Access Act 2009 – ERBS aligns with habitat-sensitive management and protection of marine environments.

9.2. Intellectual Property Risk

- The report identifies a potential risk of legal challenge regarding similarity to Blue Flag criteria. This is mitigated by ERBS having a distinct governance model, structure, and language, demonstrating it is a uniquely local framework rather than a copy.

9.3. Byelaws and PSPOs

- Dog management and seasonal restrictions will continue to be enforced under existing Public Space Protection Orders (PSPOs) and local byelaws. No new legal instruments are required.

9.4. Procurement and Governance

- Any expenditure on signage, branding, or infrastructure will comply with the Council's Financial Regulations and Public Contracts Regulations 2015.

10. Engagement and Consultation

10.1. Internal engagement:

- The proposal was developed in consultation with the Divisional Director of Place, Director of Place, Beach Services team, and Cabinet Member for Pride in Place.

10.2. Stakeholder engagement:

- Early discussions held with the English Riviera BID (ERBID) Board, which unanimously supported the move away from Blue Flag and introduction of a locally owned framework.
- Engagement with Tor Bay Harbour Authority Harbour Master (HM) to ensure alignment with marine safety and operational considerations.
- Early Cabinet discussions showed support when shared by Cllr Adam Billings and Alan Denby, reinforcing political and strategic alignment.

10.3. Results of engagement:

- Stakeholders welcomed the flexibility of ERBS compared to Blue Flag and its alignment with the Destination Management Plan and The Torbay Story.
- Feedback emphasised the importance of clear branding and communication to maintain public confidence and avoid perceptions of reduced standards.

10.4. How proposals changed as a result:

- Incorporated a two-tier recognition system (Excellence and Quality) to ensure fairness across different beach types.
- Added Compliant Natural Beach designation for undeveloped sites following feedback about penalising natural beaches.
- Built in an annual review process to maintain transparency and credibility.

10.5. Next steps:

- Formal stakeholder engagement and public communications scheduled for February–March 2026, as outlined in the milestones section.
- Design and Comms Team, working in partnership with ERBID, will lead on the design and branding of ERBS to ensure strong visual identity and alignment with destination marketing.

11. Procurement Implications

11.1. The proposal involves external spend for branding, signage, and promotional materials to implement ERBS. Procurement will follow the Council's Contract Procedure Rules and the Procurement Act 2023, ensuring opportunities for local suppliers and SMEs by considering lotting where appropriate. Social Value will be embedded by prioritising local economic benefit, sustainability, and community engagement in line with the Council's Social Value Policy and Community & Corporate Plan outcomes.

11.2. The Design and Comms Team will source suppliers through compliant routes to market, using competitive quotes for below-threshold spend and frameworks where applicable. No high-value or regulated threshold contracts are anticipated.

12. Protecting our naturally inspiring Bay and tackling Climate Change

12.1. The proposal supports the Council's Environment and Carbon Neutral Policy and does not increase carbon emissions through major infrastructure or fleet changes. ERBS is designed to protect and enhance natural environments and biodiversity, with habitat-sensitive management and improved waste systems.

12.2. Key considerations:

- Carbon impact: Minimal – signage and branding have low embodied carbon and will use sustainable materials where possible.
- Biodiversity: Positive – ERBS includes actions to protect seagrass meadows and sensitive habitats, avoiding intrusive infrastructure such as buoyed zones required by Blue Flag.
- Transport: No additional motorised transport introduced; encourages sustainable access (walking, cycling) through improved information.

12.3. Climate resilience: Framework considers severe weather impacts and includes annual review to adapt to changing conditions.

12.4. Overall, ERBS strengthens environmental stewardship and aligns with Torbay's climate emergency commitments. No negative impacts identified; therefore, a full Climate Impact Assessment is not required.

13. Associated Risks

13.1 Risks if the proposal is not implemented:

- Reputational risk: Torbay could appear to have reduced beach standards when Blue Flag awards are announced in May, impacting visitor confidence and destination marketing.
- Loss of strategic alignment: Failure to implement ERBS would undermine delivery of the English Riviera Destination Management Plan and The Torbay Story.
- Operational gap: Without ERBS or Blue Flag, there would be no formal framework for monitoring and maintaining beach standards, reducing accountability and consistency.

13.2 Risks associated with making this decision:

- Perception risk: Some stakeholders may view the removal of Blue Flag as a downgrade; mitigated through strong branding and communications.
- Legal risk: Potential challenge from Blue Flag regarding similarity of criteria; mitigated by ERBS having a distinct governance model and language.
- Delivery risk: Delay in implementing ERBS before the 2026 bathing season could weaken reputational benefits; mitigated by clear milestones and early procurement of signage and branding.

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 131	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.	Visitors may face mobility challenges; clear signage	Accessible paths and seating where terrain allows;	Beach Services – Ongoing
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.	Carers may need accessible facilities	Accessible toilets and seating where feasible	Beach Services – Ongoing
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	Some beaches are naturally inaccessible due to steep terrain	Provide accessibility info online and on signage; maintain accessible facilities where possible	Beach Services – Ongoing

	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.	Risk of exclusion if facilities/signage are not inclusive	Use gender-neutral signage where possible	Beach Services – Ongoing
Marriage and civil partnership Page 132	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 adverse impact identified	N/A	N/A
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 adverse impact identified	N/A	N/A

Race	<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, 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.</p>	No adverse impact identified	N/A	N/A
Religion and belief	<p>64.8% of Torbay residents who stated that they have a religion in the 2021 census.</p>	No adverse impact identified	N/A	N/A
Sex	<p>51.3% of Torbay's population are female and 48.7% are male</p>	No adverse impact identified	N/A	N/A
Sexual orientation	<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>	No adverse impact identified	N/A	N/A
Armed Forces Community	<p>In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,</p>	No adverse impact identified	N/A	N/A

	5.9 per cent of the population have previously served in the UK armed forces.			
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)	Deprivation in some areas	Cost barriers for beach facilities	Keep core facilities free; clear info on charges	Beach Services – Ongoing
Public Health impacts (Including impacts on the general health of the population of Torbay)	Health inequalities present	Encourage active lifestyles	Promote walking routes and beach activities	Beach Services – Ongoing
Human Rights Impacts	N/A	Ensure equal access where reasonably possible	Compliance with Equality Act	Beach Services – Ongoing
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.	Children need safe, inclusive spaces	Safe play areas and family-friendly signage	Beach Services – Ongoing

15 Cumulative Council Impact

15.1 None identified.

16 Cumulative Community Impacts

16.1 None identified

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Meeting: Cabinet

Date: 17th February 2026

Wards affected: All

Report Title: Devon Local Nature Recovery Strategy

When does the decision need to be implemented?

As soon as possible and before the end of February 2026 to enable Devon County Council (DCC) to apply to the Secretary of State to publish the Local Nature Recovery Strategy (LNRS) (for the Devon LNRS area, including Plymouth and Torbay,) within the agreed timeline with Department for Environment Food and Rural Affairs (Defra).

Cabinet Member Contact Details: Councillor Chris Lewis, Cabinet Member for Place Development and Economic Growth, chris.lewis@torbay.gov.uk & Councillor Adam Billings, Cabinet Member Pride in Place, Transport and Parking; adam.billings@torbay.gov.uk

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

1. Purpose of Report

1.1. To present the Devon Local Nature Recovery Strategy (LNRS) – a joint strategy for Devon, Plymouth and Torbay (website & mapping) to Cabinet for approval. This follows a public consultation which took place over 6 weeks in autumn 2025.

1.2. To delegate authority to the Director of Pride in Place to make or approve any non-substantive amendments to the LNRS prior to publication (or post publication) subject to consultation with Cabinet Member for Place Development and Economic Growth and Cabinet Member Pride in Place, Transport and Parking. Granting delegated powers will ensure the Council will be able to fulfil its role as a supporting authority within the required timeframes.

2. Reason for Proposal and its benefits

2.1. The final draft Devon L N R S addresses requirements set out in the Environment Act 2021. The LNRS has been prepared by Devon County Council (DCC) as Responsible Authority (RA) in collaboration with a wide range of partners, including Torbay Council. Torbay Council is a Supporting Authority (SA) in this process, and officers have been closely involved.

- 2.2. The Strategy needs to be finalised in very early 2026 in order for Devon to meet the statutory deadlines. The draft LNRS was made available for public consultation for 6 weeks in the autumn of 2025 and some minor amendments have been made to reflect the consultation feedback where practicable. Section 9 of this report provides further details in this regard.
- 2.3. The LNRS will support our Corporate vision of a healthy, happy, and prosperous Torbay and in particular our strategic theme of Pride in Place.
- 2.4. There are considered to be no risks associated with this decision. LNRSs are all about opportunity rather than restriction and as such are normally considered as low-risk strategies. The explanatory note of The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 notes¹ “A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.”.

3. Recommendation(s) / Proposed Decision

- 3.1. That as a Supporting Authority Torbay Council, provides consent for the Devon Local Nature Recovery Strategy to be published; and
- 3.2. That the Director of Pride in Place (as designated Supporting Authority lead officer), in consultation with the Cabinet Member for Place Development and Economic Growth and Cabinet Member Pride in Place, Transport and Parking be given delegated authority, to approve any non- substantive amendments to the LNRS prior to publication (or post publication).

4. Appendices

Appendix 1: <https://www.naturerecoverydevon.org.uk/summary/>

Appendix 2: <https://www.naturerecoverydevon.org.uk/mapping/>

Appendix 3: 3-minute video summary about the Devon LNRS: <https://youtu.be/Ttfs9B-qoal>

5. Background Documents

- Draft LNRS website & Mapping: [Start here | Devon Local Nature Recovery Strategy \(LNRS\) | Devon County Council](#)
Other useful papers:
- [Environment Act 2021 ([legislation.gov.uk](#)) The Environment Regulations 2023 (Local Nature Recovery Strategies) (Procedure) ([legislation.gov.uk](#))

¹ Local nature recovery strategy statutory guidance - What a local nature recovery strategy should contain

- Defra [LNRS Supporting Authority Factsheet 0.pdf](#)
- Update to the Natural Environment section of [planning practice guidance](#) on 19/02/25]

Supporting Information

6. Introduction

- 6.1. England is considered to be one of the most nature-depleted countries in the world following historic losses and ongoing declines. The Government has made legally binding commitments to end these declines and for nature to recover. Part of this commitment includes a statutory requirement through [Sections 104 to 106](#) of the Environment Act 2021 for the preparation of LNRS for identified areas across the Country. Devon (including Plymouth and Torbay) is one of 48 such areas.
- 6.2. All public authorities have a duty to conserve and enhance biodiversity and must have 'regard' to relevant local nature recovery strategies in this process. The LNRSs are new spatial strategies that will inform nature recovery at a strategic local level, by mapping habitats, features and key species to identify opportunities and priorities to boost ecological connectivity, diversity and abundance. They will support the delivery of biodiversity net gain and provide a focus for the strengthened duty on all public authorities to conserve and enhance biodiversity. Online resources aim to help everyone to play a role in nature recovery. Importantly, the LNRS does not restrict land use or prescribe how it should be used, instead it is a way to help us work together for nature across landscapes, joining up ideas and actions so they have more impact.
- 6.3. DCC was appointed by Defra as the RA for Devon LNRS under section 105 of the Environment Act 2021. RAs are responsible for preparing, publishing, reviewing and republishing a Local Nature Recovery Strategy following the process set out in The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023.
- 6.4. LNRSs must be produced in collaboration with SAs and all other relevant stakeholders. A SA Officer Group was set up and has met regularly throughout the preparation of the LNRS. Torbay Council is a SA for the LNRS, along with other local authorities² and Natural England.

Co-benefits to nature recovery include:

- Climate Change adaptation and mitigation.
- Water quality.
- Natural Capital and ecosystem services.
- Wellbeing.

² Devon has thirteen SAs: Plymouth City Council, Torbay Council, Exeter City Council, North Devon District Council, Torridge District Council, East Devon District Council, Mid Devon District Council, South Hams District Council, West Devon District Council, Teignbridge District Council, Dartmoor National Park, Exmoor National Park, and Natural England.

6.5. The draft LNRS comprises a website and interactive mapping. These formats will enable the material and GIS-linked data to be accessible and useful to a wide range of audiences. Links are provided in the appendices.

Progress with the Strategy and public consultation

6.6. DCC's Ecology Team has led the development of the LNRS under the umbrella of the Devon Local Nature Partnership (LNP). Funding has been used to engage a team of wildlife experts to pull together the information required for the LNRS and to liaise with relevant partners. DCC has also engaged a web designer, copy writer and other consultants to work on mapping, water quality, natural flood management etc. Officers within the Spatial Planning Team and SWISCo have engaged with the development of the LNRS, particularly where it relates to Torbay.

Background details

6.7. LNRSs are statutory strategies and must include:

- A **description** of the county's wildlife, including opportunities and pressures.
- **Priorities** for habitats and species (to prevent extinctions and increase abundance, following the Lawton principles of Better, Bigger, More, Joined up).
- **Actions** needed to achieve the priorities.
- Actions for nature restoration that **will help to meet other priorities** such as carbon sequestration, flood control, better water quality, health and wellbeing.
- **Maps** showing (a) designated sites and irreplaceable habitats; (b) places where we most need to focus action.

6.8. The LNRS must also:

- Be user friendly. They must be produced in collaboration.
- Set out opportunities and will influence funding (Environmental Land Management, Biodiversity Net Gain, Heritage Lottery Fund, etc.). They are not about new designations or restrictions. However, Local Planning Authorities (LPA) must have regard for them.
- They are part of a 'nested suite' of nature strategies at a range of scales. The LNRS sets out priorities at the county level and what we need to do to help meet relevant national targets. In turn it informs nature strategies at the sub county level which will also have their own local priorities (Protected Landscapes, local authorities, community groups etc.).
- Involve Statutory 'Supporting Authorities' (Local Authorities and Natural England) who are given a 28-day formal consultation period prior to public consultation and post public consultation.

6.9. The development of the LNRS is funded by Defra and each Strategy has a Natural England lead officer. All LNRS had a target to be finalised in 2025. This deadline has been extended for the Devon-wide LNRS to February 2026. More details about the requirements of the LNRS can be found in the Environment Act 2021 and Defra LNRS guidance documents (see background links).

Local Nature Recovery Strategies and the planning system

- 6.10. All public authorities have a duty to conserve and enhance biodiversity and must 'have regard' to relevant local nature recovery strategies in this process. LPAs should consider how LNRS priorities, actions and mapping are reflected in Local Plans and development management decisions. LNRSs have been given a statutory link to biodiversity net gain (BNG). Simplistically, BNG proposals will be assessed as having a 'high strategic significance' score in the statutory metric if they are located in an area mapped for action in the LNRS Local Habitat Map, and the proposal is consistent with said actions.
- 6.11. The Government has made it clear that LNRSs are not intended to act as a barrier to development or place new restrictions on developing land or making land use changes. LNRSs provide guidance and an evidence base to inform Local Plans and decision making. Planning decisions at both the plan making and planning application stage need to consider all material considerations and the LNRS will be one consideration amongst many. Further guidance on the LNRS and planning is available on the LNRS website³.

Next steps

- 6.12. Following the formal public consultation to place over 6 weeks in autumn 2025, details of which are included in Section 9 below. Some (minor) further amendments have been made to the draft LNRS, and it is now in its final draft, with a minimum formal 28-day period when the Supporting Authorities have been consulted before the strategy is finalised. It is expected that, subject to approval being given by the SAs, DCC (as R A) will publish the final Devon LNRS for a public consultation in February 2026.
- 6.13. This post consultation, final LNRS, is being reported to Cabinet for approval. Once the final LNRS has been approved by the SAs, DCC must then notify the Secretary of State of its intention to publish the strategy. When the Secretary of State has given approval DCC can then publish the strategy and make hard copies available. Thereafter there will be duty for the R A to undertake a review of the final LNRS following notification from the Secretary of State there is a need to do so.

Options under consideration

- 6.14. **Option 1.** Cabinet confirms they are content for the LNRS to be published.
- 6.15. **Option 2.** Cabinet is not content for the LNRS to be published, but requires amendments and enters negotiation with DCC because it considers that parts of the LNRS cannot be justified based on the results of the consultation undertaken by the responsible authority; or it is or is materially deficient
- 6.16. Should Option 2 be suggested by Cabinet then the Council would have only a few days to negotiate with DCC as R A and may, in turn need further consultation with the other S As on any new content, which would be extremely challenging given the short timescale. The

³ LNRS and Planning guidance paper

Council would have to state why it considers that the final local nature recovery strategy cannot be justified (based on the results of the consultation) or that the current LNRS is materially deficient via a formal 'advisory note'. This would risk failure to publish the Devon-wide LNRS and reputational damage to the Council and DCC

7. Financial Opportunities and Implications

- 7.1. There are no direct financial implications arising from the contents of this report. Torbay Council makes a small contribution per annum to the work of the Devon LNP which has been a key delivery mechanism of the LNRS. Funding of the LNRS is set out in Section 10.

8. Legal Implications

- 8.1. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended by the Environment Act 2021) places a duty on all public authorities who operate in England to consider how they can conserve and enhance biodiversity. In complying with this duty, all public authorities must "have regard" to any relevant Local Nature Recovery Strategy. This includes development of Local Plans. By identifying specific priorities/sites the LNRS directly interacts with the delivery of Biodiversity Net Gain through planning permissions, as additional BNG credits are generated by delivering BNG action on LNRS priorities. A Local Nature Recovery Strategy (LNRS) is likely to assist the development of the Torbay Local Plan update because it provides spatial, evidence-based priorities for nature recovery—which Local Plans (LP) are now expected to reflect.
- 8.2. The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 set out the procedure to be followed for preparation and publication, and review and republication, of these strategies. Under regulation 3, The Council is deemed a "supporting authority". Regulation 4 requires responsible authorities to take reasonable steps to involve all supporting authorities for the local nature recovery strategy in its preparation and make provision as to the form this must take. Regulation 7 requires responsible authorities to provide all supporting authorities for the local nature recovery strategy with both the draft strategy it considers ready to consult on, and to request their comments (this has been done) and for SAs to confirm that 'they are content for the local nature recovery strategy to be published (this current stage).
- 8.3. The LNRS could have a positive impact in these thematic areas:
 - Strengthening the evidence base for biodiversity and Green Infrastructure
 - Informing the Spatial Strategy site selection
 - Supporting the delivery of BNG
 - Influencing LP policy development
 - Having a bearing on legal and policy integration
- 8.4. This will help to ensure that the LP evidence base for biodiversity/natural capital is robust and up to date, and that a synergy exists between the LP evidence base and the that coming forward in the LNRS.

9. Engagement and Consultation

Summary of Devon LNRS Public Consultation Overall Summary and Quantitative Data

- 9.1. The public consultation for the draft Devon LNRS took place over 6 weeks in autumn 2025. The Cabinet Member for Place Development and Economic Growth as well as the Cabinet Member for Pride in Place, Transport and Parking were briefed on the LNRS and public consultation in advance.
- 9.2. Responses were collected via two online questionnaires (also available in printed format), one Short questionnaire (160 responses), Full questionnaire (79) responses. Feedback was also received via direct conversation and written comments separate to the questionnaires (this is the case for most key partners) which are not addressed in this summary. This summary will be published as a Power BI Workbook on the LNRS website in due course.
- 9.3. The DCC consultation involved:
 - Ambassador training to allow further reach at community events (LNRS specific events, community, church and school events)
 - Public webinars (two general, farming, water) with recordings hosted on the draft Devon LNRS website and Devon Local Nature Partnership (LNP) website
 - Public drop-in sessions
 - Farming & Wildlife Advisory Group facilitated farmer group events & National Farmers Union manager event
 - Press releases, newsletters, social media, printed materials and pop-up banners shared through partners Continued feedback discussions with partners (including discussion on Temperate Rainforests)
 - Two public questionnaires were shared: Short (160 responses), Full (79 responses)
- 9.4. All questions were optional, and each response could include more than one comment.
- 9.5. Through analysis responses were divided to address individual comments, resulting in over 700 comments. In summary:
 - General:
 - 239 questionnaire responses resulting in over 700 comments
 - Intro webinars/deep dive webinar – 104 attendees live (135 tickets sold)
 - Water webinar – 38 attendees live (67 tickets sold)
 - 35 written responses from partners were received outside of the questionnaire Farming
 - Over 60 farmers were engaged through FWAG facilitated events
 - NFU managers were engaged (prior and during the public consultation)
 - Farming webinar 23 live attendees (39 tickets sold)
 - Partners:
 - 32 experts directly engaged to provide specialist species and habitats input and engaging with relevant local recording groups and other experts.

- LNRS partners were engaged through the public consultation. This includes the Defra family, SAs (including Torbay Council), local eNGOs, all Devon Protected Landscapes, ecological consultants, farmers and land agents, public health sector, Libraires Unlimited, and all Devon LNP networks including Network of Environmental Educators in Devon, Wild About Devon, Naturally Healthy. Through the LNP the LNRS public consultation had a wider reach, including Devon Communities Together, Devon Association of Local Councils, Active Devon, VCSE Assembly, LVEP. All partners were encouraged to share information about the LNRS and public consultation, with the help of the communication pack. For further details please see the Stakeholder Engagement Overview

- 9.6. Comments on behalf of Torbay Council have all been addressed except those which related to the national constraints of the LNRS process, which are outside the control of DCC.
- 9.7. If the Council, as SA chose to state that the final LNRS cannot be justified based on the results of the consultation undertaken by the RA; or it is or is materially deficient (through a formal 'advisory note') :- Giving a 'publication advisory notice' has the effect of preventing a responsible authority from publishing its local nature recovery strategy until the issues raised in the notice are resolved.
- 9.8.
- .

10. Procurement Implications

- 10.1. DCC as the RA has primarily funded the development of the LNRS through the expenditure of the 'new burdens' funding allocated to them by central government.
- 10.2. Defra announced the level of revenue funding to Devon (as RA) was allocated £388,000 over a two-year period, with this provided as a Section 31 grant to DCC. The funding has been used to cover the dedicated staffing and contractor input needed to support the preparation of the Devon LNRS, along with all other costs incurred through stakeholder engagement and through its publication. This has been directly managed through DCC budgets, however, decisions on its allocation have been taken in liaison with the SAs.

11. Protecting our naturally inspiring Bay and tackling Climate Change

- 11.1. The LNRS agrees priorities for nature recovery and proposes actions in the locations where it would make a particular contribution to achieving those priorities. As such, its production contributes to the mitigation of Climate Change.
- 11.2. The LNRS will demonstrate how the restoration and re-creation of habitats will sequester carbon, support approaches to climate adaptation, as well as offering a wider range of nature based solutions to issues such as flooding, air and water quality, sustainable

management of soils etc. However, there is a clear government expectation that the LNRSs should also strongly highlight how nature recovery will also support wider social and economic priorities. The Devon LNRS also contributes to supporting sustainable economic recovery by prompting opportunities for green growth and to improve health and wellbeing by re-connecting people with nature.

12. Associated Risks

- 12.1. The most significant risk is Cabinet not approving this item for publication would be the resulting potential delay in the Devon-wide LNRS being approved for publication by the Secretary of State, given the very tight timeline being managed by an external body.

13. 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 146	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.	Nature recovery can deliver benefits for wildlife and people of all ages. The strategy aims to improve nature access across the county recognising the benefits nature provides to our wellbeing and environment. Access to nature is important for lots of people. We will consider how barriers that affect engagement with nature can be reduced. h..	Opportunities to improve access to nature, will include enhancing green space access, involving underrepresented communities in decision-making, and ensuring communications are inclusive.	R A : DCC
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay.	Implementing the strategy aims to improve nature across the county,		

	<p>5,185 of these provided 50 hours or more of care.</p>	<p>including access to nature spaces which may benefit people with caring responsibilities. This includes more access to nature areas for recreation and opportunities to help with nature recovery. These activities may have physical and mental health benefits.</p>		
<p>Page 147</p>	<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>Implementing the strategy aims to improve nature across the county, including promoting accessibility to nature spaces and increasing accessible opportunities for people to get involved in nature recovery activities. Mental and physical health benefits can be expected from increased access to nature recovery areas.</p>		
<p>Gender reassignment</p>	<p>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.</p>	<p>Implementing the strategy aims to improve nature across the county, including access to nature spaces and increasing</p>		

	<p>This proportion is similar to the Southwest and is lower than England.</p>	<p>accessible opportunities for people to get involved in nature recovery activities. Mental and physical health benefits can be expected from increased nature recovery areas and accessibility.</p>		
Page 148	<p>Marriage and civil partnership</p>	<p>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.</p>	<p>Implementing the strategy aims to improve nature across the county, including access to nature spaces and increasing accessible opportunities for people to participate in nature recovery activities. Mental and physical health benefits can be expected from increased nature recovery areas and accessibility.</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</p>	<p>Implementing the strategy aims to improve nature across the county, including access to nature spaces and increasing accessible opportunities for people to get involved in nature recovery activities. Mental and</p>	

	notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	physical health benefits can be expected from increased nature recovery areas and accessibility.		
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.	Implementing the strategy aims to improve nature across the county, including access to nature spaces and increasing accessible opportunities for people to get involved in nature recovery activities. Mental and physical health benefits can be expected from increased nature recovery areas and accessibility.		
Page 140	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	Implementing the strategy aims to improve nature across the county, including access to nature spaces and increasing accessible opportunities for people to get involved in nature recovery activities. Mental and physical health benefits can be expected from increased nature recovery areas and accessibility.		

Sex	51.3% of Torbay's population are female and 48.7% are male	Implementing the strategy aims to improve nature across the county, including access to nature spaces and increasing accessible opportunities for people to get involved in nature recovery activities. Mental and physical health benefits can be expected from increased nature recovery areas and accessibility.		
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.	. Implementing the strategy looks to improve nature across the county, including access to nature spaces and increasing accessible opportunities for people to get involved in nature recovery activities. Mental and physical health benefits can be expected from increased nature recovery areas and accessibility.		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the	Implementing the strategy looks to improve nature across the county,		

	<p>UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.</p>	<p>including access to nature spaces and increasing accessible opportunities for people to get involved in nature recovery activities. Mental and physical health benefits can be expected from increased nature recovery areas and accessibility.</p>		
Additional considerations				
<p>Socio-economic impacts (Including impacts on child poverty and deprivation)</p> <p>15</p>		<p>Positive Implementation of this strategy will include more opportunities for people to get involved in nature recovery and connect with nature.</p>		
<p>Public Health impacts (Including impacts on the general health of the population of Torbay)</p>		<p>Positive Implementing the strategy looks to improve nature across the county, including accessibility to nature spaces and increasing accessible opportunities for people to get involved in nature recovery activities. Mental and physical health</p>		

		benefits can be expected from increased nature recovery areas and accessibility.		
Human Rights impacts		Neutral - there is no differential 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 - There will be a positive impact on children and young people as the aim of implementing the strategy looks to improve nature across the county, which also brings benefits for people. A healthy natural environment gives us what we need to survive, from clean air and water, to flood protection and carbon storage.		
The implementation of the LNRS is expected to have positive impacts on several groups, particularly older people, children and young people, disabled people, those with caring responsibilities, and individuals experiencing socioeconomic deprivation. These benefits stem from improved access to nature, enhanced biodiversity, and associated physical and mental health outcomes. For most other protected characteristic groups—including gender identity, race, religion, sexual orientation, and marital status—the strategy is assessed to have a neutral impact, with no anticipated negative effects. The strategy is designed to be inclusive and accessible, ensuring that nature recovery benefits are shared across all communities.				

14. Cumulative Council Impact

- 14.1. The LNRS could have a positive impact in these thematic areas.
 - Strengthening the evidence base for biodiversity and Green Infrastructure
 - Informing the Spatial Strategy site selection
 - Supporting the delivery of BNG
 - Influencing Local Plan policy development
 - Having a bearing on legal and policy integration
- 14.2. The Environment Act 2021 introduces a strengthened 'Biodiversity Duty' requiring all public authorities operating in England to consider what they can do to conserve and enhance biodiversity. Public authorities are defined as government departments, public bodies and agencies, local authorities and local planning authorities, and statutory undertakers.
- 14.3. Local planning authorities are required to publish a biodiversity duty report. The end date of the first reporting period should be no later than 1 January 2026. After this, the end date of each reporting period must be within 5 years of the end date of the previous reporting period. All reports must be published within 12 weeks of the reporting period end date.
- 14.4. The Biodiversity Duty has links to the development of LNRS to help identify how we are conserving and enhancing biodiversity through nature recovery, identification and protection of priority habitats opportunities to restore and enhance habitats, particularly through BNG.

15. Cumulative Community Impacts

- 15.1. The LNRS will be a material consideration in for the Local Authority as part of the Planning application decision and plan making process.

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Meeting: Cabinet

Date: 17 February 2026

Wards affected: All

Report Title: Access to Devon County Household Waste Recycling Centre – Cabinet Response to Council Recommendation

When does the decision need to be implemented?

Upon conclusion of the call-in period

Cabinet Member Contact Details: Councillor Adam Billings, Cabinet Member for Pride in Place, Transport 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

- 1.1. This report responds to the Council's recommendation to Cabinet for the Director of Pride in Place to approach Devon County Council to explore the possibilities to enable Torbay Council residents to access the Brunel Road Recycling Centre, Brunel Road, Newton Abbot, to encourage greater recycling and responsible waste disposal, and reduce fly tipping in Torbay and the surrounding area. The report provides the outcome of the conversations held between the Director of Pride in Place and colleagues at Devon County Council and the financial implications, operational considerations, and potential risks to Torbay's recycling performance and income streams.

2. Reason for Proposal and its benefits

- 2.1. Torbay Council will not seek access to Devon's Household Waste Recycling Centres at this stage because of the potential risks to Torbay's recycling performance and income streams, which could be negatively impacted by diverting waste outside our current systems and the anticipated financial and resource implications which although unquantified are likely to be significant. The Council will instead continue to focus on improving its own recycling services and strengthening resident engagement.

3. Recommendation(s) / Proposed Decision

- 3.1. That Cabinet be recommended not to pursue access for Torbay's residents to Devon Household Waste Recycling Centres at this time due to the risks outlined in this report.

4. Appendices

- None

5. Background Documents

- None

Supporting Information

6. Introduction

- 6.1. At the meeting of Council on 11 December 2025, and following a Liberal Democrat amendment which was incorporated by Councillor Billings in his motion, a recommendation was made to Cabinet that the Director of Pride in Place be requested to explore with Devon County Council the possibility of enabling Torbay Council residents to access the Brunel Road Recycling Centre, Brunel Road, Newton Abbot, to encourage greater recycling and responsible waste disposal, and reduce fly tipping in Torbay and the surrounding area. This report provides the outcome of the conversations held between the Director of Pride in Place and colleagues at Devon County Council.
- 6.2. Torbay currently manages its own waste services, including kerbside recycling and disposal through the Energy-from-Waste (EfW) facility managed through the South West Devon Recycling Partnership. While there is interest in exploring access to Devon's Household Waste Recycling Centres (HWRCs), doing so would involve significant considerations. These include potential financial commitments such as gate fees and contributions to Devon's operational costs, as well as additional transport expenses for residents. It would also require dedicated staff resources to negotiate terms, establish contractual arrangements, and administer access systems.
- 6.3. Beyond these practical challenges, there are strategic risks: Torbay's recycling performance is measured against its local collection systems, and increased reliance on Devon HWRCs could undermine data control and reporting. Furthermore, diverting residual waste away from the EfW plant may reduce tonnage, impacting income from energy recovery and contractual obligations.
- 6.4. Devon County Council colleagues have also indicated that the Brunel Road site is operating at capacity and that it does, on occasion, struggle to meet the demand on it which has grown since the decision was originally made not to allow Torbay residents to access the facility. At this time additional demand on the site could not be accommodated.

7. Options under consideration

- 7.1. On the basis of the advice received from Devon County Council there is no alternative option.

8. Financial Opportunities and Implications

8.1. Initial analysis suggests that negotiating access to Devon's Household Waste Recycling Centres would involve notable financial commitments and operational costs. Indicative estimates include gate fees in the region of £120–£150 per tonne (subject to Devon County pricing), as well as staffing costs equivalent to approximately 0.2 FTE over six months to manage negotiations and administration. In addition, there would be unquantified transport-related expenses, including increased mileage for residents and potential subsidies for low-income households. These factors highlight that any financial opportunity is currently outweighed by significant and uncertain cost implications.

9. Legal Implications

9.1. None

10. Engagement and Consultation

10.1. Whilst we've not undertaken any public consultation, we acknowledge that there is clear interest from residents in Torquay, particularly those closer to the Newton Abbot HWRC, in having the choice to use that facility. This interest should be noted as part of any future engagement.

11. Procurement Implications

11.1. None

12. Protecting our naturally inspiring Bay and tackling Climate Change

12.1. The report does not result in any different actions by the Council and as such there are no changed impacts.

13. Associated Risks

13.1.

Risk	Impact	Mitigation
Reduced recycling performance	Loss of control over data and targets	Maintain data-sharing agreements and monitor performance
Impact on EfW income	Lower tonnage reduces revenue and may breach contract	Limit residual waste diversion and review EfW contract terms
Administrative complexity	Additional workload for staff and system changes	Allocate temporary resource and automate access verification

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 158	<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 report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.</p>	Not applicable	Not applicable
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>The report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.</p>	Not applicable	Not applicable
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>	<p>The report does not result in any different actions by the Council and as such there</p>	Not applicable	Not applicable

	a physical or mental health condition or illness.	are no changed considerations from business as usual.		
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 report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.	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 report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.	Not applicable	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.	The report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.	Not applicable	Not applicable

Race	<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, 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.</p>	<p>The report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.</p>	Not applicable	Not applicable
Religion and belief	<p>64.8% of Torbay residents who stated that they have a religion in the 2021 census.</p>	<p>The report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.</p>	Not applicable	Not applicable
Sex	<p>51.3% of Torbay's population are female and 48.7% are male</p>	<p>The report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.</p>	Not applicable	Not applicable
Sexual orientation	<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 report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.</p>	Not applicable	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, 5.9 per cent of the population have previously served in the UK armed forces.	The report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.	Not applicable	Not applicable
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		The report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.	Not applicable	Not applicable
Public Health impacts (Including impacts on the general health of the population of Torbay)		The report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.	Not applicable	Not applicable
Human Rights impacts		The report does not result in any different actions by the Council and as such there are no changed considerations from business as usual.	Not applicable	Not applicable
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate	The report does not result in any different actions by the Council and as such there	Not applicable	Not applicable

	<p>Parents and have a responsibility towards cared for and care experienced children and young people.</p>	<p>are no changed considerations from business as usual.</p>		
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15. Cumulative Council Impact

15.1. None

16. Cumulative Community Impacts

16.1. None

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Update on capital investment to implement the Play Park Improvement Strategy

Report of the Overview and Scrutiny Board

Report to Cabinet on 17 February 2026

Background

1. The Overview and Scrutiny Board met on 4 December 2025 to consider an update on the Play Park Improvement Strategy. The report set out the progress made to date including the consultation and engagement. The report proposed a focus on capital investment using the £500k for essential safety works whilst developing Masterplans for each park, with prioritisation given to destination play parks.
2. Margaret Forbes Hamilton, Tormohun Community Partnership and Chair of Torbay Greenspace Forum made oral representations in respect of the engagement carried out to date and the importance of some of the smaller play parks to the local community.
3. Members raised the following questions:
 - What was the timeframe for developing the Masterplans?
 - How and who will conduct the consultation and engagement?
 - How do we prioritise sites for early consultation?
 - How were destination play parks decided?
 - Was the small consultation sample representative of Torbay's children across all areas?
 - Which voluntary groups were engaged?
 - How would different funding streams (Ward funds, donations, Community Infrastructure (CIL)) be tied together?
 - How will local schools be involved in consultation?
 - Why was engagement limited in deprived wards like Tormohun?
 - Why were some parks being decommissioned without replacements?
 - What was a cableway?
 - Could funding be used for bins and benches in parks?
 - When will the Council hear about the Lottery Funding?
 - Will skateparks be included in later phases?
 - What was being done to access £18m government funding?

4. The following responses were received:

- There was an aim to complete the Masterplans by Easter for high-priority sites.
- SWISCo staff would lead the work on the Masterplans, working with Play Torbay, schools, and community associations etc.
- Destination parks were based on Member visits and feedback from Play Week; larger parks offer more opportunities to more people.
- It was acknowledged that the sample size was small; future engagement would broaden the reach.
- SWISCo would look to combine Ward funds, Community Infrastructure Levy (CIL), donations and other funding opportunities during the Master Planning.
- Schools will be involved in site-specific consultations.
- Deprived areas had been considered, there was a commitment from the Managing Director of SWISCo and the Cabinet Member to visit Tormohun parks before Christmas; Barton Downs and Watcombe had been prioritised in the proposals.
- A cableway is a zipline, often decommissioned due to safety concerns.
- Benches and bins could be explored but had not been included in initial funding tranche.
- The previous bid for Lottery Funding was unsuccessful; feedback had been received and further bids and match funding opportunities were being explored.
- Skateparks were included in Phase 3 of the proposals.
- The Government's £18m investment in play parks requires groundwork and Master Planning; no immediate start date had been provided by the Government.

5. Conclusion

5.1 The Board reflected and debated the information provided to them, both verbal and written and formed the following recommendations to the Cabinet. On being put to the vote, the motion was declared carried unanimously.

6. Recommendations

6.1 That the Cabinet be recommended:

1. to provide written clarity on the proposed engagement process, to include in consultation with key community groups such as Torbay Communities, Torbay Greenspace Forum etc.;
2. to ensure that young people are engaged with in a meaningful way in respect of all play parks;
3. that the first tranche of funding should be focussed on repairs and not landscaping and that landscaping should be picked up as part of the later tranche;

4. that the Board note the emerging Play Park Improvement work and acknowledged that this is work on play improvement which will be further developed into a Strategy and used to inform Masterplans; and
5. to provide a written list of which groups have been engaged to date.

Background Papers

[Agenda for Overview and Scrutiny Board on Thursday, 4 December 2025, 5.30 pm](#)

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TORBAY COUNCIL

Cabinet Response to the recommendations of the Overview and Scrutiny Board – Update on capital investment to implement the Play Park Improvement Strategy

Recommendation 1:

To provide written clarity on the proposed engagement process, to include in consultation with key community groups such as Torbay Communities, Torbay Greenspace Forum etc.

Response/Update:

Stage one immediate safety works are by nature specifically targeted to individual pieces of equipment so master planning is not appropriate, however a minimum of three options for each required piece of equipment will be provided on site via posters and a web link for further information and preferences to be provided, local ward members and a minimum of two schools in the locality will be consulted in person with the options. This is intended to ultimately improve these public spaces and access to safe, inclusive and higher quality play parks.

Whilst we are engaging with schools, we will also seek to have collaborative conversations as to play design, this will include the wider picture in terms of site access, health, wellbeing and sports provision and anything else young people feel is important to them. This information will then be fed into the ten-year masterplan.

At all points colleagues from children's services will be engaged within the process so wider young people's strategies and engagement opportunities can be utilised.

Full written consultation program will be provided ahead of its implementation, this will include a ward-by-ward plan in conjunction with relevant councillors, engaging with schools and community groups.

Recommendation 2:

To ensure that young people are engaged with in a meaningful way in respect of all play parks.

Response/Update:

As part of the engagement process presentations in schools in each ward will be organised, these events will focus on gathering input from young people as to what they would like to see in their parks.

An essential element of the meaningful engagement is honesty and transparency we will endeavour to make clear that stage one works by nature of the budget are limited, we will seek opinion on options where possible. In terms of the masterplan, we will aim to be as creative as possible incorporating as wide a range of input as possible.

Play Torbay have been heavily involved in the work thus far and will continue to be, both at a local design level and also reflecting national policy and best practice.

The masterplan will aim to incorporate green and recreational space, including former countryside trust land adjacent to and surrounding existing playparks.

There is also the possibility that opportunities could be created at the implementation stage to involve young people in the actual works. The community payback team have already been engaged to support in these works.

Recommendation 3:

That the first tranche of funding should be focussed on repairs and not landscaping and that landscaping should be picked up as part of the later tranche.

Response/Update:

This is certainly the intention with the focus on repair providing momentum through these initial works with landscaping being largely the final aspect of the project and coordinated with cyclical works and the development of the longer-term masterplans.

Any removal works and subsequent landscaping will be carried out by SWISCo and will not be charged to the £500k budget.

Recommendation 4:

That the Board note the emerging Play Park Improvement work and acknowledged that this is work on play improvement which will be further developed into a Strategy and used to inform Masterplans.

Response/Update:

This is the first stage of a larger project and we are currently working on a 10 year masterplan to bring all the playparks to the standard we would all hope to see. The masterplan will be aligned with wider Council strategies on wellbeing and activity.

Ward Members will be contacted to discuss and provide input into engagement strategies and plans for specific local areas. It is intended that engagement with relevant local schools will take place for every park. Members views will also be sought for other routes into local opinion including community groups and youth organisations in their area.

Recommendation 5:

To provide a written list of which groups have been engaged to date.

Response/Update:

During the first stage of an ongoing consultation programme:

All ward Members were invited to an onsite consultation on a ward-by-ward basis during summer 2025.

Working in partnership with Play Torbay public engagement surveys were carried out at Shiphay Park, Parkfield, Victoria Park (Torquay) and Abbey Park as well as Children's Week at Paignton Seafront. Over 100 surveys were completed by young people and families.

Much of the immediate work required is dictated by the need to replace dangerous and worn-out equipment. This first stage of consultation allowed the development of some broad principles and areas for consideration in terms of the available funds. As per recommendation 1 and 2 targeted and site-specific consultation on options around individual pieces of equipment will be carried out.

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Meeting: Cabinet

Date: 17 February 2026

Wards affected: All Wards

Report Title: Housing Standards Enforcement Policy Review

When does the decision need to be implemented? Cabinet scheduled for February

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 & Community Services
(Anna.Coles@torbay.gov.uk)

1. Purpose of Report

- 1.1 In order for the Council to be able to effectively enforce Housing Standards legislation, a suitable enforcement policy needs to be in place. Such a policy will describe what we will (and will not) do and how we will act to fulfil our duties.
- 1.2 Our current policy has been in place since 2019 following important legislative changes at the time. We now have the Renters Rights Act 2025 (RRA25) provisions to capture in addition to the pre-existing responsibilities. As such a review was necessary in any case.
- 1.3 However, a Local Government Ombudsman (LGO) review of our current policy, concluding in November 2025, directed us to remove a paragraph relating to situations where we would work with landlords 'informally' that is to say without service of a notice. It is due to this direction that the policy must be amended now, 4 months earlier than most of the RRA25 changes are needed.
- 1.4 The purpose of this report is to seek approval to make relevant amendments as set out in the enclosed documents immediately and to gain delegated authority to add the remainder of the RRA25 elements when it is appropriate to do so.

2. Reason for Proposal and its benefits

- 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 Houses in Multiple Occupation accommodation occupy a properly managed building.
- 2.2 The amendments to the Housing Standards Enforcement Policy will ensure that we are compliant with current, and future legislative requirements.

3. Recommendation(s) / Proposed Decision

- 3.1. That the amendments to the current Housing Standards Enforcement Policy, as set out at Appendix 2, be approved.
- 3.2. That delegated authority be given to the Director of Adult and Community Services, in consultation with the Cabinet Member for Adult and Community Services, Public Health and Inequalities, to authorise the forthcoming updates to the Housing Standards Enforcement Policy to include elements relating to the RRA25.

4. Appendices

- 4.1. Appendix 1: Current Torbay Housing Standards Enforcement Policy with track changes
- 4.2. Appendix 2: Proposed Torbay Housing Standards Enforcement Policy with changes accepted
- 4.3. Appendix 3: Investigatory powers guidance for Renters' Rights Act 2025

5. Background Documents

- [Local authority enforcement in the private rented sector: headline report - GOV.UK](#)

Supporting Information

6. Introduction

- 6.1. On 30 September 2025 the LGO concluded an investigation into a complaint regarding inaction by the Housing Standards team. Whereas it was acknowledged that engagement and action had occurred, the LGO believed that a notice was required due to the presence of a Category 1 hazard, as described by the Housing Health and Safety Rating System (HHSRS).
- 6.2. The LGO decision, along with further engagement with the complainant, required that a paragraph be removed from the current Housing Standards Enforcement Policy as it promotes, in the first instance, an informal approach, not supported by the Housing Act 2004 (HA2004).
- 6.3. The current Housing Standards Enforcement Policy purposefully included the paragraph in full knowledge of the requirements of the HA2004. This due to a number of contradictory references set out in the Statutory Guidance and the absence of timescales set out in the HA2004. In effect it opened up an opportunity for dialogue prior to the service of notice, allowing landlords with no previous non-compliance, who had not attempted to evict the tenant in retaliation and who engaged appropriately, to avoid a notice, in the first instance.
- 6.4. The LGO decision does not accept the position adopted by the Council and has required the amendment to the policy as set out in this report.
- 6.5. On 27th October 2025, the RRA25 gained Royal ascent which commenced a count down to a number of new provisions and duties becoming 'live'. Most of the provisions will only come into force post 30th April 2026, however one provision, impacting two parts of the current Housing Standards Enforcement Policy, came into force on 27th December 2025. This relates to Investigatory powers, and Page 17 of 17 this document is attached as Appendix 3.

This power removes the requirement for the local authority to give a landlord 24 hours' notice before inspecting a property. It also changes the powers relating to provision of documents required by the local authority.

- 6.6 The need to inform the landlord before an inspection can take place has been a significant barrier to engagement for the past 20 years and therefore, we welcome the legislative direction and seek to remove the corresponding references from the current Housing Standards Enforcement Policy immediately. The section specifically relating to 'requiring Information' (3.3) are also to be amended immediately.
- 6.7 As previously reported during the adoption of our Civil Penalty Policy, the government set aside a small fund for a 3rd sector organisation (Tenants for Justice) to organise procurement of legal support to update policy, including Civil Penalty policies and Enforcement Policy with an eye on the policy demands of the RRA.
- 6.8 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.
- 6.9 In addition, in preparation for the commencement of RRA25, the government commissioned a cooperative under the Op Jigsaw project including Tenants for Justice and overseen by the Association of Chief Environmental Health Officers (ACEHO) to create an enforcement policy that can be used nationally to improve consistency. It is intended that this policy, designed specifically for RRA25 will be attached as an appendix to the amended Housing Standards Enforcement Policy when it is appropriate to do so.
- 6.10 The policy is a working policy and therefore it is not appropriate to make future adjustments yet and, in any case, the aforementioned RRA25 policy is not available yet.

7 Options under consideration

- 7.1 Option 1 – Adopt the amended policy and delegate authority to make adjustments following forthcoming legislation. The amended policy will ensure that we are legislatively compliant and in line with the LGO direction. By delegating authority, it will enable the new RRA25 provisions to be added promptly and without unnecessary burden to governance.
Option 2 – Refuse to adopt the amendments to the existing policy. The way the current policy is drafted is not in line with the LGO direction. We will face sanctions for failing to comply. The other amendments bring us in line with the first wave of RRA25 provisions, if not adopted we will not be in a position to effectively enforce which will be expressed via our new duties to report.

8 Financial Opportunities and Implications

- 8.1 Failure to adopt the amendments to the policy will result in reduced income.

9 Legal Implications

- 9.1 The current Housing Standards Enforcement Policy is subject to a direction by the LGO. If we do not comply with the direction, the Council's Infocompliance colleagues confirm that the LGO can issue a public report with associated reputational damage.

10 Engagement and Consultation

- 10.1 None, however, LGO direction.

11 Procurement Implications

- 11.1 None

12 Protecting our naturally inspiring Bay and tackling Climate Change

- 12.1 Energy efficiency requirements are enforceable under Housing Acts. Failure to have a legally compliant policy could undermine efforts to improve the energy efficiency of privately rented homes.

13 Associated Risks

- 13.1 As described above, the risks are associated with an inability to effectively enforce compliance with housing legislation and noncompliance with an LGO direction.

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 177	<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 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.</p>	None required	Not applicable
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 is no differential impact anticipate.</p>	None required	Not applicable
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>	<p>The policy will be available on the Council's website. The policy can be made available in alternative accessible formats if required.</p>	None required	Not applicable

	a physical or mental health condition or illness.	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.		
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	There is no differential impact anticipated	None required	Not applicable

	the middle of the last decade across all geographical areas.			
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
Page 179	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	There is no differential impact anticipated.	None required	Not applicable

	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.			
Additional considerations				
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	There is no differential impact anticipated.	None required	Not applicable

	responsibility towards cared for and care experienced children and young people.			
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15 Cumulative Council Impact

15.1 None

16 Cumulative Community Impacts

16.1 None



Housing Standards Enforcement Policy

August 2019



TABLE OF CONTENTS

Introduction	4
What we are looking to achieve?	4
Aim of the policy	4
What is enforcement action?	5
Who might take action?	5
Our enforcement powers and our approach	5
Targeting enforcement action	6
Co-ordinated working	6
Powers of entry	6
Requiring information	7
Pro-active inspection	8
Re-active inspection	8
Tenants of Registered Providers (Housing Associations)	9
Lettings and management agents	9
Assessing condition	9
Enforcement options	10
Interventions	11
No Action	11
Informal Action	11
Statutory Notices (including Orders)	11
Options are available under the Housing Act 2004	12
Hazard Awareness Notice	12
Improvement Notice	12
Suspended Improvement Notice	13
Prohibition Order	13
Suspended Prohibition Order	13
Emergency Remedial Action	13
Emergency Prohibition Order	13
Management Orders	13
Demolition Order	14
Clearance Area	14
Options available under various other pieces of legislation	14
Section 33 of Local Government Miscellaneous Provisions Act 1976	14
Section 45 Public Health Act 1936 or section 59 Building Act 1984	15
Section 80 of Environmental Protection Act 1990	15
Smoke and Carbon Monoxide Alarms (England) regulations	15
Non-compliance	16
Energy Efficiency Enforcement Notices	16
Illegal eviction and harassment	16
Redress Schemes for letting agency and property management work	17
Works in Default	17
Simple Cautions	18
Prosecution	18
Civil penalties	19
Rent Repayment Orders	19



Banning orders.....	20
Database of rogues landlords and property agents	20
Proceeds of Crime Act 2002.....	20
Service Information.....	21
Owner occupiers and long leaseholders.....	21
Empty Homes.....	21
Immigration visits.....	22
Fitness for human habitation legislation.....	22
Giving evidence in private court cases.....	22
Situations where we may not provide a service.....	23
Charges, fees and cost recovery.....	23
Charging for services.....	23
Recovery of costs.....	23
Unpaid debts and invoices.....	23
Publicising Offences.....	24
Feedback.....	24
Associated documents.....	24
Appendices.....	25
Appendix 1 - Complaints regarding Social Housing.....	25
Appendix 2 - Fire Safety Statement of Principles.....	26
Appendix 3 – Renters Rights Act 2025 Enforcement Policy	30



INTRODUCTION

This policy provides details of the council's approach to regulating housing standards and tenancy rights in Torbay. It sets out what owners, landlords, their agents and tenants of properties can expect from us and what we expect of them.

This policy is intended to provide guidance for officers, businesses (landlords, property managers and agents), consumers and the general public. It does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest.

WHAT WE ARE LOOKING TO ACHIEVE?

Local Housing Authorities play a key role in protecting the health, wellbeing and consumer rights of residents. Our interventions improve the quality of homes and their management whilst protecting the rights of tenants. These actions improve the local environment, prevent illness and injury, improve quality of life for residents and reduce crime.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This document has been prepared having regard to the Regulator's Code Better Regulation Delivery Office (BRDO April 2014).

In certain instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

AIM OF THE POLICY

We aim to ensure that all enforcement activity we undertake is:

Targeted at properties and people that pose the greatest risk. Risks may be to; health, safety, community confidence, finances, deprivation, the environment and or a regulatory risk. Targeted individuals may include owners and landlords who evade licensing and regulation, and those whose properties cause a nuisance or put people's health and safety at risk.

Proportionate, reflecting the nature, scale and seriousness of any breach or non-compliance. This approach will ensure that the most serious risks (as described above) attract the highest sanctions. It also means that in particularly minor cases, we may take informal action only.

Fair and objective, based on the individual circumstances of the case, taking all available facts into account.



Transparent, our actions will be explained in plain language, with clear reasoning given for any enforcement action taken. A clear distinction will be made between legal requirements (what must be done) and advice or guidance (what is desirable).

Consistent, taking a similar approach in similar circumstances to achieve similar ends. It does not mean uniformity, as we will take into account many factors such as culpability, the level of risk, the history of compliance and the attitude and actions of those involved.

Accountable, undertaken in a responsible manner that has a clear purpose. Where enforcement action is taken, we shall ensure the target is given information about their rights of appeal and otherwise how they might register a complaint.

Coordinated, taking a shared approach where there are complementary responsibilities across different departments or agencies.

WHAT IS ENFORCEMENT ACTION?

In this document 'enforcement' means action carried out in the exercise of statutory enforcement powers. It includes not only formal enforcement action, such as prosecution or the service of a notice, but also the inspection of premises for the purpose of checking compliance with regulations and the provision of advice to aid compliance with statutory requirements.

WHO MIGHT TAKE ACTION?

Authorised officers will undertake the actions set out in this policy. The Council will ensure that officers who are authorised to initiate enforcement action are competent to do so, are suitably qualified and have relevant and adequate experience in the area of enforcement. The level of authorisation varies depending upon the particular action. The details are set out in the Council's Scheme of Delegations.

OUR ENFORCEMENT POWERS AND OUR APPROACH

Torbay Council expects all landlords to have a good understanding of the standards that they are required to meet in terms of the condition and management of the homes they rent out and of the appropriate behaviour and conduct they are obliged to display in terms of tenancy rights and interactions. We also expect full voluntary compliance with the law.

We will help owners of housing to meet their legal obligations by providing clear and concise information about what they need to do to comply. This information will be available by engagement with our website, our social media provisions, by direct communication with officers and via forums and open meetings. We will engage with our landlord associations and promote appropriate training and accreditation schemes.

At the time of drafting this policy, the principle acts and regulations enforced by the council's Housing teams are;

- The Housing Act 1985
- [The Housing Act 1988](#)
- The Housing Act 2004



- [Renters Rights Act 2025](#)
- The Building Act 1984
- The Environmental Protection Act 1990 (as amended)
- The Public Health Act 1936 (as amended)
- The Local Government [Miscellaneous Provisions] Act 1976 and 1982
- The Prevention of Damage by Pest Act 1949
- Protection from Eviction Act 1977
- Deregulation Act 2015
- The Housing and Planning Act 2016
- The Energy Efficiency (Private Rented Property (England & Wales) Regulations 2015
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- Any subsequent legislation coming into force where the policy is yet to be updated

In addition to our powers as a local housing authority there are further powers available to us as the local planning authority and through Trading Standards and the regulation of letting and managing agents.

- [Enterprise and Regulatory Reform Act 2013](#)
- [Tenant Fees Act 2019](#)
- Redress scheme for Letting Agency Work and Property Management Work (England) Order 2014
- Consumer Rights Act 2015
- Town and Country Planning Act 1990 (as amended)

The interventions we may take in relation to the above legislation are set out in more detail throughout this policy.

Much of the legislation that the Council enforces sets out what must be achieved, rather than how it must be done. Guidance on how an outcome might be achieved is often set out in codes of practice or guidance notes. Where there is advisory material available describing good practice, inspectors will have regard to this.

In some cases the legislation is highly prescriptive as to what must be done and in such circumstances the discretion of the Council as duty holder and the enforcer are limited.

TARGETING ENFORCEMENT ACTION

Co-ordinated working - Often a single housing matter may overlap the enforcement responsibilities of several services and agencies such as Devon and Somerset Fire and Rescue Service, Devon and Cornwall Police or the Environmental Protection team. Partnership working is at the core of what we do and we will take a comprehensive approach to enforcement by:

- Co-ordinating action between Council departments and other agencies;
- Ensuring the most effective action is taken and led by the most appropriate agency;
- Sharing information with other agencies.

Powers of entry - Entry to a property is usually required to enable us to carry out our statutory functions.



Sections 239-241 of the Housing Act 2004 (HA2004) set out powers of entry associated with investigating the condition and/or management/use of a property.

When organising a visit to assess conditions using the Housing Health and Safety Rating Scheme (HHSRS) officers' will normally make an appointment to visit in the first instance and will give at least 24 hours' notice to both the occupants and owners of our intention to enter properties to inspect them. If landlords wish to attend the inspection they are obliged to make their own arrangements with the tenant. Occupants may waive their right to 24 notice.

Powers of entry will allow an officer, at any reasonable time, to enter a property to carry out an inspection and gather evidence, take other people with them, take appropriate equipment or materials and take any measurements, photographs, recordings and samples as necessary.

In some cases, powers of entry will be used to carry out works.

We will exercise our statutory powers to gain entry without giving prior notice to investigate suspected non-compliance with housing related law or to carry out a statutory duty where it is necessary to do so. Reasons for the use of these powers may include:

- To protect the health and safety of any person or to protect the environment without avoidable delay;
- To prevent the obstruction of officers where this is anticipated;
- To determine if a property is an unlicensed HMO or has breached management regulations;
- Where we are working with other agencies such as the police, home office or fire service.

When undertaking enforcement activity associated with illegal eviction or harassment it may not be necessary or appropriate to inform the property owner of an intention to enter.

We may apply to the Magistrates Court/Justice of the Peace for a Warrant to Enter Premises if;

- entry has been denied
- refusal is reasonably anticipated
- giving notice would defeat the purpose of the visit
- gaining entry will be problematic such as in the case of empty properties.

Before applying for a warrant we will consider all the circumstances of the case and ensure that obtaining a warrant is a proportionate and reasonable action.

A warrant under this section includes the power to enter by force, if necessary.

Any person who, without reasonable excuse, obstructs an authorised officer from carrying out their functions under Parts 1-4 of HA2004 (includes entering a premises, collating evidence etc.) commits a criminal offence. Where an officer is obstructed we will consider undertaking a prosecution. Where officers are assaulted the council will seek prosecution of any offenders.

The Renters Rights Act 2025 sets out a range of new powers of entry relating to business premises and buildings where a residential tenancy is suspected. These new provisions are



[set out in Appendix 3 \(when available\), and will be utilised in accordance with the Statutory Guidance; Investigatory powers guidance for Renters' Rights Act 2025](#)

Requiring information

Authorised officers have the power to require:

- Documents to be provided under s235 of the HA2004 to enable them to carry out their powers and duties;
- Electrical and gas safety certificates to be provided in relation to Houses in Multiple Occupation under s234 of the HA2004;
- Any person with an interest in a property to provide details about its ownership or occupation under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
- Specified information for the purpose of deciding whether to apply for a banning order against the person under Section 19 of the Housing and Planning Act 2016;
- Specified information for the purpose of deciding whether to make an entry in the database of rogue landlords and property agents or to complete an entry or keep it up-to-date under Section 35 of the Housing and Planning Act 2016.

Officers will routinely use these powers and it is an offence not to produce the required information as requested or to provide false or misleading information. Where requested information is not provided (or is false or misleading) we will consider taking the relevant formal action such as issuing a financial penalty or undertaking a prosecution.

For specific housing purposes the Authority also has the power to:

- Obtain and use Housing Benefit and Council Tax information under Section 237 of the HA2004;
- Request and use tenancy deposit information under Section 212A of the HA2004;
- Access and use information contained within the database of rogue landlords and property agents under Section 39 of the Housing and Planning Act 2016,

[The Renters Rights Act 2025 sets out a range of new powers relating to the requisition of information. These new provisions are set out in Appendix 3 \(when available\), and will be utilised in accordance with the Statutory Guidance; Investigatory powers guidance for Renters' Rights Act 2025](#)

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Pro-active inspection - The council has a duty to review local housing conditions to identify any action that may be required.

We will seek to identify HMOs that require a mandatory licence, are poorly converted or poorly managed and properties where category 1 hazards exist. We will also proactively target empty privately owned properties to encourage owners to bring them back into use, and use enforcement powers where appropriate to achieve this.

We will target those landlords who deliberately or persistently break the law. Where poor conditions are identified in a privately rented property, we will seek to identify and inspect other properties owned or managed by the same individual or company.



Post Grenfell the requirements for local housing authorities to intervene in the fire safety of private residential blocks is still an area of developing government policy. Our actions in this regard will reflect any forthcoming government policy.

We may inspect property to contribute to an area approach such as consideration as to whether to support a discretionary HMO licensing scheme, a collaborative action with the fire service in a high risk area or to fulfil a Housing Strategy objective.

Re-active inspection – The council has a duty to react to intelligence regarding local housing conditions and to identify any action that may be required.

We will respond in accordance with the HA2004 and associated regulations and guidance to enquiries by occupiers of rented property considered to be hazardous, partner agencies (internal and external) who have witnessed hazardous accommodation and elected members.

We will inspect property in response to a request such as an Immigration enquiry or where a licensing application has been made and we are obliged to consider suitability.

We will consider other enquiries on a case by case basis. This might be where the reporting person has not seen the condition of the property or perceives an impact on themselves rather than the occupier. In such cases it is not always appropriate to require an inspection and the issue may be dealt with more effectively by other methods.

Tenants of Registered Providers (Housing Associations) - Tenants of Registered Providers (Housing Associations) have standard procedures to follow if their landlord does not carry out repairs in a satisfactory manner, including a complaints procedure and a final right of appeal to the Housing Ombudsman Service. Appendix 1 gives some further detail and useful links.

We will offer advice to the tenant in the first instance and seek to intervene where we determine that it is necessary and appropriate for us to do so. We will consider the HHSRS Enforcement Guidance in order to reach this determination.

Lettings and management agents – There are specific requirements which must be met by lettings and management agents such as the requirement to belong to a redress scheme, banning of fees etc. Some of these requirements may be enforced by the Housing Standards team or by the appropriate Trading Standards team. Torbay Council will liaise with the Trading Standards team to help them perform their duties. We will also take direct action where we are authorised to do so and such action is justified.

ASSESSING CONDITION

Part 1 of The HA2004 is concerned with assessing housing conditions and reducing health and safety hazards using the HHSRS. The HHSRS covers 29 potential hazards in the home. It is a risk



assessment approach which looks firstly at the likelihood of someone becoming ill or injured and secondly, how badly harmed a person could be as a result. Any rated hazard is done so with the person (age) most vulnerable to the hazard.

The HHSRS applies to all residential premises regardless of tenure or whether a dwelling is occupied. The Council has a duty to inspect premises where there is a suspected hazard.

The Council is under a duty to take enforcement action in relation to the most dangerous health and safety hazards referred to as Category 1 Hazards (those which have a hazard rating within bands A, B or C).

The Council has the power to deal with less dangerous Category 2 Hazards (bands D to J). The Council may take enforcement action in relation to Category 2 hazards where it makes the judgement that it would be appropriate to the particular circumstances of the case. The following circumstances will be considered when deciding whether to take action in relation to Category 2 hazards:

- A Category 2 hazard exists in addition to one or more Category 1 hazards;
- Where the occupier is at a specific risk from the hazard due to illness, disability or vulnerability (age group);
- Where the cumulative effect from multiple Category 2 hazards creates a more serious situation;
- Where the benefits of carrying out the work outweigh the costs of their execution;
- Where specific local hazards have been identified and targeted for action.

When a Category 1 hazard or relevant Category 2 hazard (as described above) is identified, the Council will decide which of the available enforcement options is most appropriate to use as described in 'Statutory Notices' below. We will consider the HHSRS Enforcement Guidance in order to reach this determination.

Following the identification of a significant HHSRS hazard, the Council may, as far as practically possible and reasonable according to the circumstances of the case, seek the views of occupiers, owners and interested parties on the hazard(s) identified and work required. These views will be taken into account when deciding the most appropriate course of enforcement action. [Where the Council is confident that action will be taken to address the hazard within a reasonable time scale, it is appropriate to the circumstances of the case and it would not obstruct an occupier's right to protection under another piece of legislation, an informal enforcement approach may be taken in the first instance.](#)

ENFORCEMENT OPTIONS

Enforcement action taken will reflect the severity of the offence or nature of the breach, the perceived harm whether actual or potential, the responsible person's culpability and their compliance history.

We will take all necessary action to adequately protect the occupants' interest and provide an appropriate deterrent to offenders.



The Council follows the principles set out in the Macrory Review, which sets out that sanctions should:

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by regulatory non-compliance, where appropriate; and,
- aim to deter future non-compliance.

There are several types of action that can be taken in relation to any given case, and different action may be necessary as a case progresses. Each case will be considered on its own merits.

When deciding whether to take enforcement action we will:

- comply with relevant legislation,
- be transparent, consistent and accountable
- have regard to the Regulators' Code,
- consider the views of occupiers, owners and other agencies such as the Fire Authority, the Police and other council services,
- adopt a positive and proactive approach to support and protect tenants,
- take a co-ordinated approach where there are shared or complementary enforcement actions,
- consider the severity of the offence or nature of the breach,
- consider the perceived harm to health, safety, community confidence, finances, deprivation, or the environment whether actual or potential,
- consider the responsible person's culpability in relation to the offence and their compliance history regarding similar offences irrespective of where such contraventions have occurred.
- as far as the law allows, we will take account of the circumstances of the case and the conduct of the owner or agent when determining action,
- have regard to various courses of remedial action and consider what is 'reasonably practicable'

Outlined below are the main enforcement options available to officers. We take the approach that offenders should pay the cost of enforcement work, and that they should not profit from poor or criminal behaviour.

[The Renters Rights Act 2025 sets out a range of new powers in addition to those set out below.](#)
[These new provisions are set out in Appendix 3 \(when available\), and will be utilised in accordance with the relevant Statutory Guidance and secondary legislation.](#)

Interventions

No Action - Where we are unable to identify any actionable problem we will take no action.



Informal Action – will be considered where;

- Torbay Council's history of dealing with the specific issue demonstrates informal action will achieve compliance in a timely and persistent fashion.
or
- there is demonstrable confidence in the management of the individual (issue is out of character and unlikely to be repeated).
and
- the consequences of non-compliance will not pose a risk to health, safety, community confidence, finances, deprivation, the environment and or regulation.
and
- there is no legislative requirement to serve formal notice or order.

With specific regard to the HHSRS and Part 1 of The HA2004; Torbay Council may offer an interim opportunity for a Landlord to complete works informally before a notice is considered.

Statutory Notices (including Orders) - Statutory notices will be issued under any of the following circumstances:

- Where the council has a duty to serve notice.
- Where statutory requirements have been breached.
- Where there is a serious risk to residents or the public.
- Where immediate remedial action needs to be taken.
- Where there is a history of non-compliance
- Where there is a lack of confidence in the effectiveness of an informal approach.

Owners or agents may be contacted and given an opportunity to remedy any problems before a statutory notice is served. However in some circumstances the council has a legal duty to serve a Notice, for example where a statutory nuisance or a Category 1 hazard under the HHSRS exists.

Realistic time limits will be attached to notices and wherever possible these will be agreed in advance with the person or business on which they are served.

In cases where there is an imminent risk to public health, notices may require immediate compliance.

An extension of time limits will only be granted where there are legitimate reasons for doing so. For example, prolonged bad weather delaying external works. Requests for extensions should be made in writing to the officer issuing the notice, prior to the expiry date, explaining the reason for the request.

The time limits given on statutory notices not requiring works such as notices requiring information will generally be no more than the minimum statutory period allowed.

Having regard to the relevant statutory power, and where the law allows, a charge may apply when we issue a statutory notice. Further details are set out in 'Charges, fees and cost recovery' below.

Where a Notice is served, information relating to the appeals process will accompany the notice.



If the notice served is an improvement notice under Part 1 of the HA2004, then works can be completed 'by agreement' as described by Part 1 of Schedule 3 of the HA2004. A decision as to whether to undertake works in agreement will be made on a case by case basis taking into account the financial implications to the Council.

Where the requirements of a notice are not complied with, further action will be considered, including works in default, the imposition of a civil penalty (where available) or the instigation of prosecution proceedings.

The following options are available under the Housing Act 2004;

- **Serve a Hazard Awareness Notice (HAN) under section 28 or 29.**

This type of notice may be used for minor low scoring hazards. It may also be used to notify owners about more serious hazards.

- **Serve an Improvement Notice under section 11 or 12**

This action will be the normal action taken in most cases where repair or improvement is the most appropriate course of action and there are category 1 or significant category 2 hazards. Situations where there are significant category 2 hazards are described in 'Assessing Conditions' above. Where action in relation to the fire hazard involves an HMO or the common parts of flats the council will consult with the Fire Authority.

- **Serve a Suspended Improvement Notice under section 14**

We may decide to suspend an improvement notice where it is appropriate to do so. We will consider the HHSRS Enforcement Guidance in order to reach this determination.

- **Make a Prohibition Order under sections 20 and 21.**

This action will be taken to prohibit the occupation of all or part of a building for a specified use by a particular number or description of persons (such as a certain age group) or by a defined number of households. This action will be taken when the cost of remedying the defect is excessive or it is not reasonably practicable to carry out works due to a landlords circumstances or the nature of the works required.

- **Make a Suspended Prohibition Order under section 23**

We may decide to suspend a prohibition order where it is appropriate to do so. We will consider the HHSRS Enforcement Guidance in order to reach this determination.

- **Take Emergency Remedial Action under section 40**



This action will only be taken where there is an imminent risk of serious harm. The Council will arrange for the hazard to be mitigated at the earliest opportunity. The officer will attempt to contact the owner first before taking such action but if they are unable to act immediately or cannot be contacted, action will be taken at the owners cost. A decision as to whether to undertake emergency action will be made on a case by case basis taking into account the financial implications to the Council.

- **Make an Emergency Prohibition Order (EPO) under section 43**

This action will be taken where there is an imminent risk of serious harm and it is not practicable or too costly to carry out works. This action will have the effect of preventing the use of part or all of the premises and would require immediate vacation of the property by the occupiers. A decision as to whether to make an EPO will be made on a case by case basis taking into account the general availability of suitable alternative accommodation and the financial implications to the Council.

- **Make Management Orders under multiple sections**

Interim Management Orders (IMOs) can be made where there is no realistic prospect of a property licence being granted. By making an IMO the management and rental income from a property is taken away from the current landlord for up to a year. The money is used to carry out necessary works to reduce any significant hazards in the property, to maintain the property and to pay any relevant management expenses. Following an IMO the Council can apply for a Final Management Order (FMO) to be approved that can last for up to five years. The Council may allocate a private company to manage the property.

Where the health, safety and welfare of occupants need to be protected (as described by section 104), the council may apply to the First-tier Tribunal for authority to make an IMO for privately rented accommodation that is not covered by a current licensing scheme.

The Council may also make an IMO for properties where a banning order has been made.

A type of management order can also be made for empty dwellings (see Chapter 2 of HA2004 and 'Empty homes' below).

- **Making a Demolition Order under section 265 (Housing Act 1985 as amended by section 46 Housing Act 2004)**

This action will be taken when it is considered to be the most appropriate course of action, usually when there are one or more serious category 1 hazards, the property is usually detached or there is a building line separating it from other properties, the adjacent properties will be stable and weatherproof or can readily be made so, it is in a potentially unsustainable



area or it is causing severe problems to the amenity of the neighbourhood and repair would be very costly, it is not listed or of other historical interest.

- **Declaring a Clearance Area under section 289 (Housing Act 1985 as amended by section 47 Housing Act 2004)**

This action will be considered where similar circumstances to those for determining if a demolition order exist but where it is necessary for the Council to acquire the land either for its own purposes or to sell on for either new build or other purposes.

The following options are available under various other pieces of legislation;

- **Ensuring that a dwelling is connected to services by utilising Section 33 of Local Government Miscellaneous Provisions Act 1976**

The Council has the power to ensure the re-connection (or to prevent the disconnection) of the gas, electricity or water supply, to lettings within a tenanted property. These powers will only be used where the tenants are not responsible for payment of the bill. In properties occupied by a single tenant it is expected that he/she will arrange for a supply in their own name and reconnection by the Council will not normally be considered appropriate.

The owner of the property will be charged the cost of re-connection and/or payment of the bill plus interest. This debt will be recovered either by way of rent from tenants or in the civil court. A decision as to whether to undertake reconnection works will be made on a case by case basis taking into account the financial implications to the Council.

- **Ensuring that a dwelling has adequate provision for drainage by utilising section 45 Public Health Act 1936 or section 59 Building Act 1984**

Public Health Act 1936 - This allows the LA to take action in respect of defective WCs capable of repair. There is a power of entry in relation to these activities. Enforcement is by way of formal notice. Failing to comply with a notice can lead to work in default and prosecution with ongoing fine.

Building Act 1984 - This allows the Local Authority to take action in relation to certain drainage defects. Enforcement is by way of formal notice. Failing to comply with a notice can lead to work in default, cost recovery and prosecution with ongoing fine.

- **Serve an abatement notice under section 80 of Environmental Protection Act 1990**

A notice will be served where conditions are determined to be prejudicial to health or causing a nuisance.



With regard to 'causing a nuisance' this might be where defects or conditions in one property affect another property or the general public.

Where conditions are 'prejudicial to health' of either the occupiers or others affected by the conditions of a residential premises, we may use this power in preference to the Housing Act 2004. Typical situations where this legislation is likely to be used are where there is not an imminent risk of serious harm but where a 28 day delay is considered too long (such as boiler breakdowns or nuisance to neighbouring properties).

Enforcement for failing to comply with a notice may include the Council undertaking works and recovering the costs incurred and/or bringing a prosecution.

- **Ensuring the provision of appropriate alarms utilising the Smoke and Carbon Monoxide Alarms (England) regulations**

Private sector landlords are required to ensure that smoke alarms and carbon monoxide alarms (if required) are installed and then checked at the start of any new tenancy. Where the council has reasonable grounds to believe a landlord is in breach of these requirements there is a duty to serve a remedial notice.

Failure to comply with a remedial notice will lead to the issuing of a Civil Penalty. In order to determine the amount of the penalty the LA must have a Statement of Principles in place. This statement is presented as Appendix 2.

Licensable HMOs are subject to separate, and more stringent, regulations under the Housing Act 2004.

The interventions described above are those most readily used however Torbay Council will consider the use of any appropriate legislation which it is authorised to use.

Non-compliance

Energy Efficiency Enforcement Notices – The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 are designed to tackle the least energy-efficient properties in England and Wales – those rated F or G on their Energy Performance Certificate (EPC). The Regulations establish a minimum standard for both domestic and non-domestic privately rented property, effecting new tenancies from 1 April 2018 and all tenancies from April 2020.

The current domestic regulations are based on a principle that landlords are expected to meet the costs of improving energy efficiency, subject to a cap. This is an area of enforcement policy we will keep under review.



Where a valid exemption applies, landlords are required to register this on the national PRS Exemptions Register.

Where properties do not meet the minimum level of energy efficiency we may issue a compliance notice requesting information. Where we are satisfied that a property has been let in breach of the regulations we may impose financial penalties.

Illegal eviction and harassment – The council has powers to investigate and prosecute offences of illegal eviction, harassment and offences committed by letting or management agents under the Protection from Eviction Act 1977.

An illegal eviction is where a landlord evicts a residential occupier without following the correct procedure.

Harassment is where a landlord tries to make a residential occupier decide to leave. This could be by an act or threat of violence or withdrawing services.

The Deregulation Act 2015 has introduced a number of requirements on landlords of private tenants, including the requirement to provide an energy performance certificate, Gas Safety certificate and a copy of the 'How to Rent' guide before a tenancy starts.

Where this information has failed to be given at the beginning of the tenancy or the tenant occupies a Licensable HMO without a license, the landlord will not be able to evict using a section 21 notice, the so called "no fault" eviction procedure.

The Deregulation Act 2015 also provides protection for tenants who make a legitimate complaint to their landlord about the condition of their property and in response, instead of making the repair, their landlord serves them with an eviction notice. This is referred to as retaliatory eviction.

We will take appropriate action to prevent homelessness where landlords have not followed the correct procedures or attempt a retaliatory eviction. If the occupier has been illegally evicted, we will explain their rights to re-enter the premises and may assist them to do so. We will also consider taking the relevant formal action such as undertaking a prosecution. Unlike other legislative provisions described within this policy, a conviction under the Protection from Eviction Act 1977 may result in a custodial sentence.

Where a conviction has been secured relating to the use of violence to secure entry contrary to section 6(1) of the Criminal Law Act 1977 or unlawful eviction or harassment of occupiers contrary to sections 1(2), 1(3) or 1(3A) of the Protection from Eviction Act 1977 we will seek a Rent Repayment Order as described below.

Redress Schemes for letting agency and property management work - The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 makes it a legal requirement for all lettings agents and property managers in England to belong to a Government-approved redress scheme.

Torbay Council may seek to establish whether letting agents and property managers belong to an appropriate scheme on a case by basis or by pro-actively reviewing multiple businesses.



When enforcing this legislation we will have regard to Annex C of the guidance document produced by Department for Communities and Local Government titled Improving the private rented sector and tackling bad practice.

Where we are satisfied, on the balance of probability that someone is engaged in letting or management work and is required to be a member of a redress scheme, but has not joined one, we will impose a fine.

If there are no extenuating circumstances, the fine will normally be £5000. This fine may also be repeated if non-compliance continues.

Works in Default – The Council will consider carrying out works in default or remedial action in the following circumstances;

- Emergency Remedial action under the Housing Act 2004 (as described above);
- Where actions have been required by a Notice and have not been completed within the agreed timescale, or, reasonable progress has not been made towards their completion.

In these circumstances, the Council may organise and carry out the work itself or appoint an agent to complete the work on its behalf and recover the cost of works plus all additional costs including agency fees, administration fees and any interest accrued where payment has not been received promptly. These costs will be charged to the property owner but can also be placed as a land charge on the property for payment when the property is sold or if money is raised against it. As part of the debt recovery process we may seek to enforce the sale of a property depending upon the circumstances.

A decision as to whether to undertake works in default will be made on a case by case basis taking into account the financial implications to the Council.

The Council may also consider prosecution or a financial penalty in addition to carrying out works in default. Following the carrying out of works in default the Council may pursue enforced sale of a property where the legislation allows.

Simple Cautions - The use of Simple Cautions is advocated by the Home Office in situations where there is evidence of a criminal offence but the public interest does not require a prosecution. It may be used for cases involving first time, low-level offences. Decisions to issue Simple Cautions will be made in accordance with the Ministry of Justice – Simple Cautions for Adult Offenders and the Director of Public Prosecutions' Guidance on Charging.

Prosecution - Where there is a breach of a legal requirement and we consider that formal action is required we may seek to prosecute the offender. Prosecution will generally be reserved for the most serious cases or where the nature of the breach is obstructive to the investigation. These include failures to manage property effectively so as to protect occupiers, failure to provide documentation or information required by notice or failure to comply with the requirements of an improvement, enforcement, or prohibition notice.



Any decision to prosecute will be taken in accordance with the Regulators Code, this policy and the Code for Crown Prosecutors.

The following factors will be taken into account in any such decision:

- The severity of the offence;
 - The length of time over which the offence has been committed
 - perceived harm to health, safety, community confidence, finances, deprivation, or the environment whether actual or potential
 - Vulnerability of those effected by the offence.
- The culpability of the offender;
- The previous compliance history of the offender;
- Whether the offence is likely to be repeated;
 - The attitude of the offender
 - The extent of their portfolio of property
 - Deterrent effect of a prosecution on the offender and others
- Whether an alternative intervention would be more appropriate or effective;
- Any evidence of the obstruction of the officers or threats made to them or others involved in the investigation; and
- The financial benefit obtained from the alleged offending.

These factors are not exhaustive and those that apply will depend on the particular circumstances of each case.

Civil penalties - The council may as an alternative to prosecution, serve notices imposing Civil Penalties of up to a maximum of £30,000 in respect of the following offences:

- Failure to comply with an Improvement Notice
- Offences relating to the licensing of Houses in Multiple Occupation (HMOs)
- Failure to comply with an Overcrowding Notice
- Failure to comply with a regulation in respect of an HMO
- Breaching a Banning Order

The council will determine, on a case by case basis, whether to instigate prosecution proceedings or to serve a civil penalty in respect of any of the offences listed above. Examples of situations in which a decision to prosecute would normally be taken includes where the breach is considered particularly serious and /or the offender has committed similar offences in the past.

In circumstances where the council has determined that it would be appropriate to issue a civil penalty as an alternative to prosecution, the level of the penalty will be calculated in accordance with the details of Torbay Council's Civil Penalty Policy.

Rent Repayment Orders (RRO) - A rent repayment order is an order made by the First-tier Tribunal (FtT) requiring a landlord to repay a specified amount of rent to either the tenant, the local authority or a share to both dependent upon who made payments. Where a conviction has been secured, the FtT, on application, must grant the RRO. Where a Civil Penalty has been secured, the FtT, on application, may decide to grant an RRO. The offences for which an application for an RRO can be made are:



- Using violence to secure entry contrary to section 6(1) of the Criminal Law Act 1977;
- Unlawful eviction or harassment of occupiers contrary to sections 1(2), 1(3) or 1(3A) of the Protection from Eviction Act 1977;
- Failure to comply with an Improvement Notice issued under the Housing Act 2004;
- Failure to comply with a Prohibition Order issued under the Housing Act 2004;
- Operating a licensable property under the Housing Act 2004 without a licence;
- Breaching a banning order issued under the Housing and Planning Act 2016.

We will always apply for a RRO where a landlord has been convicted (or a Civil Penalty secured) of one of the above offences in our area.

The Council will also consider supporting a tenant's private application for a RRO. This support is likely to be in the form of confirmation of the outcome of any investigation we have undertaken and the supply of documents as evidence. A decision on how and if to provide support will be made on a case by case basis taking into account the vulnerability of the occupant, the likelihood of success and the financial implications to the Council. Please see 'Giving evidence in private court cases' below.

Banning orders - In accordance with the Housing and Planning Act 2016, the Council may apply to the First-tier Tribunal for a banning order against a residential landlord or a property agent who has been convicted of a banning order offence.

A banning order bans a landlord or property agent from letting houses or engaging in letting agency or property management work in England for a defined period of time (minimum 12 months).

In deciding whether to apply for a banning order and how long to recommend the ban for, we will have regard to Banning Order Offences under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities.

If we decide to apply for a banning order, we will complete the procedure set out in Section 15 of the Housing and Planning Act 2016.

Breaching a banning order is an offence, subject to either prosecution in the magistrate's court or financial penalty. The Council will consider prosecuting or issuing a financial penalty to any landlord found to be breaching a banning order in its area.

Database of rogue landlords and property agents - The database has been designed to help Local Housing Authorities keep track of rogue landlords and property agents operating across council boundaries.

The Council must place a person on the database if it has successfully made a banning order application. The landlord will remain on the database for the period that the banning order has effect.

Furthermore we will consider if it is appropriate to make an entry on to the database of rogue landlords and property agents when a landlord has been convicted of a banning



order offence (even if no Banning Order is sought) or received 2 or more financial penalties over a 12 month period.

In deciding whether to make an entry on the database, and the period of time that a landlord or property agent should stay on the database, we will have regard to the Database of rogue landlords and property agents under the Housing and Planning Act 2016 - Statutory guidance for Local Housing Authorities.

Proceeds of Crime Act 2002 - Where appropriate to the case, the Council, will consider taking proceedings under the Proceeds of Crime Act following a successful prosecution.

SERVICE INFORMATION

Owner occupiers and long leaseholders

Other than in exceptional cases, the council expects long leaseholders to invoke the terms of their lease to remedy problems of disrepair or nuisance themselves.

Leaseholders may be able to get advice about how to settle a dispute about repair problems from the:

Leasehold Advisory Service –

www.lease-advice.org

Telephone 020 7832 2500

Leaseholders will normally need to consult a solicitor specialising in leasehold law.

Enforcement action on owner occupiers and long leaseholders will be based on the health and safety risk to the occupants or other affected persons. The Council will generally not take action where a more appropriate contractual remedy exists.

Where a HHSRS inspection identifies a significant hazard, the Council anticipates that a Hazard Awareness Notice may be the most appropriate course of action. However, all HA2004 Part 1 enforcement options are available to the Council and will be considered.

Enforcement options requiring action to be taken such as an Improvement Notice or Prohibition Order will be considered in cases involving:



- Vulnerable people who are not capable of making informed decisions about their own welfare or who require the intervention of the Council to ensure their welfare is best protected;
- Hazards that might reasonably affect other people e.g. other occupants, visitors (private or commercial/services);
- Serious risk of life-threatening harm e.g. electrical hazards.

Where the condition of one property is affecting the occupant of another property or the general public, such as a health and safety hazard or statutory nuisance, appropriate enforcement action will be considered regardless of property tenure.

Empty homes

Where an empty property presents a serious or imminent risk to health and safety or is causing a statutory nuisance, appropriate enforcement action will be considered depending on the circumstances of each case.

The Council will consider the full range of enforcement options including Compulsory Purchase Orders, Empty Dwelling Management Orders (EDMOs) and enforced sale where an owner does not co-operate and the empty property has not been brought back into use within a reasonable period.

Immigration visits

Torbay Council provides an inspection service for immigration/visa applicants who need to provide evidence that they have suitable housing accommodation within the United Kingdom. This evidence must show that the premises they intend to occupy doesn't have any Category One hazards under the HHSRS (e.g. unfit accommodation) and will not become overcrowded when they take up residence.

In situations where we are not satisfied that the accommodation is suitable we will confirm this to the person commissioning the inspection.

As the inspection will have been conducted using the HHSRS we will have a duty to consider whether any further action is required as described by 'Assessing condition' above. This is irrespective of tenure.

Where the property becomes suitable following remediation, a further inspection may be commissioned enabling supporting evidence to be submitted.

Fitness for human habitation legislation

The Homes (Fitness for Human Habitation) Act 2018 came into force on 20 March 2019 and requires all landlords (private and social) to ensure that their properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout.



Where qualifying tenants believe that their home does not meet the requirements set out in the above act and their landlord is responsible, they can take action against the landlord themselves.

The Ministry of Housing, Communities & Local Government have produced a guidance document for tenants; Guide for tenants: Homes (Fitness for Human Habitation) Act 2018 and for landlords; Guide for landlords: Homes (Fitness for Human Habitation) Act 2018 which are both available at www.gov.uk

It is not necessary for the local authority to be involved in action under this act however in certain circumstances we may decide to offer support.

This support is likely to be in the form of confirmation of the outcome of any investigation we have undertaken and the supply of documents as evidence. A decision on how and if to provide support will be made on a case by case basis taking into account the vulnerability of the occupant, the likelihood of success and the financial implications to the Council. Please see 'Giving evidence in private court cases' below.

Giving evidence in private court cases

Officers are sometimes asked to give evidence on behalf of one of the parties in a private action. In order to prevent the appearance of the council taking sides in such disputes, officers will usually only attend court in response to a witness summons.

Situations where we may not provide a service

There may be occasions where an investigating officer cannot substantiate the complaint. When this arises, the council will not take any further action.

We may decide not to provide a service or to cease providing a service where;

- there is clear evidence that the tenant(s) are unreasonably refusing access to the landlord, managing agent or landlord's builder, attempting to comply with our instruction,
- there is clear evidence that the tenant(s) have, caused the damage to the property they are complaining about, and there are no other items of disrepair,
- a tenant does not want their present accommodation to be brought up to standard, and the only reason for contacting the Torbay Council is to secure rehousing,
- the tenant(s) have failed to keep an appointment and not responded to a follow up letter or appointment card;
- the tenant unreasonably refuses to provide the council with relevant documentation, e.g. a tenancy agreement or notice seeking possession.
- the tenant(s) have been aggressive, threatening, verbally or physically abusive or shown inappropriate behaviour towards officers.

Charges, fees and cost recovery



Charging for services - The Council has the power under the Housing Act 2004 to recover costs for serving notices. Charges are based on the full cost to the Council of taking the action including inspection, preparation and service of the notices.

Charges for the above action will be registered as a local land charge. This means that when the property is sold the debt has to be repaid including any interest accrued on the initial charge.

There are also charges associated with the licensing of Houses in Multiple Occupation.

These charges will be made in line with our published fees and charges.

Recovery of costs – Where the council has incurred costs by undertaking works in default or by taking action to ensure vital services are maintained (reconnection works/payment of a bill) we will recover these costs in addition to any administration costs, agency fees, interest accrued or costs associated with the recovery.

Costs associated with the above action will be registered as a local land charge. This means that when the property is sold the debt has to be repaid including any interest accrued on the initial charge.

Unpaid debts and invoices - We will pursue all debts owed as a result of enforcement charges, costs and charges associated with carrying out works, unpaid invoices or unpaid financial penalties.

The Council may consider enforcing the sale of the property to recover costs or recovering the money owed in the relevant Court, including the County Court.

Publicising Offences

As a regulatory authority, the Council has a responsibility to protect the public from detrimental housing and environmental practice and undertake a range of activities to achieve this. These include actions that are taken after the detection of an offence, as well as measures to prevent and deter the commission of offences.

One such measure is the publication of convictions and information.

Media coverage will normally be sought in any of the following circumstances:

- Where an offence is widespread in the area and coverage will assist in securing compliance by others.
- The offence is serious and the council wishes to draw attention to their willingness to deal with contraventions and offenders.
- Where it is considered that publicity will have the desire effect by promoting compliance with enforcement standards generally.
- Details of successful prosecution cases and in some circumstances civil penalty notices will be entered onto relevant public databases.

Feedback



If you would like to give Torbay Council feedback on this policy or its services you may do so via our website <https://www.torbay.gov.uk/complaints-and-compliments/> by email; infocompliance@torbay.gov.uk or by writing to us at;

Information Compliance Team
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

ASSOCIATED DOCUMENTS

Civil Penalty Policy
HMO policy
Fees and Charges

APPENDIX 1

Complaints regarding Social Housing;

Regulation of Social Housing;

Social housing providers are overseen by the Regulator of Social Housing and since the Housing Act 1996, the Housing Ombudsman.

More information on the two regulators can be found here;
<https://www.gov.uk/government/publications/memorandum-of-understanding-between-the-regulator-of-social-housing-and-the-housing-ombudsman>

Housing complaints;

Section 180 of the Localism Act 2011 amends the Housing Act 1996 confirming that complaints by occupiers of social housing are to be conducted in a particular way; by following the internal complaints procedure, by use of designated persons and then if necessary by use of Housing Ombudsman. The appropriate act is here; <http://www.legislation.gov.uk/ukpga/2011/20/part/7/chapter/6/enacted>

Designated persons;



Designated persons were introduced under the Localism Act 2011 to improve the chances of complaints about housing being resolved directly between landlord and tenant (with designated person's assistance).

A designated person can be an MP, a local councillor, or a tenant panel.

If no resolution is achieved the designated person can refer the issue to the housing ombudsman.

<https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/3123-2/>

Designated persons role is to act as advisors and advocates. The process to be followed is set out here;
<https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/advisors-and-advocates/>

Appendix 2

Statement of Principles – The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Introduction

This statement sets out the principles that the Torbay Council (the council) will apply in exercising its powers under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 ("the Regulations").

Purpose

The council is required under the Regulations to prepare and publish a Statement of Principles which it must follow when determining the amount of a penalty charge.

The council may revise its statement of principles at any time, but where it does so, it must publish the revised statement.

When deciding on the amount to be applied as a penalty charge, the council will have regard to the statement of principles in force at the time the breach occurred.

The duties



The regulations impose the following duties on certain landlords of a residential property of a specified tenancy, namely to ensure that:

- a smoke alarm is installed on each storey of the premises where there is living accommodation (for these purposes living accommodation includes bathrooms and lavatories)
- a carbon monoxide alarm is installed in any room of the premises which is used wholly or partly as living accommodation and which contains a solid fuel burning combustion appliance.
- that at the start of any new tenancy, checks are made by the landlord, or someone acting on his behalf, that the alarm(s) serving the premises is/are in proper working order

Properties subject to Part 2 or Part 3 licensing under the Housing Act 2004 (i.e. as licensable Houses in Multiple Occupation) are exempt from the Regulations.

The legal framework

Where the council has reasonable grounds for believing that a landlord is in breach of one or more of the above duties, we have a duty to serve that person with a Remedial Notice within 21 days detailing the actions that must be taken to comply with the Regulations.

For the purposes of this provision, 'reasonable grounds' may include being informed by a tenant, letting agent or officer that the required alarms are not installed. The regulations do not require that the council enter the property or prove non-compliance in order to issue a remedial notice, however, the council will aim to visit such properties to confirm that the required works have not been undertaken.

Where the council is satisfied on the balance of probabilities that a landlord has not taken the remedial action specified in the Notice, within the timescale stipulated in that document, the council will:

- Arrange (where the occupier consents) to undertake the remedial action specified in the Notice within 28 days; and
- Require the landlord to pay a penalty charge of such amount as the authority may determine but which must not exceed £5000.

The purpose of imposing a financial penalty

- The primary purpose of the council exercising its regulatory power is to promote and protect the public interest.
- The primary aims of financial penalties are to:
 - lower the risk to tenants health and safety by ensuring that the property has a safe means of escape in the event of a fire
 - eliminate any financial gain or benefit from non-compliance with the regulation
 - reimburse the costs incurred by the council in enforcing the regulations
 - change the behaviour of the landlord and deter future non-compliance
 - penalise the landlord for not installing alarms in line with the Regulations and after being required to do so, under notice
 - proportionately address potential harm outcomes and the nature of the breach.

Principles to be followed in determining the amount of a Penalty Charge



Any penalty charge imposed should be proportionate to the risk posed by non-compliance, the nature of the breach in the individual case and set at such a level as to sufficiently deter the offender and others. It should also cover the costs incurred by the council in administering and implementing the legislation.

Fire and Carbon Monoxide poisoning are two of the 29 hazards prescribed by the Housing Health and Safety Rating System. These risks are real and substantial: A bulletin issued by the Home Office in 2017 (Fire Statistics: England April 2015 to March 2016) reports that: "Fires where a smoke alarm was not present accounted for 28 per cent of all dwelling fires and 33 per cent (76) of all dwelling fire-related fatalities in 2015/16" and that, "Fires where a smoke alarm was present but either did not operate or did not raise the alarm, accounted for 31 per cent of all dwelling fires...." Moreover, according to the Office for National Statistics, there were 53 deaths from accidental carbon monoxide poisoning in England and Wales in 2015.

The Department of Communities and Local Government conducted an impact assessment prior to the introduction of the Regulations. That assessment suggested that the cost of the requirements imposed on landlords (i.e. the purchase of smoke detectors and carbon monoxide alarms) was £25 and estimated that the provision of smoke alarms would, over ten years, prevent 231 deaths and 5860 injuries, accruing a saving of almost £607.7 million, and that the provision of Carbon Monoxide Alarms would, over the same period, prevent a total of six to nine deaths and 306 to 460 injuries, accruing a saving of almost £6.8 million.

The council considers that compliance with the Regulations do not place an excessive or unreasonable burden on a landlord. The cost of the alarms is low and in many cases can be self-installed without the need for a professional contractor. The risk and impact on occupiers resulting from a fire or carbon monoxide poisoning event far out-weighs the cost of compliance. While the imposition of the maximum potential fixed penalty charge of £5,000 may present an excessive financial burden on some landlords, this has to be balanced against the risk, the low cost of compliance, the fact that the offender will have been given all reasonable opportunity to comply prior to any penalty charge being levied and the offenders statutory rights of appeal.

For all of the above reasons, and so as to ensure that there is an effective incentive for landlord's to comply with the Regulations, the council proposes to impose a penalty charge of £5,000 for non-compliance with a Remedial Notice, with a reduction of 10% where payment is received within 14 days of service of the penalty charge notice.

Notwithstanding the above, the council may, following a representation made by the landlord, exercise discretion and reduce the penalty charge further if it considers there to be extenuating circumstances.

This discretion will not however apply when:

1. The person served has obstructed the council in the carrying out of its duties; and/or
2. The person served has previously received a penalty charge under this legislation.

Review and Appeals in relation to a penalty charge notice

If a landlord disputes the issue of a penalty charge notice, they can make a request to the council for it to be reviewed. This request must be in writing and within the time period specified in the penalty charge notice. Any representation received will be considered on its individual merit. Any extenuating circumstances will be considered by the council in deciding whether to reduce the level of the penalty charge levied. Potential mitigating factors –



- No previous convictions / charges
- Self-reporting, high level of co-operation with the investigation – where this goes beyond what would normally be expected
- The age health and other vulnerabilities of the offender
- Voluntary steps taken to address issue

A landlord will not be considered to be in breach of their duty to comply with the remedial notice, if he can demonstrate that he has taken all reasonable steps to comply with the requirements of the remedial notice.

The council may, on consideration of any representation and evidence, chose to confirm, vary or withdraw a penalty charge notice and we are required to communicate that determination by issuing a decision notice on the landlord. If varied or confirmed, the decision notice must state that a further appeal can be made to a First Tier Tribunal on the following grounds:

- 1) the decision to confirm or vary the penalty charge notice was based on an error of fact;
- 2) the decision was wrong in law;
- 3) the amount of penalty charge is unreasonable; or
- 4) the decision was unreasonable for any other reason

Where a landlord raises an appeal to the Tribunal, the operation of the penalty charge notice is suspended pending its determination or its withdrawal. The Tribunal may quash, confirm or vary the penalty charge notice, but may not increase the amount of the penalty charge.

Recovery of penalty charge

The council may recover the penalty charge on the order of a court, as if payable under a court order however such proceedings may not be started before the end of the period by which a landlord may give written notice for the council to review the penalty charge notice and where a landlord subsequently appeals to the Tribunal, not before the end of the period of 28 days beginning with the day on which the appeal is finally determined or withdrawn.

[Appendix 3](#)

[Renters Rights Act 2025 - TBC](#)



Housing Standards Enforcement Policy

August 2019

TABLE OF CONTENTS

Introduction	4
What we are looking to achieve?	4
Aim of the policy	4
What is enforcement action?	5
Who might take action?	5
Our enforcement powers and our approach	5
Targeting enforcement action	6
Co-ordinated working.....	6
Powers of entry.....	6
Requiring information	7
Pro-active inspection.....	8
Re-active inspection.....	8
Tenants of Registered Providers (Housing Associations)	9
Lettings and management agents	9
Assessing condition	9
Enforcement options	10
Interventions	11
No Action.....	11
Informal Action.....	11
Statutory Notices (including Orders)	11
Options are available under the Housing Act 2004.....	12
Hazard Awareness Notice.....	12
Improvement Notice.....	12
Suspended Improvement Notice.....	13
Prohibition Order.....	13
Suspended Prohibition Order.....	13
Emergency Remedial Action.....	13
Emergency Prohibition Order.....	13
Management Orders.....	13
Demolition Order.....	14
Clearance Area.....	14
Options available under various other pieces of legislation.....	14
Section 33 of Local Government Miscellaneous Provisions Act 1976.....	14
Section 45 Public Health Act 1936 or section 59 Building Act 1984.....	15
Section 80 of Environmental Protection Act 1990.....	15
Smoke and Carbon Monoxide Alarms (England) regulations	15
Non-compliance.....	16
Energy Efficiency Enforcement Notices.....	16
Illegal eviction and harassment.....	16
Redress Schemes for letting agency and property management work.....	17
Works in Default.....	17
Simple Cautions.....	18
Prosecution.....	18
Civil penalties	19
Rent Repayment Orders.....	19
Banning orders.....	20
Database of rogues landlords and property agents	20
Proceeds of Crime Act 2002.....	20
Service Information.....	21
Owner occupiers and long leaseholders.....	21
Empty Homes.....	21
Immigration visits.....	22

Fitness for human habitation legislation.....	22
Giving evidence in private court cases.....	22
Situations where we may not provide a service.....	23
Charges, fees and cost recovery.....	23
Charging for services.....	23
Recovery of costs.....	23
Unpaid debts and invoices.....	23
Publicising Offences.....	24
Feedback.....	24
Associated documents.....	24
Appendices.....	25
Appendix 1 - Complaints regarding Social Housing.....	25
Appendix 2 - Fire Safety Statement of Principles.....	26
Appendix 3 – Renters Rights Act 2025 Enforcement Policy	27

INTRODUCTION

This policy provides details of the council's approach to regulating housing standards and tenancy rights in Torbay. It sets out what owners, landlords, their agents and tenants of properties can expect from us and what we expect of them.

This policy is intended to provide guidance for officers, businesses (landlords, property managers and agents), consumers and the general public. It does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest.

WHAT WE ARE LOOKING TO ACHIEVE?

Local Housing Authorities play a key role in protecting the health, wellbeing and consumer rights of residents. Our interventions improve the quality of homes and their management whilst protecting the rights of tenants. These actions improve the local environment, prevent illness and injury, improve quality of life for residents and reduce crime.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This document has been prepared having regard to the Regulator's Code Better Regulation Delivery Office (BRDO April 2014).

In certain instances, we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

AIM OF THE POLICY

We aim to ensure that all enforcement activity we undertake is:

Targeted at properties and people that pose the greatest risk. Risks may be to; health, safety, community confidence, finances, deprivation, the environment and or a regulatory risk. Targeted individuals may include owners and landlords who evade licensing and regulation, and those whose properties cause a nuisance or put people's health and safety at risk.

Proportionate, reflecting the nature, scale and seriousness of any breach or non-compliance. This approach will ensure that the most serious risks (as described above) attract the highest sanctions. It also means that in particularly minor cases, we may take informal action only.

Fair and objective, based on the individual circumstances of the case, taking all available facts into account.

Transparent, our actions will be explained in plain language, with clear reasoning given for any enforcement action taken. A clear distinction will be made between legal requirements (what must be done) and advice or guidance (what is desirable).

Consistent, taking a similar approach in similar circumstances to achieve similar ends. It does not mean uniformity, as we will take into account many factors such as culpability, the level of risk, the history of compliance and the attitude and actions of those involved.

Accountable, undertaken in a responsible manner that has a clear purpose. Where enforcement action is taken, we shall ensure the target is given information about their rights of appeal and otherwise how they might register a complaint.

Coordinated, taking a shared approach where there are complementary responsibilities across different departments or agencies.

WHAT IS ENFORCEMENT ACTION?

In this document 'enforcement' means action carried out in the exercise of statutory enforcement powers. It includes not only formal enforcement action, such as prosecution or the service of a notice, but also the inspection of premises for the purpose of checking compliance with regulations and the provision of advice to aid compliance with statutory requirements.

WHO MIGHT TAKE ACTION?

Authorised officers will undertake the actions set out in this policy. The Council will ensure that officers who are authorised to initiate enforcement action are competent to do so, are suitably qualified and have relevant and adequate experience in the area of enforcement. The level of authorisation varies depending upon the particular action. The details are set out in the Council's Scheme of Delegations.

OUR ENFORCEMENT POWERS AND OUR APPROACH

Torbay Council expects all landlords to have a good understanding of the standards that they are required to meet in terms of the condition and management of the homes they rent out and of the appropriate behaviour and conduct they are obliged to display in terms of tenancy rights and interactions. We also expect full voluntary compliance with the law.

We will help owners of housing to meet their legal obligations by providing clear and concise information about what they need to do to comply. This information will be available by engagement with our website, our social media provisions, by direct communication with officers and via forums and open meetings. We will engage with our landlord associations and promote appropriate training and accreditation schemes.

At the time of drafting this policy, the principal Acts and regulations enforced by the Council's Housing teams are;

- The Housing Act 1985
- The Housing Act 1988
- The Housing Act 2004
- Renters Rights Act 2025
- The Building Act 1984
- The Environmental Protection Act 1990 (as amended)
- The Public Health Act 1936 (as amended)
- The Local Government [Miscellaneous Provisions] Act 1976 and 1982
- The Prevention of Damage by Pest Act 1949
- Protection from Eviction Act 1977
- Deregulation Act 2015
- The Housing and Planning Act 2016
- The Energy Efficiency (Private Rented Property (England & Wales) Regulations 2015
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- Any subsequent legislation coming into force where the policy is yet to be updated

In addition to our powers as a local housing authority there are further powers available to us as the local planning authority and through Trading Standards and the regulation of letting and managing agents.

- Enterprise and Regulatory Reform Act 2013
- Tenant Fees Act 2019
- Redress scheme for Letting Agency Work and Property Management Work (England) Order 2014
- Consumer Rights Act 2015
- Town and Country Planning Act 1990 (as amended)

The interventions we may take in relation to the above legislation are set out in more detail throughout this policy.

Much of the legislation that the Council enforces sets out what must be achieved, rather than how it must be done. Guidance on how an outcome might be achieved is often set out in codes of practice or guidance notes. Where there is advisory material available describing good practice, inspectors will have regard to this.

In some cases, the legislation is highly prescriptive as to what must be done and in such circumstances the discretion of the Council as duty holder and the enforcer are limited.

TARGETING ENFORCEMENT ACTION

Co-ordinated working - Often a single housing matter may overlap the enforcement responsibilities of several services and agencies such as Devon and Somerset Fire and Rescue Service, Devon and Cornwall Police or the Environmental Protection team. Partnership working is at the core of what we do, and we will take a comprehensive approach to enforcement by:

- Co-ordinating action between Council departments and other agencies;
- Ensuring the most effective action is taken and led by the most appropriate agency;
- Sharing information with other agencies.

Powers of entry - Entry to a property is usually required to enable us to carry out our statutory functions.

Sections 239-241 of the Housing Act 2004 (HA2004) set out powers of entry associated with investigating the condition and/or management/use of a property.

When organising a visit to assess conditions using the Housing Health and Safety Rating Scheme (HHSRS) officers' will normally make an appointment to visit in the first instance and will give at least 24 hours' notice to the occupants of our intention to enter properties to inspect them. Occupants may waive their right to 24 notice.

Powers of entry will allow an officer, at any reasonable time, to enter a property to carry out an inspection and gather evidence, take other people with them, take appropriate equipment or materials and take any measurements, photographs, recordings and samples as necessary.

In some cases, powers of entry will be used to carry out works.

We will exercise our statutory powers to gain entry without giving prior notice to investigate suspected non-compliance with housing related law or to carry out a statutory duty where it is necessary to do so. Reasons for the use of these powers may include:

- To protect the health and safety of any person or to protect the environment without avoidable delay;
- To prevent the obstruction of officers where this is anticipated;
- To determine if a property is an unlicensed HMO or has breached management regulations;
- Where we are working with other agencies such as the police, home office or fire service.

When undertaking enforcement activity associated with illegal eviction or harassment it may not be necessary or appropriate to inform the property owner of an intention to enter.

We may apply to the Magistrates Court/Justice of the Peace for a Warrant to Enter Premises if;

- entry has been denied
- refusal is reasonably anticipated
- giving notice would defeat the purpose of the visit
- gaining entry will be problematic such as in the case of empty properties.

Before applying for a warrant, we will consider all the circumstances of the case and ensure that obtaining a warrant is a proportionate and reasonable action.

A warrant under this section includes the power to enter by force, if necessary.

Any person who, without reasonable excuse, obstructs an authorised officer from carrying out their functions under Parts 1-4 of HA2004 (includes entering a premises, collating evidence etc.) commits a criminal offence. Where an officer is obstructed, we will consider undertaking a prosecution. Where officers are assaulted the council will seek prosecution of any offenders.

The Renters Rights Act 2025 sets out a range of new powers of entry relating to business premises and buildings where a residential tenancy is suspected. These new provisions are set out in Appendix 3 (when available), and will be utilised in accordance with the Statutory Guidance; Investigatory powers guidance for Renters' Rights Act 2025

Requiring information

Authorised officers have the power to require:

- Documents to be provided under s235 of the HA2004 to enable them to carry out their powers and duties;
- Electrical and gas safety certificates to be provided in relation to Houses in Multiple Occupation under s234 of the HA2004;
- Any person with an interest in a property to provide details about its ownership or occupation under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
- Specified information for the purpose of deciding whether to apply for a banning order against the person under Section 19 of the Housing and Planning Act 2016;
- Specified information for the purpose of deciding whether to make an entry in the database of rogue landlords and property agents or to complete an entry or keep it up-to-date under Section 35 of the Housing and Planning Act 2016.

Officers will routinely use these powers, and it is an offence not to produce the required information as requested or to provide false or misleading information. Where requested information is not provided (or is false or misleading) we will consider taking the relevant formal action such as issuing a financial penalty or undertaking a prosecution.

For specific housing purposes the Authority also has the power to:

- Obtain and use Housing Benefit and Council Tax information under Section 237 of the HA2004;
- Request and use tenancy deposit information under Section 212A of the HA2004;

- Access and use information contained within the database of rogue landlords and property agents under Section 39 of the Housing and Planning Act 2016,

The Renters Rights Act 2025 sets out a range of new powers relating to the requisition of information. These new provisions are set out in Appendix 3 (when available), and will be utilised in accordance with the Statutory Guidance; Investigatory powers guidance for Renters' Rights Act 2025

Pro-active inspection - The council has a duty to review local housing conditions to identify any action that may be required.

We will seek to identify HMOs that require a mandatory licence, are poorly converted or poorly managed and properties where category 1 hazards exist. We will also proactively target empty privately owned properties to encourage owners to bring them back into use, and use enforcement powers where appropriate to achieve this.

We will target those landlords who deliberately or persistently break the law. Where poor conditions are identified in a privately rented property, we will seek to identify and inspect other properties owned or managed by the same individual or company.

Post Grenfell the requirements for local housing authorities to intervene in the fire safety of private residential blocks is still an area of developing government policy. Our actions in this regard will reflect any forthcoming government policy.

We may inspect property to contribute to an area approach such as consideration as to whether to support a discretionary HMO licensing scheme, a collaborative action with the fire service in a high risk area or to fulfil a Housing Strategy objective.

Re-active inspection – The Council has a duty to react to intelligence regarding local housing conditions and to identify any action that may be required.

We will respond in accordance with the HA2004 and associated regulations and guidance to enquiries by occupiers of rented property considered to be hazardous, partner agencies (internal and external) who have witnessed hazardous accommodation and elected members.

We will inspect property in response to a request such as an Immigration enquiry or where a licensing application has been made and we are obliged to consider suitability.

We will consider other enquiries on a case by case basis. This might be where the reporting person has not seen the condition of the property or perceives an impact on themselves rather than the occupier. In such cases it is not always appropriate to require an inspection and the issue may be dealt with more effectively by other methods.

Tenants of Registered Providers (Housing Associations) - Tenants of Registered Providers (Housing Associations) have standard procedures to follow if their landlord does not carry out repairs in a satisfactory manner, including a complaints procedure and a final right of appeal to the Housing Ombudsman Service. Appendix 1 gives some further detail and useful links.

We will offer advice to the tenant in the first instance and seek to intervene where we determine that it is necessary and appropriate for us to do so. We will consider the HHSRS Enforcement Guidance in order to reach this determination.

Lettings and management agents – There are specific requirements which must be met by lettings and management agents such as the requirement to belong to a redress scheme, banning of fees etc. Some of these requirements may be enforced by the Housing Standards team or by the appropriate Trading Standards team. Torbay Council will liaise with the Trading Standards team to help them perform their duties. We will also take direct action where we are authorised to do so and such action is justified.

ASSESSING CONDITION

Part 1 of The HA2004 is concerned with assessing housing conditions and reducing health and safety hazards using the HHSRS. The HHSRS covers 29 potential hazards in the home. It is a risk assessment approach which looks firstly at the likelihood of someone becoming ill or injured and secondly, how badly harmed a person could be as a result. Any rated hazard is done so with the person (age) most vulnerable to the hazard.

The HHSRS applies to all residential premises regardless of tenure or whether a dwelling is occupied. The Council has a duty to inspect premises where there is a suspected hazard.

The Council is under a duty to take enforcement action in relation to the most dangerous health and safety hazards referred to as Category 1 Hazards (those which have a hazard rating within bands A, B or C).

The Council has the power to deal with less dangerous Category 2 Hazards (bands D to J). The Council may take enforcement action in relation to Category 2 hazards where it makes the judgement that it would be appropriate to the particular circumstances of the case. The following circumstances will be considered when deciding whether to take action in relation to Category 2 hazards:

- A Category 2 hazard exists in addition to one or more Category 1 hazards;
- Where the occupier is at a specific risk from the hazard due to illness, disability or vulnerability (age group);
- Where the cumulative effect from multiple Category 2 hazards creates a more serious situation;
- Where the benefits of carrying out the work outweigh the costs of their execution;
- Where specific local hazards have been identified and targeted for action.

When a Category 1 hazard or relevant Category 2 hazard (as described above) is identified, the Council will decide which of the available enforcement options is most appropriate to use as described in 'Statutory Notices' below. We will consider the HHSRS Enforcement Guidance in order to reach this determination.

Following the identification of a significant HHSRS hazard, the Council may, as far as practically possible and reasonable according to the circumstances of the case, seek the views of occupiers, owners and interested parties on the hazard(s) identified and work required. These views will be taken into account when deciding the most appropriate course of enforcement action.

ENFORCEMENT OPTIONS

Enforcement action taken will reflect the severity of the offence or nature of the breach, the perceived harm whether actual or potential, the responsible person's culpability and their compliance history.

We will take all necessary action to adequately protect the occupants' interest and provide an appropriate deterrent to offenders.

The Council follows the principles set out in the Macrory Review, which sets out that sanctions should:

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by regulatory non-compliance, where appropriate; and,
- aim to deter future non-compliance.

There are several types of action that can be taken in relation to any given case, and different action may be necessary as a case progresses. Each case will be considered on its own merits.

When deciding whether to take enforcement action we will;

- comply with relevant legislation,
- be transparent, consistent and accountable
- have regard to the Regulators' Code,
- consider the views of occupiers, owners and other agencies such as the Fire Authority, the Police and other council services,
- adopt a positive and proactive approach to support and protect tenants,
- take a co-ordinated approach where there are shared or complementary enforcement actions,
- consider the severity of the offence or nature of the breach,
- consider the perceived harm to health, safety, community confidence, finances, deprivation, or the environment whether actual or potential,
- consider the responsible person's culpability in relation to the offence and their compliance history regarding similar offences irrespective of where such contraventions have occurred.
- as far as the law allows, we will take account of the circumstances of the case and the conduct of the owner or agent when determining action,
- have regard to various courses of remedial action and consider what is 'reasonably practicable'

Outlined below are the main enforcement options available to officers. We take the approach that offenders should pay the cost of enforcement work, and that they should not profit from poor or criminal behaviour.

The Renters Rights Act 2025 sets out a range of new powers in addition to those set out below. These new provisions are set out in Appendix 3 (when available) and will be utilised in accordance with the relevant Statutory Guidance and secondary legislation.

Interventions

No Action - Where we are unable to identify any actionable problem we will take no action.

Informal Action – will be considered where;

- Torbay Council's history of dealing with the specific issue demonstrates informal action will achieve compliance in a timely and persistent fashion.
or
- there is demonstrable confidence in the management of the individual (issue is out of character and unlikely to be repeated).
and
- the consequences of non-compliance will not pose a risk to health, safety, community confidence, finances, deprivation, the environment and or regulation.
and
- there is no legislative requirement to serve formal notice or order.

With specific regard to the HHSRS and Part 1 of The HA2004; Torbay Council may offer an interim opportunity for a Landlord to complete works informally before a notice is considered.

Statutory Notices (including Orders) - Statutory notices will be issued under any of the following circumstances:

- Where the council has a duty to serve notice.
- Where statutory requirements have been breached.
- Where there is a serious risk to residents or the public.
- Where immediate remedial action needs to be taken.
- Where there is a history of non-compliance
- Where there is a lack of confidence in the effectiveness of an informal approach.

Owners or agents may be contacted and given an opportunity to remedy any problems before a statutory notice is served. However, in some circumstances the council has a legal duty to serve a Notice, for example where a statutory nuisance or a Category 1 hazard under the HHSRS exists.

Realistic time limits will be attached to notices and wherever possible these will be agreed in advance with the person or business on which they are served.

In cases where there is an imminent risk to public health, notices may require immediate compliance.

An extension of time limits will only be granted where there are legitimate reasons for doing so. For example, prolonged bad weather delaying external works. Requests for extensions should be made in writing to the officer issuing the notice, prior to the expiry date, explaining the reason for the request.

The time limits given on statutory notices not requiring works such as notices requiring information will generally be no more than the minimum statutory period allowed.

Having regard to the relevant statutory power, and where the law allows, a charge may apply when we issue a statutory notice. Further details are set out in 'Charges, fees and cost recovery' below.

Where a Notice is served, information relating to the appeals process will accompany the notice.

If the notice served is an improvement notice under Part 1 of the HA2004, then works can be completed 'by agreement' as described by Part 1 of Schedule 3 of the HA2004. A decision as to whether to undertake works in agreement will be made on a case by case basis taking into account the financial implications to the Council.

Where the requirements of a notice are not complied with, further action will be considered, including works in default, the imposition of a civil penalty (where available) or the instigation of prosecution proceedings.

The following options are available under the Housing Act 2004;

- **Serve a Hazard Awareness Notice (HAN) under section 28 or 29.**

This type of notice may be used for minor low scoring hazards. It may also be used to notify owners about more serious hazards.

- **Serve an Improvement Notice under section 11 or 12**

This action will be the normal action taken in most cases where repair or improvement is the most appropriate course of action and there are category 1 or significant category 2 hazards. Situations where there are significant category 2 hazards are described in 'Assessing Conditions' above. Where action in relation to the fire hazard involves an HMO or the common parts of flats the council will consult with the Fire Authority.

- **Serve a Suspended Improvement Notice under section 14**

We may decide to suspend an improvement notice where it is appropriate to do so. We will consider the HHSRS Enforcement Guidance in order to reach this determination.

- **Make a Prohibition Order under sections 20 and 21.**

This action will be taken to prohibit the occupation of all or part of a building for a specified use by a particular number or description of persons (such as a certain age group) or by a defined number of households. This action will be taken when the cost of remedying the defect is excessive or it is not reasonably practicable to carry out works due to a landlords circumstances or the nature of the works required.

- **Make a Suspended Prohibition Order under section 23**

We may decide to suspend a prohibition order where it is appropriate to do so. We will consider the HHSRS Enforcement Guidance in order to reach this determination.

- **Take Emergency Remedial Action under section 40**

This action will only be taken where there is an imminent risk of serious harm. The Council will arrange for the hazard to be mitigated at the earliest opportunity. The officer will attempt to contact the owner first before taking such action but if they are unable to act immediately or cannot be contacted, action will be taken at the owner's cost. A decision as to whether to

undertake emergency action will be made on a case by case basis taking into account the financial implications to the Council.

- **Make an Emergency Prohibition Order (EPO) under section 43**

This action will be taken where there is an imminent risk of serious harm, and it is not practicable or too costly to carry out works. This action will have the effect of preventing the use of part or all of the premises and would require immediate vacation of the property by the occupiers. A decision as to whether to make an EPO will be made on a case by case basis taking into account the general availability of suitable alternative accommodation and the financial implications to the Council.

- **Make Management Orders under multiple sections**

Interim Management Orders (IMOs) can be made where there is no realistic prospect of a property licence being granted. By making an IMO the management and rental income from a property is taken away from the current landlord for up to a year. The money is used to carry out necessary works to reduce any significant hazards in the property, to maintain the property and to pay any relevant management expenses. Following an IMO the Council can apply for a Final Management Order (FMO) to be approved that can last for up to five years. The Council may allocate a private company to manage the property.

Where the health, safety and welfare of occupants need to be protected (as described by section 104), the council may apply to the First-tier Tribunal for authority to make an IMO for privately rented accommodation that is not covered by a current licensing scheme.

The Council may also make an IMO for properties where a banning order has been made.

A type of management order can also be made for empty dwellings (see Chapter 2 of HA2004 and 'Empty homes' below).

- **Making a Demolition Order under section 265 (Housing Act 1985 as amended by section 46 Housing Act 2004)**

This action will be taken when it is considered to be the most appropriate course of action, usually when there are one or more serious category 1 hazards, the property is usually detached or there is a building line separating it from other properties, the adjacent properties will be stable and weatherproof or can readily be made so, it is in a potentially unsustainable area or it is causing severe problems to the amenity of the neighbourhood and repair would be very costly, it is not listed or of other historical interest.

- **Declaring a Clearance Area under section 289 (Housing Act 1985 as amended by section 47 Housing Act 2004)**

This action will be considered where similar circumstances to those for determining if a demolition order exists but where it is necessary for the

Council to acquire the land either for its own purposes or to sell on for either new build or other purposes.

The following options are available under various other pieces of legislation;

- **Ensuring that a dwelling is connected to services by utilising Section 33 of Local Government Miscellaneous Provisions Act 1976**

The Council has the power to ensure the re-connection (or to prevent the disconnection) of the gas, electricity or water supply, to lettings within a tenanted property. These powers will only be used where the tenants are not responsible for payment of the bill. In properties occupied by a single tenant it is expected that he/she will arrange for a supply in their own name and reconnection by the Council will not normally be considered appropriate.

The owner of the property will be charged the cost of re-connection and/or payment of the bill plus interest. This debt will be recovered either by way of rent from tenants or in the civil court. A decision as to whether to undertake reconnection works will be made on a case by case basis taking into account the financial implications to the Council.

- **Ensuring that a dwelling has adequate provision for drainage by utilising section 45 Public Health Act 1936 or section 59 Building Act 1984**

Public Health Act 1936 - This allows the LA to take action in respect of defective WCs capable of repair. There is a power of entry in relation to these activities. Enforcement is by way of formal notice. Failing to comply with a notice can lead to work in default and prosecution with ongoing fine.

Building Act 1984 - This allows the Local Authority to take action in relation to certain drainage defects. Enforcement is by way of formal notice. Failing to comply with a notice can lead to work in default, cost recovery and prosecution with ongoing fine.

- **Serve an abatement notice under section 80 of Environmental Protection Act 1990**

A notice will be served where conditions are determined to be prejudicial to health or causing a nuisance.

With regard to 'causing a nuisance' this might be where defects or conditions in one property affect another property or the general public.

Where conditions are 'prejudicial to health' of either the occupiers or others affected by the conditions of a residential premises, we may use this power in preference to the Housing Act 2004. Typical situations where this legislation is likely to be used are where there is not an imminent risk of serious harm but where a 28 day delay is considered too long (such as boiler breakdowns or nuisance to neighbouring properties).

Enforcement for failing to comply with a notice may include the Council undertaking works and recovering the costs incurred and/or bringing a prosecution.

- **Ensuring the provision of appropriate alarms utilising the Smoke and Carbon Monoxide Alarms (England) regulations**

Private sector landlords are required to ensure that smoke alarms and carbon monoxide alarms (if required) are installed and then checked at the start of any new tenancy. Where the council has reasonable grounds to believe a landlord is in breach of these requirements there is a duty to serve a remedial notice.

Failure to comply with a remedial notice will lead to the issuing of a Civil Penalty. In order to determine the amount of the penalty the LA must have a Statement of Principles in place. This statement is presented as Appendix 2.

Licensable HMOs are subject to separate, and more stringent, regulations under the HA2004.

The interventions described above are those most readily used however Torbay Council will consider the use of any appropriate legislation which it is authorised to use.

Non-compliance

Energy Efficiency Enforcement Notices – The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 are designed to tackle the least energy-efficient properties in England and Wales – those rated F or G on their Energy Performance Certificate (EPC). The Regulations establish a minimum standard for both domestic and non-domestic privately rented property, effecting new tenancies from 1 April 2018 and all tenancies from April 2020.

The current domestic regulations are based on a principle that landlords are expected to meet the costs of improving energy efficiency, subject to a cap. This is an area of enforcement policy we will keep under review.

Where a valid exemption applies, landlords are required to register this on the national PRS Exemptions Register.

Where properties do not meet the minimum level of energy efficiency, we may issue a compliance notice requesting information. Where we are satisfied that a property has been let in breach of the regulations we may impose financial penalties.

Illegal eviction and harassment – The Council has powers to investigate and prosecute offences of illegal eviction, harassment and offences committed by letting or management agents under the Protection from Eviction Act 1977.

An illegal eviction is where a landlord evicts a residential occupier without following the correct procedure.

Harassment is where a landlord tries to make a residential occupier decide to leave. This could be by an act or threat of violence or withdrawing services.

The Deregulation Act 2015 has introduced a number of requirements on landlords of private tenants, including the requirement to provide an energy performance certificate, Gas Safety certificate and a copy of the 'How to Rent' guide before a tenancy starts.

Where this information has failed to be given at the beginning of the tenancy or the tenant occupies a Licensable HMO without a license, the landlord will not be able to evict using a section 21 notice, the so called "no fault" eviction procedure.

The Deregulation Act 2015 also provides protection for tenants who make a legitimate complaint to their landlord about the condition of their property and in response, instead of making the repair, their landlord serves them with an eviction notice. This is referred to as retaliatory eviction.

We will take appropriate action to prevent homelessness where landlords have not followed the correct procedures or attempt a retaliatory eviction. If the occupier has been illegally evicted, we will explain their rights to re-enter the premises and may assist them to do so. We will also consider taking the relevant formal action such as undertaking a prosecution. Unlike other legislative provisions described within this policy, a conviction under the Protection from Eviction Act 1977 may result in a custodial sentence.

Where a conviction has been secured relating to the use of violence to secure entry contrary to section 6(1) of the Criminal Law Act 1977 or unlawful eviction or harassment of occupiers contrary to sections 1(2), 1(3) or 1(3A) of the Protection from Eviction Act 1977 we will seek a Rent Repayment Order as described below.

Redress Schemes for letting agency and property management work - The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 makes it a legal requirement for all lettings agents and property managers in England to belong to a Government-approved redress scheme.

Torbay Council may seek to establish whether letting agents and property managers belong to an appropriate scheme on a case by basis or by pro-actively reviewing multiple businesses.

When enforcing this legislation, we will have regard to Annex C of the guidance document produced by Department for Communities and Local Government titled Improving the private rented sector and tackling bad practice.

Where we are satisfied, on the balance of probability that someone is engaged in letting or management work and is required to be a member of a redress scheme, but has not joined one, we will impose a fine.

If there are no extenuating circumstances, the fine will normally be £5000. This fine may also be repeated if non-compliance continues.

Works in Default – The Council will consider carrying out works in default or remedial action in the following circumstances;

- Emergency Remedial action under the Housing Act 2004 (as described above);

- Where actions have been required by a Notice and have not been completed within the agreed timescale, or, reasonable progress has not been made towards their completion.

In these circumstances, the Council may organise and carry out the work itself or appoint an agent to complete the work on its behalf and recover the cost of works plus all additional costs including agency fees, administration fees and any interest accrued where payment has not been received promptly. These costs will be charged to the property owner but can also be placed as a land charge on the property for payment when the property is sold or if money is raised against it. As part of the debt recovery process, we may seek to enforce the sale of a property depending upon the circumstances.

A decision as to whether to undertake works in default will be made on a case by case basis taking into account the financial implications to the Council.

The Council may also consider prosecution or a financial penalty in addition to carrying out works in default. Following the carrying out of works in default the Council may pursue enforced sale of a property where the legislation allows.

Simple Cautions - The use of Simple Cautions is advocated by the Home Office in situations where there is evidence of a criminal offence, but the public interest does not require a prosecution. It may be used for cases involving first time, low-level offences. Decisions to issue Simple Cautions will be made in accordance with the Ministry of Justice – Simple Cautions for Adult Offenders and the Director of Public Prosecutions' Guidance on Charging.

Prosecution - Where there is a breach of a legal requirement and we consider that formal action is required we may seek to prosecute the offender. Prosecution will generally be reserved for the most serious cases or where the nature of the breach is obstructive to the investigation. These include failures to manage property effectively so as to protect occupiers, failure to provide documentation or information required by notice or failure to comply with the requirements of an improvement, enforcement, or prohibition notice.

Any decision to prosecute will be taken in accordance with the Regulators Code, this policy and the Code for Crown Prosecutors.

The following factors will be taken into account in any such decision:

- The severity of the offence;
 - The length of time over which the offence has been committed
 - perceived harm to health, safety, community confidence, finances, deprivation, or the environment whether actual or potential
 - Vulnerability of those effected by the offence.
- The culpability of the offender;
- The previous compliance history of the offender;
- Whether the offence is likely to be repeated;
 - The attitude of the offender
 - The extent of their portfolio of property
 - Deterrent effect of a prosecution on the offender and others
- Whether an alternative intervention would be more appropriate or effective;
- Any evidence of the obstruction of the officers or threats made to them or others involved in the investigation; and

- The financial benefit obtained from the alleged offending.

These factors are not exhaustive and those that apply will depend on the particular circumstances of each case.

Civil penalties - The council may as an alternative to prosecution, serve notices imposing Civil Penalties of up to a maximum of £30,000 in respect of the following offences:

- Failure to comply with an Improvement Notice
- Offences relating to the licensing of Houses in Multiple Occupation (HMOs)
- Failure to comply with an Overcrowding Notice
- Failure to comply with a regulation in respect of an HMO
- Breaching a Banning Order

The council will determine, on a case by case basis, whether to instigate prosecution proceedings or to serve a civil penalty in respect of any of the offences listed above. Examples of situations in which a decision to prosecute would normally be taken includes where the breach is considered particularly serious and /or the offender has committed similar offences in the past.

In circumstances where the council has determined that it would be appropriate to issue a civil penalty as an alternative to prosecution, the level of the penalty will be calculated in accordance with the details of Torbay Council's Civil Penalty Policy.

Rent Repayment Orders (RRO) - A rent repayment order is an order made by the First-tier Tribunal (FtT) requiring a landlord to repay a specified amount of rent to either the tenant, the local authority or a share to both, dependent upon who made payments. Where a conviction has been secured, the FtT, on application, must grant the RRO. Where a Civil Penalty has been secured, the FtT, on application, may decide to grant an RRO. The offences for which an application for an RRO can be made are:

- Using violence to secure entry contrary to section 6(1) of the Criminal Law Act 1977;
- Unlawful eviction or harassment of occupiers contrary to sections 1(2), 1(3) or 1(3A) of the Protection from Eviction Act 1977;
- Failure to comply with an Improvement Notice issued under the Housing Act 2004;
- Failure to comply with a Prohibition Order issued under the Housing Act 2004;
- Operating a licensable property under the Housing Act 2004 without a licence;
- Breaching a banning order issued under the Housing and Planning Act 2016.

We will always apply for a RRO where a landlord has been convicted (or a Civil Penalty secured) of one of the above offences in our area.

The Council will also consider supporting a tenant's private application for a RRO. This support is likely to be in the form of confirmation of the outcome of any investigation we have undertaken and the supply of documents as evidence. A decision on how and if to provide support will be made on a case by case basis taking into account the vulnerability of the occupant, the likelihood of success and the financial implications to the Council. Please see 'Giving evidence in private court cases' below.

Banning orders - In accordance with the Housing and Planning Act 2016, the Council may apply to the First-tier Tribunal for a banning order against a residential landlord or a property agent who has been convicted of a banning order offence.

A banning order bans a landlord or property agent from letting houses or engaging in letting agency or property management work in England for a defined period of time (minimum 12 months).

In deciding whether to apply for a banning order and how long to recommend the ban for, we will have regard to Banning Order Offences under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities.

If we decide to apply for a banning order, we will complete the procedure set out in Section 15 of the Housing and Planning Act 2016.

Breaching a banning order is an offence, subject to either prosecution in the magistrate's court or financial penalty. The Council will consider prosecuting or issuing a financial penalty to any landlord found to be breaching a banning order in its area.

Database of rogues landlords and property agents - The database has been designed to help Local Housing Authorities keep track of rogue landlords and property agents operating across council boundaries.

The Council must place a person on the database if it has successfully made a banning order application. The landlord will remain on the database for the period that the banning order has effect.

Furthermore, we will consider if it is appropriate to make an entry on to the database of rogue landlords and property agents when a landlord has been convicted of a banning order offence (even if no Banning Order is sought) or received 2 or more financial penalties over a 12 month period.

In deciding whether to make an entry on the database, and the period of time that a landlord or property agent should stay on the database, we will have regard to the Database of rogue landlords and property agents under the Housing and Planning Act 2016 - Statutory guidance for Local Housing Authorities.

Proceeds of Crime Act 2002 - Where appropriate to the case, the Council, will consider taking proceedings under the Proceeds of Crime Act following a successful prosecution.

SERVICE INFORMATION

Owner occupiers and long leaseholders

Other than in exceptional cases, the council expects long leaseholders to invoke the terms of their lease to remedy problems of disrepair or nuisance themselves.

Leaseholders may be able to get advice about how to settle a dispute about repair problems from the:

Leasehold Advisory Service –

www.lease-advice.org

Telephone 020 7832 2500

Leaseholders will normally need to consult a solicitor specialising in leasehold law.

Enforcement action on owner occupiers and long leaseholders will be based on the health and safety risk to the occupants or other affected persons. The Council will generally not take action where a more appropriate contractual remedy exists.

Where a HHSRS inspection identifies a significant hazard, the Council anticipates that a Hazard Awareness Notice may be the most appropriate course of action. However, all HA2004 Part 1 enforcement options are available to the Council and will be considered.

Enforcement options requiring action to be taken such as an Improvement Notice or Prohibition Order will be considered in cases involving:

- Vulnerable people who are not capable of making informed decisions about their own welfare or who require the intervention of the Council to ensure their welfare is best protected;
- Hazards that might reasonably affect other people e.g. other occupants, visitors (private or commercial/services);
- Serious risk of life-threatening harm e.g. electrical hazards.

Where the condition of one property is affecting the occupant of another property or the general public, such as a health and safety hazard or statutory nuisance, appropriate enforcement action will be considered regardless of property tenure.

Empty homes

Where an empty property presents a serious or imminent risk to health and safety or is causing a statutory nuisance, appropriate enforcement action will be considered depending on the circumstances of each case.

The Council will consider the full range of enforcement options including Compulsory Purchase Orders, Empty Dwelling Management Orders (EDMOs) and enforced sale where an owner does not co-operate and the empty property has not been brought back into use within a reasonable period.

Immigration visits

Torbay Council provides an inspection service for immigration/visa applicants who need to provide evidence that they have suitable housing accommodation within the United Kingdom. This evidence must show that the premises they intend to occupy doesn't have any Category One hazards under the HHSRS (e.g. unfit accommodation) and will not become overcrowded when they take up residence.

In situations where we are not satisfied that the accommodation is suitable, we will confirm this to the person commissioning the inspection.

As the inspection will have been conducted using the HHSRS we will have a duty to consider whether any further action is required as described by 'Assessing condition' above. This is irrespective of tenure.

Where the property becomes suitable following remediation, a further inspection may be commissioned enabling supporting evidence to be submitted.

Fitness for human habitation legislation

The Homes (Fitness for Human Habitation) Act 2018 came into force on 20 March 2019 and requires all landlords (private and social) to ensure that their properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout.

Where qualifying tenants believe that their home does not meet the requirements set out in the above act and their landlord is responsible, they can take action against the landlord themselves.

The Ministry of Housing, Communities & Local Government have produced a guidance document for tenants; Guide for tenants: Homes (Fitness for Human Habitation) Act 2018 and for landlords; Guide for landlords: Homes (Fitness for Human Habitation) Act 2018 which are both available at www.gov.uk

It is not necessary for the local authority to be involved in action under this Act, however, in certain circumstances we may decide to offer support.

This support is likely to be in the form of confirmation of the outcome of any investigation we have undertaken and the supply of documents as evidence. A decision on how and if to provide support will be made on a case by case basis taking into account the vulnerability of the occupant, the likelihood of success and the financial implications to the Council.

Please see 'Giving evidence in private court cases' below.

Giving evidence in private court cases

Officers are sometimes asked to give evidence on behalf of one of the parties in a private action. In order to prevent the appearance of the council taking sides in such disputes, officers will usually only attend court in response to a witness summons.

Situations where we may not provide a service

There may be occasions where an investigating officer cannot substantiate the complaint. When this arises, the council will not take any further action.

We may decide not to provide a service or to cease providing a service where;

- there is clear evidence that the tenant(s) are unreasonably refusing access to the landlord, managing agent or landlord's builder, attempting to comply with our instruction,
- there is clear evidence that the tenant(s) have, caused the damage to the property they are complaining about, and there are no other items of disrepair,
- a tenant does not want their present accommodation to be brought up to standard, and the only reason for contacting the Torbay Council is to secure rehousing,
- the tenant(s) have failed to keep an appointment and not responded to a follow up letter or appointment card;

- the tenant unreasonably refuses to provide the council with relevant documentation, e.g. a tenancy agreement or notice seeking possession.
- the tenant(s) have been aggressive, threatening, verbally or physically abusive or shown inappropriate behaviour towards officers.

Charges, fees and cost recovery

Charging for services - The Council has the power under the Housing Act 2004 to recover costs for serving notices. Charges are based on the full cost to the Council of taking the action including inspection, preparation and service of the notices.

Charges for the above action will be registered as a local land charge. This means that when the property is sold the debt has to be repaid including any interest accrued on the initial charge.

There are also charges associated with the licensing of Houses in Multiple Occupation.

These charges will be made in line with our published fees and charges.

Recovery of costs – Where the council has incurred costs by undertaking works in default or by taking action to ensure vital services are maintained (reconnection works/payment of a bill) we will recover these costs in addition to any administration costs, agency fees, interest accrued or costs associated with the recovery.

Costs associated with the above action will be registered as a local land charge. This means that when the property is sold the debt has to be repaid including any interest accrued on the initial charge.

Unpaid debts and invoices - We will pursue all debts owed as a result of enforcement charges, costs and charges associated with carrying out works, unpaid invoices or unpaid financial penalties.

The Council may consider enforcing the sale of the property to recover costs or recovering the money owed in the relevant Court, including the County Court.

Publicising Offences

As a regulatory authority, the Council has a responsibility to protect the public from detrimental housing and environmental practice and undertake a range of activities to achieve this. These include actions that are taken after the detection of an offence, as well as measures to prevent and deter the commission of offences.

One such measure is the publication of convictions and information.

Media coverage will normally be sought in any of the following circumstances:

- Where an offence is widespread in the area and coverage will assist in securing compliance by others.
- The offence is serious and the council wishes to draw attention to their willingness to deal with contraventions and offenders.
- Where it is considered that publicity will have the desire effect by promoting compliance with enforcement standards generally.
- Details of successful prosecution cases and in some circumstances civil penalty notices will be entered onto relevant public databases.

Feedback

If you would like to give Torbay Council feedback on this policy or its services you may do so via our website <https://www.torbay.gov.uk/complaints-and-compliments/> by email; infocompliance@torbay.gov.uk or by writing to us at;

Information Compliance Team
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

ASSOCIATED DOCUMENTS

Civil Penalty Policy

HMO policy

Fees and Charges

APPENDIX 1

Complaints regarding Social Housing;

Regulation of Social Housing;

Social housing providers are overseen by the Regulator of Social Housing and since the Housing Act 1996, the Housing Ombudsman.

More information on the two regulators can be found here;

<https://www.gov.uk/government/publications/memorandum-of-understanding-between-the-regulator-of-social-housing-and-the-housing-ombudsman>

Housing complaints;

Section 180 of the Localism Act 2011 amends the Housing Act 1996 confirming that complaints by occupiers of social housing are to be conducted in a particular way; by following the internal complaints procedure, by use of designated persons and then if necessary by use of Housing Ombudsman. The appropriate act is here; <http://www.legislation.gov.uk/ukpga/2011/20/part/7/chapter/6/enacted>

Designated persons;

Designated persons were introduced under the Localism Act 2011 to improve the chances of complaints about housing being resolved directly between landlord and tenant (with designated person's assistance).

A designated person can be an MP, a local councillor, or a tenant panel.

If no resolution is achieved the designated person can refer the issue to the housing ombudsman.

<https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/3123-2/>

Designated persons role is to act as advisors and advocates. The process to be followed is set out here;

<https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/advisors-and-advocates/>

Appendix 2**Statement of Principles – The Smoke and Carbon Monoxide Alarm (England) Regulations 2015****Introduction**

This statement sets out the principles that the Torbay Council (the council) will apply in exercising its powers under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 ("the Regulations").

Purpose

The council is required under the Regulations to prepare and publish a Statement of Principles which it must follow when determining the amount of a penalty charge.

The council may revise its statement of principles at any time, but where it does so, it must publish the revised statement.

When deciding on the amount to be applied as a penalty charge, the council will have regard to the statement of principles in force at the time the breach occurred.

The duties

The regulations impose the following duties on certain landlords of a residential property of a specified tenancy, namely, to ensure that:

- a smoke alarm is installed on each storey of the premises where there is living accommodation (for these purposes living accommodation includes bathrooms and lavatories)
- a carbon monoxide alarm is installed in any room of the premises which is used wholly or partly as living accommodation, and which contains a solid fuel burning combustion appliance.
- that at the start of any new tenancy, checks are made by the landlord, or someone acting on his behalf, that the alarm(s) serving the premises is/are in proper working order

Properties subject to Part 2 or Part 3 licensing under the Housing Act 2004 (i.e. as licensable Houses in Multiple Occupation) are exempt from the Regulations.

The legal framework

Where the council has reasonable grounds for believing that a landlord is in breach of one or more of the above duties, we have a duty to serve that person with a Remedial Notice within 21 days detailing the actions that must be taken to comply with the Regulations.

For the purposes of this provision, 'reasonable grounds' may include being informed by a tenant, letting agent or officer that the required alarms are not installed. The regulations do not require that the council enter the property or prove non-compliance in order to issue a remedial notice, however, the council will aim to visit such properties to confirm that the required works have not been undertaken.

Where the council is satisfied on the balance of probabilities that a landlord has not taken the remedial action specified in the Notice, within the timescale stipulated in that document, the council will:

- Arrange (where the occupier consents) to undertake the remedial action specified in the Notice within 28 days; and
- Require the landlord to pay a penalty charge of such amount as the authority may determine but which must not exceed £5000.

The purpose of imposing a financial penalty

- The primary purpose of the council exercising its regulatory power is to promote and protect the public interest.
- The primary aims of financial penalties are to:
 - lower the risk to tenants health and safety by ensuring that the property has a safe means of escape in the event of a fire
 - eliminate any financial gain or benefit from non-compliance with the regulation
 - reimburse the costs incurred by the council in enforcing the regulations
 - change the behaviour of the landlord and deter future non-compliance
 - penalise the landlord for not installing alarms in line with the Regulations and after being required to do so, under notice
 - proportionately address potential harm outcomes and the nature of the breach.

Principles to be followed in determining the amount of a Penalty Charge

Any penalty charge imposed should be proportionate to the risk posed by non-compliance, the nature of the breach in the individual case and set at such a level as to sufficiently deter the

offender and others. It should also cover the costs incurred by the council in administering and implementing the legislation.

Fire and Carbon Monoxide poisoning are two of the 29 hazards prescribed by the Housing Health and Safety Rating System. These risks are real and substantial: A bulletin issued by the Home Office in 2017 (Fire Statistics: England April 2015 to March 2016) reports that: "Fires where a smoke alarm was not present accounted for 28 per cent of all dwelling fires and 33 per cent (76) of all dwelling fire-related fatalities in 2015/16" and that, "Fires where a smoke alarm was present but either did not operate or did not raise the alarm, accounted for 31 per cent of all dwelling fires...." Moreover, according to the Office for National Statistics, there were 53 deaths from accidental carbon monoxide poisoning in England and Wales in 2015.

The Department of Communities and Local Government conducted an impact assessment prior to the introduction of the Regulations. That assessment suggested that the cost of the requirements imposed on landlords (i.e. the purchase of smoke detectors and carbon monoxide alarms) was £25 and estimated that the provision of smoke alarms would, over ten years, prevent 231 deaths and 5860 injuries, accruing a saving of almost £607.7 million, and that the provision of Carbon Monoxide Alarms would, over the same period, prevent a total of six to nine deaths and 306 to 460 injuries, accruing a saving of almost £6.8 million.

The council considers that compliance with the Regulations do not place an excessive or unreasonable burden on a landlord. The cost of the alarms is low and in many cases can be self-installed without the need for a professional contractor. The risk and impact on occupiers resulting from a fire or carbon monoxide poisoning event far out-weighs the cost of compliance. While the imposition of the maximum potential fixed penalty charge of £5,000 may present an excessive financial burden on some landlords, this has to be balanced against the risk, the low cost of compliance, the fact that the offender will have been given all reasonable opportunity to comply prior to any penalty charge being levied and the offenders statutory rights of appeal.

For all of the above reasons, and so as to ensure that there is an effective incentive for landlord's to comply with the Regulations, the council proposes to impose a penalty charge of £5,000 for non-compliance with a Remedial Notice, with a reduction of 10% where payment is received within 14 days of service of the penalty charge notice.

Notwithstanding the above, the council may, following a representation made by the landlord, exercise discretion and reduce the penalty charge further if it considers there to be extenuating circumstances.

This discretion will not however apply when:

1. The person served has obstructed the council in the carrying out of its duties; and/or
2. The person served has previously received a penalty charge under this legislation.

Review and Appeals in relation to a penalty charge notice

If a landlord disputes the issue of a penalty charge notice, they can make a request to the council for it to be reviewed. This request must be in writing and within the time period specified in the penalty charge notice. Any representation received will be considered on its individual merit. Any extenuating circumstances will be considered by the council in deciding whether to reduce the level of the penalty charge levied. Potential mitigating factors –

- No previous convictions / charges
- Self-reporting, high level of co-operation with the investigation – where this goes beyond what would normally be expected
- The age health and other vulnerabilities of the offender
- Voluntary steps taken to address issue

A landlord will not be considered to be in breach of their duty to comply with the remedial notice, if he can demonstrate that he has taken all reasonable steps to comply with the requirements of the remedial notice.

The council may, on consideration of any representation and evidence, chose to confirm, vary or withdraw a penalty charge notice and we are required to communicate that determination by issuing a decision notice on the landlord. If varied or confirmed, the decision notice must state that a further appeal can be made to a First Tier Tribunal on the following grounds:

- 1) the decision to confirm or vary the penalty charge notice was based on an error of fact;
- 2) the decision was wrong in law;
- 3) the amount of penalty charge is unreasonable; or
- 4) the decision was unreasonable for any other reason

Where a landlord raises an appeal to the Tribunal, the operation of the penalty charge notice is suspended pending its determination or its withdrawal. The Tribunal may quash, confirm or vary the penalty charge notice, but may not increase the amount of the penalty charge.

Recovery of penalty charge

The council may recover the penalty charge on the order of a court, as if payable under a court order however such proceedings may not be started before the end of the period by which a landlord may give written notice for the council to review the penalty charge notice and where a landlord subsequently appeals to the Tribunal, not before the end of the period of 28 days beginning with the day on which the appeal is finally determined or withdrawn.

Appendix 3

Renters Rights Act 2025 - TBC



Ministry of Housing,
Communities &
Local Government

Guidance

Investigatory powers guidance for Renters' Rights Act 2025

Updated 12 November 2025

Applies to England

Contents

Overview

Asking a relevant person for information

Asking any person for information

Powers to enter a business premises

Entering business premises to investigate

Taking documents after entry into business premises

Suspected residential tenancy - power of entry

Using Council Tax, Housing Benefit and Tenancy deposit information s.134

Investigatory powers under the Housing Act 2004 s.135

Client Money Protection schemes: investigatory powers s.136



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Overview

This act gives local housing authorities new powers to investigate whether a landlord or an agent letting out private rented housing has broken certain laws. These new powers will commence on 27 December 2025 - that is they can be used from that date.

The act and this guidance set out which legislation particular investigatory powers apply to. Care should be taken to ensure that the power can be exercised for the purpose a local housing authority intends.

For example, some of these investigatory powers can be used to support local housing authority investigations relating to illegal eviction, poor housing conditions and other housing legislation where they apply to relevant accommodation.

Please note that some of the legislative provisions listed in each section will not be in force when the guidance is issued or will be amended later. The provisions not in force are:

- Protection from Eviction Act 1977, section 1A
- Renters' Rights Act, chapter 3 of Part 1 and Part 2

As a local housing authority officer, authorised in writing by the local housing authority to exercise the investigatory powers, you may be able to use these powers if you suspect certain laws have been broken. These powers can support your investigations, and in certain situations, include the ability to:

- enter a business property to seize documents
- ask people or organisations for information
- enter a residential property if you are specially authorised

Some of these powers do not apply to enforcement action against Parliament or the Crown.

Asking a relevant person for information

When you are investigating whether someone has broken the law in relation to the below list of legislation, you can ask a relevant person for information to use as evidence.

You can require this from anyone who has acted in the past twelve months as a landlord, agent, licensor, or marketer in connection with the relevant accommodation. You can also ask for information from anyone who, in the past twelve months, had an estate or interest in the relevant accommodation or who purported to act for someone with such an interest or a licensor. This person is referred to as a 'relevant person' in the Renters' Rights Act, section 114(2).

You can use this power to support enforcement of the following legislation:

- Protection from Eviction Act 1977, sections 1 and 1A
(<https://www.legislation.gov.uk/ukpga/1977/43/section/1>)
- Housing Act 1988, chapter 1 of Part 1
(<https://www.legislation.gov.uk/ukpga/1988/50/part/I>)
- Enterprise and Regulatory Reform Act 2013, section 83(1) or 84(1)
(<https://www.legislation.gov.uk/ukpga/2013/24/part/6/crossheading/redress-schemes-lettings-and-property-management-agents>)
- Housing and Planning Act 2016, sections 21 to 23
(<https://www.legislation.gov.uk/ukpga/2016/22/part/2/chapter/2/crossheading/consequences-of-banning-order-including-consequences-of-breach>)
- Renters' Rights Act, chapter 3 of Part 1 and Part 2 (Not in force when the guidance is issued)

Asking for information

If you want to use this power, you must give notice to the person or organisation from whom you are requiring the information. The notice must:

- be in writing
- specify that it is given under section 114 of the Renters' Rights Act 2025
- explain the possible consequences of not giving the information

A notice does not require a person to provide information or documents that they could refuse to provide in High Court proceedings due to legal professional privilege.

You can also ask for this information to be given:

- by a specific date
- in a specific format, for example, original or digital documents
- in a new document with specific information
- to a specific person or enforcement authority

When a relevant person does not give information

If a relevant person, has not given you the information you asked for, they may have committed an offence and the courts could find them liable for a fine not exceeding level 3 on the standard scale. The potentially relevant offences are set out in section 131 of the Renters Rights Act 2025.

The relevant person will not be guilty of an offence if they have given you a reasonable excuse for why they have not given the information to you.

If the person gives you information which they know is false or misleading or is reckless as to whether it is false or misleading, they will also commit an offence and may also be liable for a fine. A person has the right not to give information if it might incriminate them.

Asking for communications data

When using the powers to require information under the Renters' Rights Act 2025 you must comply with the Investigatory Powers Act 2016 (as amended) (IPA). For more information, you should refer to the [IPA](https://www.legislation.gov.uk/ukpga/2024/9/contents) (<https://www.legislation.gov.uk/ukpga/2024/9/contents>) and the [Communications Data Code of Practice](https://www.gov.uk/government/publications/communications-data-code-of-practice) (<https://www.gov.uk/government/publications/communications-data-code-of-practice>).

Asking any person for information

When you reasonably suspect that someone has broken the law in relation to the below list of legislation, you can require any person or organisation to provide information, in order to investigate whether any of those laws have been broken.

You can also ask for the information after the investigation is over to help set the level of any civil penalty.

You can use this power to support enforcement of the following legislation (the rented accommodation legislation (section 115(3)):

- [Protection from Eviction Act 1977, sections 1 and 1A](https://www.legislation.gov.uk/ukpga/1977/43/section/1)
(<https://www.legislation.gov.uk/ukpga/1977/43/section/1>)
(section 1A not in force when the guidance is issued)
- [Housing Act 1988, chapter 1 of Part 1](https://www.legislation.gov.uk/ukpga/1988/50/part/I)
(<https://www.legislation.gov.uk/ukpga/1988/50/part/I>)
- [Enterprise and Regulatory Reform Act 2013, section 83\(1\) or 84\(1\)](https://www.legislation.gov.uk/ukpga/2013/24/part/6/crossheading/redress-schemes-lettings-and-property-management-agents)
(<https://www.legislation.gov.uk/ukpga/2013/24/part/6/crossheading/redress-schemes-lettings-and-property-management-agents>)
- [Housing and Planning Act 2016, sections 21 to 23](https://www.legislation.gov.uk/ukpga/2016/22/part/2/chapter/2/crossheading/consequences-of-banning-order-including-consequences-of-breach)
(<https://www.legislation.gov.uk/ukpga/2016/22/part/2/chapter/2/crossheading/consequences-of-banning-order-including-consequences-of-breach>)
- Renters' Rights Act, chapter 3 of Part 1 and Part 2 (Not in force at the time this guidance was issued)
- [Housing Act 2004, parts 1 to 4 and 7](https://www.legislation.gov.uk/ukpga/2004/34/contents)
(<https://www.legislation.gov.uk/ukpga/2004/34/contents>)

Asking for information

If you want to use this power, you will need to give notice to the person or organisation from whom you are seeking the information requiring them to provide it. The notice must:

- be in writing
- specify that it is given under section 115 of the Renters' Rights Act 2025
- explain the possible consequences of not giving the information

You can also ask for this information to be given:

- by a specific date
- in a specific format, for example, original or digital documents
- in a new document with specific information
- to a specific person or enforcement authority

When any person does not give information

If a person or organisation you have requested information from using the any person provision has not given you the information you asked for, you

can apply for a court order to enforce the notice under section 116 of the Renters' Right Act 2025.

The court may make an order if it is satisfied that the person you requested the information from has not complied with that request. The court order could compel the person to give the information that you have asked for. The court could also ask that person to pay for the costs of applying for the order.

When you have asked for information from a company, partnership or unincorporated association, the court may ask a person holding an official position at the company and who is responsible for not providing the information, to meet the costs of applying to the court.

Limitations of the use of information collected using the any person power

If someone provides information under the any person power, that information may not be used against the person who provided it in any criminal proceedings. The prosecution also cannot ask questions about this information in criminal proceedings.

The person who might be incriminated by the information they gave may, however, use the information or ask questions about it during criminal proceedings. The limitations on the use of information provided under section 116 are set out in section 117 of the Renters' Rights Act 2025.

If someone knowingly and wilfully makes false statements or provides certain types of false information, even if not under oath, it may be possible to prosecute them under [section 5 of the Perjury Act 1911](#) (<https://www.legislation.gov.uk/ukpga/Geo5/1-2/6/section/5>). This applies to information collected using the any person power.

Asking for communications data

When using the powers to require information under the Renters' Rights Act 2025 you must comply with the Investigatory Powers Act 2016 (as amended). For more information, you should refer to the [IPA](#) (<https://www.legislation.gov.uk/ukpga/2024/9/contents>) and the [Communications Data Code of Practice](#) (<https://www.gov.uk/government/publications/communications-data-code-of-practice>).

Powers to enter a business premises

The Renters' Rights Act contains powers to enter a rental sector business premises without, and with, a warrant under sections 118 and 121 respectively. You can enter a business premises at a reasonable time to request documents and or to seize evidence if you reasonably believe a relevant person is running a rental sector business there. A relevant person is defined in the Renters' Rights Act 2025, section 114(2) as anyone who has, in the past twelve months, in relation to relevant accommodation:

- had an estate or interest in the premises, (unless they are a mortgage lender who is not in possession of the premises)
- been a licensor
- marketed the premises
- acted for or purported to act for someone with an estate or interest in the premises or a licensor

Relevant accommodation means any residential accommodation in England that is connected with the exercise of the function for which you intend to exercise the investigatory power, see section 114(10).

Rental sector business is defined in the Renters' Rights Act 2025, section 118(9) as a business connected with:

- letting residential accommodation in England
- creating licences to occupy such accommodation
- marketing such accommodation for a tenancy or licence to occupy
- managing such accommodation under a tenancy or licence to occupy

These powers of entry may not be used for premises that are wholly or mainly used as a home.

You can only enter the premises to investigate if you suspect a breach or offence has been committed under the rented accommodation legislation and your suspicion is a reasonable one. You also need to be satisfied that your entry is necessary to require documents to be produced or to seize documents which are on the business premises and could help your investigation.

You can use these powers of entry into business premises (with and without a warrant) to support enforcement of the rented accommodation legislation (section 115(3)):

- Protection from Eviction Act 1977, sections 1 and 1A.
(<https://www.legislation.gov.uk/ukpga/1977/43/section/1>)
- Housing Act 1988, chapter 1 of Part 1
(<https://www.legislation.gov.uk/ukpga/1988/50/part/I>)
- Parts 1 to 4 and 7 of the Housing Act 2004
(<https://www.legislation.gov.uk/ukpga/2004/34/contents>) so far as it relates to qualifying residential premises within the meaning given by section 2B of the Housing Act 2004
- Enterprise and Regulatory Reform Act 2013, section 83(1) or 84(1)
(<https://www.legislation.gov.uk/ukpga/2013/24/part/6/crossheading/redress-schemes-lettings-and-property-management-agents>)
- Housing and Planning Act 2016, sections 21 to 23
(<https://www.legislation.gov.uk/ukpga/2016/22/part/2/chapter/2/crossheading/consequences-of-banning-order-including-consequences-of-breach>)
- Renters' Rights Act, chapter 3 of Part 1 and Part 2. (Not in force at the time this guidance was issued)

Entering business premises to investigate

If you are the person exercising the power of entry into business premises, you are allowed to:

- take another person or people with you, who will then have the same powers whilst they are with you
- take equipment
- take photographs
- make recordings

Giving notice to enter business premises without a warrant

You can use the power of entry without a warrant for routine inspections. You must provide an occupier of the business premises with at least 24 hours' written notice, though the occupier can waive the requirement to provide the full 24 hours' notice and allow entry earlier if they wish.

If the occupier chooses to waive the full notice requirement, it is important to make sure that the person giving the waiver fully understands their rights and the consequences of giving the waiver before you act upon it.

If notice is not waived, the notice must:

- be in writing and given by a local housing authority officer
- explain why you need to enter the premises
- explain what offences may be committed if a person without reasonable excuse seeks to obstruct entry, fails to comply with a requirement or to give assistance or information, or knowingly or recklessly gives false or misleading information

You do not need to give 24 hours' notice if you are exercising the power of entry for a non-routine inspection. A non-routine inspection is when:

- it is not reasonably practical to give notice
- an office reasonably believes that giving notice would defeat the purpose of entry

If you enter a business premises without a warrant, you must give to at least one person on the premises (if there are any):

- evidence of your identity and authority

If you enter without giving notice (a non-routine inspection) you must give to at least one person on the premises (if there are any):

- a document explaining why you are entering and why it is necessary
- information about what offences they could be committing if they do not cooperate

If it is not reasonably practical to provide the information set out above, for example due to safety concerns or if the person on the premises fled before you had a chance to give the above information, any information already collected can still be used as evidence in your investigation.

Entering a business premises with a warrant

If you cannot carry out a routine inspection with at least 24 hours' notice, you may also apply to a justice of the peace for a warrant to enter specified premises under the Renters' Rights Act 2025, section 120.

To apply for the warrant, you must provide written evidence under oath that one of the following applies:

- you have been refused entry or believe you are likely to be refused entry, and you have notified an occupier of the premises of your intention to apply for a warrant
- you believe that giving notice might result in evidence being hidden or tampered with
- no occupier is present, and waiting for an occupier might defeat the purpose of the entry

You will also need to provide evidence that you are acting in your official capacity and that there are reasonable grounds to suspect the premises are used by a relevant person for rental sector business and are not wholly or mainly residential accommodation.

Additionally, you need to show that you expect there to be documents on the premises that you could require a person to produce or that could be seized under the Renters' Rights Act 2025.

Once granted, your warrant will be valid for one month starting on the day it is issued.

When entering a business premises under a warrant you may use reasonable force if necessary.

When you enter the premises, you must show the warrant to at least one occupier if there are people present.

If there are no people in the premises, then you must:

- leave a notice that the premises have been entered under warrant granted under section 120 of the Renters' Rights Act 2025
- make sure the property is as secure when you leave as it was before you entered

Business premises: requiring the production of documents following entry

Once you have entered the business premises, either under section 118 or a warrant under section 120 of the act, you can ask for documents from a relevant person occupying the premises or someone acting on their behalf, at any reasonable time. You can ask for documents to try to determine

whether there has been compliance with the rented accommodation legislation where you reasonably believe there has been non-compliance.

You can only ask for documents related to the business for which the premises are occupied and to which the person you are asking has access. You can ask for documents if you think they may be needed as evidence. You can take copies of the documents produced.

You can ask for the documents to be explained to you. If the document is electronic, you can require a copy of the document in a format that you can easily take away, for example, a hard copy.

You cannot require the production of documents which are legally confidential, such as communications between a lawyer and their client.

You can request documents even if the need for them relates to someone other than the relevant person who is required to provide them.

Taking documents after entry into business premises

When using either of the powers of entry into a business premises, you have the power to seize and detain documents if you have a reasonable suspicion that they may be required as evidence in proceedings for a breach or offence under the rented accommodation legislation.

If there are people on the premises, before you seize documents, you must show at least one person proof of your identity and authority. However, if it is not reasonably practicable to do so, you do not need to.

When seizing documents, you must take reasonable steps to tell the person who you are seizing them from that they have been seized and give them a written record of what you are taking.

When deciding what steps you should take to inform the person that documents have been seized and to provide them with a written record, you must have regard to any relevant rules around seizing property that are set out in a code of practice made under [section 66 of the Police and Criminal Evidence Act 1984](https://www.legislation.gov.uk/ukpga/1984/60/section/66) (<https://www.legislation.gov.uk/ukpga/1984/60/section/66>).

You cannot seize documents that are legally confidential, such as communications between a lawyer and their client.

You can usually only keep the documents for 3 months from the day they were seized. If the documents are needed in legal proceedings (related to

why they were seized), you can keep them for longer. However, you cannot keep the documents for longer than needed for those proceedings.

If there are electronic devices on the premises which you suspect may hold information that you may wish to seize under this power, you can require someone with approved access to access that information if that is reasonably necessary. If such a person does not access the device after you have required them to do so, you can access the device yourself.

Criminal Justice and Police Act 2001: additional powers of seizure

If you take copies of documents using the power under section 122(1)(b) or you seize documents under section 123 of the Renters' Rights Act 2025 following entry into business premises (under the Renters' Rights Act), additional powers of seizure under [section 50 of the Criminal Justice and Police Act 2001](https://www.legislation.gov.uk/ukpga/2001/16/part/2) (<https://www.legislation.gov.uk/ukpga/2001/16/part/2>) apply.

If you reasonably suspect that a document may be needed as evidence for a breach or offence under the rented accommodation legislation, you can take it.

If you reasonably believe the document is something you are allowed to search for or seize or that it contains information you are allowed to seize, but it's not reasonably practical to decide this on the premises or to separate it on the premises, you can take the document using the additional powers in [section 50 of the Criminal Justice and Police Act 2001](https://www.legislation.gov.uk/ukpga/2001/16/section/50) (<https://www.legislation.gov.uk/ukpga/2001/16/section/50>).

You will then need to assess if the document is relevant as soon as reasonably practicable afterwards. If it is not relevant you will need to give it back as soon as reasonably practicable.

If you are sure that a document contains information that may be needed as evidence you can take it, using the additional powers in [section 50 of the Criminal Justice and Police Act 2001](https://www.legislation.gov.uk/ukpga/2001/16/section/50) (<https://www.legislation.gov.uk/ukpga/2001/16/section/50>), even if it cannot be separated from a part you could not otherwise take.

If you are unsure whether the information in a document may be needed as evidence and it cannot be separated from information you know is not relevant, then you cannot take it.

If you take documents using the additional powers of seizure [under section 50 of the Criminal Justice and Police Act 2001](https://www.legislation.gov.uk/ukpga/2001/16/section/50) (<https://www.legislation.gov.uk/ukpga/2001/16/section/50>) you will need to comply

with the notice requirements to the occupier under [section 52](https://www.legislation.gov.uk/ukpga/2001/16/section/52) (<https://www.legislation.gov.uk/ukpga/2001/16/section/52>) of that act.

Access to seized documents s.124

A person who had possession or control of a document immediately before it was seized, or their representative, can request:

- access to the documents
- a copy or photograph of the document

On receipt of a request, you must:

- give the person access to the documents under the supervision of a local housing authority officer
- allow the person to take a copy or photograph it under the supervision of a local housing authority officer
- provide the person with a copy or photograph of the document within a reasonable time of their request

If you have good reason to think that allowing access to the document, or providing photographs or copies of it, would undermine or be detrimental to the reason why the document was seized, you can refuse the request.

You can ask the person who requested the information to cover your reasonable costs of meeting the request, for example photocopying costs.

Appeal against detention of documents s.125

A person can ask the magistrates' court to release the documents detained under the Investigatory Powers in Part 4 of the Renters' Rights Act 2025. A person must have an interest in the documents to make a valid request. If there are court proceedings brought as a result of the investigation that led to the documents being seized, an application will need to be made to the magistrates' court for a hearing. If there are no proceedings the application is made as a complaint to a magistrates' court.

The court may only order the release of documents if certain conditions are met. These are that:

- the investigation that led to the documents being seized has not resulted in any court proceedings starting

- it has been 6 months or more since the documents were seized
- court proceedings have now finished

A person or local housing authority officer disagreeing with any magistrates' court decision can appeal this decision through the Crown Court.

Suspected residential tenancy - power of entry

You can use this power to enter a residential property at a reasonable time if you are specially authorised and reasonably suspect the property is being privately rented out as a home (a residential tenancy, see section 63 of the act), and if you need to inspect the premises to investigate whether there has been:

- an offence under [section 1 of the Protection from Eviction Act 1977](https://www.legislation.gov.uk/ukpga/1977/43/section/1) (<https://www.legislation.gov.uk/ukpga/1977/43/section/1>)
- certain breaches and offences under certain database provisions in the Renters Rights Act 2025

The residential power of entry without a warrant under section 126 is available to support enforcement in respect of the following database provisions:

- breach of the duty on a residential landlord to ensure an active landlord and active dwelling entry in the database, section 82(3)
- the offence of knowingly or recklessly providing false or misleading information to the database operator, section 92(1)
- the offence of continuing to breach the duty to ensure an active landlord and dwelling entry in the database at the end of a 28 day period beginning on the day on which a financial penalty for the breach was imposed, section 92(2)
- the offence of breaching the duty to ensure an active landlord and active dwelling entry in the database section 82(3) when a relevant penalty has been imposed for a breach of requirements under section 82(1), 82(2) or 82(3), section 92(3)
- the offence of breaching the duty to ensure an active landlord and active dwelling entry in the database within 5 years of either receiving a penalty or a conviction for a database offence, section 92(4)

Entering residential premises without a warrant to investigate

You can only use this power to enter if:

- you have the correct authorisation by a deputy chief officer or their superior, whose duties relate to the purpose for which you want to enter the residential premises
- your authorisation states the specific purpose for which you are authorised to enter the residential premises

If you are the person exercising the power of entry, you are allowed to:

- take another person or people with you, who will have the same powers whilst they are with you
- use equipment
- take photographs
- make recordings

Before you enter you must give at least 24 hours' notice to the person or people living there and to any other person who has an interest in the property, like the owner. You do not, however, need to give prior notice to a residential landlord within the meaning of Part 2 of the Renters Rights Act 2025, see section 63. The requirement to give notice to a person with an interest also does not include a mortgagee not in possession of the premises. You must give notice to a residential landlord informing them that the property was entered, including the date of the entry and the purpose of the entry, within a reasonable period after the entry.

You only need to give notice to other people who have an interest in the property but do not live there if they have provided the local housing authority with an address for this purpose.

This notice must:

- be in writing
- be given by an officer of the local housing authority
- explain why you need to enter the premises
- explain what laws a person may be breaking if they obstruct the entry or fail to comply with properly imposed requirements

A person can waive the need for the full 24 hours' notice. If they choose to waive the full notice requirement, it is important to make sure the person giving the waiver understands that they otherwise have a right to receive notice and the consequences of waiving it.

However, you cannot enter a residential property without giving the required notice unless all people living in the property, and everyone with an interest in the property who has a right to notice, waived it.

For example, if all of the people living at the property waive their right to notice, but an owner with a right to notice does not, you must follow the notice requirements before entering the property.

When you enter a property without a warrant, and find occupiers in the property you must show them to at least one occupier if there is more than one:

- your ID
- a document saying you are specially authorised to enter the property to the occupier or at least one occupier if there is more than one.

There may be times when it's not reasonably practicable to show your ID and special authorisation document upon entry, such as if you encounter aggressive behaviour or if the occupiers have fled before you can show them the documents. When this happens, any information already collected can still be used as evidence in your investigation.

Suspected residential tenancy: entry with a warrant

You can apply for a warrant if you have been refused entry without a warrant. You can also apply for a warrant if no-one is in the property to let you in and waiting for someone might defeat the purpose of the entry.

You can also apply for a warrant if you think giving the person on the premises and/or anyone with an interest in the property, who would have a right to notice, at least 24 hours' notice might defeat the purpose of entry. To ask for a warrant, you must apply in writing under oath to a justice of the peace.

You can apply for a warrant to enter a residential premises if you believe it is necessary to enter the premises to investigate an offence under section 1 of the Protection from Eviction Act 1977 (<https://www.legislation.gov.uk/ukpga/1977/43/section/1>) or certain breaches or offences of certain database provisions in the Renters' Rights Act 2025.

These are the same provisions for which the power of entry without a warrant under section 126 may be exercised (at the point this guidance is issued only section 1 of the Protection from Eviction Act 1977 is in force):

- breach of a duty of a residential landlord to ensure an active landlord and active dwelling entry in the database, section 82(3)
- the offence of knowingly or recklessly providing false or misleading information to the database operator, section 92(1)
- the offence of continuing to breach the duty to ensure an active landlord and dwelling entry in the database at the end of a 28-day period beginning on the day on which a financial penalty for the breach was imposed, section 92(2)
- the offence of breaching the duty to ensure an active landlord and active dwelling entry in the database under section 82(3) when a relevant penalty has been imposed for a breach of requirements under section 82(1), 82(2) or 82(3), section 92(3)
- the offence of breaching the duty to ensure an active landlord and active dwelling entry in the database within five years of receiving either a penalty or a conviction for a database offence, section 92(4)

The application under oath will also need to confirm that in entering the residential premises you would be acting in the course of your employment or under the instruction of the local housing authority and that you reasonably suspect the property is being privately rented out as a home (a residential tenancy, see section 64 of the act).

If a warrant is granted it will include the following information:

- the name of the person authorised to enter, this will be the officer who applied for the warrant
- the property that the person named in the warrant is authorised to enter

Once the inspection has been completed the warrant will expire.

When you are entering with a warrant, you will be able to:

- enter the premises at any reasonable time
- use reasonable force to enter, if necessary
- take another person, or persons, who will have the same powers as you, but only whilst with you and under your supervision
- use equipment
- take photographs
- make recordings

You must show the warrant to at least one occupier if there are people in the property.

If there are no people in the property, then you must:

- leave a notice that the premises have been entered under warrant issued under section 128 of the Renters Rights Act 2025
- make sure the property is as secure when you leave as it was before you entered.

Using Council Tax, Housing Benefit and Tenancy deposit information s.134

Section 212A of the Housing Act 2004

(<https://www.legislation.gov.uk/ukpga/2004/34/section/212A>) allows you to use information from tenancy deposit schemes and section 237

(<https://www.legislation.gov.uk/ukpga/2004/34/section/237>) allows you to use information from Housing Benefit and Council Tax to investigate if certain laws have been broken. For example, to check if:

- several claims for Housing Benefit are made from the same address
- there are too many people living in the property
- the property is being rented
- the property may need a licence as an HMO

The Renters' Rights Act 2025 makes provision so that you can use this information to support enforcement of the following legislation.

- Protection from Eviction Act 1977, sections 1 and 1A
(<https://www.legislation.gov.uk/ukpga/1977/43/section/1>)
- Housing Act 1988, chapter 1 of Part 1
(<https://www.legislation.gov.uk/ukpga/1988/50/part/I>)
- Part 7 of the Housing Act 2004
(<https://www.legislation.gov.uk/ukpga/2004/34/part/7>) so far as it relates to qualifying residential premises withing the meaning given by section 2B of the Housing Act 2004.
- Enterprise and Regulatory Reform Act 2013, section 83(1) or 84(1)
(<https://www.legislation.gov.uk/ukpga/2013/24/part/6/crossheading/redress-schemes-lettings-and-property-management-agents>)
- Housing and Planning Act 2016, sections 21 to 23
(<https://www.legislation.gov.uk/ukpga/2016/2/part/2/chapter/2/crossheading/cons>)

[equences-of-banning-order-including-consequences-of-breach\), 41 and 133 to 135](#)

- Renters' Rights Act 2025, chapter 3 of Part 1 and Part 2 (Not in force at the time this guidance was issued)

Investigatory powers under the Housing Act 2004 s.135

The Renters' Rights Act 2025 amends the power under [section 235 of the Housing Act 2004](#) (<https://www.legislation.gov.uk/ukpga/2004/34/section/235>) (power to require documents to be produced) so that it now also covers [Part 7 of the Housing Act 2004](#) (<https://www.legislation.gov.uk/ukpga/2004/34/part/7>) in relation to any qualifying residential premises within the meaning given by [section 2B of the Housing Act 2004](#) (<https://www.legislation.gov.uk/ukpga/2004/34/schedule/14/paragraph/2B>).

This means you can require information from a relevant person to inform the setting of civil penalties after you finish your investigations.

The act also amends [section 239 of the Housing Act 2004](#) (<https://www.legislation.gov.uk/ukpga/2004/34/section/239>). It removes the requirement to give 24 hours' prior notice to the owner of qualifying residential premises within the meaning of section 2B and replaces it with a duty to notify the owner within a reasonable period of time after entry takes place. The act also inserts an option for an occupier to waive their right to 24 hours' prior notice of entry under section 239 Housing Act 2004. It is important to make sure the person giving the waiver understands that they have the right to notice and the implications of waiving it. However, you cannot enter the property without giving the required notice unless all people living in the property, and everyone with an interest in the property, who has a right to notice, agrees that notice is not needed.

Client Money Protection schemes: investigatory powers s.136

Local authorities are responsible for the enforcement of client money protection schemes regulations. Agents must be registered with a client money protection scheme under [sections 133-134 of the Housing and Planning Act 2016](#) (<https://www.legislation.gov.uk/ukpga/2016/22/section/133>) and [Regulation 3 of the Client Money Protection Schemes for Property Agents](#)

(<https://www.legislation.gov.uk/ksi/2019/386>) (Requirement to Belong to a Scheme etc) Regulations 2019.

The Renters' Rights Act 2025 enables you to investigate whether an agent is a member of a CMP scheme in accordance with [regulation 3 of The Client Money Protection Schemes for Property Agents](#) (<https://www.legislation.gov.uk/ukpga/2004/34/section/239>) (Requirement to Belong to a Scheme etc.) Regulations 2019.

You can contact us using this [form](#) (<https://submitanenquiry.communities.gov.uk/start-now>) if you have any questions. If there is a technical problem with the page, you can report it at the bottom of this page.



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Meeting: Cabinet **Date:** 17 February 2026

Wards affected: All wards

Report Title: Housing Ombudsman Self-Assessment for Complaint handling

When does the decision need to be implemented? February 2026

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

Director Contact Details: David Carter, Director of Regeneration, david.carter@torbay.gov.uk

1. Purpose of Report

- 1.1 This report seeks approval from Cabinet for the Housing Complaints Policy detailing complaint handling for the Council's social housing stock in line with the Housing Ombudsman Complaint Handling Code.
- 1.2 From 1st April 2024 the Housing Ombudsman Complaint Handling Code became statutory. Landlords are obliged by law to follow its requirements. There will be a legal duty placed on the Ombudsman to monitor compliance with the Code with the Council expected to submit an annual self-assessment.

2. Reason for Proposal and its benefits

- 2.1 The proposal in this report is to ensure that we achieve best practice in complaint handling and ultimately provide a better service to tenants.
- 2.2 The reason for the proposal is to demonstrate to the Housing Ombudsman that we are operating our Complaints Handling in line with their Code.

3. Recommendation(s) / Proposed Decision

1. That Cabinet approve, as the Governing Body, the Housing Complaints Policy as set out in Appendix 2 and note the Self-Assessment Report 2025 as set out in Appendix 1.

4. Appendices

Appendix 1: Self-assessment 2025

Appendix 2: Complaints Policy

5. Background Documents

Guidance on annual submissions | Housing Ombudsman Service

Supporting Information

1. Introduction

- 1.1 The Social Housing (Regulation) Act 2023 (the Act) empowered the Housing Ombudsman to issue a code of practice about the procedures members of the Scheme should have in place for considering complaints.
- 1.2 It also placed a duty on the Ombudsman to monitor compliance with a code of practice that it has issued.
- 1.3 The Ombudsman consulted on the Complaint Handling Code (the Code) and their intended approach to the duty to monitor in late 2023. The statutory Code came into effect from 1 April 2024 and their duty to monitor compliance commenced at the same time.
- 1.4 The Housing Ombudsman Self-Assessment Form should be completed by the complaints officer and it must be reviewed and approved by the landlord's governing body at least annually.
- 1.5 Once approved, landlords must publish the self-assessment as part of the annual complaint's performance and service improvement report on their website. The governing body's response to the report must be published alongside this.
- 1.6 No Complaints have been received since Torbay Council held their own housing stock, 1st December 2024 to date are as follows:

Complaint level	2023/24	2024/2025
Initial complaint	0	0
Stage 1 complaint	0	0
Stage 2 complaint	0	0

2. Options under consideration

- 2.1 The preferred option is to provide a submission. If a landlord is unable to provide the submission by the relevant date it must contact the Ombudsman immediately, outlining the

reasons why and to engage in discussions with the Ombudsman on the next steps and actions required.

2.2 The alternative option would be to not submit an annual Self-Assessment, this option was discounted. Landlords that fail to provide the submission or resubmission by the relevant date may be issued a Complaint Handling Failure Notice. All notices will be shared with the Regulator of Social Housing. The Housing Ombudsman may also refer notices not resolved through action to the governing body.

3. Financial Opportunities and Implications

3.1 Not applicable

4. Legal Implications

4.1 Not applicable

5. Engagement and Consultation

5.1 Not applicable

6. Procurement Implications

6.1 Not applicable

7. Protecting our naturally inspiring Bay and tackling Climate Change

7.1 Not applicable

8. Associated Risks

8.1 Not applicable

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 267	<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>Torbay Council should ensure that the methods of submitting complaints remain accessible by enabling customers to report by various methods face to face, in writing or via Torbay Council's website. This is particularly relevant to ensure we capture concerns or complaints from harder to reach demographic groups (which often includes younger people), who tend to reach for their device rather than a pen and paper when they are unhappy with a service.</p> <p>Torbay Council should clearly advise that complaints are received via email, in person, in writing and over the telephone, to ensure they capture the needs of our older or more technology restricted demographic of customers.</p>	<p>Sometimes Torbay Council's complainant may be an older person, or someone with limited ability (due to health issues e.g., dementia).</p> <p>Torbay Council need to ensure that correct support is put in place and that referral mechanisms are available to the relevant agencies, and when we are aware of health issues or limited capability in a household, that we have support in place even before a customer may need to complain.</p>	<p>Regeneration</p> <p>Adult Services</p> <p>Children's Services</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.	There is no differential impact anticipated.	Not Applicable	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 a physical or mental health condition or illness.	<p>Some customers with learning difficulties, hearing or sight impairments or mental health issues may not understand how policies and procedures work. Torbay Council must ensure support is offered in all aspects of tenancy support, and all aspects of raising a formal complaint should the need arise.</p> <p>Torbay Council will work with Support Workers or appointed persons on behalf of the complainant if applicable. This ensures accessibility of the service as well as making any other reasonable adjustments where required (such as letters in alternate formats or specified methods of contact).</p>	<p>Regularly monitor customers contact preferences and update the case management system to this effect.</p> <p>Ensure appointed Support Workers or appointed persons remain relevant/updated.</p> <p>Ensure Torbay Council staff are up to date with relevant mental health training.</p>	<p>Regeneration</p> <p>Adult Services</p> <p>Children's Services</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.	There is no differential impact anticipated.	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.	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.	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.	Although it is expected there would be little or no impact (Torbay Council would be aware of any language barriers upon the point of a tenancy being offered), it should be advised that assistance by way of an interpreter can be organised by prior arrangement.	Torbay Council will ensure any language barriers which could impact communication are noted on the case management software upon execution of the tenancy. Torbay Council will review complaints from persons who are not housing customers on a case by case basis.	

			<p>Torbay Council must ensure that provisions are in place before the landlord/tenant relationship is formally executed, and that this provision is ongoing.</p> <p>The housing management team should also ensure relevant departments, namely Revenues, are aware of any language barriers for the provision of invoicing/revenue collection.</p>	
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.	Not Applicable	
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact anticipated.	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.	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, 5.9 per cent of the population have previously served in the UK armed forces.	There is no differential impact anticipated.	Not Applicable	
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact anticipated.	Not Applicable	
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact anticipated.	Not Applicable	
Human Rights impacts		There is no differential impact anticipated.	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.	Not Applicable	

Appendix A: Self-assessment form

This self-assessment form should be completed by the complaints officer and it must be reviewed and approved by the landlord's governing body at least annually.

Once approved, landlords must publish the self-assessment as part of the annual complaints performance and service improvement report on their website. The governing body's response to the report must be published alongside this.

Landlords are required to complete the self-assessment in full and support all statements with evidence, with additional commentary as necessary.

We recognise that there may be a small number of circumstances where landlords are unable to meet the requirements, for example, if they do not have a website. In these circumstances, we expect landlords to deliver the intentions of the Code in an alternative way, for example by publishing information in a public area so that it is easily accessible.

Section 1: Definition of a complaint

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
1.2	A complaint must be defined as: <i>'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.'</i>	Yes	In Complaint's policy available on our website	This is at clause 3
1.3	A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord's complaints policy.	Yes	In Complaint's policy available on our website	This is at clause 3
1.4	Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be	Yes	In Complaint's policy available on our website	This is at clause 4

	recorded, monitored and reviewed regularly.			
1.5	A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.	Yes	In Complaint's policy available on our website	This is at clause 4
1.6	An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.	Yes	Complaints policy on website. Quick link on website to lodge a complaint.	We record a complaint in line with our complaints policy and feedback to our tenants within the relevant timescales.

Section 2: Exclusions

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
2.1	Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits	Yes	In Complaint's policy available on our website	This is at clause 4
2.2	<p>A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:</p> <ul style="list-style-type: none"> • The issue giving rise to the complaint occurred over twelve months ago. • Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court. 	Yes	In Complaint's policy available on our website	This is at clause 4

	<ul style="list-style-type: none"> Matters that have previously been considered under the complaints policy. 			
2.3	<p>Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.</p>	Yes	<p>In Complaint's policy available on our website</p>	<p>This is at clause 4</p>
2.4	<p>If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.</p>	Yes	<p>In Complaint's policy available on our website</p>	<p>This is at clause 4</p>
2.5	<p>Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.</p>	Yes	<p>In Complaint's policy available on our website</p>	<p>This is at clause 4</p>

Section 3: Accessibility and Awareness

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
3.1	Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.	Yes	Can report directly to Housing Manager and Housing Officer via In Person, letter, email or phone. Also link on website to complete a form.	This is at clause 3
3.2	Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.	Yes	Staff training undertaken	Training undertaken, there is access for any staff member to log a complaint
3.3	High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.	Yes	TSM results are taken into account and a link to the results is on the website.	Staff training has been undertaken on recognising that complaints are not a bad thing and we can learn from them.

3.4	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the two stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.	Yes	In Complaint's policy available on our website	Quick link to report a complaint is also on the website
3.5	The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.	Yes	In Complaint's policy available on our website	Clause 6 of our policy
3.6	Landlords must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord.	Yes	In Complaint's policy available on our website	Clause 3 of our policy
3.7	Landlords must provide residents with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.	Yes	In Complaint's policy available on our website	Clause 6 of our policy

Section 4: Complaint Handling Staff

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
4.1	Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.	Yes	Housing Manager and Housing Officer	The Housing Manager has overall responsibility for complaint handling. However, where the complaint is regarding the Housing Manager then the responsibility will lie with the Estates Manager.
4.2	The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.	Yes	Head of Strategic Housing & Delivery has access to all staff and records	Housing Manager and Head of Strategic Housing & Delivery have access to all staff and records
4.3	Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively	Yes	Housing Ombudsman Complaint Handling Code eLearning undertaken.	All staff have had complaint's training.

Section 5: The Complaint Handling Process

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
5.1	Landlords must have a single policy in place for dealing with complaints covered by this Code. Residents must not be treated differently if they complain.	Yes	In Complaint's policy available on our website	One complaint policy only
5.2	The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.	Yes	In Complaint's policy available on our website	There are only two complaint stages
5.3	A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.	Yes	In Complaint's policy available on our website	There are only two complaint stages
5.4	Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.	n/a		Our complaints are dealt with internally and not by a third party.

5.5	Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.	n/a		Our complaints are dealt with internally only, with the exception of those excluded on reasonable grounds.
5.6	When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as “the complaint definition”. If any aspect of the complaint is unclear, the resident must be asked for clarification.	Yes	Letters	Our understanding of the complaint is clearly set out and our response to this complaint and the reasoning behind the decision.
5.7	When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.	Yes	Letters	Our understanding of the complaint is clearly set out and our response to this complaint and the reasoning behind the decision.
5.8	At each stage of the complaints process, complaint handlers must: <ol style="list-style-type: none"> deal with complaints on their merits, act independently, and have an open mind; give the resident a fair chance to set out their position; take measures to address any actual or perceived conflict of interest; and 	Yes	Standard	In complaints standard

	d. consider all relevant information and evidence carefully.			
5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.	Yes	In Complaint's policy available on our website	Timeframes set out under Clause 5 of the complaint's policy
5.10	Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.	Yes	Equality & Diversity Policy	In Clause 5 of our policy
5.11	Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.	Yes	In Complaint's policy available on our website	Complaints will be escalated as requested.
5.12	A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and	Yes	All logged on a central spreadsheet. All correspondence saved electronically.	Unfortunately, we do not have a suitable software package to record complaints.

	any relevant supporting documentation such as reports or surveys.			
5.13	Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.	Yes	Policy	Clause 5 sets out the timescales which we would deal with the complaint. Where possible we aim to contact a complainant within two working days to agree a suitable early resolution.
5.14	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.	Yes	Policy	We have a Violence, Aggression and Threatening Behaviour (VATB) policy in place which incorporates lone working. This is also logged on SHEAssure (Health and Safety software package) Also on Civica, flagged against the policy for other staff members and contractors to be safe.
5.15	Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.	Yes	Policy	We have a Violence, Aggression and Threatening Behaviour (VATB) policy in place which incorporates lone working. This is also logged on SHEAssure (Health and Safety software package) Also on Civica, flagged

				against the policy for other staff members and contractors to be safe.
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Section 6: Complaints Stages

Stage 1

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.1	Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.	Yes	Complaints policy	Clause 5 within the policy sets out the timescales.
6.2	Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure <u>within five working days of the complaint being received.</u>	Yes	Policy	Clause 5 details this
6.3	Landlords must issue a full response to stage 1 complaints <u>within 10 working days</u> of the complaint being acknowledged.	Yes	Policy	Clause 5 details this
6.4	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident	Yes	Policy	Clause 5 details this

	of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.			
6.5	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	Yes	Policy	Clause 6 details this.
6.6	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	Yes	Complaint log	The complaint log records the communication timeline with each case.
6.7	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes	Letter	All held electronically against the complaint log number.
6.8	Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being	No	Within our complaints policy available on the website	Clause 5 details this.

	investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.			
6.9	<p>Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language:</p> <ul style="list-style-type: none"> a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response. 	Yes	Letter	This is included within the body of the letter which is held electronically

Stage 2

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.10	If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.	Yes	Policy	Clause 5 details this
6.11	Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure	Yes	Policy	Set out at Clause 5 and will be logged onto the complaints log

	within five working days of the escalation request being received.			
6.12	Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.	Yes	Policy	Complaints will be escalated to stage two as requested. The designated person will discuss with the complainant the reasons they are unhappy with the response.
6.13	The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.	Yes	Policy	Clause 5 details who will deal with stage 2
6.14	Landlords must issue a final response to the stage 2 <u>within 20 working days</u> of the complaint being acknowledged.	Yes	Policy	Clause 5 details this
6.15	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.	Yes	Policy	Clause 5 details this
6.16	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	Yes	Letter	Will be included in response letters
6.17	A complaint response must be provided to the resident when the answer to the complaint is known, not when the	Yes	Complaint log	The complaint log records the communication timeline with each case.

	outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.			
6.18	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes	Letter	All held electronically against the complaint log number.
6.19	Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language: a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.	Yes	Letter	This will be included within the body of the letter.
6.20	Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.	Yes	Policy	We have a 2 stage process, this is the final stage. Clause 6 of the policy outlines how a complainant

				can take the complaint further.
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Section 7: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
7.1	<p>Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right.</p> <p>These can include:</p> <ul style="list-style-type: none"> • Apologising; • Acknowledging where things have gone wrong; • Providing an explanation, assistance or reasons; • Taking action if there has been delay; • Reconsidering or changing a decision; • Amending a record or adding a correction or addendum; • Providing a financial remedy; • Changing policies, procedures or practices. 	Yes	Letter and in Policy	<p>This will be dependant on each case and will be documented within the response letter.</p> <p>Within the complaints policy at Clause 7</p>
7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.	Yes	Policy	Within the complaints policy at Clause 7
7.3	The remedy offer must clearly set out what will happen and by when, in	Yes	Policy	Within the complaints policy at Clause 7

	agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.			
7.4	Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.	Yes	Policy	Within the complaints policy at Clause 7

Section 8: Self-assessment, reporting and compliance

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
8.1	<p>Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:</p> <ul style="list-style-type: none"> a. the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements. b. a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept; c. any findings of non-compliance with this Code by the Ombudsman; d. the service improvements made as a result of the learning from complaints; e. any annual report about the landlord's performance from the Ombudsman; and f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord. 	Yes	<p>HO – self-assessment</p> <p>Report to Cabinet</p>	<p>Report to Cabinet</p> <p>Monitoring</p> <p>Tenant Satisfaction Measures (TSM) will monitor satisfaction rates</p>

8.2	The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.	Yes	HO Self-Assessment	Self-Assessment will be published on the website.
8.3	Landlords must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.	n/a		Noted
8.4	Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.	n/a		Noted
8.5	If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website. Landlords must provide a timescale for returning to compliance with the Code.	n/a		Noted

Section 9: Scrutiny & oversight: continuous learning and improvement

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
9.1	Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.	Yes	Policy	Clause 7 details learning from complaints
9.2	A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.	Yes	Policy	Report to Cabinet
9.3	Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.	Yes	Report to Cabinet	Report to Cabinet
9.4	Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.	Yes	Housing Manager	Housing Manager is responsible for monitoring complaints and respective response times. Also responsible for reporting these to report to Cabinet

9.5	<p>In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').</p>	Yes	<p>Director of Regeneration in consultation with the Cabinet Member for Housing</p>	
9.6	<p>The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.</p>	Yes	<p>Director of Regeneration in consultation with the Cabinet Member for Housing</p>	<p>Cabinet has responsibility for complaint's monitoring.</p>
9.7	<p>As a minimum, the MRC and the governing body (or equivalent) must receive:</p> <ol style="list-style-type: none"> regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance; regular reviews of issues and trends arising from complaint handling; regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and 	Yes	<p>Report to Cabinet</p>	<p>Report to Cabinet</p>

	d. annual complaints performance and service improvement report.			
9.8	<p>Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:</p> <ul style="list-style-type: none">a. have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; andc. act within the professional standards for engaging with complaints as set by any relevant professional body.	Yes	Policy	Detailed within in policy and training provided for all staff

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Complaints Policy (housing)

December 2024

Contents

1. Version control	1
2. Introduction.....	1
3. Definition of a complaint.....	2
4. When we will not accept a complaint.....	2
5. Complaint's procedure.....	3
6. Taking your complaint further	4
7. Learning from complaints.....	5
8. Monitoring and Performance	5
9. Supporting policy	5

1. Version control

Date	Details	Updated by
December 2024	V1	Anita Merritt

2. Introduction

Torbay Council are committed to high standards of customer service. However, there may be occasions when we do not meet those high standards which we set for ourselves. We welcome feedback and we also take any form of complaint seriously. We will try wherever reasonably possible to resolve a complaint to the customer's satisfaction.

This policy explains how customers can make a complaint if they are not satisfied with our services and this applies to all customers of Torbay Council and to any managing agents or sub-contractors working with or on behalf of Torbay Council.

3. Definition of a complaint

We define a complaint as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

We will aim to recognise what a complaint is from talking to a customer without them having to use the word complaint. We will give customers the choice of making a complaint or not.

A complaint can be made in the following way:

- In person
- Letter to: Tor Hill House, Union Street, Torquay
- Online: insert details when website finalised
- Email: socialhousing@torbay.gov.uk
- Telephone: 01803 201201
- Email or phone the Housing Manager or Housing Officer

Complaints will be accepted via a third party eg friend, family, neighbour or MP. These will be logged accordingly and this Complaints Policy followed.

4. When we will not accept a complaint

We will accept a complaint unless there is a reason not to do so. The list below demonstrates what may not be considered a complaint but will be looked into on its own merits.

- A complaint that a contractor has turned up late to carry out a repair. We will contact the contractor immediately to find out the reason and feedback for a quick resolution. However, if the complaint is about the dissatisfaction of the repair itself then this will be logged and looked into under our Complaints Policy.
- Complaints about another neighbour will be passed on to the housing team to give advice on neighbour disputes.
- Issues regarding Anti-Social Behaviour (ASB) will be dealt with under our ASB policy. We will manage complaints about how we are handling the ASB process under this policy.
- Issues that occurred over 12 months ago but we will consider the circumstances around each complaint.
- Disagreement against a decision where there is already an appeal process in place i.e. lettings decision.

- We will consider the complaints made about dissatisfaction in surveys and these will be signposted accordingly.
- If legal action has begun regarding an issue and an application has already been lodged at Court.
- An issue that is already being investigated by other agencies i.e Police investigation, serious case review.
- A complaint already being dealt with by the Housing Ombudsman.
- Any complaint that is already being dealt with under our Complaints Policy unless there are ongoing issues related to the complaint or an MP or Housing Ombudsman has asked us to review the complaint.

If an issue raised falls under the above categories we will explain why it is not considered under the complaints process and advise them if there is an alternative method or how to contact the Ombudsman.

5. Complaint's procedure

There is a two-stage complaint procedure in place which is dealt with within our Housing team.

We aim to deal with complaints quickly and where applicable offer an apology or resolution.

We will consider if the customer is vulnerable or at risk and follow other relevant policies to minimise any risks.

We will acknowledge complaints in a clear away setting out our understanding of the complaint and what the customer is seeking as an outcome.

A written answer to the complaint will be provided when known and not when the outstanding actions are due to be completed. Any outstanding issues or if a complaint requires an extension will be clearly set out to the customer.

Where additional complaints are raised during an investigation these will be included in the stage 1 response if they are related and if a response has not been finalised. If the stage 1 response has been issued and the new issues are not related these will be logged as a new complaint.

Informal - Quick resolution

Where we receive negative feedback, a representative of Torbay Council will contact the complainant within 2 working days of their complaint being raised and will work to agree a suitable resolution in a mutually agreeable timeframe. The response is much quicker than a formal complaint as we will not normally carry out an investigation or send formal letters but will look to get the problem resolved as quickly as possible.

Formal Complaints

Where we are unable to resolve a complaint through our quick resolution process, or a customer requests to make a formal complaint we operate a two stage formal complaints process:

Stage One

When a complaint is made it must be acknowledged and logged within 5 working days of receipt.

We will let you know who will be dealing with your complaint and how to contact them.

We will investigate the complaint and provide a written response within 10 working days of receiving the complaint and will keep the complainant informed of the progress until resolution.

We will provide details of how to escalate to stage two if the customer is not satisfied with the response. This will then be dealt with by a senior member of staff.

If a complaint is made through a third party then the third party will receive an acknowledgement and a copy of the outcome letter.

Stage Two

If a customer is dissatisfied with the outcome of the complaint review at stage one, the customer can make a request for their complaint to be escalated to stage 2 (appeal panel), within 15 working days of receiving the stage one response.

When a complaint is made it must be acknowledged and logged within 5 working days of receipt.

We will investigate the complaint and provide a written response within 20 working days and will keep the complainant informed of the progress until resolution.

We will let you know who will be dealing with your complaint and how to contact them.

Customers or those acting on their behalf will be allowed to speak to the complaint handler regarding any adverse findings from the outcome of stage one.

Stage two will be dealt with a senior member of staff that has had no previous involvement with the initial complaint therefore the review will be independent. We may involve board members as part of this review stage. This is the final stage of Torbay Council's complaints process for its social housing stock.

6. Taking your complaint further

If the complainant remains unhappy with Torbay Council's handling of their complaint once the complaints procedure has been exhausted they can refer their case directly to the Housing Ombudsman Service for an independent review.

Details of the Housing Ombudsman Service is available on their website: <http://www.housing-ombudsman.org.uk>

7. Learning from complaints

Complaints and feedback will be promoted to our customers and staff as an opportunity to learn and make improvements to our service.

When something changes as a result of a complaint, we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right. This can include but is not limited to:

- Apologising
- Acknowledging where things where things have gone wrong and providing an explanation and or reasons
- Reconsidering or changing a decision
- Changing policies, procedure or practices

As a result of any fault being identified we will offer a remedy which will reflect the impact on the customer. This offer will set out what will happen, when and in agreement with the customer. This proposal will be followed through to completion.

The board will receive quarterly reports about the volumes of complaints received, at which stage they were resolved, and any trends or themes within the complaints.

All staff will receive training on this policy and this will be ongoing through regular performance reviews.

8. Monitoring and Performance

The Board is responsible for ensuring this policy is kept up to date, implemented within the organisation and monitored and evaluated.

This policy will be reviewed every three years or when there is a change in circumstances, in work practices or the introduction of new legislation.

9. Supporting policy

Equality and Diversity Policy

Equality Impact Assessment – Housing Complaints

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
<p>Age</p> <p>Page 304</p>	<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>Torbay Council should ensure that the methods of submitting complaints remain accessible by enabling customers to report by various methods face to face, in writing or via Torbay Council's website. This is particularly relevant to ensure we capture concerns or complaints from harder to reach demographic groups (which often includes younger people), who tend to reach for their device rather than a pen and paper when they are unhappy with a service.</p> <p>Torbay Council should clearly advise that complaints are received via email, in person, in writing and over the telephone, to ensure they capture the needs of our</p>	<p>Sometimes Torbay Council's complainant may be an older person, or someone with limited ability (due to health issues e.g., dementia).</p> <p>Torbay Council need to ensure that correct support is put in place and that referral mechanisms are available to the relevant agencies, and when we are aware of health issues or limited capability in a household,</p>	<p>Pride in Place</p> <p>Adult Services</p> <p>Children's Services</p>

		older or more technology restricted demographic of customers.	that we have support in place even before a customer may need to complain.	
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 anticipated.	Not Applicable	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 a physical or mental health condition or illness.	<p>Some customers with learning difficulties, hearing or sight impairments or mental health issues may not understand how policies and procedures work. Torbay Council must ensure support is offered in all aspects of tenancy support, and all aspects of raising a formal complaint should the need arise.</p> <p>Torbay Council will work with Support Workers or appointed persons on behalf of the complainant if applicable. This ensures accessibility of the service as well as making any other reasonable adjustments where required (such as letters in alternate formats or specified methods of contact).</p>	<p>Regularly monitor customers contact preferences and update the case management system to this effect.</p> <p>Ensure appointed Support Workers or appointed persons remain relevant/updated.</p> <p>Ensure Torbay Council staff are up to date with relevant mental health training.</p>	<p>Pride in Place</p> <p>Adult Services</p> <p>Children's Services</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.	There is no differential impact anticipated.	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.	There is no differential impact anticipated.	Not Applicable	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.	Not Applicable	Not Applicable
Race	In the 2021 Census, 96.1% of Torbay residents described	Although it is expected there would be little or no impact (Torbay Council would	Torbay Council will ensure any language	Pride in Place

<p>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.</p>	<p>be aware of any language barriers upon the point of a tenancy being offered), it should be advised that assistance by way of an interpreter can be organised by prior arrangement.</p>	<p>barriers which could impact communication are noted on the case management software upon execution of the tenancy.</p> <p>Torbay Council will review complaints from persons who are not housing customers on a case by case basis.</p> <p>Torbay Council must ensure that provisions are in place before the landlord/tenant relationship is formally executed, and that this provision is ongoing.</p> <p>The housing management team should also ensure relevant departments, namely Revenues, are aware of any language</p>	<p>Communications Revenues</p>
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			barriers for the provision of invoicing/revenue collection.	
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.	Not Applicable	
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact anticipated.	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.	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, 5.9 per cent of the population have previously served in the UK armed forces.	There is no differential impact anticipated.	Not Applicable	

Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact anticipated.	Not Applicable	
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact anticipated.	Not Applicable	
Human Rights impacts		There is no differential impact anticipated.	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.	Not Applicable	

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Meeting: Cabinet/Council **Date:** 17 February/26 February 2026

Wards affected: All wards in Torbay

Report Title: Torbay Council Annual Pay Policy Statement and Review of Pensions Discretions

When does the decision need to be implemented? February 2026

Cabinet Member Contact Details: Cllr Jackie Thomas, Cabinet Member for Tourism, Culture and Events and Corporate Services. Jackie.Thomas@torbay.gov.uk.

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

1. Purpose of Report

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a pay policy statement for each financial year. This is a statutory requirement, and the pay policy statement must be approved formally by Council. The pay policy statement draws together the Council's overarching policies on pay and conditions and will be published on the Councils Website.
- 1.2 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme.

2. Reason for Proposal and its benefits

- 2.1 The Annual Pay Policy Statement 2026/27 must be approved by the Council in order for the Council to be compliant with Section 38 (1) of the Localism Act 2011.
- 2.2 The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.

3. Recommendation(s) / Proposed Decision

That Council be recommended to approve:

1. the Torbay Council Annual Pay Policy Statement 2026/27 as set out in Appendix 1 to the submitted report be approved for publication; and
2. the Employers Pensions Discretions set out in Appendix 2 to the submitted report be approved for publication.

Appendices

Appendix 1: Torbay Council Annual Pay Policy Statement 2026/27

Appendix 2: Torbay Council Pension Discretions

Background Documents

Copies of Torbay Council's associated Pay Policies will be made available upon request. All current policies are held on the Council's MyView system:-

<https://myview.torbay.gov.uk/dashboard/dashboard-ui/index.html#/landing>

The following documents/files were used to compile this report:-

Localism Act Pay Policy Guidance from the Local Government Association

<https://www.local.gov.uk/introduction-localism-act>

Supporting Information

1. Introduction

1.1 The publication of the Annual Salary Statement is a statutory requirement under Section 38 (1) of the Localism Act 2011. If Council does not approve the Salary Statement, then the Council will be in breach of the legislation.

See Annual Pay Policy Statement, Appendix 1 for full details.

1.2 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the LGPS is applied to its employees who are members of the Scheme. The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.

See Pensions Discretions, Appendix 2, for full details of the existing and recommended discretions.

2. Options under consideration

2.1 There are no options to be considered in regard to the publication of the Pay Policy Statement as it is a statutory requirement of Section 38 (1) of the Localism Act 2011.

2.2 The Employers Pensions Discretions were last approved in July 2025. They are usually approved annually in February; however, a change was made to one of the policies to allow the introduction of shared cost AVC's from September. Although there are no further changes proposed, Council are required to approve these discretions on an annual basis.

3. Financial Opportunities and Implications

3.1 There are no financial opportunities. The implications are in relation to financial penalties that the Council could face for non-compliance, for example, under equal pay legislation.

4. Legal Implications

4.1 The Council would be in breach of its statutory obligation if it does not publish its Annual Pay Policy Statement in accordance with the Localism Act 2011.

4.2 The Pay Policy Statement and associated pay policies set out the processes and procedures by which the Council pays its staff. These practices are in accordance with the Equality Act 2010 and associated employment law and so must be complied with.

5. Engagement and Consultation

- 5.1 Trade Unions representing staff within Torbay Council will be consulted at Joint Consultative meetings.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 There are no associated services or goods that need to be purchased or hired under these proposals.

7. Tackling Climate Change

- 7.1 There are no climate change implications associated with these proposals.

8. Associated Risks

- 8.1 Non-Compliance with Section 38 (1) of Localism Act 2011, please see above. It is currently not determined as to whether there would be a financial penalty for non-compliance with the Localism Act however, under employment law non-compliance could result in heavy penalties for the Council (e.g. Equal pay and discrimination claims).
- 8.2 In addition to the risk of enforcement action by the Equality and Human Rights Commission, the Council should also consider the potential damage to their reputation of non-compliance with equal pay legislation if pay and grading processes are not followed.

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	<ul style="list-style-type: none"> 18% of Torbay residents are aged under 18 years old. 55% of Torbay residents are aged between 18 to 64 years old. 27% of Torbay residents are aged 65 and older. 	There is no differential impact as the policies reflected in the Councils' Pay Policy Statement apply equally to all employees regardless of protected characteristic.	N/A	N/A
Carers	<ul style="list-style-type: none"> At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these carers provided 50 hours or more of care. 	There is no differential impact as the policies reflected in the Councils' Pay Policy Statement apply equally to all employees regardless of protected characteristic.	N/A	N/A
Care experienced	<ul style="list-style-type: none"> As of January 2026, there were 277 former care experienced young people aged 18-24 in Torbay. 	No differential impact	N/A	N/A
Disability	<ul style="list-style-type: none"> In the 2021 Census, 23.9% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical 	There is no differential impact as the policies reflected in the Councils' Pay Policy Statement apply equally to all employees regardless of protected characteristic.	N/A	N/A

	or mental health condition or illness.			
Gender reassignment	<ul style="list-style-type: none"> 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. 	There is no differential impact as the policies reflected in the Councils' Pay Policy Statement apply equally to all employees regardless of protected characteristic.	N/A	N/A
Marriage and civil partnership	<ul style="list-style-type: none"> 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 as the policies reflected in the Councils' Pay Policy Statement apply equally to all employees regardless of protected characteristic.	N/A	N/A
Pregnancy and maternity Page 316	<ul style="list-style-type: none"> Between 2013 and 2024, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 56.0 per 1,000) than the Southwest (53.4) and broadly in line with England (56.3). For the period 2022 to 2024, rates in Torbay (44.6) have been significantly below England (50.0). 	There is no differential impact as the policies reflected in the Councils' Pay Policy Statement apply equally to all employees regardless of protected characteristic.	N/A	N/A
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as the following:	There is no differential impact as the policies reflected in the Councils' Pay Policy Statement apply equally to all employees regardless of protected characteristic.	N/A	N/A

	<ul style="list-style-type: none"> 1.6% as Asian, Asian British or Asian Welsh 0.3% as Black, Black British, Black Welsh, Caribbean or African 1.5% as being of Mixed or Multiple ethnic groups 96.1% as White 0.4% described their ethnicity another way. <p>Black, Asian and minoritised ethnic communities are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.</p>			
Religion and belief	<p>The 2021 Census showed that the residents in Torbay identify their religion and/or belief as the following;</p> <ul style="list-style-type: none"> 48.5% are Christian 0.4% are Buddhist 0.2% are Hindu 0.6% are Muslim Less than 0.1% are Sikh 0.1% are Jewish 0.7% have another religion 43.2% have no religion 6.3% did not answer 	<p>There is no differential impact as the policies reflected in the Councils' Pay Policy Statement apply equally to all employees regardless of protected characteristic.</p>	N/A	N/A
Sex	<ul style="list-style-type: none"> 51.3% of Torbay's population are female. 	<p>There is no differential impact as the policies reflected in the Councils' Pay Policy</p>	N/A	N/A

	<p>48.7% of Torbay's population are male.</p> <ul style="list-style-type: none"> Torbay Council is legally required to calculate and publish the pay gap between male and female employees every year. 	<p>Statement apply equally to all employees regardless of protected characteristic.</p>		
Sexual orientation	<p>In the 2021 Census, residents described their sexuality as follows;</p> <ul style="list-style-type: none"> 89% as Straight or Heterosexual 1.7% as Gay or Lesbian 1.1% as Bisexual 0.1% as Pansexual 0.1% described their sexuality another way 7.4% of people didn't answer the question 	<p>There is no differential impact as the policies reflected in the Councils' Pay Policy Statement apply equally to all employees regardless of protected characteristic.</p>	N/A	N/A
Armed Forces Community	<ul style="list-style-type: none"> In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9% of the population have previously served in the UK armed forces. 	No differential impact	N/A	N/A
Additional considerations				
Socio-economic impacts (Including	<ul style="list-style-type: none"> Torbay is ranked as the 39th most deprived upper 	No differential impact	N/A	N/A

impacts on child poverty and deprivation)	tier local authority in England in the Index of Multiple Deprivation 2025.			
Public Health impacts (Including impacts on the general health of the population of Torbay)	<ul style="list-style-type: none"> For the five-year period 2020 to 2024, data shows there is a 6-year life expectancy gap between males who live in Torbay's least and most deprived areas and, a 3-year gap for females. 	No differential impact	N/A	N/A
Human Rights impacts		No differential impact	N/A	N/A
Child Friendly		No differential impact	N/A	N/A

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.

Annual Pay Policy Statement 2026 - 2027

Date November 2025

This document can be made available in other languages and formats.

For more information, please contact hrpolicy@torbay.gov.uk

Contents

1	Purpose and Scope	2
2.	Arrangements for officer pay.....	3
3.	Pensions contributions and other terms and conditions.....	5
4.	Termination payments - Chief Officers	5
5.	Salary packages upon appointment.....	6
6.	Settlement agreements.....	6
7.	Gender pay gap reporting	6
8.	Publication.....	7
9.	Current Salary Levels for Chief Executive/Head of Paid Service, Directors, and other Senior Officers	7
10.	Equality Statement.....	7
	Appendix 1 - Multipliers.....	7
	Sources of Information:-	8
	Policy Feedback.....	8

1 Purpose and Scope

1. Section 38 (1) of the Localism Act 2011 requires the Council to prepare an Annual Pay Policy Statement.
- 1.2 Supplementary guidance was published in February 2013 and May 2022 – “Openness and Accountability in Local Pay: Supplementary Guidance” and “Statutory Guidance on the making and disclosure of special severance payments by local authorities in England”. Due regard has been given to that guidance in preparation of this policy.
- 1.3 In dealing with staff pay it is the Council’s strategy to ensure that our Pay Policy facilitates the recruitment and retention of staff with the skills and capabilities the Council needs.
- 1.4 Arrangements for staff pay must comply with Equal Pay legislation.
- 1.5 Senior Officers – these are posts with specific responsibility such as Section 151 Officer and/or where the salary is above £50,000
- 1.6 This Pay Policy Statement is a supplement to Torbay Council’s overarching Pay and associated policies which form part of the terms and conditions of employees. These include but are not limited to:-
 - Torbay Council Pay Policy (includes details of market supplements, market forces, acting up and additional duties payments and also guidance on job evaluation processes)
 - Job Evaluation Scheme Policies (Greater London Provincial Councils Job Evaluation Scheme).
 - NJC Terms and Conditions of Employment (Green Book)
 - JNC Terms and Conditions for Chief Executives
 - JNC Terms and Conditions for Chief Officers (Directors within Torbay Council are appointed to these Terms and Conditions).
 - NHS Terms and Conditions
 - Torbay Council Local Government Pension Scheme Policy Discretions
 - Employment of Apprentices Policy
 - Expenses Policy
 - Staff Travel Plan
 - Key Skills Retention Policy
 - Key Skills Golden Hello Scheme
 - Key Skills Student Loans Allowance Scheme
 - Key Skills Referral Scheme
 - Key Skills Accommodation Allowance
 - Flexible Retirement
 - Retirement and Long Service Award
 - Re-organisation and Redundancy Policy
 - Torbay Council Pay Rates 2025/26
- 1.7 Guidance from the Secretary of State makes reference to the Hutton Review of Fair Pay. This indicated that the most appropriate metric for pay dispersion is the multiple of Chief Executive pay to median salary. Tracking this multiple will allow the Council to ensure that public services are accountable for the relationship between top pay and that paid to the wider

workforce. This annual pay policy statement will publish this multiple along with the following information:

The level of salary for each of the Officers as defined in 1.5 above.

The salary of the lowest paid employee - this information can be found in Appendix 1 of this policy.

2. Arrangements for officer pay

2.1 The general terms and conditions of employment are governed by the following national agreements:

- Chief Executive/Head of Paid Service - JNC for Chief Executives of Local Authorities
- Directors - JNC for Chief Officers of Local Authorities
- Divisional Directors/Senior Officers - NJC for Local Government Services
- Educational Advisors and Inspectors/ Educational Psychologists – Soulbury Pay and Conditions
- All other Employee Groups – NJC for Local Government Services
- Public Health – NHS Terms and Conditions of Service (for employees who have transferred under TUPE)

2.2 The Council uses two forms of Job Evaluation to identify officer pay. This is either through the Council's GLPC Job Evaluation Scheme or the Hay Evaluation Scheme. The Hay Evaluation scheme produces both a Know How Score and a total points score for each post evaluated. Torbay Council pays salary (with a pay band of 4 spinal points) on the basis of the Know How Score only (not the final points score). Know-How is the sum of every kind of knowledge, skill and experience required for standard acceptable job performance.

2.3 The Hay Job Evaluation scheme is used to evaluate the following roles within the Council:-.

- Chief Executive/Head of Paid Service
- Directors and Divisional Directors
- Senior Officers

All Grade N and O roles are evaluated under GLPC and Hay (this is due to the cross over point of the two schemes).

Public Health posts are evaluated on the Council's GLPC Job Evaluation Scheme. Public Health posts can also be evaluated using the "Agenda for Change" evaluation scheme in order to ensure pay parity for similar clinical roles in the NHS.

All other posts within the Council are evaluated under the Torbay Council GLPC evaluation scheme in accordance with the agreed policies.

2.4 A review of Hay salary data was purchased in 2018, and salaries were reviewed in line with this and with South-West public and private sector data. Since 2018 there has been annual benchmarking of salary rates. This salary information, together with corresponding job descriptions, is available from the Council's internet page, link as follows: -
<http://www.torbay.gov.uk/council/finance/salary-levels/>

2.5 In determining the salary for the Chief Executive/Head of Paid Service within the Council, and in the absence of appropriate data from Hay, the Council will take advice from the Head of Human Resources. In such a scenario independent advice may be taken from South West Councils (HR and Employment Services) and other professional organisations to advise the Council as to the appropriate level of remuneration to be awarded.

2.6 The Chief Executive under the general scheme of delegation within the Council will determine the terms and conditions of employment of all officers. Advice will be sought from the Head of Human Resources as required.

2.7 Following significant changes in duties, any post can be re-evaluated. The evaluation will be based on a Job Evaluation Questionnaire which will be assessed by an independent panel of Job Evaluation trained assessors. External advice and benchmarking will also be undertaken if necessary to ensure that market conditions are considered for pay and grading.

2.8 Salary increases in relation to cost of living will be applied to all posts according to the awards made by the appropriate National Joint Council as described in paragraph 2.1.

The Council's pay and grading structure is available from the Council's website:-

www.torbay.gov.uk/council/jobs/what-we-offer/salary-and-grades/

2.9 No additional payments are made to in respect of:

- Bonus payments or Performance payments to the Senior Officers defined in 1.5, unless where given as a result of protections under TUPE, i.e. a transfer from another employer.
- Additional enhancements are paid to NJC Employees who are employed on SCP 23 or below of the Torbay Council Salary Scale. These enhancements were varied in accordance with a Collective Agreement with our Trades Unions, dated 13th December 2016.

2.10 Additional payments are made to any Council Officers who act as Returning Officers, Deputy Returning Officers and those who carry out specific duties at elections. These payments are calculated according to the approved scale or set by a government department depending on the nature of the election. This is treated as a separate employment as and when required.

2.11 In comparing the Chief Executive/Head of Paid Service pay (TBC – this may change depending upon who the highest paid role is.) with the wider workforce the

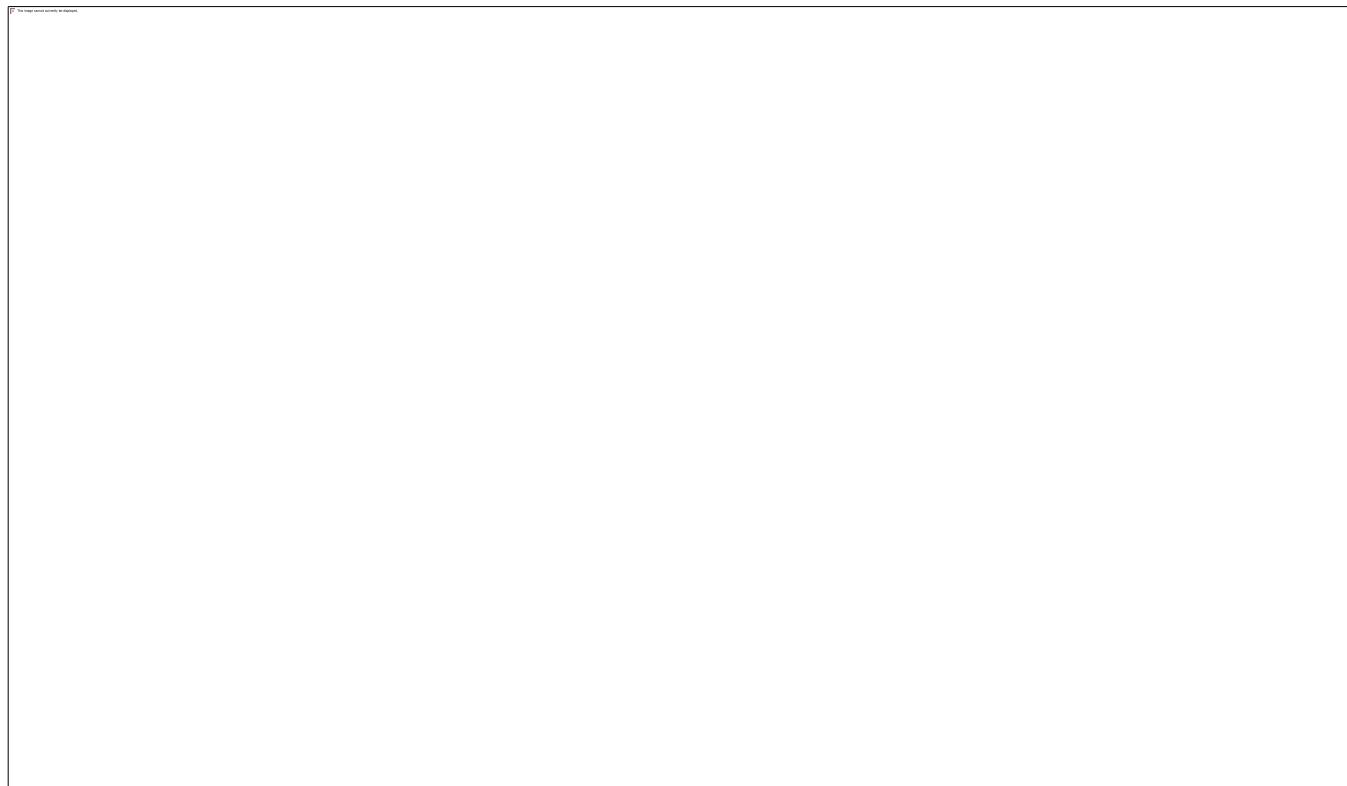
Council will use the following definitions:

- The lowest-paid employee: the employee or group of employees with the lowest salary
- (full-time equivalent) employed by the Council at the date of assessment.
- The median: the mid-point salary when full-time equivalent salaries are arranged in order of size (highest to lowest). Based on salary levels of staff on the date of assessment.

This excludes those employed on casual contracts of employment but includes part time employees where their salaries are normalised to the full-time equivalent. It also excludes Apprentices who are employed on the Torbay Council apprentice pay grade.

3. Pensions contributions and other terms and conditions

3.1 All staff who are members of the Local Government Pension Scheme make employee contributions to the scheme in accordance with the following LGPS contributions table. These figures represent the 2025/26 contribution rates and bandings which could be subject to change and have not yet been confirmed for 2026/2027.



3.2 The Torbay Council employer pension contribution rate will be 16% from 1 April 2026.

3.3 All employees are currently able to apply for a Car Parking permit, which enables employees to park on Council property for a reduced daily rate.

4. Termination payments - Chief Officers

4.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, at retirement age or prior to this, is set out within its Redundancy policy and is in accordance with Regulation 5 of the Local Government (Early termination of Employment) (Discretionary Compensation) Regulations 2006 and Regulations 8 and 10 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007. Final payment details are submitted to Full Council for approval.

5. Salary packages upon appointment

- 5.1 Any salary package offered in respect of a new appointment for a Chief Executive /Head of Paid Service will be approved by Full Council. This will include any new salary package equating to £100,000 or more.
- 5.2 In the case of salary packages for Directors and Divisional Directors, this will need to be approved by the Council's Employment Committee, acting on behalf of Full Council. This will include any salary package equating to £100,000 or more

6. Settlement agreements

- 6.1 Settlement agreements fall under the Special severance payments arrangements as a payment exceeding an employee's statutory and contractual entitlements on termination of employment.
- 6.2 Torbay Council will only enter into Settlement Agreements in exceptional circumstances where it is in the Council's overall commercial and financial interests to do so and in line with the Statutory Guidance on the making and disclosure of special severance payments by local authorities in England.
- 6.3 These agreements and associated pay are determined on a case-by-case basis.
- 6.4 Payments of £100,000 and above are subject to a formal decision made by Full Council, unless there is a good reason for departing from the Statutory Guidance.
- 6.5 Payments below £100,000 are subject to a formal decision of either:
 - relevant elected members with delegated authority to approve such payments; or
 - a suitable authorised senior officer with authority to approve such payments.

7. Gender pay gap reporting

- 7.1 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires Torbay Council to calculate and publish the pay gap between male and female employees every year. Pay data must be based on a 'snap-shot' of the pay situation as at 31st March the preceding year and must be published by 30th March annually to the Government and also on Torbay Council's website.
- 7.2 The Council's Gender Pay Gap Report will be reported separately on 30th March 2026 for the snapshot date of 31st March 2025: <https://www.torbay.gov.uk/council/information-and-data/transparency-and-data/annual-pay-policy-statement/#c7>
- 7.3 The Government publishes the results on their Gender Pay Gap Viewing Service: - Find and compare gender pay gap data - GOV.UK

8. Publication

- 8.1 Once approved by Full Council, this Policy and any subsequent amendment will be published on the Council's website. Human Resources Policy will be responsible for the annual review to ensure an accurate pay policy is published ahead of each financial year.
- 8.2 In accordance with the Code of Practice on Local Authority Accounting, the annual Statement of Accounts includes pay details of Senior Officers reporting directly to the Chief Executive/Head of Paid Service and statutory posts where the salary is above £50,000 per annum.
- 8.3 Full Council decisions in relation to staff pay matters are available from the Council's internet page, link as follows: www.torbay.gov.uk/DemocraticServices/ieDocHome.aspx

9. Current Salary Levels for Chief Executive/Head of Paid Service, Directors, and other Senior Officers

Torbay Council publishes a Salary Levels list with post details, salary bands and full-time equivalent salaries, available from Torbay Council's website:-
www.torbay.gov.uk/council/finance/salary-levels/

10. Equality Statement

This policy applies equally to all Council employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

Appendix 1 - Multipliers

The idea of publishing the ratio of the pay of an organisation's top salary to that of its median salary has been recommended in order to support the principles of Fair Pay and transparency. These multipliers will be monitored each year within the Pay Policy Statement.

In comparing the highest paid salary with the wider workforce, the Council will use the following definitions: -

- The lowest-paid employee: the employee or group of employees with the lowest rate of pay (full-time equivalent) employed by the Council at the date of assessment. This includes all types of employment within the Council.
- The median: the mid-point salary when full-time equivalent salaries of all core council staff are arranged in order of size (highest to lowest). Based on the salary levels of staff on the date of assessment. This includes all types of employment within the Council.

The Council's current ratio in this respect is 5.6:1 i.e. the highest salary earns times more than the Council's median salary. The lowest full-time salary is £24,413 which is Grade A, scale point 2. When measured against the lowest salary the ratio between highest and lowest is 6.68:1.

Date of assessment: December 2025

	Annual Salary	Ratio to Highest
Highest Salary	Within the banding £160,000 - £164,999	
Median (Mid-point) value	£29,064	5.6:1
Lowest full-time salary	£24,413	6.68:1

The difference in ratio between the median and lowest points in this year's pay policy statement is higher than the 2025/26 Annual Pay Policy Statement. In 2025/26 it was 4.25:1 for the median point and 6.66:1 between the highest and lowest point values. This shows a bigger difference in the ratio between the highest and lowest salaries. This difference can be attributed to a review and change in the methodology used to make the calculation, in accordance with statutory guidance.

Sources of Information:-

GOV.UK – Openness and accountability in local pay: guidance

www.gov.uk/government/publications/openness-and-accountability-in-local-pay-guidance

LGA – Pay Policy and Practice in Local Authorities

www.local.gov.uk/sites/default/files/documents/guide-pay-and-rewards-mem-4b6.pdf

Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy mailbox –

HRpolicy@torbay.gov.uk

History of Policy Changes

This policy was first agreed by members of the Torbay Joint Consultative Committee in March 2012

Date	Page	Details of Change	Agreed by:
January 2020	Various	Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report. ONS Annual Earnings Survey Results included for private and public sectors.	Full Council Approval 27th February 2020.
January 2021	Various	Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report ONS Annual Earnings Survey Results figures updated for private and public sectors. Inclusion of Restriction of Public Sector Exit Payment Regulations 2020.	Full Council Approval 24th February 2021.
December 2021	Various	Update to Appendix 1 – multiplier information. Update of Appendix 2 – Gender Pay Gap Report ONS Annual Earnings Survey Results figures updated for the public sector and all employers. Addition of Key Skills Accommodation Scheme and Key Skills Employee Referral Scheme. Removal of Restriction of Public Sector Exit Payment Regulations 2020. Update to LGPS contribution rates and bandings.	Full Council Approval 3rd March 2022.
December 2022	Various	Update to Appendix 1 – multiplier information. Update to LGPS contribution rates and bandings. Removal of Gender Pay Gap Report, to be reported separately.	Full Council Approval 23rd February 2023.
December 2023	Various	Update to Appendix 1 – multiplier information. Update to LGPS contribution information.	Full Council Approval 22nd February 2024.
February 2025	various	Update to Appendix 1 – multiplier information. Update to LGPS contribution information. Updated policy history. Updated list of associated policies page 2	Full Council Approval February 2025.
February 2026	Various	Update to Appendix 1 – multiplier information. Update to LGPS contribution information.	Pending - Full Council Approval February 2026

Policy to be reviewed December 2026.

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Employer Pensions Discretions Policy

The LGPS Regulations 2013

and

The LGPS Regulations 2014

(Transitional Provisions and Savings)

and

The LGPS Regulations 2008

(Benefits, Membership and Contributions)

(as at 14th May 2018)

Employer name: TORBAY COUNCIL

Policy effective from: 01/04/2026

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 disretions

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 £8,903 (figure at 1 April 2025))*

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 £8,903 (figure at 1 April 2025))*

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 1st April 2008 and 31st March 2014 and choose to voluntarily draw their suspended tier 3 ill health pension (on or after 14 May 2018) on or after age 55 and before age 60.
- 3) former members who ceased active membership between 1st April 1998 and 31st March 2014) and elect for voluntary early payment of any deferred benefits

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 31st 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 disretions

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 1st April 2008(which the member must draw) to permit the member to choose to draw;
- All, part, or none of the benefits they accrued after 31st March 2008 and before 1st April 2014 and/or,
- All, part, or none of the benefits accrued after 31st March 2014, and,
- Whether to waive, in whole, or in part, any actuarial reduction which would normally be applied to the benefits for Flexible retirement taken before normal retirement age.

Please state your decision below:

1. The minimum recommended reduction in hours is 40%, however, reductions of 20% will also be considered. The minimum reduction in grade is one full grade.
2. The employee must commit to a permanent reduction in hours or grade.
3. The employee must commit to remaining in employment for a minimum period of 1 year, however, the Council can terminate that employment prior to the 1 year deadline.
- Torbay Council will permit Flexible Retiree's to draw all of their benefits accrued after 31st March 2008 and before 1st April 2014.
- The Council will permit members to draw all of their benefits accrued after 31st March 2014.
- The Council will not waive, in whole, or in part, any actuarial

reduction which would normally be applied to benefits taken before NRA except in exceptional circumstances.

Peninsula Pensions is provided by Devon County Council and is a shared service with Somerset County Council
www.peninsulapensions.org.uk **(Updated February 2019)**

Meeting: Cabinet

Date: 17 February 2026

Wards affected: All

Report Title: National Year of Reading 2026 | Go All In

When does the decision need to be implemented? Early 2026

Cabinet Member Contact Details: Cllr Jackie Thomas, Cabinet Member for Tourism, Culture and Events and Corporate Services. Jackie.Thomas@torbay.gov.uk.

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

1. Purpose of Report

- 1.1. The National Year of Reading 2026 has been commissioned by the government and designed as a private/public funded collective action campaign. It is part funded by the Department for Education, with additional funding and support from multi-sector partners including Arts Council England, Julia Rausing Trust, all major and independent book publishers and the Booksellers' Association, Amazon and Spotify, the National Year of Reading 2026 aims to change the nation's reading culture both during the Year and beyond.
- 1.2. As free to access community hubs, libraries are central in the National Year of Reading campaign to engage people of all ages with reading. The Reading Agency has been appointed to work with sector partners to deliver and support public library engagement. The Summer Reading Challenge, which encourages children aged 4 to 11 to keep reading during the summer holidays, and World Book Night, the annual celebration of reading for adults on 23 April, will form key moments for libraries in the National Year of Reading. Throughout the year, The Reading Agency will provide public libraries with resources, toolkits, and print and digital materials to activate the National Year of Reading.
- 1.3. As the statutory duty holder for the libraries service in Torbay, Torbay Council is supporting the National Year of Reading and Cabinet are being asked to endorse the initiative, highlighting the opportunities to the public.

2. Reason for Proposal and its benefits

- 2.1. The National Year of Reading 2026 has a simple but ambitious vision: to (re)connect people of all ages with reading as a meaningful, modern, and social activity. Reading is not only a skill for school or work but a practice that brings relevance and joy to everyday life, connecting people with stories and ideas that reflect their cultures, interests, and needs.
- 2.2. The ambition is that the National Year of Reading 2026 will make lasting change to the reading habits of the nation to reverse the decline in reading for pleasure and unlock one of

the most powerful tools for equity and opportunity: a love of reading that lasts a lifetime. The National Year of Reading is grounded in both existing evidence and new research. This is a critical component of the campaign, to ensure it is impactful and meaningful, both during the year and beyond.

3. Recommendation(s) / Proposed Decision

That Cabinet:

- 3.1. Recognises the benefits of reading for educational attainment, wellbeing and social inclusion and declares its formal support for the National Year of Reading
- 3.2. Welcomes the campaign objectives and commits to working with our partners including local libraries, schools, community groups, literacy organisations, and businesses to promote reading across our communities.
- 3.3. Requests that the Director of Corporate Services completes the online pledge stating actions the council will take.

4. Background Documents

[About | National Year of Reading 2026 | Go All In](#)

Supporting Information

5. Introduction

- 5.1. The UK is experiencing a profound, generational decline in reading enjoyment. Evidence from the [National Literacy Trust's Annual Literacy Survey \(2025\)](#) reveals that only one in three children and young people aged 8 to 18 reported enjoying reading in their free time, while just one in five read something daily. International comparisons further highlight this challenge: according to the Progress in International Reading Literacy Study ([PIRLS, 2021](#)), only 29% of pupils aged 9 to 10 in England said they “very much like reading,” significantly below the international average of 46%.

This pattern of disengagement extends beyond childhood. Recent research from [The Reading Agency \(2024\)](#) underscores a lack of reading among adults, many of whom cite barriers such as time pressures, low confidence, and limited access to relevant reading materials. The impact of this decline is far-reaching, affecting cognitive development, language and critical thinking skills, and contributing to growing social and economic inequalities.

- 5.2. Libraries Unlimited deliver the libraries service and are fully engaged with the National Year of Reading Go All In campaign and its vision to (re)connect people of all ages with reading as a meaningful, modern, and social activity.
- 5.3. Activities planned at all our libraries, with more to be scheduled as events are confirmed. To supplement these activities, directors are working to ensure that the opportunities to

maximise resident benefits are taken, with particular focus on Children's, Adults', Public Health and Equality, Diversity and Inclusion outcomes with the Corporate Plan.

6. Options under consideration

- 6.1. There is only one option under consideration here, whether the Cabinet support the National Year of Reading or not. The reasons for such support are detailed herein.

7. Financial Opportunities and Implications

- 7.1. There are no adverse financial implications in making this decision, all activity is in budget.
- 7.2. There are numerous soft financial benefits gained from facilitating a literate population who are engaged in reading, to which this initiative will contribute. As noted above, the impact of the decline in reading is far-reaching, affecting cognitive development, language and critical thinking skills, and contributing to growing social and economic inequalities. It can be seen, that acting to combat this decline will have benefits in these areas, and associated financial benefits in support services as well as in our economy.

8. Legal Implications

- 8.1. Nil

9. Engagement and Consultation

- 9.1. There is both national and local engagement activity aligned to the Go All In campaign. The engagement is being run on a national basis through the National Year of Reading and locally through Libraries Unlimited.

10. Protecting our naturally inspiring Bay and tackling Climate Change

- 10.1. Through an increase in reading there may be positive outcomes in this area. There are no negative implication in making this decision.

11. Associated Risks

- 11.1. Nil

12. 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 34	<ul style="list-style-type: none"> 18% of Torbay residents are aged under 18 years old. 55% of Torbay residents are aged between 18 to 64 years old. 27% of Torbay residents are aged 65 and older. 	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable
Carers	<ul style="list-style-type: none"> At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these carers provided 50 hours or more of care. 	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable

Care experienced	<ul style="list-style-type: none"> As of January 2026, there were 277 former care experienced young people aged 18-24 in Torbay. 	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable
Disability	<ul style="list-style-type: none"> In the 2021 Census, 23.9% 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>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable
Gender reassignment	<ul style="list-style-type: none"> 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. 	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable
Marriage and civil partnership	<ul style="list-style-type: none"> 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. 	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable

Pregnancy and maternity	<ul style="list-style-type: none"> Between 2013 and 2024, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 56.0 per 1,000) than the Southwest (53.4) and broadly in line with England (56.3). For the period 2022 to 2024, rates in Torbay (44.6) have been significantly below England (50.0). 	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable
Race	<p>In the 2021 Census, 96.1% of Torbay residents described their ethnicity as the following:</p> <ul style="list-style-type: none"> 1.6% as Asian, Asian British or Asian Welsh 0.3% as Black, Black British, Black Welsh, Caribbean or African 1.5% as being of Mixed or Multiple ethnic groups 96.1% as White 0.4% described their ethnicity another way. Black, Asian and minoritised ethnic communities are more likely to live in areas of Torbay classified as being 	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable

	amongst the 20% most deprived areas in England.			
Religion and belief	<p>The 2021 Census showed that the residents in Torbay identify their religion and/or belief as the following;</p> <ul style="list-style-type: none"> • 48.5% are Christian • 0.4% are Buddhist • 0.2% are Hindu • 0.6% are Muslim • Less than 0.1% are Sikh • 0.1% are Jewish • 0.7% have another religion • 43.2% have no religion • 6.3% did not answer 	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable
Page 347	<ul style="list-style-type: none"> • 51.3% of Torbay's population are female. • 48.7% of Torbay's population are male. <p>Girls continue to read daily at higher rates than boys, with the gender gap widening to 6.2 percentage points – the largest seen since 2023.</p>	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable
Sexual orientation	<p>In the 2021 Census, residents described their sexuality as follows;</p> <ul style="list-style-type: none"> • 89% as Straight or Heterosexual • 1.7% as Gay or Lesbian • 1.1% as Bisexual • 0.1% as Pansexual 	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable

	<ul style="list-style-type: none"> 0.1% described their sexuality another way 7.4% of people didn't answer the question 			
Armed Forces Community	<ul style="list-style-type: none"> In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9% of the population have previously served in the UK armed forces. 	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)	<ul style="list-style-type: none"> Torbay is ranked as the 39th most deprived upper tier local authority in England in the Index of Multiple Deprivation 2025. Fewer children and young people who receive free school meals (FSMs) said they enjoyed reading compared with their peers who do not receive free school meals (39.5% vs. 43.8%). 	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable
Public Health impacts (Including impacts on the general health of the population of Torbay)	<ul style="list-style-type: none"> For the five-year period 2020 to 2024, data shows there is a 6-year life expectancy gap between males who live in Torbay's least and most deprived 	<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p>	Not applicable	Not applicable

	areas and, a 3-year gap for females.	As the settings and service are both existing no differential impacts are foreseen.		
Human Rights impacts		No adverse impacts on human rights are anticipated.	Not applicable	Not applicable
Child Friendly		<p>This is a time bound aspect of our existing libraries service. All impacts are related to the existing service benefits and will be positive.</p> <p>As the settings and service are both existing no differential impacts are foreseen.</p>	Not applicable	Not applicable

13. Cumulative Council Impact

13.1. Soft benefits through associated positive impacts of the National Year of Reading.

14. Cumulative Community Impacts

14.1. Soft benefits through associated positive impacts of the National Year of Reading.

Liberal Democrat Group Notice of Motion

Cabinet

17 February 2026

Motor Neurone Disease

Motor neurone disease (MND) is a rapidly progressing condition – a third of people die within a year of diagnosis and half within two years. As the disease progresses, symptoms worsen and needs increase, often unpredictably. People living with progressive or terminal conditions like MND deserve to live in safe, accessible homes. They have the right to independence and quality of life in the time they have left.

I believe, it is our Council's role to ensure that local people living with MND are supported to access the home adaptations they need in a timely manner. The current system is too slow to respond to the rapidly changing needs of people with MND. Without timely support, people face becoming trapped in unsuitable and unsafe homes. This risks significant negative impacts on their health and well-being, including increased risk of avoidable hospital admissions and early entry into care.

The MND Association has proposed a set of recommendations and highlighted examples of good practice in their recent report, *A Lifeline Not a Luxury*. One such recommendation is to speed up applications for the funding and installation of home adaptations. This would be hugely beneficial for people living with MND, who could live safely at home for longer, maintain their health and wellbeing for as long as possible, and remain engaged with their communities, family and friends. People living with MND do not have time to wait – every day is critical.

I request this Council recognises that people with progressive conditions should be able to apply for adaptations as early as possible following diagnosis, so that their future needs can be anticipated rather than responded to in crisis. Also recognises that early interventions can save taxpayer money by enabling people to manage their condition more effectively and reducing the need for critical interventions at a later stage.

Therefore, the Cabinet is requested to commit to introducing a fast-track process for delivering home adaptations for people with progressive or terminal conditions such as MND, ensuring target timeframes of 55 days, should be seen as a maximum and not appropriate for simple adaptations and 130 days for complex adaptations are adhered to. These timelines are based on the national guidance set out by Foundations on Disabled Facilities Grant (DFG) delivery standards.

Promoter Councillor Carter
Supporter Councillor Long

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