

DRAFT Annual Governance Statement

2024/2025

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Version control

Date	Details	Updated by
1 April 2025	Draft for comments from SLT and other officers	Head of Policy, Performance and Community Engagement

Executive Summary

Governance is how the Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

It comprises the systems, processes, values and culture by which the Council is directed and controlled and through which it is accountable to, engages with and leads its communities.

We are committed to achieving good corporate governance in everything we do to meet more effectively the needs, expectations and priorities of local people.

We want to be sure we are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest, and accountable manner.

In reviewing the effectiveness of our governance arrangements, we are able to confirm that throughout the year, we have delivered against our agreed action plans and maintained a robust corporate governance framework. Our decision making framework is understood by members and officers and the mechanisms which support this framework operate effectively.

The political make-up of the Council changed during the course of the year, moving to No Overall Control with a minority administration at a by-election held in June 2024 following the death of a member. These changes led to political tensions which have had a negative impact. Work has been undertaken with all Group Leaders to co-create the changes needed to address the tensions and identify a way forward to deliver good governance for the Council.

We have recognised where there are areas for improvement as outlined within this Statement. We propose, over the coming year, to take the steps detailed in the action plan below to address these areas to further enhance our governance arrangements. We are satisfied that these steps will address the issues identified and we will monitor their implementation and operation as part of our next annual review.

Anne-Marie Bond
Chief Executive

Councillor David Thomas
Leader of the Council

Scope of responsibility

Torbay Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards. We also need to make sure that public money is safeguarded, properly accounted for and used economically, efficiently and effectively.

We have a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which our functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, we are responsible for putting in place proper arrangements for the governance of our affairs, facilitating the effective exercise of our functions, which includes arrangements for the management of risk.

Torbay Council has approved and adopted a Code of Corporate Governance which is included in the [Council's Constitution](#).

This Annual Governance Statement explains how we have complied with the Code. The Statement meets the requirements of the Accounts and Audit (England) Regulations 2015, as amended by the Accounts and Audit (Amendment) Regulations 2022, in relation to the publication of a statement on internal control.

The Statement takes the principles of our Code of Corporate Governance and describes (as per the guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA)):

- Torbay Council's key governance arrangements,
- Our evaluation of the effectiveness of our governance, and
- The progress we have made against previous actions and our plans for further improvement.

Key governance arrangements

The purpose of the governance framework

The Council's governance framework comprises the systems, processes, culture and values, by which the authority is directed and controlled, and its activities through which it accounts to, engages with and leads the community. It enables the authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives. It can, therefore, only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of Torbay Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

Against each principle of the Code of Corporate Governance, this section describes Torbay Council's governance arrangements.

Principle 1: Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area.

We are committed to exercising strategic leadership by developing and communicating clearly our purpose and vision, and the intending outcomes for citizens and service users.

- The Council's Community and Corporate Plan was adopted in February 2024. The plan covers a twenty-year period which will include a formal review after ten years.
- The associated Council Business Plan, which acts as a delivery plan and sets out the actions require to meet the priorities within the Community and Corporate Plan, was approved in June 2024.
- A Policy Framework is in place which ensures effective delivery of the Council's objectives.
- Each year, each Director prepares a set of Services Plans for their directorate which demonstrate how the Council's ambition and priorities from the Community and Corporate Plan flow through into the delivery of each service and ultimately into the objectives of each of our members of staff.
- Each year, our Statement of Accounts includes a narrative of the Council's progress towards the ambitions in the Community and Corporate Plan.

We are committed to ensuring that customers and service users receive a high quality of service whether directly, or in partnership, or by commissioning.

- A Member Development Programme is in place with the aim of providing a structured approach to member development and supporting them in their roles. This includes more detailed training for Councillors with areas of special responsibility e.g. Leader of the Council, Cabinet Members, Overview and Scrutiny and Chairs of Committees.

- Our Customer Service Standards set out our commitment to putting the customer at the centre of everything we do. If we do not meet these Standards, we have in place our Complaints Procedure. Further, a Members' Enquiries system is also available.
- To ensure continuous improvement in significant services, the following programmes are in place:
 - Transformation Programme for Adult Social Care
 - Children's Services Continuous Improvement Plan
 - Written Statement of Action for the improvement in services for children and young people with Special Educational Needs and/or Disabilities
- A draft Local Operating Policy for governance of wholly owned companies has been prepared.

We are committed to ensuring that the Council makes best use of resources, and that taxpayers and service users receive excellent value for money.

- Our Council's Constitution sets out the Financial Regulations and how we comply with all accounting, auditing standards and codes of practice. The Council's Medium Term Resource Plan provides a framework for planning and monitoring our resource requirements.
- The Treasury Management Strategy aims to achieve the optimum performance from the Council's cash flow, debt and investment operations and effectively control the associated risks.
- The Council has in place frameworks to which provide control and oversight of the Council's current and future revenue and capital budgets. The framework in relation to capital budgets/projects also includes the governance arrangements in relation to the Council's Regeneration Partner.
- Counter fraud and anti-corruption arrangements are in place including a policy which sets out the Council's commitment and approach to maintaining a strong anti-fraud culture across the authority.

Principle 2: Members and officers working together to achieve a common purpose with clearly defined functions and roles.

We are committed to ensuring effective leadership throughout the Council and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function.

- To provide clarity, the following are included within the Council's Constitution:
 - Schedules of Local Choice Functions and Council Functions
 - Scheme of Delegation of Executive Functions to the Cabinet, Cabinet Committees and Officers
 - Article 5 – Overview and Scrutiny
 - Terms of reference of the Overview and Scrutiny Board
 - Local Protocol on Relations between Overview & Scrutiny and the Cabinet
 - Local Protocol – Good Governance the Torbay Way – Effective Administration and Opposition Leaders' Agreement and Principles
 - Job Descriptions

- Roles and responsibilities of Members and officers (and how they inter-relate) are also made clear during induction programmes.
- The Overview & Scrutiny Leadership Quarterly meetings include the Leader of the Council, Group Leaders and Chair and Vice-Chair of the Overview and Scrutiny Board and Chair of Audit Committee to enable linkages across Cabinet, Overview and Scrutiny and Audit Committee.

We are committed to ensuring that a constructive working relationship exists between Council Members and Officers and that the responsibilities of Members and Officers are carried out to a high standard.

- The responsibilities of Members and officers, and the standards to which they are expected to carry out those responsibilities, are described in the following sections of the Council's Constitution:
 - Schedules of Local Choice Functions, Council Functions and Circumstances in which Functions are not to be the Responsibility of the Executive
 - Officer Scheme of Delegation
 - Code of Conduct for Members, Code of Conduct for Employees and Local Protocol on Member and Officer Relations
- The following statutory appointments have been made:
 - The Head of the Paid Service is the Chief Executive who is responsible and accountable to the Council for all aspects of operational management.
 - The Director of Finance is the Chief Financial Officer who has responsibility for ensuring the Council operates secure and reliable financial and accounting systems.
 - The Head of Legal Services is the Monitoring Officer who is responsible for ensuring that agreed procedures and protocols are followed and that all applicable Statutes and Regulations are complied with.
- A Leader Induction Programme is in place as part of Member Development Programme.
- Advice and guidance is sought and utilised from the Local Government Association (LGA).

We are committed to ensuring relationships between the Council, its partners and the public are clear so that each knows what to expect of the other.

- To provide clarity, the following are included in the Council's Constitution:
 - Local Protocol on Member and Officer Relations
 - Members Allowances Scheme and Job Descriptions
- In accordance with our commitment to provide transparency, on our website we publish:
 - Our Organisational Chart covering each member of staff in the top three levels of the organisation.
 - Details of the number of employees whose remuneration was at least £50,000, including their responsibilities.
 - Our Annual Pay Policy Statement and Gender Pay Gap Report

- An Independent Remuneration Panel is in place to keep the Members' Allowances Scheme under review and make recommendations regarding the Scheme.
- There are a range of partnerships in place:
 - An Annual Memorandum of Understanding in place with the NHS for the delivery of adult social care by the Integrated Care Organisation.
 - Torbay and Devon Safeguarding Adults Partnership
 - Torbay Safeguarding Children Partnership which operates in line with the requirements of the statutory guidance Working Together to Safeguard Children 2018
 - The Community Safety Partnership (known as Safer Torbay)
 - Family Hub Board identifies local needs or gaps and suggests how community strengths may address them
 - Health and Wellbeing Board
 - Torbay Voluntary Sector Network
 - Torbay Place Leadership Board
- Our Corporate Safeguarding Policy sets out that the responsibility for safeguarding applies to every employee, volunteer, contractor, partner, agency worker and elected Member of the Council.

Principle 3: Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.

We are committed to ensuring Council Members and Officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance.

- The Council's Constitution includes a Code of Conduct for Members, a Code of Conduct for Employees and a Local Protocol on Member and Officer Relations.
- Procedures are in place for the Assessment and Determination of Allegations of Breaches of the Member's Code of Conduct.
- The Code of Conduct for Employees and Whistleblowing and Acceptable Behaviour policies available to all staff via MyView.
- Customer Service Standards are in place.
- The Council has in place an Internal Audit Plan which sits alongside its governance framework and our information governance arrangements.

We are committed to ensuring that organisational values are put into practice and are effective.

- Our Directors Commitments are in place to promote a positive culture across the organisation, which are supplemented by our Internal Engagement Strategy.
- The Council's Core Values are well established.
- The Standards Committee is part of the Council's governance arrangements.
- A draft Assurance Framework has been prepared.

Principle 4: Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.

We are committed to being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny.

- The Council's Constitution sets out the Council's formal governance framework with decisions made in accordance with Access to Information requirements. The Constitution also includes Financial Regulations and Contract Procedures.
- The Council has documented its internal governance structure and framework and has contract management arrangements in place.
- The procurement and management of public contracts for the provision of goods, services, works and concessions is governed by:
 - The Procurement Act 2023 – goods, light touch services (excluding relevant health care services), services, works and services and works concessions where the procurement process commenced on or after 24 February 2025
 - The Public Contracts Regulations 2015 – goods, light touch services, services and works where the procurement process commenced before 24 February 2025 and relevant health care services where the procurement commenced before 1 January 2024
 - The Concessions Contract Regulations 2016 – services and works concessions where the procurement commenced before 24 February 2025
 - The Health Care Services (Provider Selection Regime) Regulations 2023 for relevant health care services, including some of the public health services commissioned by the Council, where the procurement process commenced on or after 1 January 2024.
- Draft Local Operating Policy for Governance of Council Wholly Owned Companies in place.
- The Forward Plan is published upon receipt of any changes or new entry setting out the Key Decisions which are due to be taken.
- Overview and scrutiny arrangements are in place within the Council's governance arrangements, with the Constitution including the terms of reference of the Overview and Scrutiny Board (and its sub-boards) and the Standing Orders in relation to Overview and Scrutiny.
- The Council has standard formats for reports to decision makers and Records of Decision.
- The Code of Conduct for Members and Employees includes details around conflicts of interest.
- Audit Committee in place as part of the Council's governance arrangements.
- The Council has a Complaints Procedure in place.

We are committed to having good-quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs.

- The Council's standard format for reports to decision makers includes the legal and financial implications of the recommendations. Guidance and advice is available for completion of Equality Impact Assessments within those reports and through officer support.

- Quarterly budget monitoring and performance reports are presented to Senior Leadership Team, Cabinet Members and Overview and Scrutiny Board
- There is an approved Community Engagement and Empowerment Strategy.

We are committed to ensuring that an effective risk management system is in place.

- The Council has an approved Risk Management Framework.
- There is a Whistleblowing Policy in place.
- A Health and Safety Policy is in place supported by a strategy and management framework.

We are committed to using our legal powers to the full benefit of the citizens and communities in their area.

- The Council's Head of Legal Services is the designated Monitoring Officer.
- Standard format reports for decision makers which requires legal implications of decisions to be set out so they can be considered by the decision maker. There is proactive engagement between Legal Services and directorates on high profile/sensitive matters.
- Equality Impact Assessments are completed for forthcoming decisions in order that the impact on vulnerable groups and those with characteristics protected under the Equality Act 2012 can be assessed, documented and considered by decision-makers prior to decisions being made.
- Advice and guidance is available to all directorates to ensure procurement is legally compliant.
- Standard Terms and Conditions ensure providers are legally compliant and held to account.

Principle 5: Developing the capacity and capability of Members and officers to be effective.

We are committed to making sure that Members and Officers have the skills, knowledge, experience and resources they need to perform well in their roles.

- Member Development Programme (including Member Induction Programme) is in place and operational.
- Induction for new members of staff is in place, followed by the availability of a Corporate Training Programme.
- MyView web platform hosts Human Resources policies, whilst the Council's Intranet hosts a range of other policies, procedures and guidance for all staff including:
 - Information Governance
 - Freedom of Information Guidance
 - Community and Corporate Plan
 - Constitution
 - Counter Fraud and Corruption Policy
- As part of the Council Redesign Programme, a programme of Workforce Planning in place.
- Our People Strategy and associated action plan in place.
- Business Continuity Management is embedded within Torbay Council procedures.

- Programme and Project Management Methodology in place.

We are committed to developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group.

- Member Development Programme (including Member Induction Programme) is in place and operational. This is kept under regular review via the Council Leadership Group to inform the development of future Programmes.
- Job Descriptions for specific Member and officer roles and Local Protocols published within the Council's Constitution.

We are committed to encouraging new talent for membership of the Council so that best use can be made of individual's skills and resources in balancing continuity and renewal.

- Our People Strategy and associated action plan in place.
- A specific communications and engagement plan is implemented in the run up to Local Elections to encourage people become councillors.

Principle 6: Engaging with local people and other stakeholders to ensure robust public accountability.

We are committed to exercising leadership through a robust scrutiny function, which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships.

- Overview and scrutiny arrangements are in place within the Council's governance arrangements.
- An annual report on the activity of the Overview and Scrutiny function is published.

We are committed to taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the Council, in partnership or by commissioning.

- The Council publishes a weekly One Torbay e-newsletter together with other subject specific e-newsletters. This is in addition to the news, information and alerts issued via our social media channels or through media releases as appropriate.
- The Council's Standing Orders in relation to Access to Information describe the specific circumstances in which information can be classed as exempt or confidential.
- A Community Engagement and Empowerment Strategy is in place with an associated Engagement and Communications Forward Plan.
- Meetings of the Council, Cabinet and Planning Committee are livestreamed on YouTube and promoted via social media channels.
- Impact on vulnerable groups and those with characteristics protected under the Equality Act 2012 is assessed and documented in Equality Impact Assessments and considered by decision-makers prior to decisions being made.

We are committed to making best use of human resources by taking an active and planned approach to meet responsibility to staff.

- Our People Strategy and associated action plan is in place.

Principle 7: Securing continuous improvement in service delivery and ensuring that its agreed policies, priorities and decisions are implemented on time, in a manner consistent with the needs of its user and in the most effective way.

We are committed to continually improve effective service delivery arrangements.

- The Council has in place a Performance Management Framework which includes setting annual targets for performance indicators.
- The Council Business Plan sets out milestones towards delivery of priority projects and Service Plans prepared for services across all Directorates.
- A quarterly corporate performance report is published and considered, with performance celebrated and challenged.
- The Statement of Accounts provides a Narrative Report which explains the Council's achievements against the Community and Corporate Plan over the past year alongside the Council's financial performance.
- Customer Service Standards in place.
- Improvement Plans put in place to respond to external inspections:
 - Children's Services Continuous Improvement Plan.
 - Special Educational Needs and/or Disabilities Written Statement of Action
 - Safety Value.
- Six monthly reports are considered at Directors' Overview Meeting on those areas of the Council subject to external inspection.
- Asset Management Strategy in place to ensure the effective use of the Council's assets.
- Council Re-design Programme in progress to move towards agreed Target Operating Model.

Review of effectiveness

Torbay Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework, including the system of internal control. The review of effectiveness is informed by the work of managers within the Council who have responsibility for the development and maintenance of the governance environment, the Head of the Devon [Assurance Audit](#) Partnership's annual report and by comments made by the External Auditors and other review agencies and inspectorates. This review is demonstrated through the Annual Governance Statement.

The effectiveness of the governance framework has been evaluated over the course of the year against the seven principles within Torbay Council's [Code of Corporate Governance](#). Details of the evaluation is included in the sections which follow. Whilst some governance issues have been identified (and are detailed below), the Council believes that its arrangements continue to be regarded as fit for purpose, in accordance with the governance framework.

Principle 1: Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area.

The Community and Corporate Plan was agreed by the Council in February 2024. The Council's Business Plan, which acts as the delivery plan for the Community and Corporate Plan was agreed by the Cabinet in June 2024.

The Business Plan establishes a clear set of manageable priorities that enable real focus for the organisation. It sets out the actions to be undertaken against each priority within the Community and Corporate Plan. These actions contain milestones against which progress can be measured. A set of performance indicators are included within the Plan which supplement the longer-term performance indicators within the Community and Corporate Plan.

A new style Corporate Performance Report was introduced from Quarter 1 of 2024/2025 which provides assurance that progress against both the Community and Corporate Plan and the Council Business Plan is on track. The Report is considered by the Senior Leadership Team, members of the Cabinet and the Overview and Scrutiny Board where progress is celebrated and underperformance is challenged.

A revised Performance Management Policy was agreed in December 2024 and work is underway to develop and share the associated framework which will assist officers across the Authority to focus on improving performance. The Policy includes the service planning cycle with Directors preparing a set of Service Plans for their Directorate. In making them an effective tool to support the Council's continuous improvement, guidance for target setting has been published. The Service Plans are reviewed corporately to ensure complete coverage of Council Business Plan milestones and to identify inter-relationships.

The Member Development Programme was reviewed ahead of the Local Elections in May 2023 to provide a comprehensive induction programme and is kept under continual review to provide

ongoing learning and development opportunities for members, further details are included under Principle 5.

The Statement of Accounts 2024/25 are being prepared and will be audited by Grant Thornton. The Council's accounts and the Auditor's annual report are publicly available on our website. [Both the internal and external auditors' reports are considered by the Audit Committee together with the associated management response. The external Audit Findings for Torbay Council for 2023/2024 were presented to the Audit Committee in February 2025, with the Committee reviewing the management action plan in March 2025.](#)

[The external auditors found no material issues with the Council's Statement of Accounts for 2023/2024, although recommendations were made about the level of resource and resilience within the Council's Finance Directorate. These recommendations have been addressed in 2024/2025 through the use of short-term, experienced interim officers with a long-term plan in place to address the capacity issues within the service.](#)

Directorate performance against our Customer Service Standards is monitored against targets on a weekly basis. Monthly escalation meetings are held with the Chief Executive and Director of Corporate Services to ensure satisfactory performance. This includes outstanding enquiries made by Councillors and Members of Parliament. The Council operates a single stage complaints process which means there are improved timescales for escalation to the Local Government and Social Care Ombudsman.

There are a range of meetings in place to ensure sufficient progress is being made against our improvement plans for adult social care, children's social care and services for children and young people with Special Educational Needs and/or Disabilities (SEND). These include:

- For adult social care:
 - Section 75 Executive Group
 - Adult Social Care Improvement Board; and
 - Adult Social Care and Health Overview and Scrutiny Sub-Board
- For children's social care:
 - Children's Continuous Improvement Board
 - Children and Young People's Overview and Scrutiny Sub-Board
- For services for children and young people with Special Educational Needs and/or Disabilities (SEND):
 - SEND Local Area Improvement Partnership Board
 - Children and Young People's Overview and Scrutiny Sub-Board

In June 2024, [the Council](#) requested the Local Government Association (LGA) to undertake an adult social care "Preparation for Assurance" peer challenge within the council and with partners. The peer team acknowledged that the Council has developed a well-structured self-assessment and provided guidance on where effort could best be concentrated to further prepare for the forthcoming Care Quality Commission (CQC) Assessment.

Children's Services publish an annual self-assessment which is used as a basis for our Annual Conversation with Ofsted. We continue to work with the Department for Education and Care Quality Commission to improve the services for our children and families who experience SEND. During 2024/2025, the Council invited the Local Government Association to conduct two Peer Reviews within Children's Services – one focussed on Resources and Efficiency and the other on Special Educational Needs. The ongoing development of action plans based on the reviews' findings will help address identified issues and implement recommended improvements, driving continuous service enhancement.

Our Medium-Term Resource Plan was formally revised as part of setting the Council's budget in February 2025. The Council's budget was kept under review throughout the year by Directors and Members of the Cabinet with quarterly budget monitoring reports being considered by the Overview and Scrutiny Board.

Over the course of the year, a review was undertaken of the governance frameworks for control and oversight of the Council's current and future revenue and capital budgets. This ensured that opportunity existed for appropriate monitoring and challenge as well as focusing our efforts on those areas of highest risk and potential impact on the Council.

The Treasury Management Strategy was reviewed by Audit Committee and its recommendations were considered by Council ahead of its approval in February 2025. Audit Committee received two progress reports which demonstrated our compliance with the strategy.

The Capital and Growth Board meets monthly to provide a continual review of the Council's Capital Programme and the risks for delivery and budget. The project management governance which was introduced in 2023/24 continues to promote greater accountability and transparency for all key projects.

In October 2023, a partnership of Wilmot Dixon and Milligan was appointed, by the Cabinet, as the Council's Regeneration Partners. The governance of the partnership is managed through a monthly Partnership Board and Project Review Meetings, both of which report to the Capital and Growth Board to provide oversight. The Cabinet Capital Projects Working Party provides cross party oversight of capital projects, which includes updates on projects being delivered by the Regeneration Partners.

Bi-monthly meetings of the Investment Management Board were held to provide management oversight of the performance of our investment property portfolio. Work is underway to develop a framework to standardise the measurement of holding or releasing assets.

Regular updates on the Council's counter fraud and anti-corruption arrangements are presented to Audit Committee. Devon Audit Partnership undertook periodic proactive fraud awareness sessions for both officers and members. The Council's anti-fraud arrangements are assessed by the external auditors alongside the Statement of Accounts. [Work continues to raise awareness of fraud prevention across the Council with a range of training sessions and courses in place. A fraud risk register is being established with further work required to ensure that all services complete a regular fraud risk assessment.](#)

A draft Local Operating Policy for Governance of Council Wholly Owned Companies has been developed. Company boards monitor performance at least quarterly, with the Divisional Director for Economy, Environment and Infrastructure monitoring performance of SWISCo on a day-to-day basis. The Overview and Scrutiny Board review the performance of Wholly Owned Companies annually. [A summary report of all Wholly Owned Companies audits will be considered by the Audit Committee in Autumn 2025.](#)

Devon Assurance Partnership's report on the Treasury Management Strategy for 2024/2025 highlighted that there was a lack of governance around group company loans. As a result, additional information in respect of the governance of loans was included in the 2025/2026 Treasury Management Strategy. Work is continuing to ensure that all documentation in respect of loans is collated.

Principle 2: Members and officers working together to achieve a common purpose with clearly defined functions and roles.

The Council's Constitution has been kept under review by the Monitoring Officer, Chief Financial Officer and Head of Governance Support, in consultation with the Leader of the Council and Group Leaders whereby improvements and changes to the Constitution were made and agreed. Over the course of the year, the Constitution was amended to ensure that it was up-to-date and fit for purpose, with the following sections being updated following consultation with the Council Leadership Group:

- New Local Protocol on Relations between Overview & Scrutiny and Cabinet
- New Local Protocol on Good Governance the Torbay Way – Effective Administration and Opposition Leaders' Agreement and Principles
- Local Protocol on Members' IT
- Local Protocol on Working Parties
- Members' Allowances Scheme
- Officer Scheme of Delegation
- Standing Orders in relation to Council Meetings
- Article 4 – The Council
- Article 11 – Decision Making
- Schedule 4 – Terms of Reference
- Financial Regulations and Contracts Procedures
- Plus various changes throughout the Constitution arising from the Leaders' Agreement and Principles

Regular one-to-one meetings are held between the Chief Executive and the Leader of the Council. The Chief Executive also meets regularly with the Leaders of the other Groups on the Council. Her annual appraisal is undertaken by the Group Leaders. The Chief Executive has regular meetings with the LGA Principal Advisor for the South West, with Peer Challenge opportunities being utilised both within the organisation and as peer members.

As well as the Peer Challenges referenced elsewhere in this Statement in relation to Children's Services and Adult Social Care, the Council also took part in a Corporate Peer Challenge in April 2024. This forms part of the improvement and assurance framework for local government and are recognised as assisting councils to meet their Best Value duty by having such a review at least every five years. The Council published the report from the Corporate Peer Challenge [with the ~~together with the associated Action Plan~~ headline being that "the council is in a very different and much better place compared to a few years ago and has a solid foundation"](#).

[As expected, the report also contained 15 recommendations and the Council developed an action plan to address these.](#) Monitoring of the progress against the action plan was undertaken monthly by the Council's Directors, quarterly by members of the Cabinet and twice by the Council's Audit Committee. [A progress review was undertaken in April 2025 with the action plan having been completed and work is now underway to ensure that delivery continues.](#)

The Chief Financial Officer has direct access to all Members, the Chief Executive and senior officers of the Council. Regular discussions are held with the Leader of the Council and the Cabinet Member with responsibility for Finance. Members are briefed on key financial matters with revenue and capital monitoring reports being considered on a quarterly basis.

In 2023/2024 there was a reported increase in the number of complaints received by the Monitoring Officer – this trend continued throughout 2024/2025. Predominantly the complaints received were from councillors against councillors. This reflected some political tensions and resulted in behaviours by some councillors being displayed in a range of meetings and public forums. This has had wider impacts through unfounded and public criticism of Officers which has affected staff morale. A number of breaches of the Code of Conduct for Members were found by the Monitoring Officer, in accordance with the Protocol for the Assessment and Determination of Allegations of Breaches of the Code of Conduct for Members, with one complaint being determined by the Standards Hearing Sub-Committee.

The Independent Person's views and opinions have also been sought on relevant matters relating to councillors' conduct as part of the Complaint Process. Following concerns raised, the Monitoring Officer has also engaged informally with councillors to improve relationships, between councillors and affected officers, and to ensure that the high standard reasonably expected of councillors is maintained and the public's confidence in the Council is upheld.

The Standards Committee met to consider and respond to the open consultation undertaken by the Ministry of Housing, Communities and Local Government on 'Strengthening the Standards and Conduct Framework for Local Authorities in England'.

External support was sourced in order to facilitate discussions within and between political groups. Following its conclusion, the Group Leaders worked together to develop the Group Leaders' Agreement which, together with a set of principles and Constitutional amendments, was agreed by the Council in February 2025.

The Council Leadership Group has met on a regular basis to discuss emerging council business and key topics, Member behaviour and standards, and Constitution amendments. Following Council's adoption of the Leaders' Agreement and Principles, the Council Leadership Group is

being reviewed with new internal cross party meetings being introduced which will further enhance the Council's cross party working.

The Council considered the Annual Pay Policy Statement on 6 February 2025.

In relation to adult social care, the Section 75 Executive Group has met regularly to oversee delivery of the adult social care transformation programme. The delivery of delegated services is outlined in the annual Memorandum of Understanding between the Council and Torbay and South Devon NHS Foundation Trust

Torbay is a partner in the Torbay and Devon Safeguarding Adults Partnership as a requirement of the Care Act 2014. This Partnership provides strategic leadership for safeguarding adults across Torbay and Devon.

Torbay Safeguarding Children Partnership has been established under Working Together to Safeguarding Children 2018 (now superseded by Working Together 2023) arrangements since September 2020.

Torbay's Place Leadership Board, a partnership bringing together organisations from across the private, public and civic sectors, is the custodian of the Torbay Story working to champion investment in support of it. Increasingly it brings together partners to share issues and identify ways in which collaborative responses can lead to better outcomes for the area. The Place Leadership Board will report to the Council's Overview and Scrutiny Board periodically to highlight successes and challenges.

A Torquay Place Leadership Board is being established as a "neighbourhood board" as defined by the Ministry of Housing, Communities and Local Government as part of our Plan for Neighbourhoods (formerly Long Term Plan for Towns).

Issues were identified in the October 2023 Devon [Audit Assurance](#) Partnership report on Tor Bay Harbour Authority income. This was in relation to the governance of rent reviews and charging arrangements which were managed by TDA on behalf of the department. Recommendations were made that discussions should be held to ensure the Harbour Master is fully updated on why rent reviews are not taking place, any rent review decisions and if charging issues are resolved. In last year's Annual Governance Statement it was noted that the TDA are back in house and that this would aid closer working. Further work is still required to ensure that the Harbour Master is fully updated on any discussions regarding rent reviews before final decisions are made.

The 2023/2024 Annual Governance Statement set out Devon Audit Partnerships July 2023 recommendations in relation to Section 106 and Community Infrastructure Levy (CIL). New governance arrangements and supporting project ownership, monitoring and reporting arrangements have been put in place but given the financial values involved, the Council continues to monitor this issue.

Principle 3: Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.

All Members received training on the Code of Conduct within the first weeks following the Local Elections in May 2023 and the new Members Interests Register was completed and published. This training and Member needs arising, is kept under review and implemented in year. The agenda for the Council Leadership Group includes Member behaviour and Good Governance where issues of concern are raised and discussed.

The Monitoring Officer has shared a guide to the role of Councillors on social media to raise awareness of acceptable behaviour and standards for use of social media.

The Council's induction programme signposts new members of staff to the Code of Conduct for Employees and the Whistleblowing and Acceptable Behaviour policies. Reminders are included at regular intervals on the Staff Newsletter.

As explained under Principle 1, directorate performance against our Customer Service Standards is monitored against targets on a weekly basis and escalated as necessary.

Devon Assurance Partnership operates in line with the Public Sector Internal Audit Standards. The Internal Audit Plan is agreed annually by the Director of Finance, Directors' Overview Meeting and the Council's Audit Committee. The Council also receives assurance from the NHS Internal Audit Consortium over the controls in operation at Torbay and South Devon NHS Foundation Trust. Achievement against the Audit Plan was reported to the Audit Committee on 25 February 2025.

The Council's Constitution includes the Code of Corporate Governance with the statutory governance officers meeting on a regular basis to review governance arrangements. The Council's Assurance Framework has been documented and is currently subject to review.

[The first Annual Report of the Audit Committee was presented to the Council at its Adjourned Annual Meeting in May 2025. The report summarised the work of the Committee during 2024/25 and described how it had fulfilled its duty.](#)

Mandatory training is undertaken by Councillors every four years and officers annually in relation to information governance and data protection. Regular reminders are issued via the Staff Newsletter on the importance of data protection, the need to report data breaches promptly and the lessons learnt from breaches. The Information Governance Steering Group meets on a quarterly basis to review policy, best practice, organisational change and performance. They also consider and review the risks in relation to cyber security and the Council's wider compliance to Data Protection Legislation.

The Internal Engagement Strategy has continued to be implemented over the course of the year with weekly Staff Newsletters, fortnightly Managers Briefings and monthly Senior Managers and Managers Forums. Regular Ask Us Anything and All Colleagues Briefings are held. Regular staff

check-in surveys are also held to gain formal feedback from across the Council. A new action plan is due to be agreed during 2025 following the completion of the latest check-in survey.

Staff are asked to demonstrate how they meet the Council's Core Values at their annual appraisal. All staff have also been involved in discussing whether any changes are required to the Council's Core Values and the results from this engagement will be considered during 2025.

As a result of the Devon Assurance Partnership's 2024/2025 audit of Planning Enforcement a quality assurance mechanism has been put in place within decision making to mitigate the risk to individual officers and the Council in relation to allegations of corruption. No specific planning and enforcement conflict of interest process is in place to address the greater risk posed in these functions. Whilst a corporate conflict of interest procedure is in place, a bespoke procedure or guidance note will be put in place.

Principle 4: Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.

As explained in Principle 2, the Council's Constitution has been kept under review throughout the year. The Constitution allows for any five members of the Council to "call-in" executive decisions to the Overview and Scrutiny Board for further debate. During 2024/25, one decision was called in.

~~Details in relation to the Council's Wholly Owned Companies are described under Principle 1.~~

The Local Protocol for Overview and Scrutiny was reviewed taking into account the Statutory Guidance issued in April 2024. The revised Local Protocol was adopted by the Council in September 2024. The training programme for members has been reviewed and enhancements are being rolled out.

Work is continuing on supporting officers across the Council to complete Equality Impact Assessments effectively.

Reports have to be signed off by the relevant Director and the three Statutory Officers (Head of Paid Service, Chief Finance Officer and Monitoring Officer) before being presented to the Cabinet for consideration.

The Commercial Policy, approved by Cabinet on 17 December 2024, sets out how Contract Procedures will be implemented and is underpinned by a wider framework of guidance and training for officers. A new eLearning module Introduction to Procurement was launched in October 2024 and a further module covering Advanced Contract Management was launched in early 2025. A new approach, through an annual declaration, was introduced to identify and mitigate conflicts of interest and maintain confidentiality of procurement information.

The Phase 2 Risk Management Improvement Plan has been delivered over the year, with a risk appetite workshop held for Directors in December 2024. Plans are in place to roll-out risk appetite briefings to members and senior officers during 2025/2026. [The Audit Committee continue to receive regular reports in relation to the Council's Strategic and Corporate Risk Registers which](#)

include the actions being taken to mitigate the Council's risks, in particular those risks which are scoring 16 or above.

A structured review of risk management processes within SWISCo, one of the Council's wholly owned companies, was undertaken during 2024/2025 supported by Devon Assurance Partnership. SWISCo's Strategic and Corporate Risk Registers were reviewed by the Audit Committee in February 2025. Following the transfer of services from Torbay Economic Development Company to the Council, new corporate risks were identified and staff were trained on the Council's risk management framework. Other ~~D~~details in relation to the Council's Wholly Owned Companies are described under Principle 1.

The Monitoring Officer, Chief Finance Officer, Head of Human Resources and the Head of Devon Assurance Partnership (or their representative) meet on a regular basis to consider and recommend action in connection with current governance issues and other matters of concern regarding finance, ethics and probity. The Chief Executive (as Head of Paid Service) is kept informed of matters.

Health and Safety performance and emerging issues are reported to the Council's Senior Leadership Team on a six-monthly basis. The Chief Executive holds health and safety update meetings on a quarterly basis to discuss trends, performance and emerging issues. Additionally, each month Directors discuss health and safety performance within their service areas, challenging outstanding actions and records on the Assure system.

As a result of Devon [Audit Assurance](#) Partnership's March 2024 report on the SWISCo Client Role work has been underway to [improve the governance and controls when the Council implement a commissioning form for use by Torbay Council staff when](#) ~~commissioning~~ [sing](#) additional SWISCo works. This work [has now been](#) ~~needs to be~~ completed and new procurement practices [continue to be](#) embedded.

Principle 5: Developing the capacity and capability of Members and officers to be effective.

Following a successful and comprehensive Member Induction Programme being delivered in 2023/2024 an outline four-year Member Development Programme was developed taking account of feedback from Members, the Monitoring Officer, Chief Executive, Head of Governance Support and Democratic Services Team Leader to continue to enhance Members' skills throughout their term of office.

The Programme continued to be delivered throughout 2024/2025 using internal and external development opportunities and is supplemented by all Member Briefings on key issues and one to one support as required from the Democratic Services Team Leader. Members were also encouraged to attend free webinars and events run by the Centre for Governance and Scrutiny and the Local Government Association (LGA). The Opposition Leader took part in LGA Leadership Essentials events on Effective Opposition and the LGBTQ+ Weekender and the Overview and Scrutiny Co-ordinator attended their Effective Scrutiny programme. Scrutiny Members also take part in regional networks to share good practice. Members have worked with

Peer Members from the LGA to enhance their knowledge and develop their skills. Experience of the Programme is being used to develop an outline Member Development Induction Programme for 2027 when the next Local Government Elections are scheduled.

Leadership and management training continues to be provided that covers a wide range of core management skills development such as managing performance, leading and developing teams, leading change and managing equality, diversity and inclusion. Our Managers Framework is being piloted in Corporate Services and Public Health, ahead of a planned roll-out across the whole organisation. The Framework aims to ensure that all our managers have a clear understanding of the expectations on them and have the skills and knowledge so that a consistent approach is applied across the organisation.

Over the last year, policies such as the [Absence and Attendance Policy](#)^{PP}, Disciplinary, Acceptable Behaviour, Probation, Ways of Working and Managing Attendance have been updated in response to operational and legislative changes. In addition a number of brand new policies have been developed, such as the Neonatal Care Leave policy to reflect the new legal right which came into force on 6th April 2025, and a set of new and updated Equality, Diversity and Inclusion policies which reflect our commitment to inclusive people practices.

The Emergency Planning Team identifies appropriate training and exercise opportunities to develop the capacity and capability of officers who have a strategic, tactical or operational incident management role in an emergency. Training and exercising opportunities are also provided for officers who are responsible for responding to specific types of emergencies or managing high profile events such as the English Riviera Airshow.

Regular one-to-one meetings are held with Cabinet portfolio holders to update, appraise and familiarise them with current and proposed resilience issues at local, regional and national level. Members will also be invited to exercises, training, workshops and other emergency planning service activities where development opportunities arise.

As part of its annual work plan the Emergency Planning Team maintains a training record for Torbay Council staff and elected Members.

The Torbay Way for project management was launched in 2024 and means we have a consistent approach to project management across the organisation, enabling small projects to be run by business units, where they have the capacity and capability, to the same standard as larger corporate projects.

Our People Strategy continues to be implemented with the Chief Executive being the Senior Responsible Officer since July 2024. A review of the membership of the project board has taken place and wider staff engagement is in place to provide opportunities for colleagues to partake. The Action Plan has been refined to ensure focussed delivery with clear milestones and expectations.

Principle 6: Engaging with local people and other stakeholders to ensure robust public accountability.

The Annual Report of the Overview and Scrutiny Board was considered by the Council on 20 June 2024 and is also published on the Council's website on the Overview and Scrutiny section. We have used social media and the press to encourage people to engage in the work of overview and scrutiny, particularly relating to spotlight reviews on South West Water, dentistry, homelessness and Children and Adolescent Mental Health Services.

Following each engagement event and consultation a report is prepared setting out how we engaged with communities and their feedback. The reports are considered in reaching final decisions. The Engagement and Communications Team continually review what has worked well and where improvements can be made.

As explained in Principle 4, the Equality Impact Assessment template within the reports to decision makers was updated to better assess the impact of Council decisions on people who have protected characteristics and ensure our decisions do not directly or indirectly discriminate.

As explained in Principle 5, the Our People Strategy sets out the key actions needed to help us to build a workforce for the future. The associated set of success criteria that we measure ourselves against includes tracking workforce engagement activities and feedback, and Customer complaints and compliments.

Principle 7: Securing continuous improvement in service delivery and ensuring that its agreed policies, priorities and decisions are implemented on time, in a manner consistent with the needs of its user and in the most effective way.

A new corporate performance report was introduced in 2024/2025 to show the progress being made against the Community and Corporate Plan themes, the priorities in the Council Business Plan and against the Council's performance indicators.

An updated Performance Management Policy was agreed in December 2024 and a Performance Management Improvement Plan is being developed.

Governance frameworks are in place to monitor delivery against the Improvement Plans that are in place in specific Council services. This includes the one-to-ones held between the Chief Executive and her Directors to discuss progress.

The Corporate Asset Management group ensures that our corporate requirements are managed within the estate and that our corporate assets are maintained to ensure a safe working environment for our staff and visitors.

The effective delivery of the Council Redesign Programme is monitored on a monthly basis via a programme board involving senior officers of the Council. At this board meeting, progress is gauged via monthly highlight reports which give an overview of the health of the projects that

make up the programme. Risks and issues related to the programme and its projects are reviewed at the board meeting and are managed accordingly.

The Devon [Audit Assurance](#) Partnership report on Climate Change (finalised in February 2023) highlighted the need to comply with the National Audit Office good practice guide – Climate Change Risk; a good practice guide for Audit and Risk Assurance Committees. Whilst a comprehensive climate adaptation risk assessment for Torbay Council has been undertaken, a large proportion of this work remains ongoing.

Conclusion

Overall, during the course of the year we have ensured that we are delivering against our agreed action plans in order to maintain our robust corporate governance arrangements. Our decision making processes are understood by members and officers and the mechanisms which support those processes operate effectively.

Based on the work undertaken by Devon Assurance Partnership during 2024/2025, the Head of Internal Audit's Opinion on the adequacy and effectiveness of the Council's internal control framework is one of "Reasonable Assurance".

We have recognised where there are areas for further improvement as outlined within this Statement. We propose, over the coming year, to take the steps detailed in the action plan below to address these areas to further enhance our governance arrangements. We are satisfied that these steps will address the issues identified and we will monitor their implementation and operation as part of our next annual review.

Appendix 1: Action Plan

Agreed Action	Responsible Officer	Deadline
Ensure all documentation in respect of loans is collated.	Director of Finance	September 2025
Ensure that discussions taken place between the Estates Team and the Harbour Master in relation to rent reviews.	Director of Pride in Place	December 2025
Review the effectiveness of the governance and supporting arranging in relation to Section 106 and Community Infrastructure.	Director of Pride in Place and Director of Finance	February 2025
Implement new commissioning form for use by Torbay Council staff when commissioning additional SWISCo work.	Director of Pride in Place	September 2025
Implement bespoke conflict of interest procedure or guidance note for Planning Enforcement.	Director of Pride in Place	September <u>December</u> 2025
<u>Ensure that all services complete a regular fraud risk assessment</u>	<u>Director of Finance/Director of Corporate Services</u>	<u>March 2026</u>
<u>Implement long-term plan in place to address the capacity issues within Finance Directorate</u>	<u>Director of Finance</u>	<u>March 2026</u>

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