

Wednesday, 27 November 2024

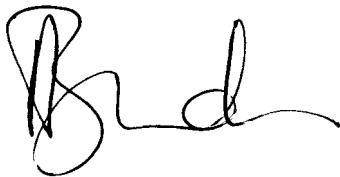
Meeting of the Council

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held in **The Burdette Room, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Thursday, 5 December 2024** commencing at **5.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,



Anne-Marie Bond
Chief Executive

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

A Healthy, Happy and Prosperous Torbay

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

Meeting of the Council Agenda

1. **Opening of meeting**

2. **Apologies for absence**

3. **Minutes**

(Pages 5 - 12)

To confirm as a correct record the minutes of the meeting of the Council held on 12 September 2024.

4. **Declarations of interests**

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

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

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

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

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

5. **Communications**

To receive any communications or announcements from the:

- Civic Mayor, including the presentation of long service awards to Councillors and staff;
- Leader of the Council;
- Overview and Scrutiny Co-ordinator; or
- Chief Executive.

6. **Petitions**

(Pages 13 - 14)

To receive petitions and any oral representations from the public in accordance with Standing Order A23 as set out below:-

Stop the Closure of Torquay Pitch and Putt

7. **Public question time** (Pages 15 - 18)
To hear and respond to any written questions or statements from members of the public which have been submitted in accordance with Standing Order A24.
8. **Members' questions** (Pages 19 - 26)
To respond to the submitted questions asked under Standing Order A12.
9. **Notice of motions**
To consider the attached motions, notice of which has been given in accordance with Standing Order A13 by the members indicated:
- (a) Appointment of Chairs, Overview and Co-ordinator and Scrutiny Leads (Pages 27 - 28)
- (b) Strengthening of Shadow Cabinet (Pages 29 - 30)
10. **Review of Council Tax Support Scheme 2025/26** (Pages 31 - 64)
To consider the recommendations of the Cabinet and a report that provides an overview of the current Council Tax Support scheme and the proposed changes for the financial year 2025/26.
11. **Council Tax Base 2025/26** (To Follow)
To consider a report on the above.
12. **Budget Monitoring 2024/25 - April to September 2024 Revenue and Capital Outturn Forecast** (Pages 65 - 84)
To consider the recommendations of the Cabinet and a report that provides a high-level budget summary of the Council's revenue and capital position for the financial year 2024/25, reviewing budgets and considering year-end forecasts.
13. **Paignton Picture House** (Pages 85 - 164)
To consider the recommendations of the Cabinet and a report that sets out the required action by Cabinet and Council to form a tripartite partnership between Torbay Council, Arts Council England and Paignton Picture House Trust to deliver the full restoration of Paignton Picture House as part of the regeneration of Paignton Town Centre.
14. **Union Square Land Assembly** (Pages 165 - 180)
To consider the recommendations of the Cabinet and a report that seeks to enable commencement of preparations for a possible Compulsory Purchase Order process for the redevelopment of Union Square shopping centre and surrounding properties.
15. **Strand Redevelopment - Land Assembly** (Pages 181 - 194)
To consider the recommendations of the Cabinet and a report that sets out the required action by Council to enable commencement of preparations for a possible Compulsory Purchase Order process for the redevelopment of The Strand (7-14 The Strand Formerly

Debenhams Site and 43/45/47/55/57/59 The Terrace) and surrounding properties.

- 16. Homelessness and Rough Sleeping Strategy** (Pages 195 - 232)
To consider the recommendations of the Cabinet and a report that outlines the feedback from the consultation on the Homelessness and Rough Sleeping Strategy and the amendments undertaken to produce the final strategy prior to its approval.
- 17. Gambling Act 2005 - Statement of Principles (Gambling Policy) 2025 - 2028** (Pages 233 - 316)
To consider the recommendations of the Cabinet and a report that seeks approval of the Statement of Principles (Gambling Policy) 2025 – 2028.
- 18. Review of Political Balance** (Pages 317 - 332)
To consider a report that sets out a review of the political balance of the Council to ensure places on Committees and Working Parties are allocated in accordance with the relevant statutory and Constitutional requirements.
- 19. Review of Parliamentary Polling Districts, Polling Places and Polling Stations 2024** (Pages 333 - 368)
To consider the recommendations of the Cabinet and a report that sets out the results of a consultation exercise and proposals for a revised polling district and polling station scheme.
- 20. Statutory Officer Appointment - Director of Adult Social Services (and Community Services)**
To confirm Anna Cole as the Statutory Officer appointment to the Director of Adult Social Services.
- 21. 2024/25 Treasury Management Mid-Year Review** (Pages 369 - 390)
To note a report that sets out a review of Treasury Management activities during the first part of 2024/25.

Live Streaming

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

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

12 September 2024

:- Present :-

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

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

45 Opening of meeting

The Worshipful The Mayor of Torbay opened the meeting with a minute's silence for personal reflection.

46 Minutes

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

that the Minutes of the meeting of the Council, held on 18 July 2024, be confirmed as a correct record and signed by The Worshipful The Mayor of Torbay.

47 Declarations of interests

No interests were declared.

48 Communications

The Worshipful The Mayor of Torbay and the Chief Executive presented the first Air Show Volunteers appreciation and recognition certificates to voluntary groups, councillors and officers, for their time and commitment in supporting the delivery of the English Riviera Air Show 2024. The following received certificates at the meeting:

Voluntary groups:
Carol Beasley, Patrick Beasley, Alan Tozer and Anne Tozer on behalf of the Lions Club of Paignton

Alan Crocker on behalf of React Disaster Response

Volunteers:

Julie Bryant (collected by Councillor Bryant)

Stuart Crosscombe

Martin Faulkner

John Munford

Dot Swann

Councillors Bryant, Fellows, David Thomas, Jackie Thomas, Tranter and Tolchard

Officers:

Julie Auger

Phil Black

Emma Falconer

Jo Penhaligon

Matthew Redmond

Niki Redmond

Catherine Williams

The Chief Executive advised those who were unable to attend the meeting would be receiving their certificates by post.

The Leader of the Council:

1. drew Members' attention to consultation being undertaken on a new way of working to improve services for children with additional needs including Special Educational Needs (SEND). The Leader of the Council highlighted the ways to get involved and provide feedback on the proposals, including an online survey, and virtual and in person events across Torquay, Paignton and Brixham. Further details of the events were available via the Cabinet Member for Children's Services or the Leader of the Council; and
2. referred to the National Care Leavers week which was taking place at the end of October 2024, and advised this year's theme was 'All of Us We are One', connecting communities. The Leader of the Council highlighted the many events planned across Torbay, including a sponsored event by the Care Experienced Team, and urged all Members to contribute. Social Media for the event was live with the hashtag #NCLW and #NCLWTorbay.

The Overview and Scrutiny Co-ordinator advised Members of the Overview and Scrutiny Board's Spotlight Review on Water and Flooding, with South West Water and the Environment Agency attending. The review was scheduled for 8 October 2024, to be held in the Banking Hall, Torquay Town Hall and was open to the public to attend.

49 Petition on Breakwater Car Park

The Worshipful The Mayor of Torbay advised that the petitioner had requested to defer presentation of this petition.

50 Petition on Giving Cyclists a Provision as part of the Delivery of the Current Harbour Public Realm Project

In accordance with Standing Order A23, the Council received a petition requesting the Council to provide cycling provision as part of the delivery of the Harbour Public Realm Project (approximately 54 paper valid signatures and 76 valid e-petition signatures).

At the invitation of The Worshipful The Mayor of Torbay, Bethan Huntley addressed the Council in relation to the petition.

It was noted that the petition would be referred to the Director of Pride in Place, Alan Denby, for consideration in consultation with the Cabinet Member for Pride in Place, Transport and Parking, Councillor Billings.

51 Public question time

In accordance with Standing Order A24, the Council heard the following public questions and statements from:

- a) Margaret Forbes-Hamilton who presented a question and statement in relation to the decision to revoke the lease for the pitch and putt and bowls facilities at Abbey Park, Torquay. The Cabinet Member for Tourism, Events & Culture and Corporate Services, Councillor Jackie Thomas, responded to the question and the statement that had been put forward, plus a supplementary question asked by Margaret Forbes-Hamilton;
- b) Simmon McGinnes who presented a question and statement in relation to the Council's support for active travel in Torbay, given its decision to remove the cycling lane from the harbour development. The Cabinet Member for Pride in Place, Transport and Parking, Councillor Billings, responded to the question and the statement that had been put forward, plus a supplementary question asked by Simmon McGinnes;
- c) Nick Huntley who presented a question and statement in relation to the Council's delivery of a safe cycling infrastructure, as part of the Torbay Harbour project, thereby demonstrating its commitment to the Local Cycling and Walking Infrastructure Plan. The Cabinet Member for Place Development and Economic Growth, Councillor Chris Lewis, responded to the question and the statement that had been put forward, plus a supplementary question asked by Nick Huntley;
- d) David Pressley who presented a question and statement in relation to the Council's continued implementation of its Joint Health and Wellbeing Strategy

2022-26 for considering planning applications and making its Statement of Case at any appeals when it does not comply with the Strategy. The Cabinet Member for Place Development and Economic Growth, Councillor Chris Lewis, responded to the question and the statement that had been put forward, plus a supplementary question asked by David Pressley; and

- e) Ron Keegan of Mid Devon Cycling Club (on behalf of Ann Ashworth) who presented a question and statement in relation to whether the Council consulted cycling groups about revised roadside plans which did not include a cycle path. The Cabinet Member for Place Development and Economic Growth, Councillor Chris Lewis, responded to the question and the statement that had been put forward.

52 Members' questions

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

Supplementary questions were put and answered by Councillors Bye, Chris Lewis and Tyerman, arising from their responses to the questions in respect of questions 2, 3 and 4.

53 Implementation of the Accommodation Re-purposing Project ("Hotels to Homes") and Acquisition of Scheme 1

The Council considered the recommendations of the Cabinet (as set out in the submitted report) on funding for the implementation of the Accommodation Re-purposing Project as part of the Housing Delivery Plan.

Councillor Tyerman proposed and Councillor Bye seconded a motion as set out below:

that the Capital Programme be uplifted by £3 million, wholly funded by capital grant received from the Ministry for Housing, Communities and Local Government, to commence delivery of the Accommodation Repurposing Project (also known as 'Hotels to Homes').

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

1. that the Capital Programme be uplifted by £3 million, wholly funded by capital grant received from the Ministry for Housing, Communities and Local Government, to commence delivery of the Accommodation Repurposing Project (also known as 'Hotels to Homes'); and
2. that Cabinet be requested to consider the opportunity of holding the housing stock acquired under this programme on a permanent basis.

The amendment was put to the vote and an equality of votes was declared. Therefore, in accordance with Standing Order A18.2, The Worshipful The Mayor of Torbay used her casting vote, voted against and declared the amendment lost.

Councillor Tyerman's and Councillor Bye's original motion was then considered by the Council which was agreed (unanimously), as set out below:

that the Capital Programme be uplifted by £3 million, wholly funded by capital grant received from the Ministry for Housing, Communities and Local Government, to commence delivery of the Accommodation Repurposing Project (also known as 'Hotels to Homes').

54 Levelling Up Fund Round 3 - Torbay Technology Park

The Council received the recommendation of the Cabinet (as set out in the submitted report) on funding for the Torbay Technology Park Project to acquire land to accelerate the project.

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

that the Director of Finance, in consultation with the Director of Pride in Place and Cabinet Member for Place Development and Economic Growth, be given delegated authority to vary the Capital Plan upon confirmation of the final acquisition price of Torbay Technology Park, which is to be funded from Levelling Up Fund grant, be approved.

55 Treasury Management Outturn 2023/24 Report

The Council considered the recommendations of the Audit Committee and the submitted report on the Council's treasury management activities during 2023/24 against the Treasury Management Strategy of the same year.

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

- 1. that the Treasury Management decisions made during 2023/24, as detailed in the submitted report be noted; and**
- 2. that the increases to limits within the Treasury Management Strategy 2024/25, as outlined in paragraph 10.4 of the submitted report, be approved, subject to the proposed change in minimum acceptable credit rating level remaining at A.**

56 Establishment of Cabinet Working Parties and Council Local Plan Working Party

The Council considered the recommendation of the Cabinet (as set out in the submitted report) on the establishment of a Council Local Plan Working Party.

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

That the Local Plan Working Party be established with the following Terms of Reference and Membership:

Terms of Reference: To assist Officers with the preparation of the revised draft Local Plan including the content, timing and scope of key consultation and submission documents in accordance with the timetable as set by the Local Development Scheme (or similar document required by subsequent legislation); to make appropriate recommendations to Cabinet and Council; and to respond to issues that may arise during examination.

Membership: 3 Conservatives (to include the Cabinet Member for Place Development and Economic Growth (who will chair the meetings)), 2 Liberal Democrats and 1 Independent.

This Working Party will be disbanded once it has completed its review of the revised Local Plan documents.

57 Constitution Amendments - Local Protocol on Relations between Overview and Scrutiny and the Cabinet

The Council considered the adoption of a new Local Protocol on Relations between Overview and Scrutiny and the Cabinet for inclusion in the Council's Constitution. It was noted, the new Local Protocol had been developed following a review of the Council's Overview and Scrutiny function and in response to the recommendations of the Local Government Association's Peer Review held in April 2024.

Councillor Jackie Thomas proposed and Councillor Spacagna seconded a motion as set out below:

that Council approves the new Local Protocol on Relations between Overview and Scrutiny and the Cabinet, set out at Appendix 1 to the submitted report, for inclusion within the Council's Constitution.

During the debate Councillor Penny proposed and Councillor Long seconded an amendment to the motion as follows:

that Council approves the new Local Protocol on Relations between Overview and Scrutiny and the Cabinet, set out at Appendix 1 to the submitted report,

for inclusion within the Council's Constitution, subject to paragraph 2.3 of Appendix 1 being amended as follows (changes underlined):

- 2.3 In addition to their rights as Councillors and reflecting the Statutory Guidance referred to in paragraph 1.1 above, Members of Overview and Scrutiny Boards/Sub-Boards and their working groups have additional rights of access to documents, as included in the Access to Information rules in the Constitution (as set out at Standing Order E20.4), which is not limited for reasons of party political or reputational expediency.

Arising from the debate on the amendment, Councillor Penny and Councillor Long withdrew their amendment and Councillors Jackie Thomas and Spacagna subsequently altered their original motion, which was agreed by the Council (unanimously) as set out below:

that Council approves the new Local Protocol on Relations between Overview and Scrutiny and the Cabinet, set out at Appendix 1 to the submitted report, for inclusion within the Council's Constitution, subject to further work, cross party, being undertaken on the Local Protocol and reported to Council as required.

(Note: Following the meeting of the Council, the Monitoring Officer reviewed the Local Protocol on Relations between Overview and Scrutiny and the Cabinet and, in consultation with Group Leaders, made technical changes to reflect the intention the of withdrawn amendment.)

58 Urgent Council Decision taken by the Chief Executive

Members noted the submitted report, which provided details of an urgent decision taken by the Chief Executive in respect of a Constitution amendment in relation to limitations on officer delegations.

The Worshipful The Mayor of Torbay

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Petition – Stop the Closure of Torquay Pitch and Putt

794 paper signatures
189 e-petition signatures

We the undersigned petition the council to suspend the plan to close the pitch and putt course and cede the land to Torre Abbey, until a public consultation and vote of the full council is completed.

I along with many others, locals and tourists alike have enjoyed the pleasure of using the facilities of the Torre Abbey Pitch and Putt and Bowling. This amenity, open for over 60 years, is literally the last public amenity to enjoy in Torquay. It is a shared frustration that the local Council wants to deprive us of this gem for the second time, only to be dependent on lottery funding for their plans. The Pitch and Putt has been lovingly maintained for many years and really gives something to the community. Its closure will leave no communal amenity for us to utilise, other than tennis courts, throughout the year. Equally, its loss would also potentially mean a significant reduction in tourism facilities and revenue impacting local businesses and thus, our economy.

We the undersigned demand a public consultation prior to the termination of the Pitch and Putt. Until such time as plans are publicly consulted and agreed upon, request the Council renegotiate continual terms of the Pitch and Putt lease.

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**Meeting of the Council, Thursday, 5 December 2024
Public Question Under Standing Order A24**

Public Question 1

Margaret Forbes-Hamilton to the Cabinet Member for Tourism, Events & Culture and Corporate Services (Councillor Jackie Thomas)

As the current pitch and putt site in front of Torre Abbey is part of the land listed as a Scheduled Ancient Monument, has Scheduled Monument Consent been applied for and granted by Historic England for the removal of the perimeter fencing and levelling of the ground, and does there need to be a watching brief for hidden archaeology during these works?

Public Question 2

Margaret Forbes-Hamilton to the Cabinet Member for Tourism, Events & Culture and Corporate Services (Councillor Jackie Thomas)

What are the costs quoted for the removal of the fencing and levelling of the ground and the archaeological watch, which companies have given these quotes, and precisely where are the funds to carry out this work coming from?

Public Question 3

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

The Paignton Seafront Flood Defence works planning permission was approved on 12th July this year.

Our concerns relate to the Eastern Esplanade which is the area surrounding Paignton Pier. We were pleased to see a 2-way cycle lane through the pedestrianised section of the plans, however, the layout on the two 'wings' remains in the same format to how they are currently. Something we are deeply concerned about the safety of.

There are 2 main areas of concern: cyclists have a painted lane in which to travel against the traffic flow. However, it is frequently our experience that vehicles regularly straddle this cycle lane and pay little attention to cyclists travelling towards them as they are looking the other way for car parking. This is so common that it is depicted on the current google image street view of the road.

Additionally, when travelling with the traffic flow vehicles drive forwards into parking spaces but reverse out of them, into the path of oncoming traffic. If they fail to see a vulnerable road user they can very easily reverse right over them. This is more likely to occur with larger vehicles which have poorer visibility such as vans, pickups,

camper vans or motorhomes. Equally, someone in a recumbent cycle or a younger cyclist would be less visible.

Imagine the feeling of travelling down that route - at any moment it is possible for a car, van or motorhome to reverse out into your path. Every cyclist I ever speak to who has cycled down there tells me they have concerns regarding the layout and have experienced near misses. We know that near misses eventually lead to incidents. In 2021 a cyclist was slightly injured here and on Saturday 13th June 2023 a 47 year old pedal cyclist was seriously injured by a vehicle. Both of these incidents were during the day in summer with good weather.

At the planning meeting the Head of Engineering for Torbay Council referenced the 'valid concerns' raised in the representation from Active Travel England regarding what they deemed to be a 'critical safety issue' in the design due to cyclists being offered no physical protection from reversing vehicles. As such it was our expectation that there would be a planning condition regarding this. However, when the decision notice was issued, there was no planning condition to resolve what Active Travel England perceived to be a critical safety issue.

Furthermore, I understand that following the meeting a diagram was produced showing how a vehicle can reverse out of a parking space without infringing on the cycling lane. I believe it has since been acknowledged by TC that this is 'idealistic' - it is also based on a car which is shorter than a great number of vehicles that use the area. Additionally, this is not our main concern - cyclists are also travelling unprotected within the carriageway.

We have been told that extensive consultation has been undertaken. However, no one should have to ask for safe highways design within a consultation - provision of this is a statutory obligation of the council. Similarly, I'm sure no one asked for litter bins either.

At a meeting of the Design Review Panel Torbay Council Head of Highways, responded to a question as to whether there were safety concerns and the view was that during the period since implementation the layout had a good safety record however, cyclists were not consulted regarding this and we know that incidents involving vulnerable road users are often under-reported.

If you have ever been hit by a vehicle whilst travelling in a painted cycle lane, you will know that paint is not protection.

One of the mitigations explained is that vehicles are travelling slowly in this area. However, as someone who broke bones and whose face still bears the scars from a collision with a vehicle at a slow speed, I do not agree with this argument.

This redesign was Torbay Council's Opportunity to engineer out these safety issues which could have been done easily at the pre-planning stage. The ideal would have been to create a fully segregated cycle lane. However, as a minimum, we would like to see a change in the direction of parking, so vehicles are required to reverse in. This would greatly reduce the danger to cyclists and pedestrians.

With this in mind, despite the approved planning permission, will Torbay Council redesign the Paignton Esplanade Road layout to prevent future tragedy?

Public Question 4

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

It has been found that on-road dashed cycle lanes which pre-date the Local Transport Note 01-20 guidance actually kill 10% more people than having no cycle lane at all and not encourage uptake of cycling. (<https://fiets.uk/2024-09-19/the-shocking-and-deadly-statistic-behind-painted-cycle-lanes/>)

To someone who has never cycled in them, this may sound counter intuitive. However these 75cm wide lanes give an illusion of safety which cyclists fail to share.

The national cycle standards training actually teaches that it is often safer to ride outside of these lanes to maintain correct road positioning. Their rule of thumb is you should be at least an arm's distance from the curb when it is safe for a vehicle to pass but move further out, to the primary position, when required.

These lines make drivers see a person cycling as being in their own lane and so they don't need to consider their needs. This results in more frequent close passing - we frequently observe most vehicles fail to wait behind cyclists and cross into the other carriageway. In most road width situations this automatically means they are failing to leave an adequate gap of at least 1.5m around the cyclist. In the event the cyclist came off their bike or an obstruction in the cycle lane forced them out, they would be directly in the path of a vehicle and likely seriously hurt.

Paint is not protection and the danger from close passing vehicles increases the number of crashes that occur.

In my opinion we have these dangerous 'lanes' on a great number of roads in Torbay including the Riviera Way dual carriageway.

The best solution would be for all cycle lanes in Torbay to be re-designed to comply with current guidance. This has been proved to reduce cycle deaths by half and increase uptake of cycling by 20-60% compared with no infrastructure (Boardman, 2024). However, we understand that this long term aspiration will be expensive and time consuming.

In the meantime, what we are asking the council to do is an evidence based step to improve road safety.

Will Torbay Council reduce road danger for cyclists in Torbay by removing these dangerous road markings as a part of routine maintenance going forward?

Meeting of the Council, Thursday, 5 December 2024

Members' Questions Under Standing Order A12

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

First Round

Question 1

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

I understand that the Friends of Oldway offered funds raised via the former tea rooms to help with the upkeep of Oldway, eg the fixing of the roof in the tea rooms. Why was this offer not taken up?

Question 2

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

Can the Cabinet Member for Place Development and Economic Development provide an update as to progress made to re-open Preston North and Corbyn Head toilets as promised in their 2023 election manifesto?

Question 3

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

Can the Cabinet Member for Pride in Place, Transport and Parking please tell us what actions he has taken to get us closer to restoring a full bus service to the Fowey loop in Shiphay?

Question 4

Councillor Long to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)

Question 5

Councillor Douglas Dunbar to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)

How is Torbay Council working with local advice agencies (such as Disability Support Torbay; Citizens Advice and Age UK Torbay) to help residents apply for benefits they might be entitled to?

Question 6

Councillor Fox to the Cabinet Member for Adult and Community Services, Public Health and Inequalities (Councillor Tranter)

What 'warm spaces' will Torbay Council be providing for residents this winter, and how will the council be working with other organisations to also provide 'warm spaces'?

Question 7

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

When does the Council plan to re-line the parking spaces at the Crown and Anchor car park in Paignton?

Question 8

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

When does the Council plan to re-line the parking spaces at the Shedden Hill car park in Torquay?

Question 9

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

A pedestrian crossing on Lymington Road in Torquay has become very faded on the road. When might this crossing be refreshed?

Question 10

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

A Town Centre Manager in Torquay could help traders coordinate activities, help with promotion of the high street and with many other things - even encourage businesses to take part in the MyBay scheme. Why did the current administration not proceed to give the go ahead with the proposal for a Town Centre Manager as budgeted for by the previous Liberal Democrat/Partnership administration?

Question 11

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

Many residents have been left frustrated, unable to progress applications for Controlled Parking Zones whilst a new CPZ policy is being reviewed. Residents of York, Westbourne, and Rowley Roads have been left in limbo, unable to solve parking problems whilst waiting for over two years for this policy. The new policy was discussed at the Transport and Parking Working Party in February but has still not been ratified, could it be confirmed with a fixed date when this will happen?

Question 12

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

Following the fatal crash on the A379 between St Marychurch and Maidencombe, and several other crashes over recent weeks. What action is the council taking to make-safe this dangerous section of road?

Question 13

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

In light of the recent 500% increase in the bus grant. How does the council plan to consult further with our communities to enhance our bus services across the bay?

Second Round

Question 14

Councillor Cowell to the Leader of the Council (Councillor David Thomas)

Can the Leader of the Council please itemise precisely the spend in promoting My Bay and what the full-time equivalent is for officer time in administering/promoting the initiative?

Question 15

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

Can the Cabinet Member for Tourism, Culture & Events and Corporate Services please provide members with a detailed breakdown of the English Riviera Air Show budget?

Question 16

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

Does the Council have an estimate of how much income it is losing in parking fees and enforcement due to parking spaces in car parks needing to be relined?

Question 17

Councillor Johns to the Leader of the Council (Councillor David Thomas)

It has become clear that important Council decisions have been made in Torbay without sharing with other elected councillors e.g former Crossways Shopping Centre becoming a temporary surface level car park, please can you explain why?

Question 18

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

What preventative action is the Council taking to ensure that Christmas trees are not fly-tipped at the coach station in Torquay after Christmas?

Question 19

Councillor Carter to the Leader of the Council (Councillor David Thomas)

I was shocked to hear the news of the proposed closure of the Paignton town centre main Post Office. This Post Office is crucial to the local businesses and residents. This Post Office can be used for banking, which is increasingly important as the banks that are still in Paignton are not open very long in the week and hardly any on Saturdays. This Post Office is also useful for so many other things such as road tax, passport checks, foreign exchange and sending parcels, to name just a few. It would be inconvenient and tragic to lose this main Post Office.

What engagement with the Post Office has the Council undertaken to try to stop the closure of such a vital asset?

Question 20

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

Does the administration agree with the Deputy Police and Crime Commissioner that car parking should be free to attract people into our town centres?

Question 21

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

Regarding the Sladnor Park pre-application in Maidencombe, developers have suggested they met with the Leader of the Council around the 2nd of October, prior to the all-member briefing on the 17th October. It was implied that the leader was supportive of this development. Could it be confirmed whether support for the Sladnor Park development was given, and that this meeting complied with the LGA guidance, Probity in Planning?

Question 22

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

The benches outside St Margaret's Academy in St Marychurch has fallen into a state of disrepair, with no clear funding to repair or replace it. A new bench policy has been suggested as a solution, could it be advised how close this policy is to being brought into effect and when it is likely to be so?

Question 23

Councillor Steve Darling to the Cabinet Member for Children's Services (Councillor Bye)

"Tired, malnourished and cold" that's how one head teacher at a primary school in Torbay described some of her pupils at a recent visit. What is Torbay Council doing to support youngsters in need in Torbay?

Third Round

Question 24

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

In the Autumn of 2022, the then Leadership of the Council asked that Debenhams be demolished to reduce the business rate liability payable by the Council.

Please can you confirm how much has been paid to date in business rates since October 2022-2023, 2023-2024 and for 2024-25? In addition, any other costs incurred since October 2022 such as security and any other bills?

Question 25

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

What scrutiny takes place by Torbay Council of Leasehold charges levied by Housing Associations and paid for by Housing Benefit on behalf of Torbay tenants to make sure that such charges are correct thus ensuring that public funds are protected?

Question 26

**Councillor George Darling to the Cabinet Member for Housing and Finance
(Councillor Tyerman)**

Several residents within the St Marychurch Ward have concerns with regards to Next Steps properties being occupied beyond the maximum advised two-year tenancy. Could you kindly advise, across Torbay, what number and proportion of Next Steps tenants have become stuck, staying longer than the two-year period?

Question 27

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

Earlier this summer I was assured that the public open space that is currently fenced off to the rear of Kingsley Avenue and Darwin Crescent would shortly be opened to the public. What clear date does the council have to open this green space?

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Liberal Democrat & Independent Opposition Partnership Notice of Motion

Council

5 December 2024

Appointment of Chairs, Overview and Co-ordinator and Scrutiny Leads

The purpose of this motion is to achieve a more fair and equitable distribution of responsibilities, that accurately reflects the No Overall Control status of Torbay Council and seeks to redress where the opposition partnership considers there is political imbalance that currently exists.

Therefore the Council resolves:

1. That the decision of the Council on 18 July 2024, to appoint Councillor Spacagna as Overview and Scrutiny Co-ordinator be rescinded (Minute 39/7/24 refers) and that Councillor Long be appointed as Overview and Scrutiny Co-ordinator and Chairman of the Overview and Scrutiny Board (in accordance with Article 5.04) for the remainder of the Municipal Year 2024/25;

2. That the decision of the Council on 20 June 2024 to appoint the following Scrutiny Leads be rescinded (Minute 20(2)/6/24 refers):

Councillor Fellows - Overview and Scrutiny Lead for Children's Services;

Councillor Tolchard - Overview and Scrutiny Lead for Adults, Community Services, Public Health and Inequalities;

Councillor Hutchings - Overview and Scrutiny Lead for Place Development, Economic Growth and Culture; and

Councillor Foster - Overview and Scrutiny Lead for Housing, Finance, Corporate and Place Based Services.

3. That the following Scrutiny Leads be appointed for the remainder of the 2024/2025 Municipal Year:

Councillor Law - Overview and Scrutiny Lead for Children's Services;

Councillor Johns - Overview and Scrutiny Lead for Adults, Community Services, Public Health and Inequalities;

Councillor Maddison - Overview and Scrutiny Lead for Place Development, Economic Growth and Culture; and

Councillor Cowell - Overview and Scrutiny Lead for Housing, Finance, Corporate and Place Based Services.

4. That the decision of the Council on 20 June 2024 to appoint the following Chairmen/women be rescinded (Minute 19(5)/6/24 refers):

Audit Committee - Councillor Brook
Harbour Committee – Councillor Strang
Statutory Licensing Committee – Councillor Barbara Lewis
Regulatory Committee - Councillor Barbara Lewis
Children and Young People Overview and Scrutiny Board – Councillor Fellows
Adult Social Care and Health Overview and Scrutiny Sub-Board - Councillor Tolchard
Planning Committee - Councillor Brook

5. That the following Chairmen/women be appointed for the remainder of the 2024/25 Municipal Year:

Audit Committee - Councillor Penny
Harbour Committee – Councillor Amil
Statutory Licensing Committee – Councillor Mandy Darling
Regulatory Committee - Councillor Mandy Darling
Children and Young People Overview and Scrutiny Board – Councillor Law
Adult Social Care and Health Overview and Scrutiny Sub-Board - Councillor Johns
Planning Committee - Councillor Pentney

In accordance with Standing Order A17.1(ii), this Notice of Motion is also signed by the same number of members for a quorum at Council meeting = 9 members in total:

Proposer Councillor (1): Councillor Long

Seconder Councillor (2): Councillor Cowell

Councillor (3) : Councillor Law

Councillor (4): Councillor Johns

Councillor (5): Councillor George Darling

Councillor (6): Councillor Ras Virdee

Councillor (7): Councillor Douglas-Dunbar

Councillor (8): Councillor Maddison

Councillor (9): Councillor Fox

Liberal Democrat & Independent Opposition Partnership Notice of Motion

Council

5 December 2024

Strengthening of Shadow Cabinet

The purpose of this motion is to ensure that the Council has effective governance arrangements through a truly effective Shadow Cabinet. Effective arrangements in this respect supports the on-going resilience of the Council, through ensuring that there is capacity across all political groups should a change in political control occur.

Therefore the Council resolves:

That the Monitoring Officer be requested to review the Local Protocol for Shadow Cabinet, and report to the Council meeting on 6 February 2025.

Proposer Councillor Cowell

Seconder Councillor Long

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Meeting: Cabinet/Council Meeting

Date: 26 November 2024/05 December 2024

Wards affected: All

Report Title: Review of Council Tax Support Scheme 2025/26

When does the decision need to be implemented? 01 April 2025

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

Director Contact Details: Malcolm Coe, Director of Finance, malcolm.coe@torbay.gov.uk

1 Purpose of Report

- 1.1 Council Tax Support is a discount that reduces the amount of Council Tax to pay for households that have a low income.
- 1.2 This report provides members with an overview of the current Council Tax Support scheme and the proposed changes for the financial year 2025/26.
- 1.3 The Local Government Finance Act 2012 requires that the Council Tax Support scheme is reviewed annually and where a council proposes changes to its scheme it must consult on the changes.
- 1.4 The Council must approve the scheme for the financial year 2025/26, before 11 March 2025.

2 Reason for Proposal

- 2.1 To consider the consultation responses and the equality impact assessment for the following:
 - Increasing the level of support for self-employed households, that are not receiving Universal Credit and have a disability, or caring responsibility that will take effect from 1 April 2025.
 - Discounting certain payments or settlements made by the UK Government from 1 April 2025.
- 2.2 To consider increasing the income bands that are used to determine the amount of Council Tax Support that will take effect from 1 April 2025.

3 Recommendations

- 3.1 That the Council be recommended to amend the Council Tax Support Scheme for 2025/26 as follows:

1. The self-employed minimum income floor calculation for households that are not receiving Universal Credit and have a disability, or caring responsibility is removed and is based on the actual income received (see paragraph 6.1).
2. Discounting any compensation payments made by the Post Office in connection with the failings of the Horizon system (see paragraph 6.1).
3. Discounting any additional settlement payments resulting from the ongoing Grenfell Tower related civil litigation (see paragraph 6.1).
4. Discounting any payments for the Vaccine Damage Payment Scheme (see paragraph 6.1).
5. Discounting payments for Victims of Terrorist Attacks Abroad (see paragraph 6.1).
6. The income band with the highest level of discount is increased by the September 2024 Consumer Price Index rate, at 1.7% (see paragraph 6.2).

That subject to 3.1 the Cabinet:

- 3.2 Notes that the amendments in 3.1 above will affect all working age households in Torbay that will receive a Council Tax Reduction from 1 April 2025.

Pension Age households will not be affected as they are part of the national scheme, set by the Government.

- 3.3 Notes that the Exceptional Hardship Fund will continue at £100,000 (see paragraph 6.3).
- 3.4 Gives delegated authority to the Director of Finance, in consultation with the Cabinet Member for Housing and Finance, to make any further adjustments required to the Exceptional Hardship Policy and Fund and the Vulnerable policy.
- 3.5 Notes when deciding claims for Council Tax Support and Housing Benefit, the Social Security Administration Act 1992 section 134(8)(b) and 139(6)(b) provides Local Authorities with the discretion to increase the amount of war pension it disregards. Local Authorities can introduce a local scheme to fully disregard War Widow's/Widower's Pension or War Disablement Pension remaining after the mandatory disregards have been applied.

Torbay has fully disregarded this type of income and military compensation payments for many years and for that reason would like to remind members of this arrangement when considering the renewal of the 2025/26 Council Tax Support scheme.

It also provides clarity that members will continue to support this arrangement, should it be required for the annual Housing Benefit audit certification process.

Appendices

Appendix 1 Council Tax Support Consultation Report

Appendix 2 Equality Impact Assessment

4. Introduction

- 4.1 In March 2012, the Welfare Reform Bill received Royal Assent and contained provisions for the abolition of Council Tax Benefit. In October 2012, the Local Government Finance Act became law and included the framework for localised Council Tax Reduction schemes which is known as the Council Tax Support scheme.
- 4.2 Statutorily, Local Authorities were required to develop and adopt a Localised Council Tax Support scheme by 31 January 2013 with implementation on 1 April 2013. To an extent, Councils had been given autonomy to develop schemes that met the needs of their local area but were also prescribed a framework, where pensioners are protected. However, Local Authorities would only receive 90% of the funding received in the previous year (2012/13). It was up to Local Authorities to decide whether to absorb the ten per cent cut in funding or pass this onto Council Tax Support recipients.
- 4.3 To enable this activity to be taken forward, the Government provided Local Authorities with a statutory framework that included the following:
- Local Authorities must have their new schemes agreed by 31st January 2013.
 - Financial help with Council Tax will now be seen as a discount and not a benefit.
 - There will be no change to the amount of help pension age claimants receive.
 - Councils can decide the rules for their new schemes within a prescribed framework, however, must consider the impact on the most vulnerable.
 - Guidance was given to encourage local authorities to ensure local schemes do not act as a disincentive to working.
- 4.4 The Government required that all pensioners are protected under the new scheme with the reduction in funding not applying to them. Working age households would therefore bear the full reduction in grant to cover future Council Tax Support scheme expenditure.

5. Background

- 5.1 Prior to April 2013 the national Council Tax Benefit scheme was available to taxpayers on low incomes to assist them with their Council Tax liability. This scheme had been in operation since 1993 and was administered by Local Authorities on behalf of the Department for Work and Pensions.
- 5.2 Under the national scheme Council Tax payers could receive up to 100% of their Council Tax liability. The Council then received full funding from the Government for all claims that were correctly awarded.
- 5.3 Following changes introduced by the Local Government Finance Act 2012, local authorities had to devise their own local schemes for low income households to take effect from 1 April 2013. At that time the Government also reduced the amount of funding by 10%.
- 5.4 When devising the new scheme, a detailed analysis of over 35 different financial profiles was undertaken, taking into account the demographic profile of the households receiving Council Tax Benefit at that time. The evaluation process was based upon the principles of fairness and ease of administration.

- 5.5 The scheme was approved by members at Full Council in December 2012 and introduced in the following April 2013.
- 5.6 Further changes to the scheme were agreed by members in December 2016 and introduced over the following two financial years, in 2017/18 and 2018/19. These changes were made to make the scheme more affordable and to align with Housing Benefit and Universal Credit legislation.
- 5.7 Between financial years 2019/20 and 2023/24 minor changes were made to the scheme so that it continued to be aligned with Housing Benefit Regulations and Universal Credit legislation.
- 5.8 From 1 April 2024, an income banded scheme replaced the means tested scheme.

5.9 Current Income Banded Scheme

- 5.10 The introduction of Universal Credit brought a number of challenges to the administration of the means tested Council Tax Support scheme and the collection of Council Tax.
- 5.11 For each change in entitlement to Universal Credit the amount of Council Tax Support had to be recalculated, which resulted in a revised bill and payment instalments. This made budgeting to pay Council Tax far more difficult for households with a low income, as the amount to pay constantly changed.
- 5.12 This led to the development of the current income banded scheme, as it's less reactive to change. To achieve this the income bands have been set sufficiently wide to avoid constant changes in the amount of Council Tax Support awarded.
- 5.13 The current scheme also makes the application process easier for the customer, simpler for staff to administer and similar to other Council Tax discount schemes.
- 5.14 The income banded scheme consists of a simple income grid model, where the household composition and net income applies a percentage reduction to the Council Tax liability. To allow for variation the band amount increases where the applicant has a partner and/or dependent children. This effectively replaces Personal Allowances and Premiums used for calculating the previous means tested scheme.
- 5.15 Other significant changes that were introduced with the current scheme are listed below:
- The highest level of discount was raised from 70% to 75%.
 - The number of hours used to calculate the self-employed minimum income floor for lone parents was lowered from 35 to 25 hours.
 - A new income disregard for households receiving Carer's Allowance.
 - A new income disregard for support related and work-related activity components for Employment and Support Allowance.
 - A new income disregard of £75 per week where the applicant, partner or dependant receives a disability payment.

6. Proposed Scheme Changes

6.1 The five proposed changes to the current working age scheme that were consulted on are outlined below.

1. Currently, if the applicant or partner is not receiving Universal Credit and is self-employed, after twelve months trading a minimum level of income (minimum income floor) is calculated and applied if the actual income is below the national minimum hourly wage.

For single people, couples, and couples with children the calculation is based on a standard 35 hour week multiplied by the hourly national minimum wage for the appropriate age group.

For lone parents the calculation is based on a standard 25 hour week multiplied by the hourly national minimum wage for the appropriate age group.

To support those households that have a disability* or caring responsibilities** we are proposing to use the actual amount of self-employed income.

**in the work group or support group of Employment and Support Allowance.*

***caring for a severely disabled person.*

2. Compensation and support payments made by the Post Office in connection with the failings of the Horizon system are disregarded when calculating Council Tax Support for working age households.

This proposal will align the working age scheme to the change already made by Central Government to the pension age Council Tax Support scheme.

3. Additional settlement payments resulting from the ongoing Grenfell Tower related civil litigation are disregarded when calculating Council Tax Support for working age households.

This proposal will align the working age scheme to the change already made by Central Government to the pension age Council Tax Support scheme.

4. Compensation payments for the Vaccine Damage Payment Scheme are disregarded when calculating Council Tax Support for working age households.

This proposal will align the working age scheme to the change already made by Central Government to the pension age Council Tax Support scheme.

5. Compensation payments for Victims of terrorist attacks abroad are disregarded when calculating Council Tax Support for working age households.

This proposal will align the working age scheme to the change already made by Central Government to the pension age Council Tax Support scheme.

6.2 The income band with the highest level of discount is increased by September's (2024) Consumer Price Index rate, at 1.7%, which is the same rate as working age benefits will increase from 1 April 2025 - this increase will be rounded up to the nearest pound.

Subsequent income bands will be adjusted and continue to be incremented by the current set amounts, £30 for single person households and £40 for all other household types.

The revised income bands to be used for all working age households are shown below.

Proposed Income Bands from 1 April 2025 for Working Age Households						
Level of Discount	Single	Couple	Single and 1 Child	Single 2+ Children	Couple and 1 Child	Couple 2+ Children
75%	In receipt of a passported benefit	In receipt of a passported benefit	In receipt of a passported benefit	In receipt of a passported benefit	In receipt of a passported benefit	In receipt of a passported benefit
75%	£0 to £104.00	£0 to £152.00	£0 to £179.00	£0 to £261.00	£0 to £234.00	£0 to £316.00
55%	£104.01 to £134.00	£152.01 to £192.00	£179.01 to £219.00	£261.01 to £301.00	£234.01 to £274.00	£316.01 to £356.00
40%	£134.01 to £164.00	£192.01 to £232.00	£219.01 to £259.00	£301.01 to £341.00	£274.01 to £314.00	£356.01 to £396.00
20%	£164.01 to £194.00	£232.01 to £272.00	£259.01 to £299.00	£341.01 to £381.00	£314.01 to £354.00	£396.01 to £436.00
0%	£194.01+	£272.01+	£299.01+	£381.01+	£354.01+	£436.01+

If the income bands remain unchanged some working age households would move into a higher income band, resulting in less discount and having to pay more Council Tax.

6.3 The Exceptional Hardship fund was introduced from 1 April 2013, to provide financial assistance to working age households with their Council Tax. The fund is available to Council Tax payers receiving Council Tax Support who experiencing significant financial hardship and the level of support does not meet their full Council Tax liability.

The fund has financial limitations and, as such, awards can only be made based on eligibility, whilst having regard to the level of funding available or remaining within the Exceptional Hardship Scheme each financial year.

It should be noted that this fund was increased from £80,000 to £100,000 from 1 April 2024 to mitigate the impact of the new income banded scheme for those households that were most adversely affected. To ensure that the correct level of funding is maintained monitoring arrangements are in place to review the fund position.

7. Options Under Consideration

- 7.1 To approve the proposed scheme changes.
- 7.2 Leaving the current scheme unchanged will result in either a lower level of discount or not eligible to Council Tax Support for the households affected by these proposals.

8. Financial Opportunities and Implications

- 8.1 The proposed changes to the scheme are not expected to increase the scheme's cost.
- 8.2 The bandings in the income band scheme are being uprated in line with working age benefits, and so this change should ensure current recipients of support stay in the same band as their income increases.

9. Legal Implications

- 9.1 Schedule 1A(3) of the Local Government Finance Act 1992, states:

Before making a scheme, the authority must:

- a) consult any major precepting authority which has power to issue a precept to it,
- b) publish a draft scheme in such manner as it thinks fit, and
- c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.

- 9.2 In addition to the above, to set a new scheme the Council is required to make a resolution by 11th March of the year prior to the scheme coming into place.

10. Engagement and Consultation

- 10.1 Before final approval of the scheme, Councils are required to consult with:

- Major Precepting Authorities (Police and Fire Authorities)
- The public
- Relevant stakeholder groups - e.g. CAB, representative groups.

The consultation process commenced on 10 October 2024. A four-week response period was adopted to ensure responses could be considered before these final recommendations

- 10.2 The consultation report for the proposed changes is attached at Appendix 1.

11. Procurement Implications

- 11.1 The proposed scheme changes will require some minor changes to the on-line application form software that will incur a nominal charge from our current software supplier.

12. Protecting our Bay and Tackling Climate Change

- 12.1 There are no additional environmental implications with the current Council Tax Support scheme. Electronic applications will continue to be promoted reducing the need for paper forms. It also removes the need to travel to either post or deliver the application to a designated office.

13. Associated Risks

- 13.1 A more challenging financial environment with greater uncertainty than in previous financial years could result in an increase in the number of working age households receiving a discount.
- 13.2 Should the caseload increase, the Council, along with the other preceptors, bears the risk of the additional cost of the scheme.

14. Equality Impact Assessment

- 14.1 The proposed changes in this report do not have any new equality impacts attached to them. A full assessment of the current income banded scheme was undertaken November 2023 and appended to the report that was considered by Council on 7 December 2023.
- 14.2 An Equalities Impact Assessment for the proposed changes is attached at Appendix 2.

15. Cumulative Council Impact

- 15.1 None

16. Cumulative Community Impacts

- 16.1 None

Council Tax Reduction Scheme 2025 - Consultation Report

Contents

Executive summary.....	page 2
Summary of responses from survey.....	page 3
Summary of freetext responses.....	page 3
Summary of partner / stakeholder responses.....	page 4
Introduction.....	page 4
How the consultation was carried out (methodology).....	page 5
Consultation responses.....	page 5
Responses to individual survey questions.....	page 6
Responses to freetext questions and boxes.....	page 8
Demographics of who took part.....	page 9
Appendix 1 – Full response to the consultation from the Royal British Legion.....	page 10

Executive Summary

From 10 October to 7 November 2024, a consultation was held on the proposed changes to the Council Tax Reduction Scheme for 2025/26.

Every year councils must decide whether to change the Council Tax Reduction Scheme for working age applicants in the area. The scheme for pension age applicants is set by government and is not affected by any of the options set out in this consultation.

The consultation was different this year to previous years, in that there was only one locally specific proposal, with the other questions in the consultation relating to national compensation schemes. This year, we had five proposals, one that will support the self-employed that have a disability or caring responsibility and not receiving Universal Credit, and four that will support households that may receive or have received certain compensation payments from the UK Government.

There was an online survey on the Council's Civica Involve survey system, and the survey was promoted through a range of channels including the local press, the Council's website, newsletters including One Torbay and Staff News, and social media channels Facebook, NextDoor, Instagram and LinkedIn.

Summary of responses received

Most of the responses to the consultation came via the online survey. The survey was completed by 80 people, of which 26 (33.77%) said they were in receipt of Council Tax Reduction and 51 (66.23%) answered that they were not in receipt of Council Tax Reduction.

Three respondents did not answer this question.

More than half of respondents supported all the measures though there were also a smaller number of respondents who did not support the proposals. On all the surveys, between 55% and 65% of respondents either agreed or strongly agreed with individual proposals, with between 25% and 29% either disagreeing or strongly disagreeing with each proposal.

In addition, there was a separate submission to the consultation emailed to the communications@torbay.gov.uk inbox from the Royal British Legion.

Summary of responses from survey:

The first question related to whether the respondent was in receipt of Council Tax Reduction or not.

The summary below shows the responses to the questions about the five proposals. Other questions in the survey related to demographics such as age, gender, ethnicity, disability, and are covered later in this report.

Question	Strongly agree	Agree	Don't know	Disagree	Strongly disagree
2. Do you agree with Proposal One - removing the self-employed minimum income floor calculation for	18 (23.08%)	25 (32.05%)	12 (15.38%)	13 (16.67%)	10 (12.82%)

households that are not receiving Universal Credit and have a disability or caring responsibility?					
3. Do you agree with Proposal Two - disregarding compensation payments from the Post Office when calculating Council Tax Reduction for working age households.	29 (37.66%)	21 (27.27%)	8 (10.39%)	10 (12.99%)	9 (11.69%)
4. Do you agree with Proposal Three - disregarding civil litigation payments in relation to Grenfell when calculating Council Tax Reduction for working age households	28 (36.36%)	21 (27.27%)	7 (9.09%)	12 (15.58%)	9 (11.69%)
5. Do you agree with Proposal Four - disregarding compensation payments from the Vaccine Damage Payment Scheme when calculating Council Tax Reduction for working age households.	29 (37.18%)	22 (28.21%)	7 (8.97%)	11 (14.10%)	9 (11.54%)
6. Do you agree with Proposal Five - disregarding compensation payments for Victims of Terrorist Attacks Abroad when calculating Council Tax Reduction for working age households	25 (32.47%)	25 (32.47%)	6 (7.79%)	10 (12.99%)	11 (14.29%)

Summary of free text responses

In addition to the quantitative responses through the survey, there was a freetext option in the survey where people could add additional comments. Out of the 80 surveys completed, there were 16 freetext responses.

It is difficult to establish overarching themes from these comments, partly because there were only 16 freetext comments, but also because most of the comments were on very individual issues – so only one comment per issue.

Examples of individual comments include:

- Council tax has to be reduced for working population as it is the biggest expense that we can not reduce.
- There should be no council tax reduction for anyone that is of working age whether on benefits or not.

- Seems fair to help those having a difficult time.

The only 'theme' that emerged, with a total of five comments in relation to it, was that people found parts of the consultation or some of the proposals confusing. We will take these comments on board and look at how we can improve this on future consultations and wider communications.

Summary of partners/stakeholders responses

Most of the responses came via the online survey, though the Council did receive one written response via email, from the Royal British Legion.

Response from Royal British Legion:

You can access the full detailed response from Royal British Legion in appendix 1.

However the key point they wish to emphasise was:

"RBL recommend that for the avoidance of doubt, the council tax support scheme policy should explicitly disregard all military compensation in full, and operate in line with Universal Credit guidance which considers SIPs and SAPs as compensation, not income."

Introduction

Every year the Council must decide whether to change the Council Tax Reduction Scheme for working age applicants in the area. The scheme for pension age applicants is set by government and is not affected by any of the options set out in this consultation.

Council Tax Reduction is a discount for Council Tax. Currently the maximum discount is 75% for working age households and up to 100% for pension age households.

This consultation related to the Council Tax Reduction Scheme which would start in April 2025. The only proposed changes would be the ones covered in the consultation. The proposals in this consultation covered the following aspects:

1. More targeted support for the self-employed, that are not receiving Universal Credit and have a disability (in the work group or support group of Employment and Support Allowance) or caring responsibility (caring for a person with severe disabilities). The proposal is to base the Council Tax Reduction on the actual income received.
2. Disregarding, or not counting, any compensation payments made by the Post Office in connection with the failings of the Horizon system, when calculating Council Tax Reduction for working age households. This change has already been made by Central Government for the pension age Council Tax Support scheme and we wish to align this for working age customers as well.
3. Disregarding, or not counting, any additional settlement payments resulting from the ongoing Grenfell Tower related civil litigation, when calculating Council Tax Reduction for working age households. This change has already been made by Central Government for the pension age Council Tax Support scheme and we wish to align this for working age customers as well.
4. Disregarding, or not counting, any payments for the Vaccine Damage Payment Scheme, when calculating Council Tax Reduction for working age households. This change has already been made by Central Government for the pension age Council Tax Support scheme and we wish to align this for working age customers as well.

5. Disregarding, or not counting, payments for Victims of Terrorist Attacks Abroad, when calculating Council Tax Reduction for working age households. This change has already been made by Central Government for the pension age Council Tax Support scheme and we wish to align this for working age customers as well.

How the consultation was carried out (methodology)

The consultation was launched on 10 October and ran until 7 November 2024, with an online survey on the Council's Civica Involve platform. The link to the survey was distributed in a number of different ways including:

- press release sent to all local media and added to the News section of our website,
- survey featured in newsletters including One Torbay and Staff News
- the consultation was added to our Consultations webpage
- information was sent to elected Members
- survey emailed to local stakeholders including all community partnerships.
- Throughout the consultation it was also shared three times on Torbay Council's social media channels Facebook, LinkedIn, NextDoor and Instagram.

Through Facebook posts this generated 77 link clicks to the consultation; 3849 reach, 4080 impressions.

Through our Govdelivery newsletters, the consultation was sent to 11,783 One Torbay subscribers on 10 October and 1,288 Staff News subscribers on 11 October. In total there were 160 unique click throughs to the survey from newsletters – these all came from One Torbay.

Consultation responses

There were 80 responses to the online survey and one written submission emailed to the Council from the Royal British Legion (see Appendix 1).

Responses to individual survey questions

On the next page is a table showing responses to each survey question.

No	Question	Strongly agree	%	Agree	%	Don't Know	%	Disagree	%	Strongly disagree	%
1	Do you agree with Proposal One - removing the self-employed minimum income floor calculation for households that are not receiving Universal Credit and have a disability or caring responsibility?	18	23.08%	25	32.05%	12	15.38%	13	16.67%	10	12.82%
Page 44	Do you agree with Proposal Two - disregarding compensation payments from the Post Office when calculating Council Tax Reduction for working age households?	29	37.66%	21	27.27%	8	10.39%	10	12.99%	9	11.69%
3	Do you agree with Proposal Three – disregarding civil litigation payments in relation to Grenfell when calculating Council Tax Reduction for working age households?	28	36.36%	21	27.27%	7	9.09%	12	15.58%	9	11.69%

No.	Question	Strongly agree	%	Agree	%	Don't Know	%	Disagree	%	Strongly disagree	%
4	Do you agree with Proposal Four – disregarding compensation payments from the Vaccine Damage Payment Scheme when calculating Council Tax Reduction for working age households?	29	37.18%	22	28.21%	7	8.97%	11	14.10%	9	11.54%
5	Do you agree with Proposal Five – disregarding compensation payments for Victims of Terrorist Attacks Abroad when calculating Council Tax Reduction for working age households?	25	32.47%	25	32.47%	6	7.79%	10	12.99%	11	14.29%

Page 45

Response to free text questions and boxes

In addition to the qualitative survey responses, we included a freetext box for people to add any additional comments to the survey. We received 16 freetext comments. These included:

There should be no council tax reduction for anyone that is of working age whether on benefits or not.

Too many people expect that their council tax should be reduced for whatever reason. Services have to be paid by someone including them.

It should be easier to apply for. The current rejection of forms makes it very difficult

I didn't understand option 1.

No mention of carers discount or limited capacity members I hope those are continuing.

I think you are in a dilemma . Wishing to honour just causes against a background of ever increasing costs , not least those of Community Care .

I actually do not understand the consultation document

Council tax has to be reduced for working population as it is the biggest expense that we can not reduce.

Seems fair to help those having a difficult time

I do not want to pay the full amount of Council Tax on my Flat. I live alone. I cannot afford this after on my Basic Pension and I have Lost the Winter Fuel allowance.

The details given to provide advice are vague and not helpful. Why is the form split in two? Not everyone has been moved to universal credit who has a disability. Your proposal is unfair.

Once again, Torbay creates a poor document that will have major impact on the disabled and poorest in society. The form doesn't allow you to go back and constantly jams.

Council Tax reduction for seasonal workers, so they pay in the summer months and not the winter months.

I have never seen such a bunch of useless questions that are over qualified to the point of making no sense!!!

I disagree with all the options put forward as they do not include an impact assessment on how existing tax payers and reduction recipients will be impacted. There is no data to indicate how much spending these options require nor how many would benefit from the proposals.

As someone living alone, the single person discount is the only discount or benefit I receive of any kind, against the numerous taxes I pay. There are many people who are similar to me but would struggle to afford any increase in their council tax at a time like this. I believe the council should prioritise making more affordable housing rather than tinkering with minor tax reduction changes. There are much bigger issues affecting the groups who may benefit from these proposals such as the ridiculous rental prices and lack of housing in the bay.

All self employed on low earnings should get a discount.

Individual responses

We also received an individual submission in response to the consultation from the Royal British Legion (see Appendix 1 for their full response).

Demographics of who took part

Below in tables is the breakdown in demographics of those who completed the survey.

Which of the following options best describes how you think of your gender identity? Tick one only

Female	Male	In another way	Prefer not to say
44 (57.14%)	25 (32.47%)	1 (1.30%)	7 (9.09%)

Which of the following age groups applies to you? Tick one only

0-15	16-24	25-34	35-44	45-54	55-64	65-74	75 plus
0	0	3 (4%)	9 (12%)	14 (18.67%)	24 (32%)	18 (24%)	7 (9.33%)

Which of the following best describes your ethnic background? Tick one only

White	Mixed ethnicity	Asian or Asian British	Black or British	Chinese	Other ethnic group
73 (96.05%)	2 (2.63%)	1 (1.32%)	0 (0%)	0 (0%)	0 (0%)

Employment Status - Tick one only

Working full-time in Torbay	Working full-time elsewhere in Devon	Working part-time elsewhere in Devon	Self-employed – full - or part-time	Student	Looking after Family/Home
14 (17.95%)	6 (7.69%)	1 (1.28%)	6 (7.69%)	0 (0%)	1 (1.28%)
Temporary Sick	Long-Term Sick	Retired	Unemployed	Other	
0 (0%)	7 (8.9%)	30 (38.46%)	0 (0%)	3 (3.85%)	

Do you consider yourself to be disabled in any way? Tick one only

Yes	No
22 (28.5%)	55 (71.43%)

If you answered "Yes", please tell us how it affects you. Tick as many as apply

It affects my mobility	It affects my vision	It affects my hearing	It affects me in another way
11 (37.93%)	2 (6.90%)	3 (10.34%)	13 (44.83%)

Appendix 1

Appendix 1 is the full response to the consultation from the Royal British Legion – see separate attachment for their full response.

Lesson's Learnt – This will not be included in the final report sent/submitted. This is for ongoing learning for the whole team.

Use this section to share what lessons have been learnt while setting up and running the consultation. This could include:

- What worked – e.g. to reach a certain demographic paper copies and engagement event worked.

In this case we only shared the survey digitally so there was a lower response rate than in previous years. It was more of a general survey this time around due to the nature of the proposals being consulted on (with 4 out of 5 of them just being related to national compensation schemes rather than anything locally specific). This may explain the lower return rate – though the previous year there were some specific proposals that impacted those on Council Tax reduction so there was more at stake for people to respond to.

- Any barrier's– e.g. XXX visited the consultation webpage but only XX took part, why could this be?

We know that 160 people visited the consultation webpage from our Govdelivery newsletters and 77 from our Facebook posts, but that only 80 completed the consultation so this shows there was some drop off rates.

We know from comments in the consultation (five) that some of the respondents found it confusing or difficult to complete (This is partly due to the fact the current survey platform the Council uses, Civica Involve, only allows for short survey questions, and in this case there needed to be some additional explanatory information – this was on the consultation page but some of the questions would need to have been cross-referenced with the consultation project page. At present this is the system we have for surveys, but this is being reviewed).

- Even better if – With this survey we only did an online survey but we know from previous consultations that we can get a larger response rate if we also do paper surveys.
- Themes that came out – there was not really an overarching theme with 16 individual comments, but we did get five comments from people who found the proposals/survey confusing (see above) so we will take this on board for future consultations.

TORBAY COUNCIL

Equality Impact Assessment

Directorate: Finance

Service Area: Revenue and Benefits

Name of policy being assessed: Council Tax Support Scheme

Draft Version: 13 November 2024

Final Version: 18 November 2024

Signed off by: Malcolm Coe – Director of Finance

Date Signed Off: xx November 2024

1. Overview

Although the law does not require public service providers to assess the likely impact of policy decisions on particular groups, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have “**due regard**” to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a “**relevant protected characteristic**” and people who do not.

Having “due regard” means:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are:

- age
- carers
- disability
- women or men
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sexual orientation
- armed forces community

2. How is the decision relevant to the three aims of the Public Sector Equality Duty?

The proposals for the new Council Tax Support scheme have been assessed to ensure that due regard has been given to the Public Sector Equality Duty as enshrined in the Equality Act 2010.

We have identified households who are most likely to be affected by the introduction of the proposed scheme change and compared those to the make-up of our overall customer base to identify any equality groups that may be disproportionately affected.

3. What are the proposed changes?

We are reviewing our Council Tax Support scheme for 2025/26 and have consulted on the following proposed changes:

- To increase the level of support by removing the minimum income floor calculation for self-employed households that are not receiving Universal Credit and have a disability or caring responsibility that will take effect from 1 April 2025 (see paragraph 6.1 of the Council Report).

This change will be in line with current Universal Credit regulations, as the minimum income floor calculation is not applied to disabled working claims.

The minimum income floor calculation is not applied to households that receive a Passported Benefit (income related Employment and Support Allowance or Income Support).

- Discounting certain payments or settlements made by the UK Government from 1 April 2025 (see paragraph 6.1 of the Council Report).

This change will align the working age scheme with the current national Pension Age scheme, which is set by Government, as well as Universal Credit and Employment and Support Allowance Regulations.

The proposed changes could potentially affect 222 households, which is **1.89%** of both working and pension age households that receive Council Tax Support in Torbay.

For the majority of households receiving Council Tax Support, which is 11,496 households (**98.11%**), the proposals will have no impact.

Protected Characteristic: Age

Pension Age

27 per cent of Torbay residents are aged 65 and older.

Council Tax Support

Number of Cases: 5,277
Women: 3,071
Men: 2,206

For pension age households the amount of Council Tax Support will continue to be calculated under the nationally prescribed scheme.

It is the Governments view that low-income pension age households would not be expected to work in order to increase their income and will be protected from any reduction in support.

In Torbay pensioners represent 26.7% of the population (Census 2021).

Although poverty levels are lower than they were 20 years ago, the latest figures show 2.1 million (18 per cent) of pensioners in the UK live in poverty – Age UK Pensioner Poverty report 2022.

Pension age households represent 45.03% of the current Council Tax Support caseload and 55.4% of the total scheme expenditure.

Working Age

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.

Council Tax Support

Number of Cases: 6,441
Women: 4,032
Men: 2,409

Working age households that receive Council Tax Support can be split into three main income types - Passported, Universal Credit and Standard Means Test.

The table below shows the number of working age households, by income type receiving Council Tax Support.

Income Type	Number of Cases	Percentage
Passported Benefits	2,401	37.3%
Universal Credit	3,818	59.3%
Standard Means Test	222	3.4%

Around 57% of all working age households receiving Council Tax Support are single people, with 27% lone parents, 8% couples with children and just over 8% are couples with no children.

Single People – No Children

There are 3,679 single people receiving Council Tax Support, which represents 57.11% of all working age households.

Women: 1,740

Men: 1,939

Couples – No Children

There are 490 couples with no children receiving Council Tax Support, which represents 7.62% of all working age households.

	<p>Lone Parents</p> <p>There are 1,764 lone parents receiving Council Tax Support, which represents 27.39% of all working age households.</p> <p>The majority of lone parents across the UK are women and their children are more likely to be in poverty than two parent households – Institute of Fiscal Studies report 2022.</p> <p>1,631 or 92.45% of lone parent households receiving Council Tax Support are women.</p> <p>The number of households with:</p> <p>One Child: 803 Two Children or more: 961</p>
	<p>Couples – With Children</p> <p>There are 508 couples with children receiving Council Tax Support, which represents 7.88% of all working age households.</p> <p>The number of households with:</p> <p>One Child: 183 Two Children or more: 325</p>
<p>Proposed Scheme Changes</p>	<p>Proposal One - Remove the minimum income floor calculation for households that are not receiving Universal Credit, self-employed and have either a disability or caring for a severely disabled person.</p> <p>This proposed change will potentially have a positive impact on 143 households that are currently receiving Council Tax Support.</p> <p>It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2025.</p> <p>Households that receive a passported benefit (income related Employment and Support Allowance or Income Support) or Universal Credit are not affected by this proposal.</p>

The table below shows the number of households that remain unchanged.

Household Type	Unchanged
Single Person	3,334
Couple	397
Lone Parent - One Child	611
Couple - One Child	132
Lone Parent - Two Children or More	633
Couple - Two Children or More	191
Total	5,298

Proposals Two to Five – Disregarding (discounting) certain payments or settlements made by the UK Government.

These proposed changes will potentially have a positive impact on 222 households that are currently receiving Council Tax Support.

It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2025.

Households that receive a passported benefit (income related Employment and Support Allowance or Income Support) or Universal Credit are not affected by this proposal.

The table below shows the number of households that remain unchanged.

Household Type	Unchanged
Single Person	3,334
Couple	397
Lone Parent - One Child	611
Couple - One Child	132
Lone Parent - Two Children or More	633
Couple - Two Children or More	191
Total	5,298

Protected Characteristic: Caring Responsibilities

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.

Council Tax Support
Standard Means Test:40

The Council is required to consider the needs of households with caring responsibilities within its proposed scheme. It is recognised that households with caring responsibilities can affect people's ability to pursue paid work.

Financially, carers may face difficulties and their income may be affected by their caring role.

Based on a survey of 13,000 unpaid carers, 16% are in debt as a result of their caring role and their financial situation, increasing to 40% for unpaid carers in receipt of Carer's Allowance – Carers UK report 2022.

The proposed changes will potentially have a positive impact on households that do not receive a passported benefit (income related Employment and Support Allowance or Income Support) or Universal Credit and receiving Council Tax Support from 1 April 2025.

It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2025.

It does not have a negative impact on any household that has caring responsibilities.

Proposed Scheme Changes

Proposal One - Remove the minimum income floor calculation for households that are not receiving Universal Credit, self-employed and caring for a severely disabled person.

The table below shows the number of cases, by household type, that could potentially have an increase in the level of support.

Household Type	Potential Increase
Single Person	6
Couple	13
Lone Parent - One Child	2
Couple - One Child	2
Lone Parent - Two Children or More	3
Couple - Two Children or More	14
Total	40

It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2025.

The table below shows the number of households that do not receive a passported benefit (income related Employment and Support Allowance or Income Support) or Universal Credit remain unchanged.

Household Type	Unchanged
Single Person	43
Couple	4
Lone Parent - One Child	16
Couple - One Child	4
Lone Parent - Two Children or More	9
Couple - Two Children or More	3
Total	79

Proposals Two to Five – Disregarding (discounting) certain payments or settlements made by the UK Government.

The table below shows the number of cases, by household type, that could potentially have an increase in the level of support.

Household Type	Potential Increase
Single Person	6
Couple	13
Lone Parent - One Child	2
Couple - One Child	2
Lone Parent - Two Children or More	3
Couple - Two Children or More	14
Total	40

It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2025.

The table below shows the number of households that do not receive a passported benefit (income related Employment and Support Allowance or Income Support) or Universal Credit remain unchanged.

Household Type	Unchanged
Single Person	43
Couple	4
Lone Parent - One Child	16
Couple - One Child	4
Lone Parent - Two Children or More	9
Couple - Two Children or More	3
Total	79

Protected Characteristic: 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.

Council Tax Support
Standard Means Test: 103

The Council is required to consider the needs of disabled people within its proposed scheme. Under Government guidance, disabled people will face greater challenges to join the working population.

After housing costs, the proportion of working age disabled people living in poverty is 27%, which is higher than the proportion of working age non-disabled people at 19% - Scope report 2021.

The average disabled household faces £975 a month in extra costs – Scope report 2023.

In all cases the assessment and qualification of the disabled person for the qualifying benefit is completed by the DWP, not the Council.

Relevant disability benefits are disregarded in the calculation of Council Tax Support, thereby protecting those with specific long-term conditions who fall within this group.

The proposed changes will potentially have a positive impact on households that do not receive a passported benefit (income related Employment and Support Allowance or Income Support) or Universal Credit and receiving Council Tax Support from 1 April 2025.

It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2025.

It does not have a negative impact on any household that has a disability.

Proposed Scheme Changes

Proposal One - Remove the minimum income floor calculation for households that are not receiving Universal Credit, self-employed and have a disability.

The table below shows the number of cases, by household type, that could potentially have an increase in the level of support.

Household Type	Potential Increase
Single Person	62
Couple	15
Lone Parent - One Child	1
Couple - One Child	5
Lone Parent - Two Children or More	9
Couple - Two Children or More	11
Total	103

It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2025.

The table below shows the number of households that do not receive a passported benefit (income related Employment and Support Allowance or Income Support) or Universal Credit remain unchanged.

Household Type	Unchanged
Single Person	43
Couple	4
Lone Parent - One Child	16
Couple - One Child	4
Lone Parent - Two Children or More	9
Couple - Two Children or More	3
Total	79

Proposals Two to Five – Disregarding (discounting) certain payments or settlements made by the UK Government.

The table below shows the number of cases, by household type, that could potentially have an increase in the level of support.

Household Type	Potential Increase
Single Person	62
Couple	15
Lone Parent - One Child	1
Couple - One Child	5
Lone Parent - Two Children or More	9
Couple - Two Children or More	11
Total	103

It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2025.

The table below shows the number of households that do not receive a passported benefit (income related Employment and Support Allowance or Income Support) or Universal Credit remain unchanged.

Household Type	Unchanged
Single Person	43
Couple	4
Lone Parent - One Child	16
Couple - One Child	4
Lone Parent - Two Children or More	9
Couple - Two Children or More	3
Total	79

Protected Characteristic: Women or Men	
<p>51.3% of Torbay's population are female and 48.7% are male</p> <p>Council Tax Support Working Age: 6,441 Women: 4,032 Men: 2,409</p> <p>Standard Means Test Women: 139 Men: 83</p>	<p>The Council Tax Support scheme will not treat people of different genders any differently.</p> <p>Based on current data there is a higher percentage of working age women claiming Council Tax Support 4,032 (62.6%) when compared to their representation in the Torbay population 71,493 (51.31%).</p> <p>Furthermore, 1,631 (92.4%) of working age lone parents are women compared to 133 men (7.6%).</p> <p>Due to the higher proportion of women receiving Council Tax Support the proposed scheme changes will have a greater impact on women.</p> <p>The proposed changes will potentially have a positive impact on households that do not receive a passported benefit (income related Employment and Support Allowance or Income Support) or Universal Credit and receiving Council Tax Support from 1 April 2025.</p>
	<p>Single People – No Children</p>
	<p>There are 1,740 single women receiving Council Tax Support, which represents 27% of all working age households.</p> <p>1,939 single men receive Council Tax Support, which represents 30% of all working age households.</p>
	<p>Couples – No Children</p>
	<p>There are 490 couples with no children receiving Council Tax Support, which represents 8% of all working age households.</p>
	<p>Lone Parents</p>
	<p>There are 1,764 lone parents receiving Council Tax Support and the majority (1,631) are women, which represents 25% of all working age households.</p> <p>133 lone parents are men, which represents 2% of all working age households.</p>
	<p>Couples – With Children</p>
	<p>There are 508 couples with children receiving Council Tax Support, which represents 8% of all working age households.</p>

Proposed Scheme Changes

Proposal One - Remove the minimum income floor calculation for households that are not receiving Universal Credit, self-employed and have a disability or caring for a severely disabled person.

The table below shows the number of men and women that will potentially be affected by this change.

Caring Responsibilities

Household Type	Women	Men
Single Person	4	2
Lone Parent - One Child	2	0
Lone Parent - Two Children or More	2	1
Total	8	3

Disability

Household Type	Women	Men
Single Person	27	16
Lone Parent - One Child	15	1
Lone Parent - Two Children or More	7	2
Total	49	19

Proposals Two to Five – Disregarding (discounting) certain payments or settlements made by the UK Government.

The table below shows the number of cases, by household type, that could potentially have an increase in the level of support.

Household Type	Women	Men
Single Person	69	42
Lone Parent - One Child	17	2
Lone Parent - Two Children or More	20	1
Total	106	45

It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2025.

Protected Characteristic: Gender Reassignment		
Data and Insight	Negative Impact & Mitigating Actions	Neutral Impact
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.	Not applicable.	The eligibility criteria is neutral in relation to gender reassignment, as it does not expressly include, exclude or otherwise identify any particular group. All awards are therefore neutral in that they are available equally to all applicants irrespective of race.
We do not hold any data on religion and belief for our Council Tax Support caseload.		

Protected Characteristic: Marriage and Civil Partnership		
Data and Insight	Negative Impact & Mitigating Actions	Neutral Impact
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.	Not applicable	The eligibility criteria is neutral in relation to marriage and civil partnership, as it does not expressly include, exclude or otherwise identify any particular group. All awards are therefore neutral in that they are available equally to all applicants irrespective of race.

Protected Characteristic: Pregnancy and Maternity		
Data and Insight	Negative Impact & Mitigating Actions	Neutral Impact
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).	Not applicable.	The eligibility criteria is neutral in relation to pregnancy and maternity, as it does not expressly include, exclude or otherwise identify any particular group. All awards are therefore neutral in that they are available equally to all applicants irrespective of race.

<p>There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.</p>		
<p>Existing data on applicants receiving Council Tax Support does not give any clarification on pregnant women, those on maternity leave or having given birth within the last 26 weeks.</p> <p>The only information which is held relates to income from statutory maternity pay that is in payment at the point an application is made as this forms part of the income assessment for the means tested Council Tax Support.</p> <p>People who are in advanced stages of pregnancy or receiving maternity allowance are affected for a temporary period because they will have a finite income and will be unable to increase this by working.</p>		

Protected Characteristic: Race		
Data and Insight	Negative Impact & Mitigating Actions	Neutral Impact
<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>Not applicable</p>	<p>The eligibility criteria is neutral in relation to race, as it does not expressly include, exclude or otherwise identify any particular group.</p> <p>All awards are therefore neutral in that they are available equally to all applicants irrespective of race.</p>

Protected Characteristic: Religion and Belief		
Data and Insight	Negative Impact & Mitigating Actions	Neutral Impact
<p>64.8% of Torbay residents who stated that they have a religion in the 2021 census.</p>	<p>Not applicable</p>	<p>The eligibility criteria is neutral in relation to religion and belief, as it does not expressly include, exclude or otherwise identify any particular group.</p>

		All awards are therefore neutral in that they are available equally to all applicants irrespective of race.
We do not hold any data on religion and belief for our Council Tax Support caseload.		

Protected Characteristic: Sexual Orientation		
Data and Insight	Negative Impact & Mitigating Actions	Neutral Impact
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.	Not applicable	The eligibility criteria is neutral in relation to sexual orientation, as it does not expressly include, exclude or otherwise identify any particular group. All awards are therefore neutral in that they are available equally to all applicants irrespective of race.
We do not hold any data on sexual orientation for our Council Tax Support caseload.		

Protected Characteristic: Armed Forces Community		
Data and Insight	Negative Impact & Mitigating Actions	Neutral Impact
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.	Not applicable	The eligibility criteria is neutral in relation to the armed forces community, as it does not expressly include, exclude or otherwise identify any particular group. All awards are therefore neutral in that they are available equally to all applicants irrespective of race.
We do not hold any data on the armed forces community for our Council Tax Support caseload.		

Socio-economic impacts (Including impact on child poverty issues and deprivation)	<p>The five proposed changes will have a positive impact on the amount of Council Tax Support awarded for those households affected from 1 April 2025.</p> <p>It will also have a positive impact, where applicable, on households that may apply for Council Tax Support from 1 April 2025.</p>
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<p>Public Health impacts (How will your proposal impact on the general health of the population of Torbay)</p>	<p>There are links between unemployment and poorer mental health, such as stigma, isolation, loss of self-worth and the material consequences of a reduced income.</p> <p>Unemployed individuals, particularly the long-term unemployed, have a higher risk of poor mental health compared with those in employment.</p>
<p>Human Rights</p>	<p>The proposed changes will no impact on Human Rights.</p>
<p>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.</p>	<p>The five proposed changes will have a positive impact on households with children and young people.</p>

Meeting: Cabinet/Council

Date: 12th November/5th December 2024

Wards affected: All Wards

Report Title: Budget Monitoring 2024/25 – April to September 2024 Revenue and Capital Outturn Forecast.

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

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

Supporting Officer Contact Details: Ian Rowswell, Deputy Director of Finance,
ian.rowswell@torbay.gov.uk,

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 2024/25, reviewing budgets and considering year-end forecasts. These forecasts are based on the levels of spend and financial information at the end of quarter 2 (up to 30 September 2024).
- 1.2. The Council continues to face external pressures due to the wide-reaching implications of the current economic situation. The levels of cost inflation have reduced significantly but continue to have an impact on Council services. We are also seeing an impact on the levels of income received, with many projections being below the levels budgeted, particularly in areas such as building control and planning. Budget pressures are resulting in an overall year end forecast for 2024/25 of **£0.292m overspend**.
- 1.3. The Capital Programme was reviewed and updated in 2023/24, with an updated forward looking Capital Investment Plan included within the 2024/25 budget papers. An updated Capital Investment Plan is shown as Appendix 1 and highlights a total revised capital budget of £88.136m for the period up to 2027/28 with £33.365m in 2024/25. Paragraph 6.11 provides a reconciliation of movement from the revised budget as approved in Q1.

2. Recommendations

Recommendations for Overview and Scrutiny Board

- 2.1. That the Overview & Scrutiny Board notes the Council's forecasted revenue outturn position and mitigating action identified and make any comments and/or recommendations to the Cabinet.

- 2.2. That the Overview & Scrutiny Board notes the updates to the Capital Investment Plan and the revised budget for 2024/25 and make any comments and/or recommendations to the Cabinet.

Recommendations for Cabinet/Council

- 2.3. That the Cabinet notes the forecasted revenue outturn position and amendments made to the published 2024/25 Capital Investment Plan.
- 2.4. That Council approves the revisions to the Capital Investment Plan, as per Appendix 1.
- 2.5. That Council delegates authority to approve capital budget increases which are in respect of the drawdown of specific grant to the Director of Finance (S151 Officer) in consultation with the Cabinet Member for Housing and Finance.

This delegation applies to using grant funding where there is no direct financial impact or future liability to the Council.

- 2.6 That the Monitoring Officer be requested to update the Officer Scheme of Delegation to reflect the delegation in 2.5 above.

3. 2024/25 Budget Summary Position

- 3.1. Budget monitoring at quarter 2 has identified a number of spending pressures and a total overspend is forecast at year end 2024/25 of £0.292m, broken down between Council Directorates as follows:

Service	Current Budget £m	Projected Outturn £m	Outturn Variance Q2 £m
Adult Services	55.812	55.744	-0.068
Children's Services	54.234	54.443	0.209
Corporate and Executive Services	14.192	14.592	0.400
Finance (incl. Treasury Mngt)	-16.522	-17.722	-1.200
Investment Portfolio	-4.134	-4.134	0
Place	25.099	26.050	0.951
Public Health	10.714	10.714	0
TOTAL	139.395	139.687	0.292

- 3.2. The projections above include a drawdown of £171k from central contingency to rebase budgets for known spend commitments, which were unavoidable.
- 3.3. Mitigating spending pressures to reduce this forecast overspend by the end of the year will require robust financial management and control from all services across the

Council. Financial Sustainability Plans have been completed by each Director in respect of the following key areas, which are being reviewed regularly.

- Integrated Adult Social Care contract – transformation programme
- Children’s Services – social care placements
- Prevention and relief of Homelessness
- SWISCO contract fee
- Events
- Optimisation of Council Assets
- Legal Services – staffing and agency costs
- Home to School Transport

3.4. It is anticipated that action against these plans will mitigate pressures and reduce the overspends, where forecast. We are seeing this take effect in Children’s Services placements and Home to School Transport, contributing to an improved overall position for the Directorate. Legal services continues to be challenging however and the projected outturn has increased since Q1.

3.5. 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 of circa £12m. This has become more challenging throughout 2024/25 and an overspend of £1.271m is now being forecast compared with the budgeted overspend £0.481m.

4. Service Budgets

4.1. The table below summarises the most material variances (over £100k) currently being forecast at the end of June 2024.

Service	Current Budget £m	Projected Outturn £m	Projected Q2 Outturn Variance £m	Projected Q1 Outturn Variance £m
Childrens - Staffing/agency costs	20.846	21.220	0.374	0.468
Childrens – Section 17	0.480	0.602	0.122	0.075
Childrens - Home to School Transport	3.892	4.059	0.167	0.245
Childrens - Social care placements (excl. UASC)	23.424	22.915	(0.509)	(0.387)
Corporate – Legal Services	1.693	2.043	0.350	0.279
Finance – Investments and borrowing	18.572	17.372	(1.200)	(0.800)
Place – Torre Abbey	0.381	0.481	0.100	0.000

Place – Waste disposal	4.832	5.052	0.220	0.250
Place – Development Control and Planning - income	0.269	0.649	0.380	0.330
Place – Building Control income	0.127	0.297	0.170	0.150
Place – Concessionary Fares	3.746	3.496	(0.250)	(0.250)
Place – Management of Estate	3.776	4.082	0.306	0.101
			0.232	0.386

(Note: there are other smaller variances which are not highlighted within this table hence totals will differ from overall variance mentioned above)

Adult Services (incl. Community and Customer Services)

- 4.2. 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). This agreement was uplifted by £5m in 2023/24, with a further £1.1m agreed for 2024/25. There is currently no significant variance being forecast for Torbay Council within this area.
- 4.3. In previous years we have reported overspends within our Housing Options Service relating to increasing costs for homelessness prevention and the provision of Temporary Accommodation. Although there continues to be considerable demand in this service the total budget was increased by £900k in 24/25 and £10m has been invested in purchasing our own properties to reduce dependency on spot purchase arrangements. No material variances to budget are currently being forecast.

Children's Services

- 4.4. An overspend of **£374k** is being forecast due to agency numbers and costs increasing. The cost of agency in 23/24 was £2.304m, and for 24/25 the forecast is £3.193m. The number of agency FTE's at end of September 2024 was 33.19, at the end of September 2023 it was 23.0. We are seeing significantly increased salary expectations within the agency market and stiff competition from other Councils that are offering increased hourly rates to stabilise their own workforces. The projected overspend has reduced since Q1, but this area will continue to receive focus moving forward.
- 4.5. There is also cost pressure within the Home to School Transport budget as a result of increasing fuel costs for transport providers as well as children and young people needing more bespoke arrangements to get to and from school. An overspend of **£167k** is forecast, but this is a reduction on spend when compared to 23/24 and a reduction on the projection at Q1. The Financial Sustainability Plan for this area highlighted a number of actions to mitigate pressures and improvements to route planning and maximisation of shared transport (where possible) is already having an impact.
- 4.6. Offsetting some of these pressures is an underspend currently being forecast across our budgets for children social care placements of **(£509k)**. The placements budget

received £2.1m of growth funding as part of the budget setting process and is currently showing an underspend against this new level of funding. The overall numbers of cared for children are also lower than previous years, but the significant shortage of suitable available placements is driving up costs within the market. The high cost of weekly placements for Residential and Unregulated remain a concern and risk to the budget, and this area will continue to be monitored closely throughout the year.

- 4.7. 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.
- 4.8. The Council is part of the Education and Skills Funding Agency (ESFA) and Department for Education (DfE) Safety Valve programme, which supports councils in achieving future financial sustainability in this area. If the council can deliver on its recovery plan and achieve a balanced higher needs budget, all of the historic DSG deficit will be written off, through additional funding by ESFA.
- 4.9. Torbay Council has already received £7.93m from the ESFA in response to its recovery plan, without which the DSG cumulative deficit would have been £12.756m at the end of 2023/24. For 2024/25 the DSG is forecasting an overspend of £1.271m at quarter 1, against the forecast deficit within the agreed safety valve plan of £481k. The service continues to work with Schools on the delivery of its recovery plan with robust monitoring arrangements in place.

Corporate Services

- 4.10. An overspend of **£0.350m** is currently being forecast within Legal Services, despite an additional £300k being added to the base budget for 2024/25. This is a result of increasing demand for the service and the difficulties in recruiting permanent staff. This has meant the service have had to use more expensive agency staff to continue delivering legal support across the Council. The council have struggled to compete with the salaries paid by other organisations – both within the private and public sector. The application of increased additional market factors is starting to have an impact and improve the success in recruitment, but demand levels has meant that resource are needed and spend levels remain high. It should be noted that recruitment of legal professionals in the public sector is a national issue.

Finance

- 4.11. The Finance budget area includes a wide variety of budgets including finance operations/teams, contingencies, treasury management and central grants such as Public Health and Social Care Grant. We will be reviewing how best to present these areas throughout the year, prior to 2025/26 budget setting.
- 4.12. A **£1.2m** positive variance is being forecast, an improved position from Q1. This is mainly as a result of increased interest rates being secured meaning the Council is forecast to earn higher levels of interest on its cash investments than budgeted. Given

the current lower levels of spend on Capital projects, there is also a saving on interest payable by the Council on the amounts borrowed.

- 4.13. As part of setting the 2024/25 budget a few central contingencies have been held, as in previous years. These are mainly linked to pay/inflation and other risk areas, to be released to fund identified cost pressures within services. These budget virements between services total £171k – but have a net nil impact across the Council.

Investment Portfolio

- 4.14. The Council's Investment Portfolio is forecast to contribute £4.134m towards Council activity – in line with budget. The investment property reserve is in place and maintained to cover lost rent and holding costs arising from empty units.

Place

- 4.15. Within the Place Directorate an overspend of £0.951m is currently forecast, mainly due to levels of income being lower than budgeted.
- 4.16. An overspend of £0.100m is being forecast in relation to Torre Abbey. This is due to increased expenditure pressures and income levels projected to be below budget for a number of areas including the café and weddings.
- 4.17. An overspend of £220k is forecast within the Waste Disposal budget. The budget was reduced in 24/25 in line with 23/24 levels but recent disposal volumes and associated costs have been significantly higher than last year.
- 4.18. An overspend of £380k is forecast in relation to shortfalls of income in Development Control - planning applications (£300k) and planning land charges (£80k), where the fees are forecast to be below budgeted levels. In addition, an overspend of £170k is forecast within the Building Control service, mainly resulting from reduced levels of fee income. All three of these elements reflect the challenging economic position of the country and the region.
- 4.19. An underspend of (£250k) is forecast against the Concessionary fares budget. The base budget was increased by £200k in 2024/25, but costs linked to the number of users are forecast to be lower than estimated.
- 4.20. An overspend of **£306k** is currently being forecast in relation to management of our Council estate. We have voids in a number of commercial properties, which are resulting in lost income and additional costs are being incurred that would have been met by tenants. We are forecasting underspends across a number of utility and NNDR budgets, however other budgets are projected to overspend including Paignton Library Hub (non-staffing budget), and a shortfall in income from Town Hall bookings.
- 4.21. Parking Services is forecast to break even, with any shortfall in parking income expected to be offset by enforcement income estimated to be in excess of budget.
- 4.22. SWISCo. are facing increasing pressures for 2024/25 and challenges in managing within current budgets, in light of increased prices and the reduced value of recycled material resales. This will continue to be monitored but may present a forecast

overspend within the next report. The pay award for 2024/25 is likely to be structured in a similar way to previous years with a fixed amount per full time employee. This has a disproportionately high percentage increase on SWISCo given the lower average salary costs, that is likely to exceed budgeted levels. As in previous years, the Council has agreed to fund the shortfall in the pay award and has held a contingency budget for this.

- 4.23. Although services and staff transferred from TDA to Torbay Council at the start of year, contracts and assets will be transferring throughout the year, meaning that some trading activity will remain within the 24/25. Any projected variances will be reported within Torbay Council's revenue forecast and a specific budget code has been established to capture transitional costs associated with managing the transfer of TDA to Torbay Council.

Public Health

- 4.24. Overall Public Health is reporting a balanced position within its ring-fenced grant. A significant amount of spend relates to the provision of 0-19 services, which is expected to see increased spending pressures in future years linked to inflation.

5. Collection Fund

- 5.1. Collection rates levels in 2024/25 do not have any impact on the 2024/25 financial year and the collection fund equalisation reserve is maintained to manage any impact in the following year. Collection rates at Q2 suggest we are on target to achieve forecast levels. We continue to explore opportunities to increase our overall collection rates, whilst supporting residents and businesses.

6. Capital

- 6.1. In April 2024, the Council Leadership Group approved the "Capital Projects – decision-making framework and reporting mechanism" which detailed the need to control projects and their financial budgets through set gateway reviews at the Capital and Growth Board (CGB).
- 6.2. To date this has been a successful practice which has seen a majority of projects go through the process providing far more clarity and assurance in their delivery, funding requirements and spend.
- 6.3. Due to the delegations of authority set for CGB, a change in budget requires an amendment to the Capital Investment Plan, which requires formal Council approval either via bespoke reports or the Quarterly Budget Monitoring Reports (QMR).
- 6.4. This has resulted in delays and constraints for some projects which require their budget to be uplifted from one stage to another or for projects which wish to bring forward costs to accelerate delivery.
- 6.5. To further improve the process, it is proposed that the authority to approve budget increases which are in respect of the drawdown of specific grant, is delegated to the

Director of Finance (S151 Officer) in consultation with the Cabinet Member for Housing and Finance.

- 6.6. This delegation applies to a request where there is no direct financial impact or future liability to the council. Budget increases which do not fall within the criteria will continue to be approved via normal reporting mechanisms.
- 6.7. Additionally, where such grant drawdown exceeds £100k, further detail will be provided through monitoring reports or a published Record of Decision.
- 6.8. This change will enable projects to progress whilst ensuring that oversight and project scrutiny and financial control continues.
- 6.9. The impact of the proposed change is a significant increase in budget and forecast spend in the Capital Investment Plan as detailed in Appendix 1.
- 6.10. The Council set an original annual budget for 2024/25 of £18.984m, which was revised to £39.115m as per the quarter 1 budget monitoring report. The capital budget is updated each quarter to reflect the latest position within capital projects and recommendations made through the Capital Growth Board (CGB).
- 6.11. The table below highlights a revised budget for 2024/25 of £33.384m, with a further £32.637m being profiled into future financial years, and provides a reconciliation of the movement from the revised budget at Quarter 1 of £39.115m.

Project Name	Amount	Comments
Revised Budget 2024/25	£39,115,000	As approved in August 2024 by Cabinet and reported at Q1
Union Square Ph.1 - Torquay Town Deal	£2,072,000	As per SoC in Jul 24 CGB. Includes cost to date on acquisitions and budget to take the project though to Outline Business Case.
Debenhams Redevelopment	£666,000	To fund spend to date in respect of acquisition costs
Harbour Public Realm - Torquay Town Deal	£2,342,000	Funding in respect of project to improve the public realm around Torquay Harbour, funded from Towns Deal allocations.
Station Square - Paignton Future High Streets Fund	£2,856,000	As per Full Business Case at Sep 24 CGB for delivery of the scheme.
Victoria Centre - Paignton Future High Streets Fund -	£2,958,000	To fund spend to date including acquisition costs, demolition works and works in respect of creation of temporary car parks
Picture House- Paignton Future High Streets Fund	£1,500,000	Fully funded from Future High Street Funds
Pavilion - Torquay Town Deal	£344,000	As per PID at Sep 24 CGB to take the project to Full Business Case for the opening up / scoping element of works
Oldway Mansion – Levelling up Partnership	£7,304,000	As per Full Business Case at November CGB for delivery of Phase 1 of the restoration scheme.
Hotels to Homes (Accommodation Re-Purposing)	£3,000,000	As per FBC at Aug 24 CGB for delivery of the scheme.

Other project increases	£3,844,000	Includes projects with budget slippage from 2023/24 or projects which have no additional financial impact to the Council due to funding being approved previously. See Appendix 2
2024/25 Quarter 2 Revised Budget	£66,001,000	
Quarter 3 Revised Budget Reprofiled to future years	£32,637,000	Summary below, details included in Appendix 1 Projects under Feasibility & Development - £27.707m Economic Development /Regeneration - £0.600m Housing Development / Investment - £3.767m Transport Capital Investment - £0.563m
2024/25 Revised Approved Budget	£33,365,000	

- 6.12. An updated Capital Investment Plan is shown as **Appendix 1**, which details spend to date and forecast spend for 2024/25.
- 6.13. It should be noted that the Hotels to Homes (Accommodation Re-Purposing) budget of **£3,000,000** was approved at the meeting of Council on 12 September 2024 and therefore does not need approval, the details are included in the table above for budget reconciliation purposes only.
- 6.14. The table below highlights new projects which have been reviewed by CGB with recommendations to be added to the Capital Investment Plan.

Project	Initial Allocation	Project Overview
Sherwell Primary Salix	£44,000 from Children Service Repair and Maintenance	Replacement of the Sherwell Valley School boiler system with new air source heat pumps and solar panels. A bid for match funding from Salix (circa £260k) to be secured which will require an overall Torbay Council contribution of £102k from the Children Services repairs and maintenance funds. The recommendation from CGB is to proceed with the Salix bid and subject to achieving the required grant funding, the design and contingency funds of £44k to take the project to FBC be allocated.
YMCA Capital Improvements	£180,000 from the Childrens Service Special Educational Needs & Disabilities Funding	The YMCA centre in Paignton is a key delivery partner providing a wide range of specialist services for the local community and specifically, for vulnerable young people, however, this service is at risk due to its degrading building infrastructure. The project seeks £180k from the ring-fenced Special Educational Needs & Disabilities Capital funds to scope and design renovations / improvements to the site to enable it to continue its service provision and potentially increase its capacity and services. The recommendation from CGB is that the project should be progressed and added to the Capital Investment Plan with an overall allocation of £180k to take the scheme up to FBC.

6.15. In addition to the budget revisions for 2024/25 as per 6.11, there have been a few budget allocations added to future years. The budget revisions proposed are detailed below, which are annual allocations based on anticipated receipt of cyclical grant funding

Schools Capital Programme

- **£200,000** added to 2027/28 in respect of Capital Repairs and Maintenance
- **£660,000** added to 2027/28 in respect of Education Review Projects
- **£750,000** added to 2026/27 and 2027/28 in respect of the High Needs Capital Provision
- **£82,000** added to 2027/28 in respect of Foster Homes adaptations

Housing Development and Investment

- **£1,000,000** added to 2027/28 in respect of Disabled Facilities Grants

Transport Capital Investment

- **£2,050,000** added in 2027/28 in respect of Transport Highways Structural Maintenance
- **£1,070,000** added in 2027/28 in respect of Transport Integrated Transport Schemes

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	High	The Council has a 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 is developing a range of intervention activity and savings plans, in collaboration with Health Trust colleagues.
Price increases from high inflation rates continue to have an impact on both revenue and capital costs.	Medium	The 24/25 base budget included a higher than usual allowance for inflationary pressures and contingencies 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.
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. Recruitment & retention of Social Work staff and Legal services staff continues to be challenging.
Delivery of financial sustainability plans	High	Plans will be monitored at Directors meetings to assess progress and estimates of future saving levels.
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
Temporary Accommodation – increasing demand and cost pressures within the local housing market.	High	Robust monitoring will continue, including assessing the impact from directly procuring and properties to increase the stability of accommodation options available to the Housing Options team

8. Appendices

Appendix 1 – Updated Capital Investment Plan at Q2

Appendix 2 – Updated Capital Investment Plan – Other Budget Revisions

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CAPITAL PLAN - QUARTER 2 2024/25 - EXPENDITURE

Summary

Project Name	2024/25 Budget			2024/25 Forecast Spend			Revised 4 Year Plan				
	Q1 Approved Budget	Q2 Budget Revisions	Revised Budget	Actual Spend at Q2	Forecast Spend 2024/25	Reprofiled to future years	2024/25 Budget	2025/26	2026/27	2027/28	Total Plan for Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Schools Capital Programme	4,332	887	5,219	490	5,219	0	5,219	1,753	1,692	1,692	10,356
Projects under Feasibility and Development	18,848	16,813	35,661	2,591	7,954	27,707	7,954	16,429	9,454	2,631	36,468
Economic Development / Regeneration	1,713	3,514	5,227	1,870	4,627	600	4,627	600	0	0	5,227
Housing Development / Investment	3,459	3,710	7,169	856	3,402	3,767	3,402	7,642	1,000	1,000	13,044
Environment / Climate Capital Investment	4,041	(268)	3,773	154	3,773	0	3,773	743	0	0	4,516
Transport Capital Investment	5,185	0	5,185	608	4,622	563	4,622	3,731	3,284	3,121	14,758
Coastal Defence / Flood alleviation	0	562	562	55	581	0	562	0	0	0	562
Sports, Leisure and Culture	829	1,209	2,038	862	2,038	0	2,038	0	0	0	2,038
Schools Closed Projects	474	0	474	10	474	0	474	0	0	0	474
Other Closed Projects	235	459	694	289	694	0	694	0	0	0	694
Total	39,115	26,886	66,001	7,786	33,384	32,637	33,365	30,898	15,430	8,444	88,136

Capital Plan Detail

Schools Capital Programme

Project Name	2024/25 Budget			2024/25 Forecast Spend			Revised 4 Year Plan				
	Q1 Approved Budget	Q2 Budget Revisions	Revised Budget	Actual Spend at Q2	Forecast Spend 2024/25	Reprofiled to future years	2024/25 Budget	2025/26	2026/27	2027/28	Total Plan for Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Capital Repairs and Maintenance	706	0	706	55	706	0	706	250	200	200	1,356
Education Review Projects	725	0	725	60	725	0	725	670	660	660	2,715
High Needs Capital Provision	1,341	(30)	1,311	94	1,311	0	1,311	750	750	750	3,561
Devolved Formula Capital	280	0	280	54	280	0	280	0	0	0	280
Paignton Academy STEPS Relocation	1,170	0	1,170	216	1,170	0	1,170	0	0	0	1,170
Foster Homes Adaptations	81	0	81	0	81	0	81	83	82	82	328
Acorn Centre (Youth Investment Fund)	29	494	523	7	523	0	523	0	0	0	523
Childcare Expansion	0	199	199	4	199	0	199	0	0	0	199

YMCA	0	180	180	0	180	0	180	0	0	0	180
Sherwell School Salix	0	44	44	0	44	0	44	0	0	0	44
Total	4,332	887	5,219	490	5,219	0	5,219	1,753	1,692	1,692	10,356

Schools Closed Projects

Project Name	2024/25 Budget			2024/25 Forecast Spend			Revised 4 Year Plan				
	Q1 Approved Budget	Q2 Budget Revisions	Revised Budget	Actual Spend at Q2	Forecast Spend 2024/25	Reprofiled to future years	2024/25 Budget	2025/26	2026/27	2027/28	Total Plan for Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
St Cuthbert Mayne Expansion	428	0	428	2	428	0	428	0	0	0	428
St Cuthbert Mayne Phase 2	46	0	46	9	46	0	46	0	0	0	46
Total	474	0	474	10	474	0	474	0	0	0	474

Projects under Feasibility and Development

Page 78 Project Name	2024/25 Budget			2024/25 Forecast Spend			Revised 4 Year Plan				
	Q1 Approved Budget	Q2 Budget Revisions	Revised Budget	Actual Spend at Q2	Forecast Spend 2024/25	Reprofiled to future years	2024/25 Budget	2025/26	2026/27	2027/28	Total Plan for Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Crossways, Paignton - Regeneration	250	0	250	406	250	0	250	0	0	0	250
Extra Care Housing (Torre Marine)	20	25	45	6	45	0	45	0	0	0	45
Edginswell Railway Station	0	172	172	69	172	0	172	0	0	0	172
Union Square Acquisition & Development (Town Deal)	312	2,072	2,384	133	1,000	1,384	1,000	2,192	0	0	3,192
Debenhams Redevelopment	20	666	686	649	686	0	686	0	0	0	686
Torquay Town Deal - Pavilion	77	344	421	12	421	0	421	0	0	0	421
Torquay Town Deal - Core Area Public Realm	20	25	45	0	45	0	45	0	0	0	45
Torbay Road Paignton (High Streets Funding)	33	151	184	24	184	0	184	0	0	0	184
Station Square (High Streets Funding)	43	2,856	2,899	23	500	2,399	500	1,000	1,000	398	2,898
Victoria Centre (Paignton) (FHSF)	601	2,958	3,559	1,077	2,251	1,308	2,251	1,308	0	0	3,559
Paignton Coastal Defence Scheme	17,062	0	17,062	175	1,000	16,062	1,000	6,929	6,900	2,233	17,062
Oldway Mansion - phase 1 of Master-Plan	250	7,304	7,554	16	1,000	6,554	1,000	5,000	1,554	0	7,554
Brixham Square and Car Park Public Realm (part of LUP £20m)	0	114	114	0	114	0	114	0	0	0	114
Paignton Tech Park (Part of LUF £20m)	85	0	85	0	85	0	85	0	0	0	85
Brixham Port Infrastructure (Part of LUF £20m)	75	96	171	0	171	0	171	0	0	0	171

Edginswell Business Park - Unit 3	0	30	30	1	30	0	30	0	0	0	30
Total	18,848	16,813	35,661	2,591	7,954	27,707	7,954	16,429	9,454	2,631	36,468

Economic Development / Regeneration

Project Name	2024/25 Budget			2024/25 Forecast Spend			Revised 4 Year Plan				
	Q1 Approved Budget	Q2 Budget Revisions	Revised Budget	Actual Spend at Q2	Forecast Spend 2024/25	Reprofiled to future years	2024/25 Budget	2025/26	2026/27	2027/28	Total Plan for Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Torquay Strand Public Realm (Town Deal Funding)	1,119	2,342	3,461	1,216	3,461	0	3,461	0	0	0	3,461
Paignton Picture House (High Streets Funding)	0	1,500	1,500	602	900	600	900	600	0	0	1,500
Paignton Picture House (Community Dev Fund)	372	(372)	0	0	0	0	0	0	0	0	0
Small Projects - UK Shared Prosperity Fund	222	44	266	53	266	0	266	0	0	0	266
Total	1,713	3,514	5,227	1,870	4,627	600	4,627	600	0	0	5,227

Housing Development / Investment

Page 79 Project Name	2024/25 Budget			2024/25 Forecast Spend			Revised 4 Year Plan				
	Q1 Approved Budget	Q2 Budget Revisions	Revised Budget	Actual Spend at Q2	Forecast Spend 2024/25	Reprofiled to future years	2024/25 Budget	2025/26	2026/27	2027/28	Total Plan for Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Disabled Facilities Grants	1,032	22	1,054	509	1,054	0	1,054	1,000	1,000	1,000	4,054
Enhancement of Development sites	60	485	545	7	545	0	545	0	0	0	545
St Kilda's, Brixham - Affordable Housing	2,367	203	2,570	317	1,703	867	1,703	3,742	0	0	5,445
Hotels to Homes (Accommodation Re-Purposing)	0	3,000	3,000	23	100	2,900	100	2,900	0	0	3,000
Total	3,459	3,710	7,169	856	3,402	3,767	3,402	7,642	1,000	1,000	13,044

Environment / Climate Capital Investment

Project Name	2024/25 Budget			2024/25 Forecast Spend			Revised 4 Year Plan				
	Q1 Approved Budget	Q2 Budget Revisions	Revised Budget	Actual Spend at Q2	Forecast Spend 2024/25	Reprofiled to future years	2024/25 Budget	2025/26	2026/27	2027/28	Total Plan for Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
SWISCO Loan - Vehicle & Equipment Replacement	1,570	(1,305)	265	0	265	0	265	0	0	0	265
SWISCO Loan - Buildings	1,200	0	1,200	118	1,200	0	1,200	0	0	0	1,200
Car Park Investment	0	301	301	18	301	0	301	0	0	0	301

Climate Change Initiatives	333	54	387	(74)	387	0	387	0	0	0	387
Green Waste Bins	264	145	409	0	409	0	409	264	0	0	673
Local Electric Vehicle Infrastructure	479	0	479	0	479	0	479	479	0	0	958
Changing Places Toilets	90	(29)	61	60	61	0	61	0	0	0	61
Solar Farm, Brokenbury (EGF)	43	60	103	16	103	0	103	0	0	0	103
Solar Farm, Nightingale Park (EGF)	62	164	226	15	226	0	226	0	0	0	226
Paignton Library Heat Decarbonisation	0	142	142	0	142	0	142	0	0	0	142
Tor Hill House Lightng Upgrade	0	200	200	0	200	0	200	0	0	0	200
Total	4,041	(268)	3,773	154	3,773	0	3,773	743	0	0	4,516

Transport Capital Investment

Project Name	2024/25 Budget			2024/25 Forecast Spend			Revised 4 Year Plan				
	Q1 Approved Budget	Q2 Budget Revisions	Revised Budget	Actual Spend at Q2	Forecast Spend 2024/25	Reprofiled to future years	2024/25 Budget	2025/26	2026/27	2027/28	Total Plan for Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Transport Highways Structural Maintenance	2,327	0	2,327	514	2,327	0	2,327	2,050	2,050	2,050	8,477
Transport Integrated Transport Schemes	1,874	0	1,874	85	1,874	0	1,874	1,071	1,071	1,071	5,087
Transport - Torquay Gateway Road Improvements	340	0	340	0	30	310	30	310	0	0	340
Transport - Western Corridor	402	0	402	0	150	252	150	300	163	0	613
Shiphay Lane (Active Travel Fund)	222	0	222	9	222	0	222	0	0	0	222
Babbacombe Beach Road	20	0	20	0	19	1	19	0	0	0	19
Total	5,185	0	5,185	608	4,622	563	4,622	3,731	3,284	3,121	14,758

Coastal Defence / Flood alleviation

Project Name	2024/25 Budget			2024/25 Forecast Spend			Revised 4 Year Plan				
	Q1 Approved Budget	Q2 Budget Revisions	Revised Budget	Actual Spend at Q2	Forecast Spend 2024/25	Reprofiled to future years	2024/25 Budget	2025/26	2026/27	2027/28	Total Plan for Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Flood Alleviation - Cockington	0	10	10	10	10	0	10	0	0	0	10
Flood Alleviation - Monksbridge	0	240	240	11	240	0	240	0	0	0	240
Flood Alleviation - Torquay	0	206	206	2	206	0	206	0	0	0	206
Paignton Flood Alleviation	0	36	36	6	37	0	36	0	0	0	36
Brixham Flood Alleviation	0	6	6	11	25	0	6	0	0	0	6
Collaton St Mary Flood Alleviation	0	64	64	16	64	0	64	0	0	0	64

Total	0	562	562	55	581	0	561	0	0	0	561
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Sports, Leisure and Culture

Project Name	2024/25 Budget			2024/25 Forecast Spend			Revised 4 Year Plan				
	Q1 Approved Budget	Q2 Budget Revisions	Revised Budget	Actual Spend at Q2	Forecast Spend 2024/25	Reprofiled to future years	2024/25 Budget	2025/26	2026/27	2027/28	Total Plan for Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Haldon & Princess Pier	0	79	79	1	79	0	79	0	0	0	79
Princess Pier - Structural repair	62	0	62	0	62	0	62	0	0	0	62
Torre Valley North Sports Facilities	0	373	373	153	373	0	373	0	0	0	373
Armada Park Refurbishment	0	130	130	123	130	0	130	0	0	0	130
Torre Abbey Gatehouse/SW Wing	422	242	664	299	664	0	664	0	0	0	664
Torre Abbey SE Wing/Courtyard/Tower	175	249	424	279	424	0	424	0	0	0	424
Torre Abbey Renovation - Phase 3	0	136	136	0	136	0	136	0	0	0	136
Grants to Plainmoor and Admiral Swimming Pools	170	0	170	6	170	0	170	0	0	0	170
Total	829	1,209	2,038	862	2,038	0	2,038	0	0	0	2,038

Closed Projects

Project Name	2024/25 Budget			2024/25 Forecast Spend			Revised 4 Year Plan				
	Q1 Approved Budget	Q2 Budget Revisions	Revised Budget	Actual Spend at Q2	Forecast Spend 2024/25	Reprofiled to future years	2024/25 Budget	2025/26	2026/27	2027/28	Total Plan for Period
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
The Pines (TCCT)	0	75	75	75	75	0	75	0	0	0	75
Maidencombe Beach CP (TCCT)	0	45	45	45	45	0	45	0	0	0	45
Claylands Redevelopment	20	0	20	0	20	0	20	0	0	0	20
Edginswell Business Park Unit 1	0	48	48	0	48	0	48	0	0	0	48
Harbour View Hotel Development	0	182	182	7	182	0	182	0	0	0	182
Temporary Accommodation	0	39	39	39	39	0	39	0	0	0	39
Lymington Rd Business Centre (LEP GBF/EGF)	180	73	253	123	253	0	253	0	0	0	253
RICC Improvements - Backlog Repairs	35	(3)	32	0	32	0	32	0	0	0	32
Total	235	459	694	289	694	0	694	0	0	0	694

Full Capital Investment Plan Totals	39,115	26,886	66,001	7,786	33,384	32,637	33,365	30,898	15,430	8,444	88,136
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Appendix 2 - 2024/25 Q2 Other Budget revisions

Project Name	Amount	Comments
<u>Schools Capital Programme</u>		
Acorn Centre (Youth Investment Fund)	£494,000	Based on OBC in April 24 CGB for delivery of the scheme. As per PID at Oct 24 CGB, up to FBC (New project)
Childcare Expansion	£199,000	
YMCA	£180,000	
<u>Projects under Feasibility and Development</u>		
Edginswell Railway Station	£172,000	Required to take project to close. As per Oct 24 CGB report.
Torbay Road Paignton	£151,000	Final allocation to allow for taxi rank amendments and cleaning of Torbay Rd. The remainder of the project is on hold.
Brixham Square Car Park Public Realm	£114,000	As per PID at November CGB, initial feasibility budget to work the project designs up to Strategic Outline Case
<u>Economic Development / Regeneration</u>		
Paignton Picture House (Community Dev Fund)	(£372,000)	
<u>Housing Development / Investment</u>		
Enhancement of Development sites	£485,000	Budget required to develop sites for disposal
St Kilda's, Brixham - Affordable Housing	£203,000	As per FBC in Jan 24 Extraordinary CGB for delivery of the scheme
<u>Environment / Climate Capital Investment</u>		
SWISCO Loan - Vehicle & Equipment Replacement	(£1,305,000)	Loan drawn down in 2023/24, budget reprofiled
Car Park Investment	£301,000	Slippage from 2023/24 budget
Green Waste Bins	£145,000	Slippage from 2023/24 budget
Solar Farm, Nightingale Park (EGF)	£164,000	Based on OBC at Dec 23 CGB, to take project up to FBC.
Paignton Library Heat Decarbonisation	£142,000	As per PID at July 24 CGB up to FBC.
Tor Hill House Lighting Upgrade	£200,000	As per FBC at Nov 24 CGB, to upgrade the lighting system to energy efficient lighting.
<u>Coastal Defence / Flood alleviation</u>		
Flood Alleviation - Monksbridge	£240,000	Project in delivery phase utilising ring fenced EA funding.

Appendix 2 - 2024/25 Q2 Other Budget revisions

Flood Alleviation - Torquay	£206,000	As per SoC at Aug 24 CGB up to FBC. Subject to receipt of the EA grant funding.
Sports, Leisure and Culture		
Torre Valley North Sports Facilities	£373,000	As per FBC at Feb 24 CGB for delivery of the scheme.
Armada Park Refurbishment	£130,000	
Torre Abbey Gatehouse/SW Wing	£242,000	Slippage from 2023/24 and small additional budget
Torre Abbey SE Wing/Courtyard/Tower	£249,000	Slippage from 2023/24 and small additional budget
Torre Abbey Renovation - Phase 3	£136,000	Based on SoC at June 24 CGB, subject to receipt of NLHF
Closed Projects		
Harbour View Hotel Development	£182,000	Budget to fund remaining spend required on project to close
Budget Revisions less than £100k		
Projects less than £100,000	£813,000	Minor revisions to budget as detailed in Appendix 2
Total Other Budget Revisions	£3,844,000	

Meeting: [Cabinet & Council](#) **Date:** [26 November 2024/5 December 2024](#)

Wards affected: [Roundham with Hyde](#)

Report Title: [Paignton Picture House](#)

When does the decision need to be implemented? [Cabinet November 2024/ Council December](#)

Cabinet Member Contact Details: Cllr Chris Lewis, [Deputy Leader of Torbay Council Cabinet Member for Place Development and Economic Growth](#) chris.lewis@torbay.gov.uk

Director Contact Details: [David Carter – Director of Regeneration, david.carter@torbay.gov.uk](#)

1. Purpose of Report

- 1.1 This report sets out the required action by Cabinet and Council to form a tripartite partnership between Torbay Council, Arts Council England and Paignton Picture House Trust to deliver the full restoration of Paignton Picture House as part of the regeneration of Paignton Town Centre.

2. Reason for Proposal and its benefits

- 2.1 The 2015 Paignton Town Centre Masterplan set out the framework for re-development and regeneration of Paignton Town Centre as follows:
- is safe and welcoming to residents, visitors and people who work in Paignton;
 - is a source of pride and enjoyment to the local population;
 - is easy to move around and understand;
 - is a successful economic 'engine' for the town and the wider area;
 - is planned with a high regard to environmental issues, such as flood risk, and sustainability;
 - helps to move the local economy towards higher value,
 - higher skill employment and a longer tourism season; includes a balanced and vibrant residential community; maintains strong ties to its heritage; and offers tourism, leisure and retail attractions that enable Paignton, and Torbay, to compete as a 21st century resort of distinction.

- 2.2 Paignton Picture House Trust (PPHT) wrote to the Council – Letter dated 14th October 2024, (See Appendix 1) requesting the council:
- i. Underwrite the funding shortfall on the capital project to enable the full funding package for the works to be unlocked, in particular the DCMA/Arts Council England - Cultural Development Fund.
 - ii. Torbay Council take on the capital cost risk of the project.
- 2.3 In response the Council wrote back to PPHT 21/10/24 confirming that in principle the Council was willing to take on the requested roles and responsibilities and the actions needed to fulfil them, subject to a formal decision being made in Cabinet and Council. In the letter the Council set out its requirements to ensure transparency and a clear audit trail given that the Council's own financial resources might be required to be deployed in taking on 2.2 i & ii above. These requirements are stated in Section 3 below.
- 2.4 The proposals ensure that the project is developed in order to contribute towards meeting the objectives of the Paignton Town Centre Masterplan.

3. Recommendation(s) / Proposed Decision

- 3.1 That, subject to Council approval of recommendation 3.2 below, Cabinet is recommended to approve:
- (i) The Council enters into the tripartite agreement with Arts Council England and Paignton Picture House Trust, in accordance with the draft agreement as set out at Appendix 2 and subject to (vi) below.
 - (ii) The Council acts as the accountable body for the Delivery Partnership.
 - (iii) The Council indemnifies Paignton Picture House Trust that the project will be delivered with reasonable skill and care and provides a clear and agreed mechanism for Paignton Picture House Trust to have oversight of any decision the Council makes in executing the project including the right to dispute decisions through a defined escalation process of adjudication and arbitration.
 - (iv) The Council requires a charge to be made on the freehold title of the Paignton Picture House under the same terms as that required by Art Council England but for a period of 20 years.
 - (v) The formalisation of the Delivery Partnership by the creation of a Project Delivery Board with Terms of Reference negotiated with PPHT and Arts Council England that reflects the delivery requirements of (i, ii, iii).

The Project Governance Structure under the Project Delivery Board to include:

- a) Ensure the council has oversight of all expenditure associated with the project where the Councils underwriting risk is exposed.

- b) That the council has the ultimate authority to approve, review and reject payments to all Contractors, suppliers and the Trust, necessary to deliver the project.
- (vi) That the actions necessary to facilitate the agreements in (i, ii, iii, iv, v) through negotiation with PPHT and Arts Council, and the wider supply chain, are delegated to the Director of Regeneration, in consultation with the Cabinet Member for Place Development and Economic Growth, the Director of Finance and the Monitoring Officer, and signed/in consultation with the Councils Statutory Officers as the nature of each agreement or action requires by the Council's Constitution.

3.2 That Cabinet recommend to Council the following:

- (i) That an additional £900,000 be allocated from the Future High Street Fund to delivery of the Paignton Picture House project.
- (iii) That the Council underwrites the delivery of the project up to a maximum of £1.6m, to be funded from unsupported borrowing, if required. The Council will limit the financial liability through robust cost oversight of the project and seek to secure any other applicable funding sources.

Appendices

Appendix 1 – Letter from Paignton Picture House Trust 14/10/24

Appendix 2 – Draft Tri-Partite Agreement (Deed of Covenant)

Appendix 3 – Summary of Current Financial Status of the Project, Income, Expenditure and Commitments

Background Documents

Paignton Town Centre Masterplan

1. Introduction

- 1.1 The freehold of the building was acquired by Paignton Picture House Trust in 2015 with the intent to regenerate the site and put it back into operation as a film and arts centre. The surrounding area has seen falling property values in immediate and adjacent areas that have been recorded since 2008
- 1.2 Change is required to reuse the buildings to provide a catalytic regeneration to the centre part of Paignton along with Station Square & Crossways redevelopment.

2. Options under consideration

- 2.1 The option to do nothing was discounted due to the risk that the grant funding already secured is time limited and without it the building would remain unrestored and continue to listed on Historic England's, Heritage at Risk Register.
- 2.2 The option for the Council to grant fund only and has been discounted as Arts Council England require evidence that the whole scheme is funded including the currently pledged but unsecured funding contributions.
- 2.3 The preferred option to underwrite the costs of the scheme and for the council to take the Capital Cost Risk is considered to be the best option that will give security to all funders that the scheme will be delivered as required by the Listing Building Consent. This option will also ensure that £5m of external grant funding is secured for the Project and the regeneration of Paignton Town Centre.

3. Financial Implications

- 3.1 The Finance Team have reviewed the financial viability appraisal submitted to Capital and Growth Board in November. The maximum underwriting, as recommended in this report, is for up to £1.6m of unsupported borrowing over a 25 year period. Should this be fully required, using a borrowing rate of 5.72%, the annual revenue cost to the Council would be circa £120k.
- 3.2 Paignton Picture House Trust have undertaken to pursue the existing pledged but not secured funding contributions in addition to working with Torbay Council and Arts Council

England to secure additional funding to avoid the need for Torbay Council to use internal unsecured borrowing to fund the project.

4. Legal Implications

- 4.1 That the Council indemnifies PPHT that the project will be delivered with reasonable skill and care and provides a clear and agreed mechanism for PPHT to have oversight of any decision the Council makes in executing the project including the right to dispute decisions through a defined escalation process of adjudication and arbitration.

5. Engagement and Consultation

- 5.1 Consultation was undertaken in 2015 as part of the process of the adoption of the Paignton Town Centre Masterplan.

6. Procurement Implications

- 6.1 The Council will undertake the roles of Contract Administrator (CA) and Project Manager (PM) for the project.
- 6.2 The mechanisms for appointments above will be agreed with PPHT and the supply chain.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 The restoration will improve the thermal performance of the building and introduce modern energy efficient M&E equipment into the building.

8. Associated Risks

- 8.1 If the project fails, the Arts Council of England can claw back the grant funding with the Council being liable for the failure and therefore having to repay the money. The Arts Council can also activate its charge against the property.
- 8.2 To mitigate the risk, the Council will fully comply with the terms of the funding agreement and maintain open and transparent dialogue with the Arts Council. The Council will amend

its contract/agreement with the PPHT to take into consideration the additional money being provided to deliver the project.

- 8.3 There is a risk that the maximum underwriting ceiling of £1.6m provided by the Council will not be sufficient to deliver the project through to completion. To mitigate this risk the Council will work closely with PPHT to secure further funding streams whilst maintaining strong project management and governance throughout the project delivery.

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 91	<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>A cinema is a positive addition to the arts offer available in Paignton. The cinema needs to have a varied an offering to attract different age groups. This is important as research by the Social Research Behaviour Group at UCLA has found that children from poorer socioeconomic backgrounds tend to engage less in arts and culture outside of school compared to children of more advantaged backgrounds.</p> <p>They also found that older people are less likely to participate in arts activities compared to younger people but are more likely to engage frequently in cultural activities.</p>	<p>Explore with partners how to make the Picture House as accessible as possible for different age groups.</p>	<p>Pride in Place</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>Access to the arts and culture has a positive impact on individuals health and wellbeing. As we know that carers are more likely to experience poor mental health, ensuring equitable access is key.</p>	<p>Explore with partners how to make the Picture House as accessible as possible for people who are carers.</p>	<p>Pride in Place</p>

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.	People with disabilities are less likely to access arts and culture when compared to the wider population. Ensuring that the Picture House is accessible is key. Any building works must be inclusive and incorporate for example, lifts, accessible toilets, inclusive lighting etc. Designs need to incorporate the needs of people with physical disabilities as well as those experiencing neurodivergence.	Explore with partners how to make the Picture House as accessible as possible for people with disabilities as well as those experiencing neurodivergence. It is also important that the project maximises the positive impacts that arts and culture can have for mental wellbeing.	Pride in Place
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.	Evidence on participation in the arts broken down by gender identity is limited, however no adverse impacts are anticipated. Toilet provision needs to be considered so that any toilets are inclusive and balance the needs of trans individuals alongside other building users.	Explore with partners how to make the Picture House as accessible as possible for trans individuals.	Pride in Place
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	No adverse impacts are anticipated.	Not applicable	Pride in Place
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	No adverse impacts are anticipated.	Not applicable	Pride in Place

	numbers of live births since 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.	People from ethnically minoritised backgrounds are less likely to engage in arts and cultural activities compared to people from white backgrounds. It is important to remember that people from ethnically minoritised backgrounds are more likely to experience financial hardship when compared to the wider population. This could be a contributory factor to lower levels of participation in the arts.	Explore with partners how to make the Picture House as accessible as possible for ethnically minoritised backgrounds. Exploring diverse programming is key to ensuring engagement from people from different backgrounds and ensuring that the benefits from arts and culture are maximised.	Pride in Place
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	Evidence on participation in the arts broken down by religion and belief is limited. However, it is widely understood that the arts provide an important opportunity to break down stereotypes and foster inclusion.	Exploring diverse programming is key to ensuring engagement from people from different backgrounds and ensuring that the benefits from arts and culture are maximised.	Pride in Place
Sex	51.3% of Torbay's population are female and 48.7% are male	Males are less likely to participate than females.	Exploring diverse programming with partners is important to ensure engagement and ensure that the benefits from arts and culture are maximised.	Pride in Place

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.	Evidence on participation in the arts broken down by sexual orientation is limited. However, it is widely understood that the arts provide an important opportunity to break down stereotypes and foster inclusion.	Exploring diverse programming with partners is important to ensure engagement from the LGBT+ community and ensure that the benefits from arts and culture are maximised.	Pride in Place
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.	Evidence on participation in the arts for this group is limited; however no adverse impacts are anticipated.	Not applicable	Pride in Place
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Recent research by the Social Research Behaviour Group at UCLA highlighted how those living in the 10% most affluent areas were 21% more likely to engage in the arts than those living in areas of medium deprivation, and twice as likely to engage in cultural activities. Conversely, people living in the 10% most deprived areas were 17% less likely to engage in the arts and 64% less likely to engage in cultural activities than people living in areas of medium deprivation.	Explore with partners how to make the Picture House as accessible as possible to those from more deprived areas.	Pride in Place
Public Health impacts (Including impacts on		Access to arts and culture is known to have a positive impact on people's	Explore with partners how to make the Picture	Pride in Place

the general health of the population of Torbay)		mental wellbeing. Recent research by the Social Research Behaviour Group at UCLA highlighted how people from more deprived neighbourhoods appear to enjoy more of the positive health effects when they engage in arts and culture.	House as accessible as possible to those from more deprived areas.	
Human Rights impacts		No adverse impacts on human rights are 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.	Ensuring that children have access to arts and culture is important. People caring for children are less likely to engage with arts and culture.	Explore how the Picture House will have an offering to attract different age groups which includes children.	Pride in Place

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 Positive in bringing an existing building back into operation



Mr David Carter
Divisional Director – Strategic Development
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

14 October 2024

Dear David

PAIGNTON PICTURE HOUSE TRUST REQUEST TO TORBAY COUNCIL

Following our focused discussions in the past fortnight, I am writing to request that:

- Torbay Council underwrite the funding shortfall on the capital project to enable the full funding package for these works to be unlocked, in particular the DCMS/Arts Council England Cultural Development Fund
- Torbay Council take on the capital cost risk for the capital project.

As you are aware at the end of 2023, the Trust and our professional consultancy team believed that the majority of funding was in place to take forward the capital project in full. However, on receipt of tenders and largely due to inflationary pressures, a funding gap opened up on the project.

Given the time pressures to spend current secured grants, and the fact that Arts Council England needs to see evidence that the capital project is fully funded before they can release their grant to Torbay Council, the Trust do not have sufficient time to raise the funds required without causing detrimental delay to the project as a whole. The Trust has developed a fundraising plan to endeavour to raise the remaining funds over the next 16 months, however, we will not be able secure these prior to Arts Council England's deadline.

Since the award of the Cultural Development Fund, the Trust has been in a collaborative partnership with the Council, with the Trust leading on the delivery of the capital project. The Trust has widespread community support for the restoration and reopening of the Picture House, and has high ambitions to deliver an exemplary town centre regeneration scheme. We look forward to continuing to work with the Council to publicly demonstrate how complex heritage assets can be brought back into use through joint partnership working.

We look forward to agreeing the mechanisms by which this partnership will work over the coming weeks, with the aim that the capital project goes on sight at the start of January 2025.

Yours sincerely


Paul Hawthorne
Chair
Paignton Picture House Trust

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DEED OF COVENANT

Dated the day of 2024

BETWEEN:

- (1) **The Arts Council of England**, a charitable company incorporated by Royal Charter and registered in England and Wales (registered charity number 1036733) of 49 Lever Street, Manchester, M1 1FN ("the **Arts Council**"), and
- (2) **Torbay Council of Town Hall, Castle Circus, Torquay, Devon TQ1 3DR** ("the **Funded Organisation**")
- (3) **The Paignton Picture House Trust** a private company limited by guarantee incorporated and registered in England and Wales with company number 08725788 and registered charity number 1157934 whose registered office is at Wessex House, Teign Road, Newton Abbot, Devon, United Kingdom, TQ12 4AA ("the **Landowner**")

BACKGROUND

- (A) The Funded Organisation has received or will receive a capital grant from the Arts Council to carry out a building project on land that is owned by the Landowner.
- (B) The Landowner has agreed to enter into this Deed in recognition of the fact that the Project is to be funded in whole or in part by the Arts Council and that funding has been applied for by the Funded Organisation.

IT IS AGREED AS FOLLOWS:

1 Definitions

1.1 In this Deed the following words and phrases shall have the following meanings except where the context otherwise requires

“the Agreed Use” means use as a cultural (arts and heritage) hub providing a public programme of activities with ancillary uses including: live arts performance; cinema; civic and community engagement, meetings and events; income-generating space hire events; local archive and history centre;

“the Capital Funding Agreement” means the capital funding agreement dated 1st April 2022 and made between the Arts Council (1) and the Funded Organisation (2) a copy of which is annexed hereto at Schedule 1 with any supplementary attachments, schedules, applicable terms and conditions and any subsequent variations that have been agreed in writing between the Landowner (if required), the Arts Council and the Funded Organisation;

“the Land” means all that freehold land and buildings at Torbay Road, Paignton, TQ4 6AF, as registered at the Land Registry under title number DN664086 and shown edged red on the attached Plan, otherwise known as Torbay Cinema;

“the Plan” means the plan annexed hereto at Schedule 2; and,

“the Project” means the project defined as ‘the Capital Project’ in the Capital Funding Agreement.

1.2 Unless the contrary intention is expressed the defined terms in the standard conditions shall have the same meaning here.

1.3 Unless the contrary intention appears references in this deed to

1.3.1 parties and other persons include their successors and assigns.

1.3.2 an obligation of the Funded Organisation or Landowner to do something shall include an obligation to procure that it is done and an obligation not to do something shall include an obligation not to permit, suffer or allow it; and

1.3.3 a defined term shall include each and every part.

2 In consideration of the Arts Council funding the Project and the Funded Organisation having applied for such funding, the Landowner hereby covenants with the Arts Council and the Funded Organisation that in respect of the Land the Landowner will:-

(a) not without the prior written consent of the Arts Council, assign, transfer or charge the Land or grant any lease or license, agree to grant any lease or license or enter into or permit any parting with possession or sharing arrangements whatsoever in respect of the Land;

(b) not, except with the prior written consent of the Arts Council, to use the Land other than for the purpose of the Agreed Use;

(c) not damage or destroy the Project; and

(d) meet all other aspects required under the Capital Funding Agreement in relation to the Land (and any variation to the

covenants relating to the Land PROVIDED ALWAYS that any such variations have been made with the prior written approval of the Landowner, such approval not to be unreasonably withheld or delayed), including but not necessarily limited to keeping the Land insured, in good repair and condition, and allowing the Arts Council access to the Land as and when required.

- 3 The Arts Council may assign the benefit of this Deed to such person as it thinks fit.

4.
 - 4.1 The Funded Organisation represents that it has power to execute and deliver this Deed and the execution and performance of this Deed has been validly authorised and that this Deed will be valid legal and binding on the Funded Organisation.

 - 4.2 The Landowner represents that it has power to execute and deliver this Deed and the execution and performance of this Deed has been validly authorised and that this Deed will be valid legal and binding on the Landowner.

 - 4.3 Without prejudice to any right or remedy of Arts Council or the Funded Organisation for breach of covenant occurring before the expiration of this Deed, this Deed shall expire 20 years from the date of this Deed.

5.
 - 5.1 The Landowner hereby consents to and will make an application on Form RX1 (or such other form as may be prescribed from time to time) to enter the following restriction against the relevant registered estate.

"No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the Arts Council England of 49 Lever Street Manchester, M1 1FN."

5.2 The Landowner shall at its own cost and as soon as reasonably possible register and maintain the registration of the restriction referred to in clause 5.1 against the title to the Land or any part of the Land which becomes at any time after the date of this deed but during the ownership of the Landowner registered at the Land Registry and shall deliver to the Arts Council an official copy of such title showing registration of the restriction.

6 This Deed may be executed in any number of counterparts all of which taken together shall be deemed one and the same document.

EXECUTED as a **DEED** by the parties on the date which first appears in this Deed.

**THE COMMON SEAL of THE ARTS COUNCIL
OF ENGLAND** was hereunto affixed in the
presence of:

.....
Proper officer and Authorised Signatory

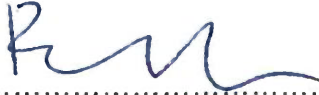
THE COMMON SEAL of TORBAY COUNCIL
was hereunto affixed in the presence of:

.....
Proper officer and Authorised Signatory

Executed as a deed by

THE PAIGNTON PICTURE HOUSE TRUST

acting by a director and its secretary or two directors



.....
Director



.....
Director / Secretary

Schedule 1
"the Capital Funding Agreement"

Applicant: Torbay Council/Culture

50726880

Project: Torbay's Cultural Development: Paignton Picture House

CDFP-00457301-R2

Project information

Cultural Development Fund

Applicant name: Torbay Council/Culture

Project title: Torbay's Cultural Development: Paignton Picture House

Project number: CDFP-00457301-R2

Amount requested (£): £2,987,670

Amount awarded (£): £2,987,670

Offer letter

Your offer letter is below. Please download and read the letter so you can confirm acceptance of your grant and the applicable terms and conditions.

Document Type	Required?	Document description	Date attached
Offer letter	Yes	Torbay offer letter	25/03/2022
Other attachment (where relevant)	No		
Other attachment (where relevant)	No		

Offer letter acknowledgement	Page 2	08/04/2022
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Attachment Details4

Document description: Torbay offer letter

Attachment Details4

Document description:

Attachment Details4

Document description:

Offer letter acknowledgement	Page 3	08/04/2022
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Confirm offer letter downloaded and read

I have downloaded and read the offer letter: Yes

Offer letter acknowledgement	Page 4	08/04/2022
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Monitoring schedule and payment conditions

Submission name	Due date	Required	Payment amount	Payment conditions
Payment Request #1 (Initial)	01/04/2022	Yes	£113,000	• A completed bank details form sent to us in hardcopy only
Payment Request #2 (Interim)	01/04/2023	Yes	£226,000	• A completed interim activity report form submitted using the online system
Payment Request #3 (Interim)	01/04/2024	Yes	£169,500	• A completed interim activity report form submitted using the online system
Payment Request #4 (Final)	01/04/2025	Yes	£56,500	• A completed activity report form submitted using the online system
Activity Report #1 (Interim)	01/07/2022	Yes		
Activity Report #2 (Interim)	01/10/2022	Yes		
Activity Report #3 (Interim)	02/01/2023	Yes		
Activity Report #4 (Interim)	01/04/2023	Yes		
Activity Report #5 (Interim)	01/07/2023	Yes		
Activity Report #6 (Interim)	01/10/2023	Yes		
Activity Report #7 (Interim)	02/01/2024	Yes		
Activity Report #8 (Interim)	01/04/2024	Yes		
Activity Report #9 (Interim)	01/07/2024	Yes		
Activity Report #10 (Interim)	01/10/2024	Yes		
Activity Report #11 (Interim)	02/01/2025	Yes		
Activity Report #12 (Final)	01/04/2025	Yes		

Submission details

Payment Request #1 (Initial)

Due date: 01/04/2022

Required?:

Submission type: Payment request

Scheduled payment amount: £113,000

Payment conditions

- A completed bank details form sent to us in hardcopy only

Submission details

Payment Request #2 (Interim)

Due date: 01/04/2023

Required?:

Submission type: Payment request

Scheduled payment amount: £226,000

Payment conditions

- A completed interim activity report form submitted using the online system

Submission details

Payment Request #3 (Interim)

Due date: 01/04/2024

Required?:

Submission type: Payment request

Offer letter acknowledgement	Page 6	08/04/2022
------------------------------	--------	------------

Scheduled payment amount: £169,500

Payment conditions

- A completed interim activity report form submitted using the online system

Submission details

Payment Request #4 (Final)

Due date: 01/04/2025

Required?:

Submission type: Payment request

Scheduled payment amount: £56,500

Payment conditions

- A completed activity report form submitted using the online system

Submission details

Activity Report #1 (Interim)

Due date: 01/07/2022

Required?:

Submission type: Report

Submission details

Activity Report #2 (Interim)

Due date: 01/10/2022
Required?:
Submission type: Report

Submission details

Activity Report #3 (Interim)
Due date: 02/01/2023
Required?:
Submission type: Report

Submission details

Activity Report #4 (Interim)
Due date: 01/04/2023
Required?:
Submission type: Report

Submission details

Activity Report #5 (Interim)
Due date: 01/07/2023
Required?:
Submission type: Report

Offer letter acknowledgement	Page 8	08/04/2022
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Submission details

Activity Report #6 (Interim)

Due date: 01/10/2023

Required?:

Submission type: Report

Submission details

Activity Report #7 (Interim)

Due date: 02/01/2024

Required?:

Submission type: Report

Submission details

Activity Report #8 (Interim)

Due date: 01/04/2024

Required?:

Submission type: Report

Submission details

Activity Report #9 (Interim)

Due date: 01/07/2024

Required?:

Submission type: Report

Submission details

Activity Report #10 (Interim)

Due date: 01/10/2024

Required?:

Submission type: Report

Submission details

Activity Report #11 (Interim)

Due date: 02/01/2025

Required?:

Submission type: Report

Submission details

Activity Report #12 (Final)

Due date: 01/04/2025

Required?:

Submission type: Report

Offer letter acknowledgement	Page 10	08/04/2022
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Applicant: Torbay Council/Culture

50726880

Project: Torbay's Cultural Development: Paignton Picture House

CDFP-00457301-R2

Attachments

Document Type	Required?	Document description	Date attached
Bank details	Yes	Bank details	30/04/2021
Special conditions (where relevant)	No		
Terms and conditions	Yes	Torbay terms and ...	25/03/2022

Offer letter acknowledgement	Page 11	08/04/2022
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Acknowledgement

On-line offer acceptance form

Programme: Cultural Development Fund
Applicant name: Torbay Council/Culture
Reference: CDFP-00457301-R2
Name of activity: Torbay's Cultural Development: Paignton Picture House

Do you accept the grant offer in relation to the activity named above on the terms and conditions stated in the offer letter? Yes

If you are acting as a representative of an organisation, by accepting this grant offer you are confirming that:

- a) You (the person accepting this offer) are authorised to accept a grant from us on behalf of your organisation.
- b) You understand that if you make any seriously misleading statements (whether deliberate or accidental) at any stage during the application process and life of the grant, or knowingly withhold any information, this could make your grant agreement invalid and you could be liable to repay any funds to us.
- c) You understand that personal data will be collected and used in accordance with the joint Arts Council England/DCMS Privacy Notice and will be subject to our obligations under the Data Protection Law and the Freedom of Information Act.
- d) You are able to comply with our terms and conditions of grant, which are attached to this offer and are available on our website.
- e) None of the conditions for grants have been breached and that payment of this grant does not, and will not be used to, breach any of the conditions of grants.

Name: Martin Thomas

Offer letter acknowledgement	Page 12	08/04/2022
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Submission summary

Page	Last Updated
Project information	No Input Required
Offer letter	28/03/2022
Confirm offer letter downloaded	28/03/2022
Attachments	28/03/2022
Acknowledgement	04/04/2022

Offer letter acknowledgement	Page 13	08/04/2022
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Martin Thomas
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

1 April 2022

Dear Martin Thomas,

Offer Letter

Programme: Cultural Development Fund

Project title: Torbay's Cultural Development: Paignton Picture House

Applicant name: Torbay Council (Torbay Culture)

Project reference: CDFP-00457301

This is to confirm that Arts Council England on behalf of the Department for Digital, Culture, Media and Sport (DCMS), will provide Torbay Council, the accountable body as defined in the terms and conditions of this award, with a restricted grant of up to £2,987,670 for the period 01 April 2022 to 31 March 2025 (the Funding Period) towards the cost of the Agreed Programme. The grant is provided by Grant in Aid Revenue and Grant in Aid Capital for the funding period, as shown on the Grant Allocation below.

Grant Allocation	£2,987,670
Grant in Aid Revenue Allocation	£565,000
Grant in Aid Capital Allocation	£2,422,670

*The Grant Allocation is now fixed and cannot be altered. For further information on Grant in Aid Capital Allocation please see Schedule 3.

For the Cultural Development Fund, DCMS have delegated authority to Arts Council England to act on its behalf in administering, accounting for and monitoring this grant.

1. Our offer

1.1 This offer is subject to your acceptance of Arts Council England's Terms and Conditions for the Cultural Development Fund, the Capital Terms and Conditions (as detailed in Schedule 3), the Additional Conditions (if any) and the Monitoring Schedule and Payment Conditions (Schedule 2). The Terms & Conditions for the Cultural Development Fund and Additional Conditions (if any) are attached to the following screen called 'Attachments'. The Monitoring Schedule and Payment Conditions are shown on the screen called 'Monitoring schedule and payment conditions' (also shown in Schedule 2 in the Terms and Conditions on the Attachments

screen). These documents along with this Offer Letter and Schedule 1 form your funding agreement with Arts Council England.

1.2 This scheme is funded using money from grant in aid. It is restricted funding for the sole purpose of delivering the activity as detailed in Schedule 1. It should be shown as restricted funding in your accounts. We reserve the right to review and reduce funding in light of how well you are delivering the objectives of this grant.

1.3 If you spend less than the whole amount grant on the Agreed Programme, you must return the unspent amount to us promptly. If the grant part-funds the Agreed Programme, you must return the appropriate share of the unspent amount to us.

1.4 As the grant comes from public funds, you must account to us for any profit that you make from the Agreed Programme and we reserve the right to require you to pay back all or part of the grant in accordance with the Terms & Conditions.

1.5 This grant comes from public funds and must not be used in a way that constitutes unlawful Subsidy. We make no representation or undertaking about Subsidy control compliance. If you have any concerns about compliance with Subsidy control rules, you must obtain your own independent legal advice.

2. Agreed Programme

2.1 The Agreed Programme is set out in Schedule 1 as shown on the following screen called 'Agreed programme of activities', this schedule is supported by your application. Changes to the Agreed Programme are covered in the Terms and Conditions for the Cultural Development Fund.

2.2 Arts Council England will monitor the activity in relation to the Agreed Programme and how effectively the funding is being used. To enable this, you will send Arts Council England any information as Arts Council England may in its sole discretion reasonably request from time to time. Arts Council England reserves the right to visit projects by appointment and will ensure prior notice is given. Our main monitoring will be through the assessment of payment conditions, as detailed in the Monitoring Schedule and Payment Conditions section in the next screen and in Schedules 2 in the Terms and Conditions on the Attachments screen. The programme will also be discussed with your Senior Relationship Manager.

2.3 Success of the relationship relies on effective communication and the sharing of information. You must tell Arts Council England in advance if you want to make any significant changes to the Agreed Programme under this Funding Agreement. Arts Council England will not unreasonably withhold its consent to any such changes.

3. Accepting our Offer

3.1 Accepting your grant is done online by working through this 'Offer letter acknowledgement' workflow. On the next screen you are asked to confirm that you

have downloaded and read the Offer Letter. On the following screens you will then view your Monitoring Schedule and Payment Conditions, our Terms and Conditions and bank details form, and then complete a declaration stating whether you accept this offer of a grant. Once you press 'submit' on the final screen, your acceptance will be sent to us to review.

3.2 If you do not accept this offer within one month from the date we issued it, it will no longer be valid.

3.3 When you accept your grant, you will need to download the bank details form. You must complete the bank details form and upload it to the Bank details step on Grantium.

3.4 Please note that this letter, attached schedules and our standard terms and conditions as referred to above will form the Funding Agreement. No changes can be made to these documents unless agreed by the Arts Council England in writing. The date of your acceptance of the Grant on the Arts Council's Grantium system will be the date of your Funding Agreement.

4. Payment Conditions

4.1 Payments are conditional on us receiving and approving any additional monitoring information (or 'payment conditions') we have asked for. The payment conditions for the Grant in Aid Revenue Allocation and Grant in Aid Capital Allocation are set out separately. The Monitoring Schedule and Payment Conditions for the Grant in Aid Revenue Allocation are shown in the next screen (also shown in Schedule 2 in the Terms and Conditions on the Attachments screen). The Monitoring Schedule and Payment Conditions for the Grant in Aid Capital Allocation are shown in Schedule 2 in the Terms and Conditions on the Attachments screen.

Please note that the dates listed refer to when we expect you to submit the information to meet the relevant conditions, and do not indicate when we will send a payment. After you meet all the conditions for each payment, it will normally take 15 - 20 working days for us to process and release the funds.

4.2 Receiving your first Grant in Aid Revenue Allocation payment

In order for us to release your first revenue payment, you must:

- Accept our offer online
- Send us your bank details using the Submit Bank Details step in Grantium;
- Submit your 'Payment request #1' which includes space to attach information to meet any other payment conditions we have set on your first payment (shown in the payment schedule). You will be able to view this payment request task in your 'Submissions' area once we have reviewed your acceptance.

4.3 Receiving your first Grant in Aid Capital Allocation payment

Payment amounts will depend on the amount of expenditure you are able to evidence in the expenditure listing submitted with each payment request. Payment requests will be initiated by us once you inform us that you are ready to claim a payment. Each

payment request will include an expenditure listing for you to complete alongside any other conditions set out in Schedule 2 in the Terms and Conditions on the Attachments screen we have requested for that payment.

In order for us to release your first payment, you must:

- Accept our offer online;
- Send us your bank details using the Submit Bank Details step in Grantium;
- Let us know when you have incurred eligible capital costs and are ready to claim a payment. We will send you a Capital Payment Request to complete on Grantium. You will be able to view the Capital Payment Request in your 'Submissions' area;
- Submit the Capital Payment Request on Grantium, including the expenditure listing and any payment conditions for that payment as set out in Schedule 2

Grant holders should be aware that Arts Council England conducts checks on a sample of applications every year to ensure that our funding is being used appropriately. We reserve the right to ask grantholders for access to all their documentation relating to their activity, and therefore you should keep clear records of project management and financial records for us to access when required.

4.4. Reporting to us on your activity

The schedule on the next screen includes a condition for a completed interim report form on a quarterly basis. This is so we can review your activity's progress before we release a payment part way through your activity. Interim report forms are completed online, and the link to the report will appear in your 'Submissions' area four weeks before the due date shown in your payment schedule. Your interim report form should include the following attachments:

- A cash flow demonstrating both project income and outgoings and the expected payments for the Grant in Aid Revenue Allocation and Grant in Aid Capital Allocation shown separately
- A fully costed risk register covering all the risks you have identified for the Agreed Programme
- Details of expenditure for the Agreed Programme including any changes to the agreed budget or forecast total cost. This should separately identify the contingency to ensure that appropriate levels of contingency are retained at as the project progresses and provide an overview of the adequacy of the remaining contingency when considered against the costed risk register.
- An up-to-date work plan, including milestones and key review dates for delivery of your project.

4.5 Interim Grant in Aid Revenue Allocation payment

When you have submitted your interim report, you must then submit your payment request for the Grant in Aid Revenue Allocation payment (including information to meet any other interim payment conditions we have set) to receive your payment.

4.6 Interim Grant in Aid Capital Allocation payment

Interim payment requests will be initiated by us once you inform us that you are ready to claim a payment and have achieved the relevant milestone set out in Schedule 2. We will send you a Capital Payment Request to complete on Grantium. You will be able to view the Capital Payment Request in your 'Submissions' area. Interim payments will be released on the condition that we have received a completed expenditure listing submitted on Grantium including information to meet any other interim payment conditions we have set out in Schedule 2.

4.7 Final activity report form and payments

After your activity has finished, you must complete a final activity report form. The link to the report will appear in your 'Submissions' area four weeks before the end date of your activity. It must be completed and submitted to us online within one month of finishing your activity. When you have submitted your report, you must then submit your final payment request (including information to meet any other final payment conditions for Grant in Aid Revenue Allocation and Grant in Aid Capital Allocation) so we can process your final payments. The final payments will be 10% of the total grant amount.

Please note: Interim and Final activity report forms are attached to Grant in Aid Revenue payment conditions, however you should account for both the Grant in Aid Revenue Allocation and Grant in Aid Capital Allocation when completing these forms.

5. Aims of the Cultural Development Fund

5.1 Evaluation will be important for the Cultural Development Fund to understand how effective Government funding has been in meeting the programme's aims and outcomes. DCMS will be contracting independent advisors to help applicants with evaluating your project. We will let you know as soon as possible how we are going to do this. It is a requirement of funding that Cultural Development Fund awardees cooperate with DCMS or any appointed independent evaluators. We will require you to set aside some of your project budget for data collection to support evaluation, depending on the size and scale of your project.

5.2 The aim of the Cultural Development Fund is to level up through investment in culture. The fund will unlock local growth and productivity, promote economic and social recovery from the impact of Covid-19, and regenerate communities through capital investment in transformative place-based creative and cultural initiatives. It will capitalise on the untapped potential for investment in creativity and culture while addressing the regional undersupply and demand for capital funding in creative and cultural infrastructure.

Through implementing creative and cultural initiatives, the Cultural Development Fund will support places to achieve the following outcomes:

- Unlock local economic growth and productivity
- Become more attractive places in which to live, work, visit and invest
- Strengthen local leadership, partnerships and capability

6. Equality

6.1 As part of this delivery programme you will consider participants across the protected characteristics and adjust the programme if necessary to ensure you are not acting in a discriminatory manner.

6.2 You are required to demonstrate how you are promoting equality, increasing opportunity and encouraging diverse talent. An overview of your activity in this area should be included in your monitoring updates for Arts Council England as referred to in your payment conditions.

7. Additional Conditions

The grant is subject to the following Additional Conditions:

7.1 In the event that we have paid out to you any part of this grant and it then becomes apparent that a part of the Grant in Aid Capital Allocation has not been used to purchase Capital Expenditure, we reserve the right to recover any such sum from you.

7.2 You must demonstrate that all Capital Expenditure presented for payment was incurred during the Funding Period.

7.3 You will not transfer any part of the grant or this Funding Agreement or any rights under it to any other organisation or individual without the prior written agreement of the Arts Council. If you are required by the Arts Council to enter into a partnership agreement with Named Partner(s) in order to deliver the Agreed Programme you will submit the proposed partnership agreement to the Arts Council for its prior authorisation and subject thereto will ensure that no other organisation or individual acquires any third party rights under this Funding Agreement. The Arts Council reserves the right absolutely to transfer the rights and obligations owing to it under this Funding Agreement to the Department for Digital, Culture, Media and Sport.

7.4 You will undertake an evaluation of the Agreed Programme to demonstrate the aims of Cultural Development Fund outlined in 5.2 and your Application have been achieved. This evaluation should provide relevant quantitative and qualitative evidence, including financial, beneficiary, photographic and other operational information to capture baseline, interim outcomes and final outcome data about the Agreed Programme and its impact as required.

You will provide the final evaluation to the Arts Council and DCMS. We acknowledge that this evaluation may not be available until after the final payment of the grant has been made.

8. Acknowledging Cultural Development Fund funding

You are required to download the Cultural Development Fund grant award logo and read the guidelines on how to acknowledge your funding before you start using the

logo. Please visit <https://www.artscouncil.org.uk/funding-finder/cultural-development-fund>. For more information, you can email grantawardlogo@artscouncil.org.uk or phone on 0161 934 4317.

9. Freedom of information

Any information we receive from you will be subject to the Freedom of Information Act 2000. By law, we may have to provide your information to a member of the public if they ask for it under the Freedom of Information Act. For further details, see the Freedom of Information section of our website.

Please let us know if you consider that any of the information you have provided to us is commercially sensitive or confidential. We will take this into account when processing any requests for information, but any decision to release information is at our absolute discretion in accordance with the Freedom of Information Act legislation.

Please use the reference given at the top of this letter when you communicate with us. If you have any questions, please contact your named Senior Relationship Manager.

Congratulations on your successful application.

Yours sincerely,

Jane Dawson
Director, Funding Programmes

Standard Terms and Conditions for Cultural Development Fund 2022

For the Cultural Development Fund, the Department for Digital, Culture, Media and Sport have delegated authority to Arts Council England to act on its behalf in administering, accounting for and monitoring this grant.

Contents

1. Funding	4
2. VAT.....	5
3. Monitoring	5
4. The Organisation's Obligations	6
5. Capital Projects.....	12
6. Termination of this Agreement	12
7. Duration of Funding Agreement.....	14
8. Prevention of Fraud and Corruption	14
9. Additional terms and conditions	15
Schedule 1: Agreed Programme.....	16
Schedule 2: Monitoring and Payment Schedule	23
Schedule 3: Capital Terms and Conditions	25

1. Definitions

The “Organisation” means the organisation receiving the grant bound by these terms and conditions.

The “Arts Council” means the Arts Council England and includes its employees and those acting for it.

The “Agreed Programme” means the activity or activities that have been agreed with the Arts Council and for which the Arts Council is giving the Organisation the grant as set out in the grant offer letter and in accordance with this Funding Agreement.

The “Asset Monitoring Period” means a period of twenty years from the end of the Funding Period by which the Arts Council expects the Project Assets to be continued to be used in line with the Agreed Use. “Project Assets” and “Agreed Use” shall have the meaning as given in Schedule [1] hereto.

The “Capital Terms and Conditions” means the terms and conditions as are set out in Schedule [3] to this Funding Agreement.

The “Data Protection Legislation” means without limitation (i) the United Kingdom General Data Protection Regulation and (ii) the Data Protection Act 2018 together with all other applicable UK laws whether currently existing, yet to be implemented, or to act as successor legislation, that regulate the collection, processing and privacy of personal data.

The “Funding Agreement”, which the Organisation has accepted and signed, includes and incorporates these standard terms and conditions and attached Schedules and the grant offer letter together with any other conditions the Organisation has agreed.

The “Funding Period” means the fixed term specified in the grant offer letter and these terms and conditions will apply over this period and any extension thereof.

The “Named Partner(s)” means the organisations who will be involved in delivering the Agreed Programme as set out in Schedule [1] and which the Organisation has entered (or will enter before the start of the project) in to a partnership agreement with pursuant to clause 6.13 hereof.

The “Project Asset(s)” means any equipment or property (whether real, moveable or intellectual) that is purchased, renovated, created, improved or equipped using the grant in the course of the Agreed Programme.

DCMS/ACE Cultural Development Fund 2022

2

The “Payment Conditions” means the information the Organisation must submit to the Arts Council as part of any request for payment as detailed in the Monitoring Schedule and Payment Conditions sections on the screens in Grantium and in Schedule [2]

The “Total Project Cost of the Agreed Programme” means all the income the received and all the expenditure the Organisation will need to spend to deliver the activities as defined in the Agreed Programme.

The “Subsidy Control rules” means the Subsidy Control rules adopted by the UK with effect from 11pm on 31 December 2020, including Part 2, Title XI (Level Playing Field), Chapter 3 (Subsidy Control) of the 'Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain And Northern Ireland, of the other part' incorporated into law by the European Union (Future Relationship) Act 2020 and, where relevant, the EU State aid rules as set out in Articles 107-109 of the Treaty on the Functioning of the European Union and associated regulations and guidelines under the Northern Ireland Protocol and any other applicable laws and successor legislation.

2. The Agreed Programme

- 2.1 The Organisation will deliver the activities as defined in the Agreed Programme, which is attached as Schedule [1]. The Organisation acknowledges that the grant is paid on trust to the Organisation for the sole purpose of delivering the Agreed Programme and the Organisation will hold any unused part of the grant on trust for the Arts Council at all times and will repay any grant (including any unused grant) to the Arts Council immediately upon demand.
- 2.2 The Agreed Programme will form part of the basis for the reporting, monitoring and assessment of performance under this Funding Agreement.
- 2.3 The Organisation will tell the Arts Council immediately in writing of anything that significantly delays, threatens or makes unlikely the successful delivery of the Agreed Programme or any key part of it. This includes any withdrawal of match funding for the Agreed Programme, which the Organisation told the Arts Council it would receive, at any time during the Funding Period.
- 2.4 The Organisation will not use the grant to pay for any spending commitments made before the date the Funding Period begins (as specified in the offer letter).
- 2.5 The Organisation will get the Arts Council’s agreement before making any changes to the information contained in its application for grant funding, the Agreed Programme, the Named Partner(s) or to its name, aims, structure,

delivery, outcomes, duration, design or ownership of any grant funded assets or 'Project Asset(s)' as defined in the Capital Terms and Conditions.

1. Funding

- 3.1 Subject to satisfactory receipt of any information required from time to time, the Arts Council agrees to pay to the Organisation the revenue grant in such instalments as shown in the Revenue Monitoring and Payment Schedule in Schedule [2]. Capital payments will be made in line with the Capital Terms and Conditions in Schedule [3].
- 3.2 The Arts Council will not make any payments under this Funding Agreement until it has evidence that the terms and conditions have been accepted by the Organisation's board or equivalent, and the Funding Agreement is properly accepted and signed by a board member or equivalent. The Organisation will ensure that at all times, while the Funding Agreement is in force, that it is correctly constituted and regulated and that the receipt of the grant and the delivery of the Agreed Programme are within the scope of the Organisation's constitution.
- 3.3 The Organisation accepts that these standard terms and conditions are not negotiable and the Organisation shall have no right to amend or vary the provisions of this Funding Agreement (unless with the prior written agreement of the Arts Council) which, for the avoidance of doubt, includes the Agreed Programme as specified in Schedule [1], the Funding Period, the Dates and Amounts of the Scheduled Payments as specified in Schedule [2] and the Capital Terms and Conditions.
- 3.4 The Organisation accepts that the Arts Council will not increase the grant if the Organisation spends more than the total grant shown in the offer letter.
- 3.5 The Organisation will notify the Arts Council in writing as soon as Total Project Cost for the Agreed Programme is expected or anticipated to increase, explaining the reason for any overrun, and how it is intended that any overrun will be funded, together with an updated budget or any other information the Arts Council requests.
- 3.6 The Organisation will show the grant and related expenditure in its annual accounts under the description of "Arts Council Funding" (as a restricted fund or unrestricted fund, deriving from grant in aid as revenue grant or as a capital grant as directed in the offer letter). If the Organisation has more than one restricted fund, it will include a note to the accounts identifying each restricted fund separately. If the Organisation has more than one grant from the Arts Council, it will record each grant separately in the notes to the accounts. The Organisation will identify unspent funds and assets in respect of the grant separately in its accounting records. If the Organisation spends less than the whole grant amount on the Agreed Programme, the Organisation must return the unspent amount to the Arts Council promptly. If the grant

part-funds the Agreed Programme, the Organisation must return the appropriate share of the unspent amount to the Arts Council.

2. VAT

- 4.1 The grant is not consideration for any taxable supply for VAT purposes. The Organisation acknowledges that the Arts Council's obligation does not extend to paying any amounts in respect of VAT in addition to the grant.
- 4.2 If the Organisation is registered for VAT, or subsequently becomes liable to register for VAT, it must keep proper and up to date records and it must make those records available and give copies to the Arts Council when requested.
- 4.3 If the grant includes any or all of the VAT costs associated with the Agreed Programme and the Organisation subsequently recovers any VAT, it must pay back immediately any of the VAT that has been paid for with the grant.

3. Monitoring

- 5.1 The Arts Council will designate a member of its staff for the Organisation in relation to this Agreement. This member of Arts Council staff will be the main point of contact between Arts Council England and the Organisation. The Arts Council staff member will:
 - 5.1.1 act as the main contact with the Organisation for all matters relating to the grant and the Agreed Programme;
 - 5.1.2 monitor the Organisation ensuring it complies with the terms of this Funding Agreement and other requirements in accordance with the Arts Council's monitoring requirements, identify issues and share these with relevant colleagues;
 - 5.1.3 attend the Organisation's board and project steering group meetings (or equivalent) as an observer on a regular or an occasional basis in so far as it relates to the delivery and governance of the Agreed Programme;
 - 5.1.4 attend an annual meeting with the Organisation; and,
 - 5.1.5 act as a "critical friend" to the Organisation by engaging with its Programme, and questioning its self-monitoring, direction, operations and activities.
- 5.2 The Arts Council may ask independent assessors to experience work by the Organisation and to write a report assessing the quality of that work. The

Organisation will ensure that such assessors are allowed access and enabled to experience the work for this purpose.

4. The Organisation's Obligations

- 6.1 The Arts Council requires the Organisation to meet any special or additional conditions which may have been agreed between the Arts Council and the Organisation in writing from time to time and which will be deemed incorporated into this Funding Agreement.
- 6.2 In addition, the Arts Council requires the Organisation to meet the following requirements:
- 6.2.1 The Arts Council will monitor and assess the Organisation's activity and how effectively the funding is being used. To enable this, the Organisation will send the Arts Council all such information as the Arts Council may in its sole discretion reasonably request from time to time. This includes the information, without limitation, set out in Schedule [2], and copies of all or any other relevant documentation about the financial and operational running of the Organisation, to include business plans, board papers or equivalent, reserves policies and any other information which the Arts Council deems relevant to its understanding of how the Agreed Programme is being delivered and the funding used and for reporting purposes to the Department for Digital, Culture, Media and Sport. The Organisation agrees and accepts that the Arts Council may share such information and data with the Department for Digital, Culture, Media and Sport.
- 6.2.2 The Organisation must tell the Arts Council in writing as soon as possible and in advance if it wants to make any significant changes to its legal status or to the Agreed Programme under this Funding Agreement. The Arts Council will not unreasonably withhold its consent to any such changes.
- 6.2.3 The Organisation will follow the Cultural Development Fund's branding and publicity guidelines at all times and will acknowledge the grant in press, marketing and communications materials, verbally and in writing. The Organisation will use the Cultural Development Fund's grant award logo, and other logos as may be required, appropriately on all published material including printed and online material. The Organisation should use the following statement when acknowledging the grant publicly –

“The Cultural Development Fund is a Department for Digital, Culture, Media and Sport (DCMS) fund administered by Arts Council England.”

- 6.2.4 The Organisation consents to any publicity about the grant and the Agreed Programme as the Arts Council and the Department for Digital, Culture, Media and Sport may from time to time require. The Arts Council and the Department for Digital, Culture, Media and Sport can carry out any forms of publicity and marketing to promote the award of the grant as it sees fit and the Organisation will do whatever is reasonably required in order to assist with any form of publicity and marketing, including any press or media related activities.
- 6.3 The Organisation is fully responsible for every part of its business. This includes, without limitation:
- 6.3.1 the Organisation must ensure that all current and future members of its governing body receive a copy of this Funding Agreement while it remains in force and will ensure that the receipt of this grant and the delivery of the Agreed Programme are within the scope of the governing documents;
 - 6.3.2 the Organisation is responsible for getting its own management and business advice. This includes considering whether it needs to get financial, accounting, tax, solvency, legal, insurance or other types of professional advice;
 - 6.3.3 the Organisation must tell the Arts Council immediately of any changes in the Organisation that may threaten its solvency and inform the Arts Council if it is proposing to enter into any arrangement with any of its creditors;
 - 6.3.4 the Organisation must tell the Arts Council in writing immediately if any legal claims or any regulatory investigations are made or threatened against it and/or which would adversely affect the Agreed Programme during the period of the grant (including any claims made against members of its governing body or staff).

- 6.4 In carrying out its business and funded activity under the Agreed Programme the Organisation must obtain all approvals, consents and licences required by law to deliver the Agreed Programme, comply with any relevant laws or government requirements and comply with best practice in governance, reporting and operation. This includes (but is not limited to) the following obligations on the Organisation:
- 6.4.1 taking all reasonable steps to ensure the safety of the children and adults at risk it will work with. The Organisation will follow best practice in having appropriate policies and procedures in place to ensure the protection of children, young people and vulnerable adults and in complying with those procedures, which will include procedures to check backgrounds and disclosures of all employees, volunteers, trustees, partners or contractors who will supervise, care for or otherwise have significant direct contact with children and adults at risk with the Disclosure and Barring Service (DBS);
 - 6.4.2 following best practice in having appropriate and effective policies and procedures in place concerning equality and diversity, harassment and bullying and in complying with those policies and procedures;
 - 6.4.3 having in place at all times and acting in accordance with, appropriate and effective disciplinary, grievance and whistle-blowing policies;
 - 6.4.4 having an equal opportunities policy in place at all times and act at all times without distinction and in compliance with all relevant equality legislation;
 - 6.4.5 at all times complying with Data Protection Legislation.
 - 6.4.6 adhering to all relevant legal obligations relating to offering internships;
 - 6.4.7 ensuring that salaries, fees and subsistence arrangements are as good as or better than those agreed by any relevant trade unions and employers' associations;
 - 6.4.8 maintaining all main financial records including profit and loss accounts, management statements, personnel and payroll records for staff funded under this Funding Agreement for seven years after the grant has ended. The Organisation will complete all statutory returns for employees and make all relevant payments to cover their pensions and salary deductions, such as income tax and National Insurance contributions;
 - 6.4.9 Subject to clause 6.4.10 and 6.14.11, when procuring goods, works or services that are funded in whole or in part by the Grant the Organisation shall:
 - 6.4.9.1 Comply with your obligations under the Public Contracts Regulations 2015 (as amended or replaced from time to time);

- 6.4.9.2 for contracts within the scope of Regulation 13 of the Public Contracts Regulations 2015, procure in a manner compliant with the Public Contracts Regulations 2015; and,
- 6.4.9.3 for all other contracts, procure in a manner which ensures that suppliers are treated equally, without discrimination and that any procurement process is conducted in a transparent and proportionate manner.
- 6.4.10 for the purposes of clause 6.4.9.2 above, an Organisation must ensure that any requirement to procure goods, works or services that are funded in whole or in part by the Grant are advertised in such a way as to ensure that all interested suppliers in the market are aware of the opportunity and provided with an opportunity to tender for the contract as if the Organisation was a contracting authority for the purposes of the Public Contracts Regulations 2015.
- 6.4.11 the provisions at clause 6.4.9 and 6.4.10 shall only apply to contract requirements with a value of £10,000 (ex VAT) or more. Organisations shall not sub-divide a requirement with the intention of excluding the application of clause 6.12 and 6.13.
- 6.4.12 the Arts Council may request and the Organisation must provide any information the Arts Council requires to satisfy itself that the Organisation has complied with its obligations under clause 6.4.9 to 6.4.11.
- 6.4.13 the Organisation acknowledges that the Arts Council may incur financial liability if the Organisation breaches its obligations under clause 6.4.9 and that the Organisation shall be liable to the Arts Council for any losses, costs (including legal costs) damages and any other financial liability that it incurs as a direct result of such breach.
- 6.4.14 considering any possible risks involved in its funded activities and taking appropriate action to protect everyone involved and maintaining adequate and appropriate insurance at all times; and
- 6.4.15 maintaining adequate insurance at all times and if asked, will supply copies of the insurance policy. This includes employee and public liability insurance and insurance that covers the full replacement value of any assets you have funded.
- 6.4.16 ensuring that you do not work with organisations proscribed under the Terrorism Act 2000

<https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2/proscribed-terrorist-groups-or-organisations-accessible-version>

- 6.5 The Organisation accepts that the Arts Council's staff, council members and advisers cannot give the Organisation professional advice and will not take part in carrying out the Organisation's business. The Arts Council cannot be held responsible for any action the Organisation takes, or fails to take, or for the Organisation's debts or liabilities. The Arts Council will not be liable for any losses or charges if it does not make any grant payment on the agreed date. The Arts Council will not be responsible to anyone else who may take, or threaten to take, proceedings against the Organisation.
- 6.6 Subject to the terms of the Capital Terms and Conditions (where applicable), the Organisation will not sell, give away, licence or borrow against any grant funded assets (including any intellectual property rights) without first receiving the Arts Council's prior written consent. As the grant has come from public funds, the Organisation understands and accepts that if the Arts Council provides the consent it may require that the disposal is at full market value and/or subject to conditions requiring the Organisation to repay all or part of the grant money received. The Organisation must maintain adequate insurance at all times for any grant funded asset which must include the full replacement value of any such assets.
- 6.7 The Organisation must give the Arts Council, the National Audit Office or any of their agents access to meetings, events and any/all financial records, other information and/or premises, as may be reasonably requested, relating to the Agreed Programme, the Organisation or to any other matter arising under this Funding Agreement and the Arts Council may postpone payment of the grant or an instalment of the grant until the Arts Council has received the material it has requested.
- 6.8 The Organisation must immediately tell the Arts Council about any changes to bank or building society details or any other changes to information provided to the Arts Council.
- 6.9 The Arts Council may share information about the grant and/or the Agreed Programme with any party. The Arts Council is also subject to the provisions of the Freedom of Information Act 2000 ('the Act'). This means that any information provided by the Organisation could be released to any person who asks for it under the Act. The Organisation may tell the Arts Council if it thinks that any of the information should be confidential under any of the exemptions

DCMS/ACE Cultural Development Fund 2022

10

of the Act. However, the Arts Council will make the final decision in accordance with the Act.

- 6.10 The Arts Council may request to be consulted on the process of recruitment and invited to attend interviews when the Organisation is recruiting trustees and/or senior staff in so far as it relates to the delivery and governance of the Agreed Programme.
- 6.11 The grant is made up of funds received from Parliament. The Organisation understands that the Arts Council can only guarantee future instalments of the grant as long as funds are available to the Arts Council. Should funding be suspended or stopped from Parliament, the Organisation understands that the Arts Council may have to reduce or stop grant payments and the Arts Council accepts no liability pursuant to this action.
- 6.12 The Organisation acknowledges that the grant comes from public funds and confirms that the support provided is compliant with the Subsidy Control rules. Where applicable, the Organisation agrees that the Arts Council will publish information relating to the grant and that the Organisation will keep reasonably detailed records to demonstrate compliance with the Subsidy Control rules and shall provide a copy of such records to the Arts Council upon reasonable request. In the event that the grant is deemed to be non-compliant with the Subsidy Control rules, the Organisation will repay the entire grant (and any other sums due) immediately.
- 6.13 The Organisation will not transfer any part of the grant or this Funding Agreement or any rights under it to any other organisation or individual without the prior written agreement of the Arts Council. If the Organisation is required by the Arts Council to enter into a partnership agreement with Named Partner(s) in order to deliver the Agreed Programme the Organisation will submit the proposed partnership agreement to the Arts Council for its prior authorisation and subject thereto will ensure that no other organisation or individual acquires any third party rights under this Funding Agreement. The Arts Council reserves the right absolutely to transfer the rights and obligations owing to it under this Funding Agreement to the Department for Digital, Culture, Media and Sport.
- 6.14 The Arts Council may impose additional terms and conditions on the grant either in the offer letter and/or if the Organisation is at any time in breach of this Funding Agreement and/or if the Arts Council believes it is necessary to make sure that the Agreed Programme is delivered as agreed between the

Organisation and the Arts Council and/or the Arts Council has reasonable grounds to believe it is necessary to protect public money.

5. Capital Projects

- 7.1 If any part of the Agreed Programme is used for Project Assets then the Organisation understands and agrees that the Capital Terms and Conditions will apply in addition to these standard terms and conditions. The Arts Council will confirm in the grant offer letter whether or not the Capital Terms and Conditions apply to the grant.

6. Termination of this Agreement

- 8.1 If the Organisation breaches any of the terms and conditions of this Funding Agreement, then the Arts Council in its absolute discretion may withhold or demand repayment of all or part of the grant and bring this Funding Agreement to an end. The Organisation will repay any grant requested immediately upon demand.
- 8.2 The Arts Council may suspend payment of the grant if it wishes to investigate any matters concerning the grant (or any other grants given by the Arts Council to the Organisation). The Organisation understands and accepts that the Arts Council will accept no liability for any consequences, whether direct or indirect, that may arise from a suspension even if the investigation finds no cause for concern.
- 8.3 The Arts Council may also withhold or demand repayment of all or part of the grant if the Organisation:
- 8.3.1 closes down its business (unless, with the Arts Council's prior consent, it joins with, or is replaced by, another Organisation that can take over this Funding Agreement and carry out the purposes of the grant to the Arts Council's satisfaction);
 - 8.3.2 makes significant changes to the Agreed Programme without the prior written approval of the Arts Council;
 - 8.3.3 does not fulfil the purpose of the grant with reasonable care, thoroughness, competence and to a standard that the Arts Council expects from the Organisation with its level of experience in its practice, profession or line of work;
 - 8.3.4 provides any information to the Arts Council that is wrong or misleading, either by mistake or because it is trying to mislead the

Arts Council during the application process or during the period of this Funding Agreement;

8.3.5 becomes insolvent, any order is made, or resolution is passed, for it to go into administration, be wound up or dissolved; an administrator or other receiver, manager, liquidator, trustee or similar officer is appointed over all or a considerable amount of the Organisation's assets; or the Organisation enters into or proposes any arrangement with its creditors;

8.3.6 acts illegally or negligently at any time;

8.3.7 acts in such a way that the Arts Council believes it has significantly affected the Agreed Programme, or is likely to harm the Arts Council's, the Department for Digital, Culture, Media and Sport or the Organisation's reputation or it is in the Arts Council's discretion necessary to protect public money;

8.3.8 sells or in some other way transfers any part of the grant, the business or the activity funded under the Agreed Programme to someone else without first getting the Arts Council's approval in writing;

8.3.9 uses the grant or any part of it for any activity that is intended to influence or attempt to influence Parliament, Government or political parties, or attempts to influence the awarding or renewal of contracts and grants, or attempts to influence legislative or regulatory action; and/ or

8.3.10 is or becomes (and/ or an organisation with which it works) becomes a proscribed group or organisation under the Terrorism Act 2000 as set out in clause 6.4.16.

8.4 If the Organisation is in breach of any of the terms of this Funding Agreement and the Arts Council does not enforce one or more of its rights straight away, this does not mean that it will not do so in the future. The Arts Council will give up its right to enforce this Funding Agreement only if it tells the Organisation in writing.

8.5 If the Organisation has other major revenue or capital grants with the Arts Council, then it is also under an obligation to keep to the terms and conditions of those Funding Agreements. If there is any conflict between those terms and conditions and the terms and conditions of this Funding Agreement, then these

terms and conditions will take precedence so far as they relate directly to the delivery of this Agreed Programme.

- 8.6 If the Organisation breaches any of the terms of this Funding Agreement, the Arts Council can choose to treat that as the Organisation breaching the terms of any other grant agreements the Arts Council has with the Organisation. This will allow the Arts Council to take the same actions under those agreements that the Arts Council may take under this Funding Agreement, including making the Organisation pay back the grant and stopping any future payments.

7. Duration of Funding Agreement

- 9.1 This Funding Agreement and these terms and conditions remain in force for whichever period is the longest time:

9.1.1 for one year following the payment of the last instalment of grant;

9.1.2 as long as any part of the grant remains unspent;

9.1.3 if the Organisation's Agreed Programme is subject to the Capital Terms and Conditions, the expiry of the Asset Monitoring Period (20 years) or;

9.1.4 as long as the Organisation does not carry out any of the terms and conditions of this Funding Agreement or any breach of them continues (this includes any outstanding reporting on grant expenditure or the delivery of the Agreed Programme).

8. Prevention of Fraud and Corruption

- 10.1 The Organisation shall not offer, give, or agree to give anything, to any person an inducement or reward for doing, refraining from doing, or for having done or refrained from doing, any act in relation to the Agreed Programme or showing or refraining from showing favour or disfavour to any person in relation to the Agreed Programme.

- 1.2 If the Supplier or the Staff engages in conduct prohibited by clause 10.1 or commits fraud in relation to the Agreed Programme or any other contract with the Crown (including the Arts Council) Arts Council may:

- 10.2.1 terminate the Funding Agreement and recover from the Organisation the amount of any loss suffered by the Arts Council resulting from the termination; or,
- 10.2.2 recover in full from the Organisation any other loss sustained by the Arts Council in consequence of any breach of this clause.

9. Additional terms and conditions

- 11.1 The Arts Council has the right to impose additional terms and conditions on the grant if:
 - 11.1.1 the Organisation is in breach of the Grant Agreement;
 - 11.1.2 the Arts Council or another funder withdraws any part of the funding for the Agreed Programme;
 - 11.1.3 the Arts Council has reasonable grounds to believe that the Agreed Programme is being carried out by the Organisation in a way that may have a detrimental effect on the Agreed Programme, or on the Arts Council's and/ or Department for Digital, Culture, Media and Sport's role as a distributor of public money. For the avoidance of doubt, this would apply to the manner and speed of the delivery of the Agreed Programme, or to any illegal or negligent actions by the Organisation, and not to any artistic decision made by the Organisation;
 - 11.1.4 the Arts Council has reasonable grounds to believe that it is necessary to protect public money;
 - 11.1.5 the Arts Council believes such conditions are necessary or desirable to make sure that the Agreed Programme is delivered as set out in the application form or following any agreed changes; and/or
 - 11.1.6 further legislation and guidance is made in relation to Subsidy Control.

Schedule 1: Agreed Programme

Applicant name: Torbay Council

Project number: CDFP-00457301

April 2022 – March 2025 Outline Activity Plan

Activity	Outcome	Timeframe	Milestone/ SMART objective
<p>Delivery of Capital Works, Paignton Picture House</p>	<p>Technical design, planning, procurement, contractor mobilization RIBA Stage 3/4</p>	<p>April - July 2022</p>	<ul style="list-style-type: none"> • Finalise partnership agreement between Torbay Council, Torbay Development Agency, Torbay Culture, Paignton Picture House Trust, South Devon College, & Agatha Christie Festival Ltd. • Lead architect and design team appointed. • Design work, surveys and reports completed. • Submission of planning application. • Planning application decision May 2022. • Capital works contractor appointed. • Procurement & commissioning of capital delivery contractors completed.

	Site works, construction improvement RIBA Stage 5	August 2022-February 2025	<ul style="list-style-type: none"> • Procurement/tendering processes completed. • Contractor site works delivered.
	Site works completed, contingency & handover RIBA Stage 6/7	January - March 2025	<ul style="list-style-type: none"> • All site works completed. • Review of project outcomes and budget. • Implementation of building management. • Paignton Picture House reopens February 2025.
Delivery of Resource Activity	Engagement & participation	July 2022 – December 2024	<ul style="list-style-type: none"> • High Street presence established – network of places/venues. • Paignton Commons community programme delivered. • 3 Open Season cultural programmes delivered.
	Skills & training	July 2022 – December 2024	<ul style="list-style-type: none"> • Development & delivery of programme to include placements, mentoring, internships, apprenticeships.
	Wider developments – cultural partnerships & cultural development opportunities	July 2022 – December 2024	<ul style="list-style-type: none"> • Stronger cultural partnerships developed - boards, governance, integrated plans. • Cultural development connections established to other regeneration &

renewal opportunities aligned to Future High Streets Fund activity.				
<ul style="list-style-type: none"> • Evaluation framework established. • Ongoing evaluation updates. • Delivery of evaluation report. 	April 2022 – March 2025	Design & delivery of evaluation framework		Evaluation

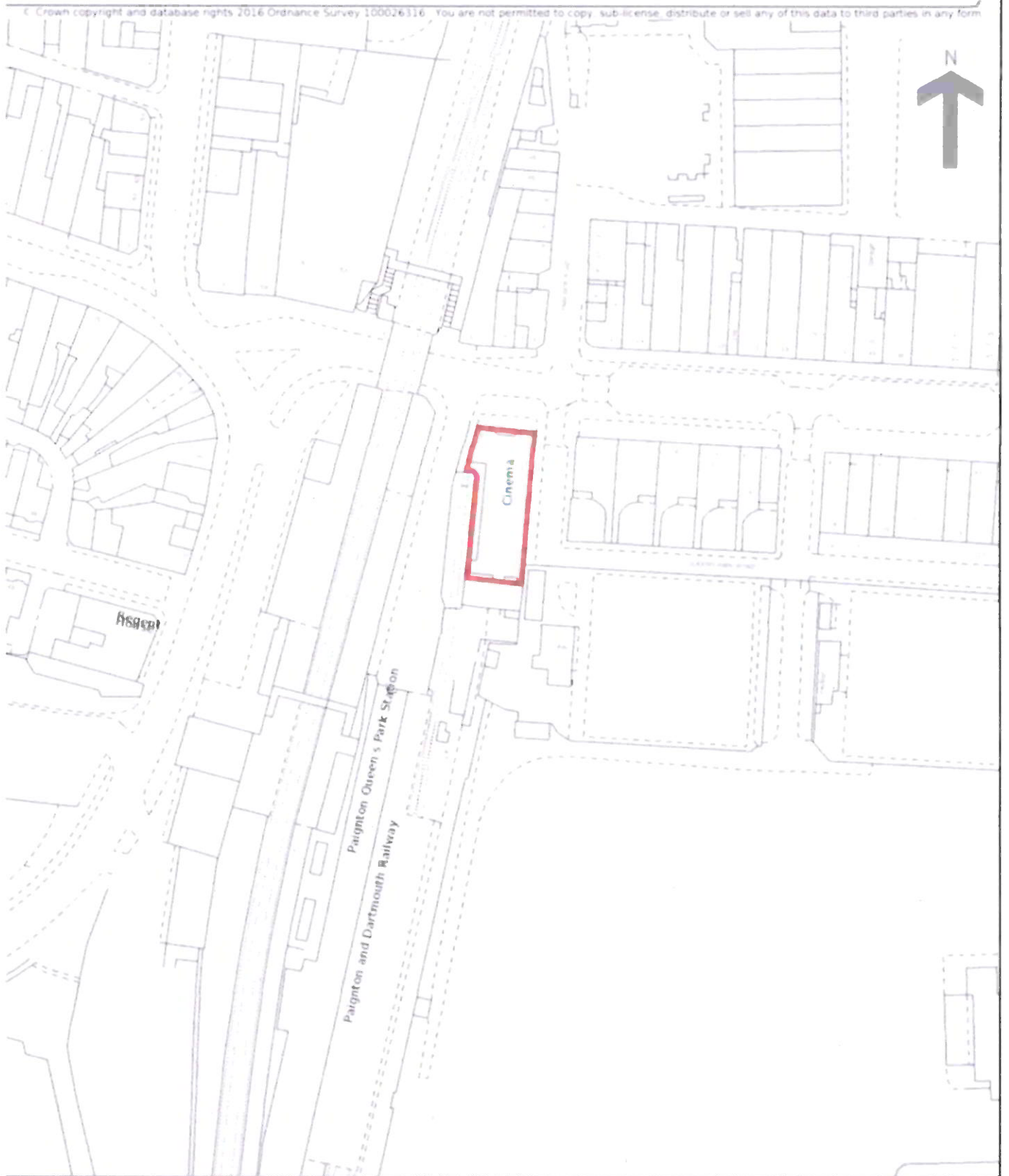
Applicant Name: Torbay Council
 Project Number: CDFP-00457301

This schedule sets out the Capital Project. Changes to the Capital Project are covered in Clause 3 of Schedule 3 of the Standard Terms and Conditions for the Cultural Development Fund.

1	Agreed Use	<p>The Project Asset will be a cultural (arts and heritage) hub providing a public programme of activities and other usages including: live arts performance; cinema; civic and community engagement, meetings and events; income-generating space hire events; local archive and history centre.</p>
2	Capital Project	<p>The Grade II* Project Asset is one of the best surviving examples of an early cinema including early fit out and is owned freeholder by the Paignton Picture House Trust. The capital works comprise its restoration, refit and minor extension for use as a 21st century cultural hub which will comprise the following:</p> <p>Basement: kitchen area with dumb waiter; toilets including accessible provision; storage</p> <p>Ground floor: auditorium with extendable stage; ticket office; new cafe/bar including on-street seating beneath restored glass canopy; level floor auditorium to allow for flexible use; back of house facilities including storage and dressing rooms; toilets including accessible provision; lift to ground floor; lift to upper floors.</p> <p>First floor: new bar and accessible toilet</p> <p>Second floor: film projector room; office/control room; conference/events space; accessible toilet</p> <p>West-side extension: housing accessible toilets and core stair</p>

		<p>NB. A package of emergency repair work to the exterior of the foyer block was undertaken between Jan-Nov 2021. This was funded by Historic England, Architectural Heritage Fund and the MHCLG (Future High Street Fund).</p> <p>On completion, the Paignton Picture House Trust will take on the operation of the Project Asset.</p>
3	Expected Completion Date for the Capital Project	31 March 2025
4	Capital Grant in Aid Allocation	£2,422,670
5	Total Project Cost for the Capital Project	£3,822,670
6	Named Partners	<ul style="list-style-type: none"> • The Paignton Picture House Trust (independent charity, freehold owner of the Project Asset) • South Devon College • Torbay Economic Development Company Limited (TDA) • Torbay Culture • Agatha Christie Festival Ltd <p>NB. These are the key delivery partners. Cultural and development partners noted in the Application are not listed here.</p> <p>You are required to submit a copy of the final draft partnership agreement(s) between you and your Named Partner(s) for us to review and comment. This should be done prior to the final agreed partnership agreement being signed and completed. The completed partnership agreement will then need to be submitted to us as required under Milestone 1 of Schedule 2.</p>

7	Project Asset(s)	The Paington Picture House (also known as Torbay Cinema), Torbay Road, Paington, TQ4 6AF as registered at the Land Registry under freehold title number DN664086 and as shown edged in red on the attached plan.
8	Security	A 20-year Tripartite Deed of Covenant with the Organisation and Paington Picture House Trust with Restriction on Title over the freehold of the Project Asset supported by a Certificate of Title, Legal Opinion and Solicitor's undertaking in Arts Council's standard form
9	Asset Monitoring Period	20 years from the end of the Funding Period



Schedule 2: Monitoring and Payment Schedule

Applicant Name: Torbay Council

Project Number: CDFP-00457301

The Monitoring Schedule and Payment Conditions for the Grant in Aid Revenue Allocation are shown on the screens in Grantium and are also listed in this schedule.

The Monitoring Schedule and Payment Conditions for the Grant in Aid Capital Allocation are set out in this schedule. Payment requests will be initiated by us once you inform us that you are ready to claim a payment and have achieved the relevant milestone set out in this schedule. These milestones and the amount of the Grant in Aid Capital Allocation has been informed by your up to date workplan and cash flow provided with your interim activity report forms.

In the event that you are unable to demonstrate need for the amount set out in the relevant instalment of Grant Allocation set out in this Monitoring and Payment Schedule or you have notified us of any delay to the Agreed Programme in accordance with Clause 2.3 of the Terms and Conditions for the Cultural Development Fund, you accept that we reserve the right to amend or vary after consultation with you the Monitoring Schedule and Payment Conditions so that it reflects any revised spending plans.

Further Interim payments will be released on the condition that we have received a completed expenditure listing submitted on Grantium. We may also request one or more of the following conditions at the time you request your payment:

- A copy of your updated detailed project plan based on the programme as set out in schedule one including target numbers, desired outcomes and revised equality actions which demonstrate to the Arts Council that you have made satisfactory progress
- Written evidence that the other funding listed as 'expected' in your application is in place (eg copies of offer letters from other funders)
- A comprehensive risk register for the project including appropriate mitigations which are acceptable to the Arts Council
- Economic and social outputs: A copy of your revised economic and social outputs datasheet
- Three competitive quotes for goods or services, or other evidence that you have followed a competitive tendering process for the purchase of goods or services
- An up-to-date timetable which sets out the major milestones which separately identifies the design, procurement, construction and commissioning activities
- A copy of your cash flow projection
- Most recent management accounts
- Full evaluation: A full evaluation report for the activity
- An updated income and expenditure budget

Milestones	On the condition that Arts Council England has received to its satisfaction:	Grant in Aid Capital Allocation	Grant in Aid Revenue Allocation
Milestone 1 <i>From feasibility through to design development but prior to letting of main contract (construction project) or purchase of equipment</i>	<ul style="list-style-type: none"> • Bank Details Form • Signed Acceptance • Completed expenditure listing on Grantium • Other: An interim report form as described in Clause 4.4 of the Offer Letter • Completion of Security as set out in Section 8 of Schedule 1 • Confirmation of appropriate partnership agreement in place between partners 	Payments up to 10% of the grant	20% £113,000
Milestone 2 <i>From letting of main contract (construction projects) or first purchase of equipment through to halfway point of capital project timetable</i>	<ul style="list-style-type: none"> • Completed expenditure listing on Grantium • Other: An interim report form as described in Clause 4.4 of the Offer Letter • Evidence that you have received all appropriate statutory consents to undertake the Agreed Programme. • A copy of the tender review report and or Agreed Contract Sum for the Agreed Programme that has been followed our requirements for procuring goods, works or services goods and contracts as stated in Clause 6.4.9-6.4.15 of the Terms and Conditions • Evidence that you have secured all the funding 	Payments up to 40% of the grant	40% £226,000

	<p>for the Agreed Programme;</p> <ul style="list-style-type: none"> • Provision of confirmation and evidence of registration of Security 		
<p>Milestone 3</p> <p><i>From halfway point of capital project timetable up to completion</i></p>	<ul style="list-style-type: none"> • Completed expenditure listing on Grantium • Other: An interim report form as described in Clause 4.4 of the Offer Letter 	<p>Payments up to 40% of the grant</p>	<p>30% £169,500</p>
<p>Milestone 4</p> <p><i>Retention to be released only on certified completion of project</i></p>	<ul style="list-style-type: none"> • Completed expenditure listing on Grantium • A final activity report form • A statement of income and expenditure for the Agreed Programme that has been certified by an independent qualified accountant, including confirmation that all Grant expenditure will be capitalised on your balance sheet. • Submission of a costed maintenance and management plan • Submission of completed CDF 2 project evaluation 	<p>Final payment of 10% of the grant</p>	<p>10% £56,500</p>
		100% CDEL	100% RDEL

Schedule 3: Capital Terms and Conditions

The Arts Council has offered a grant to the Organisation for the capital project described in its application or as otherwise agreed with the Arts Council and forming a whole or part of the Agreed Programme.

These Capital Terms and Conditions will apply in addition to the Standard Terms and Conditions.

Definitions

The “Agreed Use” means how you will use the Project Asset(s) as set out in Schedule [1].

The “Asset Monitoring Period” means the defined period from the end of the Funding Period by which the Arts Council expects the Project Assets to be continued to be used in line with the Agreed Use. “Project Assets” and “Agreed Use” shall have the meaning as given in Schedule 1 hereto.

The “Capital Project” means that part of the Agreed Programme (whether in whole or in part) for which the grant has been awarded as detailed in Schedule [1].

“Capital Expenditure” means an amount spent to acquire or improve a long-term asset such as equipment or buildings and capitalised on the balance sheet.

The “Expected Completion Date” means the date by which you must complete the Capital Project.

The “Project Asset(s)” means any property (whether real, moveable or intellectual) that is purchased, renovated, created, improved or equipped using the grant in the course of the Agreed Programme.

The “Total Project Cost of the Capital Project” means the total projected or actual cost of the Capital Project being the amount set out in Schedule [1]

1. The Organisation will deliver the activities as defined in the Agreed Capital Project which is attached as Schedule [1].
2. The Capital Grant in Aid Allocation can only be used to support the Capital Expenditure.
3. In addition to the matters listed in clause 6.2.2 of the Standard Terms and Conditions, the Organisation will get the Arts Council’s written agreement before making any changes to the duration, design or ownership of the Capital Project.
4. In carrying out the Capital Project, the Organisation must obtain all approvals, consent, planning consents, building regulation approvals, licences and any other necessary approvals and consents required by law to deliver the Capital Project.

5. The Organisation will take all reasonable steps to minimise the environmental impact of the Agreed Capital Project.
6. The Organisation will use the Project Asset(s) or allow them to be used, only for the Agreed Use.
7. The Organisation will maintain the Project Asset(s) in good repair and condition.
8. The Organisation must maintain adequate insurance at all times for any grant funded asset which must include the full replacement value of any such assets. This insurance must include for any additional cover required as a consequence of construction works and the Organisation must ensure that the interests of the Arts Council are noted on such policy as appropriate.
9. In addition to the matters listed in clause 5.1 of the Standard Terms and Conditions, the Organisation will allow the Arts Council to inspect the Project Asset(s) and any work to them and monitor the Agreed Use.
10. You consent to the Arts Council sharing information about the Capital Project with an independent project monitor, if one is appointed, at the Arts Council cost and discretion, to help with monitoring of the agreed Capital Project. The Arts Council will notify you if this will happen.
11. In addition to Payment Conditions, you may be requested to provide written reports to demonstrate progress towards meeting the Agreed Project and if you need to bring any matter to the Arts Council's attention as required by the terms of the Funding Agreement.
12. Where required, the Organisation must allow the Arts Council (or anyone the Arts Council authorises) to have access to:
 - 12.1 inspect the Project Asset(s) and any work to them;
 - 12.2 monitor the progress of the agreed Capital Project, including meetings with the Organisation's officers or agents at any time up to the end of the Asset Monitoring Period; and/ or,
 - 12.3 monitor the Agreed Use.
13. The Organisation accepts that the Arts Council will not release more than 90% of the total grant until the Capital Project has been completed to the Arts Council's satisfaction.
14. If the grant is to be used for any building works, the Organisation must ensure that:

- 14.1 you employ a lead professional(s) with appropriate building experience to manage the design and tender process, the post contract works and to certify that the building works have been properly carried out;
- 14.2 you appoint design, cost, management and other specialist consultants and advisors as appropriate to and with appropriate experience for the project value, size and complexity;
- 14.3 if structural work is necessary, you must employ a structural engineer;
- 14.4 you will use building professionals that are fully qualified members of an approved professional body and have all necessary professional indemnity insurance cover. This includes appointing a conservation accredited professional if you are undertaking work to a Grade I or II* listed building;
- 14.5 if building works come under the Construction (Design and Management) Regulations 2015, you will confirm that you have appointed a principle designer;
- 14.6 you put in place all necessary contracts with contractors and professional advisors on standard terms and conditions that an employer with appropriate experience would enter into for projects of the same value, size and complexity;
- 14.7 building contracts must contain a clause which allows you to retain part of the contractors' fees on practical completion of the works; and
- 14.8 you must ensure that satisfactory arrangements are made for the retention of all relevant construction documents for a term of seven years from the last instalment of Grant payment. This is to include but not limited to:
 - 14.8.1 contract drawings and specifications;
 - 14.8.2 as built drawings;
 - 14.8.3 health and safety files;
 - 14.8.4 building contract with the main build contractor and key sub or specialist contractors;
 - 14.8.5 other building contracts as appropriate;
 - 14.8.6 planning and/or listed building consent including the confirmations of the discharge of the conditions of consents;
 - 14.8.7 discharge of reserved building control completion certificate;

- 14.8.8 fire officer approval;
 - 14.8.9 contracts of engagement for professional teams; and,
 - 14.8.10 any other documents the Arts Council may request.
- 14.9 Prior to appointing contractors or professional advisors you will undertake checks on their capability and financial status to understand whether the contractors or professional advisors are exposed to any risks given the size of the proposed contract. Based on these checks, you agree to take all reasonable steps to minimise any identified risks. This includes the requirement for a performance bond or parent company guarantee in tender documents for building contracts if considered necessary.
- 14.10 Pursuant to Clause 14.9, you agree to keep the Arts Council informed of all risks in respect of any third party insolvency and in the event of the occurrence of insolvency, you undertake to appoint an alternative contractor or professional consultant at your own cost.
15. In addition to 6.2.3 of the Standard Terms and Conditions, the Organisation shall also use the grant award logo during the construction and after the building work has been completed on a permanent basis in a public area.
16. The Organisation understands and accepts that the Arts Council may require security over the Project Assets as described in these Capital Terms and Conditions. If the Arts Council has requested security, the Organisation accepts that the Arts Council will not make any grant payments until it has received the relevant security documents completed to its satisfaction. The type of security that the Arts Council requires, and any other supporting requirements are set out in the grant offer letter.
17. The Organisation confirms that it or any of the Named Partner(s) does not have any undisclosed loans secured on the Project Assets and that it or any of the Named Partner(s) will not take out any loans secured on any Project Assets (whether in whole or in part) without the written consent of the Arts Council. The Arts Council's consent may be subject to conditions.
18. Pursuant to clause 16 above and prior to the release of the grant the Arts Council will require the following conditions to be met:
- 18.1 confirmation (by way of a Certificate of Title, in the Arts Council's Standard form) from the Organisation's solicitors with confirmation of ownership of the Project Asset(s), the Organisation's right to it to allow expenditure of the grant on the Project Asset(s) and that the Project Asset(s) may be used for the Capital Project and evidence of local authority cabinet approval or equivalent for the acceptance of the grant on the terms and conditions provided and delivery of the Agreed Programme;

- 18.2 a deed of covenant (tripartite or as appropriate) and solicitor's undertaking to register the restriction at the Land Registry upon completion; or,
 - 18.3 if the property is unregistered, a deed of dedication (tripartite or as appropriate) to effect first registration of the restriction thereafter; and,
 - 18.4 if you are not a statutory body (this includes local authorities and universities), confirmation (by way of a legal opinion in the Arts Council's standard form) from your solicitors that you have the legal powers necessary to sign all the documents related to the Grant and security.
19. If any part of the grant is to buy land (whether freehold land or leasehold land), the Organisation is to send the Arts Council when asked the following documents:
- 19.1 a surveyor's report on the condition of the property, its value for the purpose of the Capital Project and whether it is suitable for the Capital Project;
 - 19.2 confirmation by the Organisation's solicitors that all necessary consents for the use of the property for the purposes of the grant have been obtained;
 - 19.3 for the purchase of leasehold land, a copy of the future lease and agreement for lease;
 - 19.4 an undertaking to satisfy all other requirements as set out in Clauses 16 and 18 upon completion of the purchase of the freehold or leasehold interest; and,
 - 19.5 any other documents or requirements that the Arts Council may request in order to meet the legal requirements noted above.
20. If any part of the grant is to buy or involves leasehold land, then the Organisation must send the Arts Council a copy of the lease(s) and ensure that the lease(s) meet(s) Arts Council standard lease requirements; a registered and assignable lease which must be in place for of at least twenty (20) years, without a break clause, no forfeiture on insolvency clause and permitted user clause that is compliant with the Agreed Use.
21. Without prejudice to the terms of any security over the Project Asset(s) that the Organisation gives the Arts Council pursuant to clauses 16 and 18 , the Organisation must seek the Arts Council's prior written consent if it or any of the Named Partner(s) wishes to sell, let, sub-let or otherwise deal with or dispose of any Project Assets within the period specified in the security documentation.

22. If consent is given and the Organisation or any of the Named Partner(s) sells or disposes of the Project Asset(s), it may have to repay the Arts Council all or part of the money received from the Arts Council. The amount the Organisation must repay will be in direct proportion to the share of the Total Project Cost of the Capital Project that came from the Arts Council. If, with the Arts Council's consent, the Organisation sells the Project Asset(s) wholly or partly bought with the grant, it will be at full market value and the Arts Council may impose conditions upon the transfer or disposition.
23. The Arts Council is required by our auditors, the National Audit Office, not to make payments in advance of an organisation's need. Subject to clause 24 and 25, the Arts Council shall pay the Capital Grant in Aid Allocation in instalments to the Organisation based and these payment amounts will depend on the amount of expenditure you are able to evidence in the expenditure listing submitted with each payment request.
24. The Arts Council reserves the right to request further information from the Organisation in relation to the Organisation's payment request. At the Arts Council's absolute discretion, the Arts Council will not release funds to the Organisation to pay debts, liabilities and expenditure deemed unreasonable.
25. Without limitation on the Arts Council's absolute discretion as outlined in Clause 24, debts, liability and expenditure will be deemed unreasonable if:
 - 25.1 The Organisation has not followed the requirements for goods, services and contracts as stated in Clause 6.4.9 of the Standard Terms and Conditions in incurring the expenditure.
 - 25.2 The expenditure has not been incurred to deliver the agreed Capital Project and is not included in the agreed budget.
 - 25.3 The expenditure is not deemed Capital Expenditure
26. This Funding Agreement will remain in force for the period specified in clause 9 of the Standard Terms and Conditions.

Schedule 2
"the Plan"

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

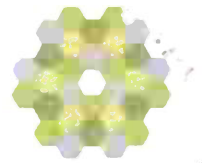
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

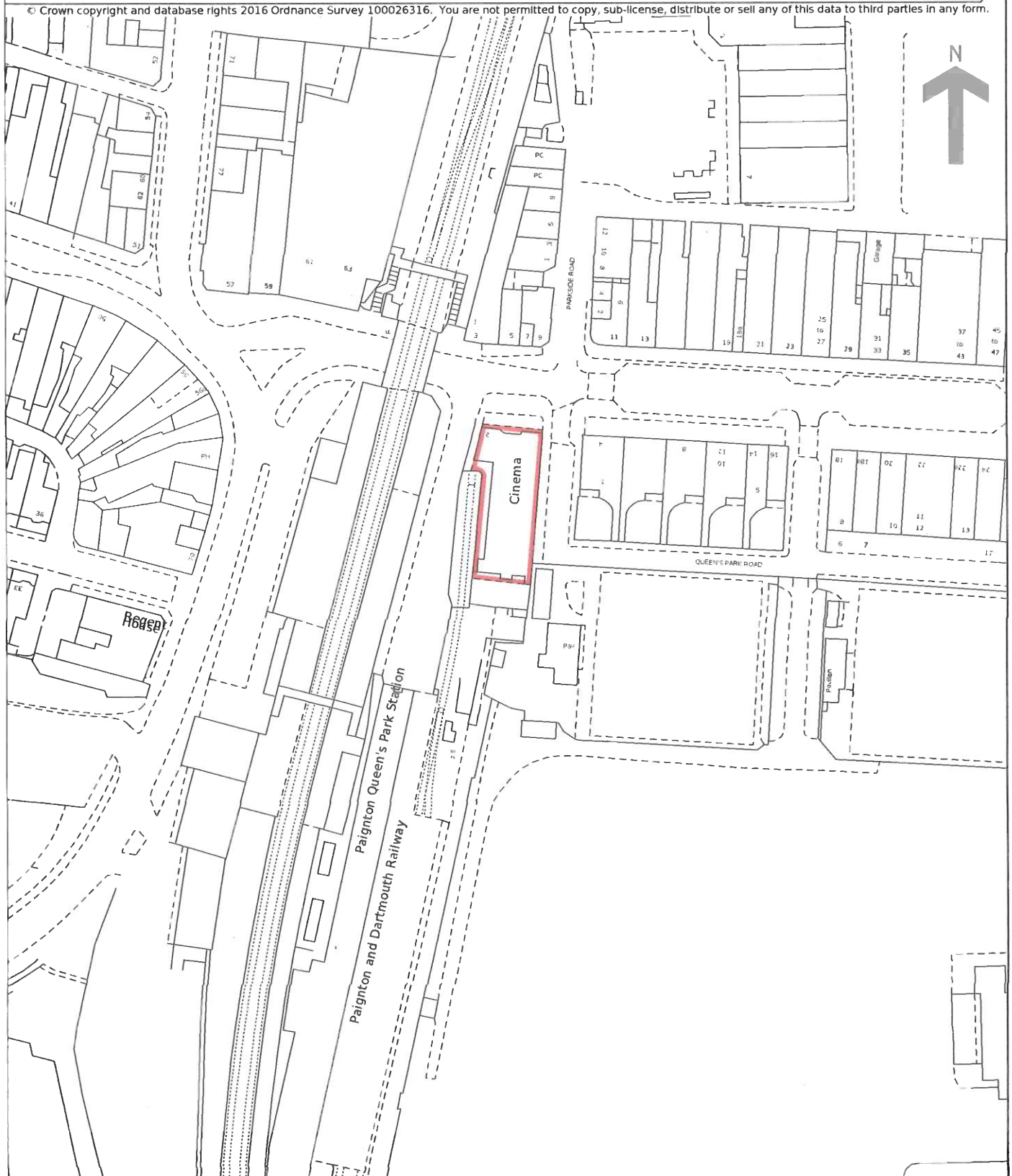
This official copy is issued on 28 November 2022 shows the state of this title plan on 28 November 2022 at 14:40:46. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the HM Land Registry, Plymouth Office .



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Appendix 3 -

Forecast Project Cost & Income -

19-Nov-24

Cost/ order totat by PPHT -

	Order Value or Forecat (£)	Spend to Date (£)	Balance of Order value or Forecast NOT Spent (£)
Cost/ <u>order</u> to date by PPHT	£2,858,807	£1,955,992	£902,815
Other PPHT <u>Forecast</u>	£382,500	£0	£382,500
Council <u>Forecast</u> to Completion	£5,941,376	£0	£5,941,376
<u>Totals</u>	£9,182,683	£1,955,992	£7,226,691
Total Forecast Outturn Cost			£9,182,683

Income (Grants + Other) -

	Committed/ Pledged (£)	Received (£)	Balance Due (£)
Secured	£7,489,821	£1,929,640	£5,560,181
Unsecured	£585,000	£7,690	£577,310
<u>Totals</u>	£8,074,821	£1,937,330	£6,137,491

Council Funding/ Additional FHSF Transfer -

Future High Streets Fund - Additional grant (2)	included
Torbay Council Underwriting	£300,000
<u>Total</u>	£300,000

Assuming ALL identified unsecured funding is secured -

PPHT Funding Gap = £1,107,862

Council FHSF funding transferred from other projects - included secured funding

secured) =

£1,107,862

Assuming SOME unsecured funding is secured -

Funding Gap = £1,685,172

Assumed unsecured funding secured by the Trust

£150,000

Council FHSF funding transferred from other projects - included secured funding

Council Exposure/ Forecast Funding Gap (with some unsecured funding secured) =

£1,535,172

Notes -

- 1 The above figures are based on the following -
 - The Council will charge officer time to the project
 - The contingency budget is reduced to the Trust/ Greenwood residual as advised 19-Nov-24 figure of £250,000
- 2 The above figures include various costs against potential 'revenue' grants that are yet to be determined. Should these grants become available, a reduction in cost exposure to the Council in the order of c. £100k plus VAT to £150k plus VAT is likely.

Record of Decisions

Union Square Land Assembly

Decision Taker

Cabinet on 15 October 2024.

Decision

That Cabinet recommend to Council the following:

- (i) that delegated authority be given to the Chief Executive to continue negotiations with the owners of the various properties fronting Union Street and Market Street, Torquay and their tenants as edged red in Appendix 1, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Place Development and Economic Growth and Section 151 Officer on any Heads of Terms to enable the redevelopment and regeneration of Union Square shopping centre;
- (ii) that, having taken into account the options to acquire the various properties fronting Union Street and Market Street, Torquay, the making of the Compulsory Purchase Order for the site be approved in principle under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976, as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment, the Chief Executive be given delegated authority to give effect to this decision, including:
 - (a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the Compulsory Purchase Order by the Secretary of State;
 - (b) to carry out any surveys on the Order Land and enter as may be required in order to deliver the proposed development by Compulsory Purchase Order(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;
 - (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the Compulsory Purchase Order(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and
 - (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.
- (iii) that Council delegate to the Chief Finance Officer the approval of the expenditure of monies required to cover the acquisition of the land at various properties fronting Union Street and Market Street identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the redevelopment of the area.

Reason for the Decision

The 2015 Torquay Town Centre Masterplan set out the framework for re-development and regeneration of Torquay Town Centre. As a part of delivering against the Masterplan a Strategic Outline Case (SOC) for the redevelopment of Union Square Shopping Centre has been developed. The SOC proposals require the acquisition of various properties fronting Union Street and Market Street in addition to the shopping centre (which was acquired in 2022). Negotiation with the owners of these various properties for their purchase are ongoing and are at varying stages of progress - in fact 2 of the properties, 67 & 69 Union Street, have been acquired already.

Every effort will be made to conclude the acquisition of the various properties by negotiation, but the success of the negotiation process for the acquisition of these properties is not guaranteed and therefore a backstop position of a Compulsory Purchase Order (CPO) is needed to ensure that the properties can be acquired.

Implementation

The Cabinet's recommendation will be considered at the Council meeting on 5 December 2024.

Information

Union Square Shopping Centre was acquired by Torbay Council in 2022 with the intent to regenerate the site as mixed use development. The area was subject to anti-social behaviour and falling property values in the immediate and adjacent areas that have been recorded since 2008. Change was required to repurpose the land and buildings to provide a catalytic regeneration to the upper part of Torquay Town Centre.

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

Alternative Options considered and rejected at the time of the decision

The options are:

- 1) To acquire the identified land necessary for the redevelopment by negotiation, this option is being pursued.
- 2) Not pursuing acquisition via Compulsory Purchase Order if necessary, could result in non-viability and hence non-delivery of the preferred scheme.

Is this a Key Decision?

No

Does the call-in procedure apply?

No

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

None.

Published

18 October 2024

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

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Meeting: [Cabinet/Council](#) **Date:** [15 October 2024/5 December 2024](#)

Wards affected: [Tormohun](#)

Report Title: [Union Square Land Assembly](#)

When does the decision need to be implemented? [November 2024](#)

Cabinet Member Contact Details: Cllr Chris Lewis, [Deputy Leader of Torbay Council Cabinet Member for Place Development and Economic Growth](#), chris.lewis@torbay.gov.uk

Director Contact Details: [David Carter, Divisional Director Strategic Development](#), david.carter@torbay.gov.uk

1. Purpose of Report

- 1.1 This report sets out the required action by Council to enable commencement of preparations for a possible Compulsory Purchase Order process for the redevelopment of Union Square shopping centre and surrounding properties.

2. Reason for Proposal and its benefits

- 2.1 The 2015 Torquay Town Centre Masterplan set out the framework for re-development and regeneration of Torquay Town Centre as follows:
- A focus for regeneration and renewal – which supports its primary retail & commercial role, particularly expanding the quality of the retail offer
 - A place to be – a reinvigorated town centre which stimulates investment in and renewal of deprived communities
 - High quality development - which improves the public realm and provides an improved, multifunctional town centre
 - A 'point of difference' - a more focused shopping experience with a distinct high street
 - Retail offer to complement new housing and the development of a leisure based retail offer at Torquay Harbour
 - The complete package – for residents, businesses and visitors as a place to live, work, shop, eat and play.

- A wider mix of town centre uses which respond to and are better integrated with each other through improved public spaces
 - A connected town centre – clear, legible and direct connectivity to the town centre is essential for successful regeneration
- 2.2 As a part of delivering against the Masterplan a Strategic Outline Case (SOC) for the redevelopment of Union Square Shopping Centre was recommended at Capital Growth Board in July 2024 to be progressed to a Planning Application/Consent.
- 2.3 The SOC proposals require the acquisition of various properties fronting Union Street and Market Street in addition to the shopping centre (which was acquired in 2022). Negotiation with the owners of these various properties for their purchase are ongoing and are at varying stages of progress - in fact 2 of the properties, 67 & 69 Union Street, have been acquired already.
- 2.4 Every effort will be made to conclude the acquisition of the various properties by negotiation, but the success of the negotiation process for the acquisition of these properties is not guaranteed and therefore a backstop position of a Compulsory Purchase Order (CPO) is needed to ensure that the properties can be acquired.
- 2.5 The CPO process is a long process and therefore must be commenced soon to ensure that it can be completed and implemented to meet the redevelopment programme for Union Square.
- 2.6 An acquiring authority (such as the Council) can pass a resolution providing in principle support for the making of a CPO and the providing authority for the commencement steps preparatory to the making of a CPO. Such a resolution allows officers to progress the actions needed to enable the CPO to be made and provides the authority to enable the CPO to be progressed with a further resolution being required shortly before the CPO is made to confirm the precise extent of the land and rights sought, to approve the Order documents such as the Statement of Reasons and to provide the authority for the making of the CPO. The Order's subsequent implementation would be delegated to officers should it ultimately be necessary to vest property interests pursuant to the confirmed CPO.

3. Recommendation(s) / Proposed Decision

3.1 That Cabinet recommend to Council the following:

- (i) that delegated authority be given to the Chief Executive to continue negotiations with the owners of the various properties fronting Union Street and Market Street, Torquay and their tenants as edged red in Appendix 1, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Place Development and Economic Growth and Section 151 Officer on any Heads of Terms to enable the redevelopment and regeneration of Union Square shopping centre;
- (ii) that, having taken into account the options to acquire the various properties fronting Union Street and Market Street, Torquay, the making of the Compulsory Purchase Order for the site be approved in principle under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976, as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment, the Chief Executive be given delegated authority to give effect to this decision, including:
 - (a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the Compulsory Purchase Order by the Secretary of State;
 - (b) to carry out any surveys on the Order Land and enter as may be required in order to deliver the proposed development by Compulsory Purchase Order(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;
 - (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the Compulsory Purchase Order(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and
 - (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.
- (iii) that Council delegate to the Chief Finance Officer the approval of the expenditure of monies required to cover the acquisition of the land at various properties fronting Union Street and Market Street identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the redevelopment of the area.

Appendices

Appendix 1 – Plan of the extent of the development site

Background Documents

[Torquay Town Centre Masterplan \(June 2015\) \(torbay.gov.uk\)](http://torbay.gov.uk)

1. Introduction

- 1.1 Union Square Shopping Centre was acquired by Torbay Council in 2022 with the intent to regenerate the site as mixed use development. The area is subject to anti-social behaviour and falling property values in immediate and adjacent areas that have been recorded since 2008
- 1.2 Change is required to repurpose the land and buildings to provide a catalytic regeneration to the upper part of Torquay Town Centre.

2. Options under consideration

- 2.1 The option to acquire the identified land necessary for the redevelopment by negotiation is being pursued.
- 2.2 Development appraisal modelling both financial and public sector benefits model have determined the extent of land necessary to redevelop.
- 2.3 Not pursuing acquisition via CPO if necessary, could result in non-viability and hence non-delivery of the preferred scheme.

3. Financial Opportunities and Implications

- 3.1 The Finance Team have reviewed the financial viability appraisal submitted to Capital and Growth Board in July that justified the need of the extent of land assembly of the preferred option.
- 3.2 The funding for land assembly is from Government Grant (Towns Deal Funding)

4. Legal Implications

- 4.1 The use of CPO powers is a common mechanism used by Local Authorities to acquire land for Regeneration and Redevelopment. It requires a prescribed process set out in legislation and guidance published by MHCLG to be followed before a CPO can be made.

- 4.2 Torbay Council's legal team are actively engaged in both the current acquisition by negotiation and the development of a potential CPO should it ultimately be required.

5. Engagement and Consultation

- 5.1 The prescribed process for CPO requires extensive formal and informal consultation to be undertaken and documented with affected parties and stakeholders.
- 5.2 If we proceed with a CPO it will require full details of correspondence and consultation.

6. Procurement Implications

- 6.1 There is no specific procurement activity required in a CPO process.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 If the CPO is required, the CPO process will require the Council to demonstrate that the implementation of the scheme following confirmation of the CPO is unlikely to be blocked by any physical or legal impediments. This includes the need for planning permission. Accordingly, the Council will need to have in place a clear strategy for securing planning permission for the scheme in tandem with the CPO process. The planning process will take into consideration all extant and emerging Council Policies associated with the proposed development and report on them.

8. Associated Risks

- 8.1 The CPO process is well defined but complex and therefore the procedural risks are moderate. However as property rights are impacted, affected landowners and occupiers will be entitled to claim compensation under the Compensation Code. Provision has been made in the project budget for the likely costs of compensation.
- 8.2 The risk of not making a decision would be to prolong the development process and create uncertainty on the Council's ability to deliver the scheme.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	None		PiP
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.	Should be positive as project itself will create career opportunities		PiP
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.	Should improve or maintain the current standard of provision in the urban realm		PiP
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community	Neutral Impact		PiP

	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.			
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.	Neutral Impact		PiP
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.	Neutral Impact		PiP
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.	Neutral Impact		PiP

Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	Neutral Impact		PiP
Sex	51.3% of Torbay's population are female and 48.7% are male	Neutral Impact		PiP
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.	Neutral Impact		PiP
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.	Neutral Impact		PiP
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Positive Impact		PiP
Public Health impacts (Including impacts on the general health of		Positive Impact		PiP

the population of Torbay)				
Human Rights impacts		No Impact		
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	Positive Impact		PiP

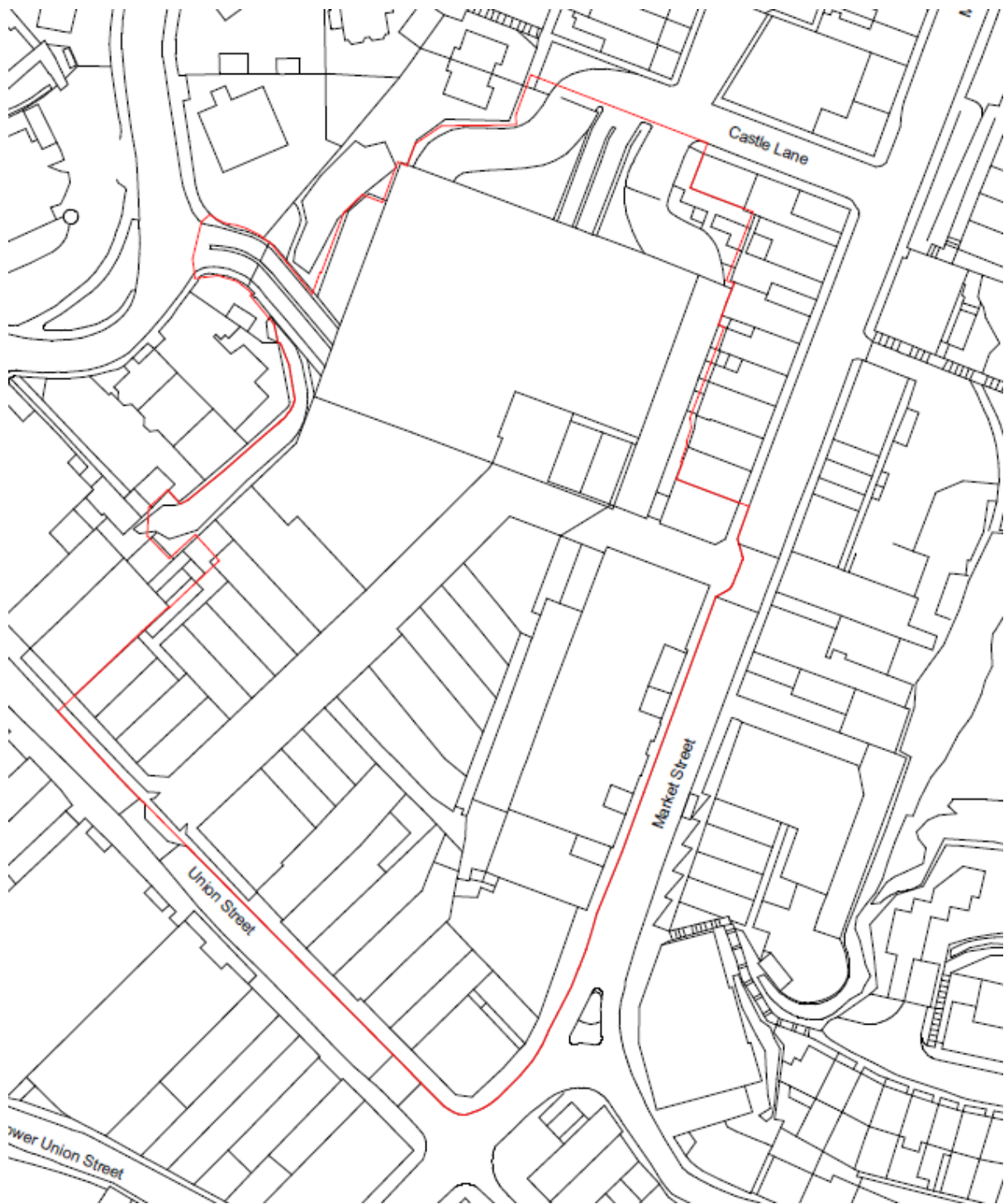
10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None

Appendix 1: Extent of Development Site



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Meeting: [Cabinet/Council](#) **Date:** Cabinet [26th November 2024](#)/Council [5th December 2024](#)

Wards affected: [Tormohun](#)

Report Title: [Strand Redevelopment - Land Assembly](#)

When does the decision need to be implemented? [December 2024](#)

Cabinet Member Contact Details: Cllr Chris Lewis, [Deputy Leader of Torbay Council Cabinet Member for Place Development and Economic Growth](#) chris.lewis@torbay.gov.uk

Director Contact Details: [David Carter, Director of Regeneration; david.carter@torbay.gov.uk](#)

1. Purpose of Report

- 1.1 This report sets out the required action by Council to enable commencement of preparations for a possible Compulsory Purchase Order process for the redevelopment of The Strand (7-14 The Strand Formerly Debenhams Site and 43/45/47/55/57/59 The Terrace) and surrounding properties.

2. Reason for Proposal and its benefits

- 2.1 The 2015 Torquay Town Centre Masterplan set out the framework for re-development and regeneration of Torquay Town Centre as follows:
- A focus for regeneration and renewal – which supports its primary retail & commercial role, particularly expanding the quality of the retail offer
 - A place to be – a reinvigorated town centre which stimulates investment in and renewal of deprived communities
 - High quality development - which improves the public realm and provides an improved, multifunctional town centre
 - A 'point of difference' - a more focused shopping experience with a distinct high street
 - Retail offer to complement new housing and the development of a leisure based retail offer at Torquay Harbour
 - The complete package – for residents, businesses and visitors as a place to live, work, shop, eat and play.

- A wider mix of town centre uses which respond to and are better integrated with each other through improved public spaces
 - A connected town centre – clear, legible and direct connectivity to the town centre is essential for successful regeneration
- 2.2 As a part of delivering against the Masterplan a Business Case for the redevelopment of Debenhams (12-14 The Strand) was recommended at Cabinet in May 2022 to be progressed to a Planning Application/Consent.
- 2.3 The current feasibility proposals require the acquisition of various properties fronting The Strand in addition to 10a,10, 12-14 The Strand (which was acquired in 2020). Negotiation with the owners of these various properties for their purchase are ongoing and are at varying stages of progress - in fact one of the properties, 11/11a The Strand (Jane's), has been acquired already in August 2024.
- 2.4 Every effort will be made to conclude the acquisition of the various properties by negotiation, but the success of the negotiation process is not guaranteed and therefore a backstop position of a Compulsory Purchase Order (CPO) is needed to ensure that the properties can be acquired.
- 2.5 The CPO process is a long process and therefore must be commenced soon to ensure that it can be completed and implemented to meet the redevelopment programme for The Strand.
- 2.6 An acquiring authority (such as the Council) can pass a resolution providing in principle support for the making of a CPO and providing authority for the commencement steps preparatory to the making of a CPO. Such a resolution allows officers to progress the actions needed to enable the CPO to be made and provides the authority to enable the CPO to be progressed. A further resolution will be required shortly before the CPO is made to confirm the precise extent of the land and rights sought, to approve the Order documents such as the Statement of Reasons and to provide the authority for the making of the CPO. The Order's subsequent implementation would be delegated to officers should it ultimately be necessary to vest property interests pursuant to the confirmed CPO.

3. Recommendation(s) / Proposed Decision

3.1 That Cabinet recommend to Council the following:

(i) that delegated authority be given to the Director of Regeneration to continue negotiations with the owners of the various properties previously noted fronting The Strand and The Terrace, Torquay and their tenants as edged red in Appendix 1, and any other land, interests or rights subsequently required in consultation with the Cabinet Member for Economic Development, Tourism and Housing and Section 151 Officer on any Heads of Terms to enable the redevelopment and regeneration of The Strand and The Terrace;

(ii) that, having taken into account the options to acquire the various properties fronting The Strand and The Terrace, Torquay, the making of the Compulsory Purchase Order for the site be approved in principle under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976, as outlined below, for land (as shown edged in red at Appendix 1 to the submitted report) and any other land, interests or rights subsequently required to deliver the redevelopment, The Director of Regeneration, in consultation with the Cabinet Member for [Place Development and Economic Growth](#), be given delegated authority to give effect to this decision, including:

- (a) the taking of all necessary steps required to secure the making of the CPO and for the subsequent confirmation and implementation of the CPO including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry, if necessary, to secure confirmation of the Compulsory Purchase Order by the Secretary of State;
- (b) to carry out any surveys on the Order Land and enter as may be required in order to deliver the proposed development by Compulsory Purchase Order(s) which the Council is authorised to carry out either by consent of the relevant landowner or under section 172 to 179 of the Housing and Planning Act 2016;
- (c) to enter into agreement(s) with any person or body to secure the withdrawal of objections to the Compulsory Purchase Order(s) and/or to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for the scheme; and
- (d) to pay all necessary compensation either as agreed or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and other interests or for the overriding or acquisition of rights.

(iii) that Council delegate to the Chief Finance Officer, in consultation with the Cabinet Member for Housing and Finance, the approval of the expenditure of monies (including by prudential borrowing if necessary) required to cover the acquisition of the land at various

properties fronting The Strand and The Terrace identified red on the plan attached at Appendix 1 to the submitted report, and any land, interests or rights as may be required for the scheme, either by agreement or by CPO, on the basis that there continues to be a clear business case for the redevelopment of the area, which demonstrates how the monies are to be used, and how any prudential borrowing (if necessary) is to be repaid;

Appendices

Appendix 1 – Plan of the extent of the development site

Background Documents

[Torquay Town Centre Masterplan \(June 2015\) \(torbay.gov.uk\)](http://torbay.gov.uk)

1. Introduction

- 1.1 The former Debenhams site (10/10a/12-14 The Strand) was acquired by Torbay Council in 2020 with the intent to regenerate the site as mixed use development. The area is subject to vacancy, anti-social behaviour and falling property values in immediate and adjacent areas that have been recorded since 2008. Further to ongoing feasibility studies 11 and 11a have been acquired to unify the current land holdings in which the acquired property bridged.
- 1.2 Change is required to repurpose the land and buildings to provide a catalytic regeneration to the Harbour area of Torquay Town Centre.

2. Options under consideration

- 2.1 The option to acquire the identified land necessary for the redevelopment by negotiation is being pursued.
- 2.2 Development appraisal modelling both financial and public sector benefits model have determined the extent of land necessary to redevelop.
- 2.3 Not pursuing acquisition via CPO if necessary, could result in non-viability and hence non-delivery of the preferred scheme.

3. Financial Opportunities and Implications

- 3.1 We liaised with members of the finance team throughout the process and further interrogations will be ongoing through the governance process.
- 3.2 The funding for the current land assembly is from Government Grant (Towns Deal Funding). An update report, with a further recommendation, will be provided in the event of the Council having to use its own financial resources, (e.g. borrowing), over and above the grant funding available.

4. Legal Implications

- 4.1 The use of CPO powers is a common mechanism used by Local Authorities to acquire land for Regeneration and Redevelopment. It requires a prescribed process set out in legislation and guidance published by MHCLG to be followed before a CPO can be made.
- 4.2 Torbay Council's legal team are actively engaged in both the current acquisition by negotiation and the development of a potential CPO should it ultimately be required.

5. Engagement and Consultation

- 5.1 The prescribed process for CPO requires extensive formal and informal consultation to be undertaken and documented with affected parties and stakeholders.
- 5.2 If we proceed with a CPO it will require full details of correspondence and consultation which has been collated to this point in line with legal advice.

6. Procurement Implications

- 6.1 There is no specific procurement activity required in a CPO process.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 If the CPO is required, the CPO process will require the Council to demonstrate that the implementation of the scheme following confirmation of the CPO is unlikely to be blocked by any physical or legal impediments. This includes the need for planning permission. Accordingly, the Council will need to have in place a clear strategy for securing planning permission for the scheme in tandem with the CPO process. The planning process will take into consideration all extant and emerging Council Policies associated with the proposed development and report on them.

8. Associated Risks

- 8.1 The CPO process is well defined but complex and therefore the procedural risks are moderate. However as property rights are impacted, affected landowners and occupiers will be entitled to claim compensation under the Compensation Code. Provision has been made in the project budget for the likely compensation.

8.2 The risk of not making a decision would be to prolong the development process and create uncertainty on the Council's ability to deliver the scheme.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	None		PiP
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.	Should be positive as project itself will create career opportunities		PiP
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.	Should improve or maintain the current standard of provision in the urban realm		PiP
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community	Neutral Impact		PiP

	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.			
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.	Neutral Impact		PiP
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.	Neutral Impact		PiP
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.	Neutral Impact		PiP

Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	Neutral Impact		PiP
Sex	51.3% of Torbay's population are female and 48.7% are male	Neutral Impact		PiP
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.	Neutral Impact		PiP
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.	Neutral Impact		PiP
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Positive Impact		PiP
Public Health impacts (Including impacts on the general health of		Positive Impact		PiP

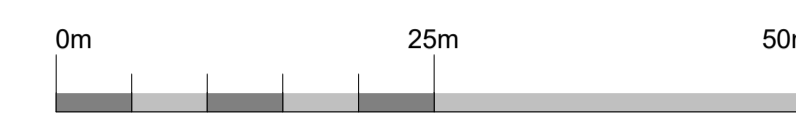
the population of Torbay)				
Human Rights impacts		No Impact		
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	Positive Impact		PiP

10. Cumulative Council Impact

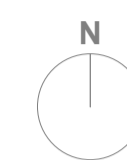
10.1 None

11. Cumulative Community Impacts

11.1 None



Scale 1:500



Rev	Date	By	Detail
P1	02.10.2024	CK	First Issue

Drawing status
 For Information

Client
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Drawing title
 Site Location Plan

Drawing code
 5128-KEA-XX-XX-DR-A-11001-A2-P1

Scale(s)	Size	Drawn	Checked
1 : 500	A1	CE	CK

Drawing Number	Suitability	Revision
11001	A2	P1

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Meeting: Cabinet / Council

Date: 26 November 2024 / 5 December 2024

Wards affected: All wards

Report Title: Homelessness and Rough Sleeping Strategy

When does the decision need to be implemented? 5 December 2024

Cabinet Member Contact Details: Hayley Tranter, Cabinet Member for Adult Social Care and Public Health and Inequalities plus Communities

Director Contact Details: Joanna Williams, Director of Adults and Community Services

1. Purpose of report

- 1.1 To outline the feedback from the consultation on the Homelessness and Rough Sleeping Strategy and the amendments undertaken to produce the final strategy and therefore seek approval for the document. The Homelessness and Rough Sleeping Strategy forms part of the Council's Policy Framework and therefore it is presented to Cabinet to recommend its approval by full Council.

2. Reason for proposal and its benefits

- 2.1 The Homelessness Act 2002 requires local housing authorities to take strategic responsibility for tackling and preventing homelessness and consider the statutory guidance on homelessness strategies.
- 2.2 The Strategy is a legal requirement for the Council and is required to publish a strategy informed by a homeless review of its area, at least every 5 years.
- 2.3 The Strategy will better inform our communities, stakeholders and members about what the Council and its partners are doing about local homelessness priorities and issues.
- 2.4 An associated action plan will be developed collaboratively by the newly formed Torbay Homelessness Partnership and agreed by Cabinet. This will give stakeholders and elected members a clear annual delivery plan from which performance can be monitored. A performance framework will also be developed to enable the monitoring of performance and impact of interventions.
- 2.5 The proposals in this report help deliver our vision of a healthy, happy and prosperous Torbay through cross-organisational, collaborative working. It provides the structure against which the Council can develop other, more specific policies affecting its homelessness.

3. Recommendation(s) / Proposed Decision

That the Cabinet recommends to Council:

- 3.1 That following the results of the consultation, the Torbay Homelessness and Rough Strategy 2024-2030, as set out in Appendix 1, be approved.

Appendices

Appendix 1 – Homelessness and Rough Sleeping Strategy 2024-2030

Appendix 2 – Homelessness and Rough Sleeping Strategy Consultation Report

Background Documents

Homelessness and Rough Sleeping Evidence Base Document

Supporting Information

1 Information

- 1.1 The Homelessness and Rough Sleeping Strategy is the over-arching strategic document focusing on the activities to address homeless in Torbay. It sits within the Council's policy framework and provides the context for other plans policies and strategies, such as the Housing Strategy and the Domestic Abuse and Sexual Violence Strategy.
- 1.2 The report will replace the existing Homeless and Rough Sleeping Strategy 2020-2025. Since the development of the current Strategy, produced before the pandemic, there have been significant changes within the landscape of housing and homelessness. As such the document reflects the current needs within Torbay and housing market.
- 1.3 An evidence review was undertaken to support the development of the strategy and is contained within a sperate document. This allows the strategy to be more focused and succinct.

2 Options under consideration

- 2.1 As a result of consultation with the public, partners and stakeholders we have taken on a number of comments and suggestions and have amended the Strategy accordingly as outlined in section 5 of this report and in more detail in appendix 2.

- 2.3 It is therefore recommended that the Homelessness and Rough Sleeping Strategy for Torbay 2025=2030, be approved.

3 Financial opportunities and implications

- 3.1 The delivery of the strategy will have financial implications. However, any financial commitments would be subject to further approval based on robust business cases which include the identification of relevant sources of funding.

4 Legal Implications

- 4.1 The document is a legal requirement with the current strategy due to be renewed in early 2025.

5 Engagement and consultation

- 5.1 The draft strategy has been developed in partnership with other interested parties and organisations through a series of workshops and discussions. These have been themed around youth homelessness, rough sleeping, and general homelessness, to enable focused conversations.
- 5.2 The workshops have included representatives from the voluntary sector, statutory organisation and other organisations with 67 people attending. Conversations have also taken place with customers and pulled upon other engagement work that has been undertaken.
- 5.3 The draft Strategy went out to consultation from 11 July 2024 to 23 August 2024; for just over 6 weeks. A consultation feedback document has also been produced which details the responses and the changes in more detail, explaining the rationale, Appendix 2.
- 5.4 Generally, the comments received tend to echo that within the strategy. Amendments have however been made as follows (highlighted in **Bold**):
1. Amendment to Priority one objectives:
 - a. Change of wording to - Strengthen our **collective** partnership commitment to joint working on homelessness prevention across **all tenures of housing including the provision of support.**
 - b. Change of wording to - Put information sharing agreements and consent forms in place so that anyone approaching services **or voluntary sector organisations** (with their permission) need only tell their story once.
 - c. Change of wording to - Develop an upstream approach to income maximisation **including training and employment opportunities** to reduce the risk of homelessness occurring in the first place.
 2. Amendment to Priority two objectives:
 - a. Change of wording to - Collaboratively develop a Supported Housing Strategy to enable the commissioning of supported accommodation that is tolerant and

trauma informed environment so that we can support people **of all ages** and address the cause of homelessness.

b. Change of wording to - Never place any young person aged 16 or 17 in B&B except in an **exceptional circumstance** by ensuring there is sufficient accommodation for this age group.

c. Change of wording to - Never place a family in B&B except in **an exceptional circumstance**. If we do it will be for no longer than 6 weeks.

3. Amendment to Priority three objectives:

a. Change of wording to - Develop peer advocacy, employment, volunteering, and training **offers** to help improve **opportunities**.

b. Change of wording to - Work collaboratively to achieve the objectives of the Housing Strategy **to provide affordable accommodation in Torbay**.

c. Change of wording to - Raise the profile of homelessness ensuring that it is visible within the Council and embedded in other strategies. **Recognising the impact that rough sleeping can have on the wider community**.

5.4 The Strategy was also reviewed at the Adults Social Care and Health Overview and Scrutiny Sub-Board on the 8 August 2024, with the following resolution:

That the Cabinet be advised that the Adult Social Care and Health Overview and Scrutiny Sub-Board supports the Draft Homelessness Strategy 2024 – 2030 being included within the Council’s Policy Framework and that the Cabinet be recommended that a key data table with clear key performance indicators be included within the Action Plan, to measure performance of the Strategy and impact, including details of external influences.

6 Procurement Implications

6.1 It is not anticipated that the Homelessness and Rough Sleeping Strategy itself will require the purchasing or hiring of goods and/or services. Should the Council wish to hire goods, or services to facilitate its strategic objectives, then more specific reports detailing this will be presented.

7 Protecting our naturally inspiring Bay and tackling Climate Change

7.1 There are no significant climate change implications. Any climate change implications would be subject review as part of the development of the associated action plan. Any resulting considerations are likely to result from the provision of accommodation.

8 Associated risks

11.1 Homelessness is a priority for Torbay Council and as such the strategy provides the framework for further development and coordination to achieve its ambitions.

8.2 The document is a legal requirement with the current strategy due to be renewed in early 2025.

8.3 It is intended that the final document be presented to Full Council in December 2024. This will enable the review to be concluded within the 5 year timeframe.

9 Equality Impacts 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 200	<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 experiences above the England average for people who are homeless above 45-year-old.</p>	<p>The Homelessness and Rough Sleeping Strategy recognises that people tend to experience increased fragility as they age, and that safe secure accommodation is vital to ensure wellbeing.</p> <p>Age can also impact on the extent of life skills to maintain a tenancy and differential impact of Housing Benefit on affordability.</p>	<p>Equality implications will be continuously reviewed through the delivery of the strategy. Specific actions have been considered addressing youth homelessness.</p>	<p>To be confirmed in the development of the associated action plan.</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>It also recognises that good quality and safe accommodation is vital to ensure wellbeing for people who are already facing additional pressures.</p>	<p>Equality implications will be continuously reviewed through the delivery of the strategy.</p>	<p>To be confirmed in the development of the associated action plan.</p>

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.	The Homelessness and Rough Sleeping Strategy recognises that people with disabilities and in particular learning disabilities face increased vulnerabilities when compared to the wider population. Safe secure, accessible accommodation is vital to ensure wellbeing when alleviating homelessness.	Equality implications will be continuously reviewed through the delivery of the strategy. Accessibility temporary accommodation for those with mobility issues will be included within the strategy.	To be confirmed in the development of the associated action plan.
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.	Limited information exists about the number of transgender people experiencing homelessness, national data however suggests that trans people are more likely to experience rough sleeping and homelessness and experience wider safety concerns.	Services will work in a person centred and trauma informed manner to ensure that individual needs are met	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). Approx 11% of households that are homeless are single females	Pregnant women at risk of or experiencing homelessness that are not in appropriate or settled accommodation can face significantly greater health risks while unstably housed.	Services will work in a person centred and trauma informed manner to ensure that individual needs are met, and that appropriate accommodation is provided.	To be confirmed in the development of the associated action plan.

	with a child. A small proportion will be pregnant.			
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the Southwest and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	The Homelessness and Rough Sleeping Strategy recognises that people who are from black, Asian or minority ethnic backgrounds are more likely to experience financial hardship.	Services will work in a person centred and trauma informed manner to ensure that individual needs are met	Not applicable.
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact anticipated.	Not applicable.	Not applicable.
Sex	51.3% of Torbay's population are female and 48.7% are male. Single males represent the highest general grouping of homeless applicants owed a relief duty at 54% and 22% for single females.	The Homelessness and Rough Sleeping Strategy recognises that families and households headed by females are more likely to experience financial hardship and be on lower income and thus, experience homelessness. Single females experiencing rough sleeping are also more vulnerable to wider exploitation.	Services will work in a person centred and trauma informed manner to ensure that individual needs are met.	To be confirmed in the development of the associated action plan.
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	Not applicable

Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	Veterans are recognised specifically within the Housing Act.	Services will work in a person centred and trauma informed manner to ensure that individual needs are met and meet the requirements within the concordat.	To be confirmed in the development of the associated action plan.
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.	Approximately 27% of residents in Torbay live in private rented accommodation with loss of tenancy being the main reason for homelessness.	The Homelessness and Rough Sleeping Strategy recognises that socioeconomic factors are a key determinant in shaping an individual's housing situation and accessibility and therefore refers to the Housing Strategy.	To be confirmed in the development of the associated action plan.
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. A review of the evidence shows that Torbay has a higher than national average support for associated mental health assistance.	Services will work in a person centred and trauma informed manner to ensure that individual needs are met.	To be confirmed in the development of the associated action plan.
Human Rights impacts		The Council recognises that good quality housing and accommodation is vital to upholding human rights. Nobody should be criminalised for simply having nowhere to live.	Services will work in a person centred and trauma informed manner to ensure that individual needs are met.	To be confirmed in the development of the

				associated action plan.
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.	Young people, care experienced and those in families can all become homeless.	Specific actions have been considered addressing homelessness experienced by care experienced and young people. The provision of family temporary accommodation has also been address.	To be confirmed in the development of the associated action plan.

10 Cumulative Council Impact

- 10.1 Housing is integral to wellbeing, health and the economy. Effectively addressing homelessness is therefore instrumental in mitigating the impacts on other service delivery and seen as a preventative tool.
- 10.2 The strategy requires an integrated and holist implementation across the organisation both internally and with partners.

11 Cumulative community impacts

- 11.1 The impact of homeless of our communities is significant. An effective strategy will have long last impacts.
- 11.2 The delivery also needs to be owned by external organisation both statutory and voluntary sector.

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Homelessness & Rough Sleeping Strategy

2024-2030

Contents

Section 1: Key Facts	1
Section 2: Introduction	2
Section 3: National and Local Context	2
Section 4: Vision	3
Section 5: Strategic Priorities and Principles.....	3
Priorities	3
Principles	4
Section 6: What we have delivered so far	5
Section 7: Priority One - Increasing Early Help and Prevention	6
Section 8: Priority Two - Intervention	8
Section 9: Priority Three - Achieving Better Outcomes, Better Lives	9
Section 10: How we will monitor success	10
Section 11: Appendix	10

Section 1: Key Facts

1. On average there are 140 households in temporary accommodation at any one time. (55% singles, 40% families)
2. 1143 households were assessed as being homeless.
3. On average, 19% of households needing homeless assistance required temporary accommodation. This dropped by 11% last year.
4. More than 1 in 4 (27%) households privately rent, significantly higher than England (20%) – remove if not enough room.
5. There is a trend of increasing homelessness from private rented accommodation. This is the top reason for loss of last settled home and accounts for 57% of people. That nearly twice the national average.
6. An average of 293 children each year in temporary accommodation, staying for approximately 22 weeks, 72% of whom are primary school age and 28% secondary school age.
7. A 'history of mental health problems', was the 'support need' for 47 % of those owed a duty. This is almost double that of England (25%) and above that of the South West (33%)
8. There are approximately 30 rough sleepers in Torbay at any one time.
9. 76% of households assessed as homeless were single people.

To develop and inform this strategy, a review has been undertaken of local, regional and national homeless statistics. It provides an update on the local picture, highlighting emerging issues, trends and potential solutions, to support understanding and resolution of Torbay's homeless and rough sleeping challenges.

Section 2: Introduction

Everyone deserves good quality, safe and secure housing, though more people experience homelessness and rough sleeping in Torbay than we want. Tackling homelessness and rough sleeping is a key priority for Torbay Council.

The landscape of homelessness is evolving, quickly shaped by micro and macro factors. We are already witnessing the pressures on our services and the local housing market from the cumulative impacts of austerity, welfare reform, cost-of-living increases, and the national housing crisis. Today more than ever, homelessness can affect anyone at any time.

While most people affected by homelessness will have support networks in place that can build their resilience during times of need, some do not. We know that potentially facing homelessness is one of the most stressful situations for individuals and families to deal with. We want to ensure that we are equipped to support people in the best way we can.

This strategy therefore focuses upon preventing and relieving homelessness and ensuring integration and sets out areas where we want to do things differently. This new strategy complements our existing Housing Strategy which aims to deliver our strategic housing priorities. It sits alongside other strategies such as our Domestic Abuse and Sexual Violence Strategy and Drug and Alcohol Strategy, to name but two, which aim to ensure that people receive the support that they need at an appropriate time.

All of these strategic documents seek to ensure that the Council meets its ambitions set out in its Corporate Plan to support its most vulnerable residents including care experienced young people.

Section 3: National and Local Strategic Context

Our work is guided by the Homeless Reduction Act 2017, which amended part 7 of the Housing Act 1996 and is the main piece of legislation which applies to our work in this area. This amended and introduced a number of new duties:

- Extension of the duty to a household ‘threatened with homelessness’ from 28 to 56 days.
- To prevent homelessness for all eligible applicants threatened with homelessness regardless of priority need.
- To relieve homelessness for all eligible homeless applicants, regardless of priority need.
- Requiring households to agree a Personal Housing Plan.
- ‘Duty to Refer’ – public services need to notify the Council if they come into contact with someone, they think maybe homeless or at risk of becoming homeless.

In 2018, the government also published the Rough Sleeping Strategy which set out the government’s plan to reduce rough sleeping. There are a number of other national policy documents and measures that impact on homelessness and rough sleeping. The enactment of the Welfare Reform Act 2012 has had unintended consequences impacting on homelessness levels. Difficulties in accessing money being one reason for increased numbers using food banks and the freezing of Local Housing Allowance rates in 2020 further exasperating affordability.

Building upon this, we understand that taking a holistic approach at a local level is key to tackling homelessness and rough sleeping. This is a moment in time opportunity to ensure that our commitment to reducing homelessness is visible and is embedded within our other local strategies

and plans. This will ensure that 'prevention' and 'early support' are prioritised wherever possible with the aim of averting 'crisis' in most cases.

Section 4: Vision

It is a legal requirement for the Council to publish a strategy every 5 years as a minimum, having completed a review into current and future homelessness. Torbay's Homelessness and Rough Sleeping Strategy 2024 – 2029 has been co-produced to set out our vision:

The strategy aims to make:

- **Homelessness a rare occurrence:** increasing prevention and earlier intervention at a community level.
- **Homelessness as brief as possible:** improving temporary and supported accommodation, so it becomes a positive experience.
- **Experience of homelessness unrepeated:** increasing access to settled homes and the right support at the right time.

Everyone has a role to play in working towards making homelessness in Torbay rare, brief and unrepeated. It is time for a new approach to homelessness, one that is proactive, not reactive.

The strategy will be supported by a detailed action plan for the Council and wider Torbay Homelessness Partnership which will be convened, to deliver.

Section 5: Strategic Priorities and Principles

Three main priorities are identified in this strategy and developed through the engagement work undertaken in its development. They also reflect the priorities at a governmental and legislative level and are relevant to all homeless households. Access to services has also been identified as a golden thread, running throughout the three principles.

Priorities

1. Increasing early help and prevention

Supporting people at risk of becoming homeless and/or ensuring people at risk of homelessness can stay in their existing home or make a planned move to alternative accommodation.

2. Intervention

When people fall into crisis, we will act swiftly to give them targeted support to get them into accommodation or off the streets.

3. Better outcomes, better lives

A home is not the end, but the start of the journey, we will support people to live independently and lead meaningful quality lives to create a home.

These priorities closely relate to Torbay's wider approach to equality ensuring an environment where all individuals, regardless of need, want or aspiration, have an equal chance of realising their full potential.

Principles

Through the development of this strategy and engagement work undertaken it was considered that a set of core and shared values be used to underpin the strategy and its delivery.

These priorities support Torbay's commitment to placing relational working and inclusion at the centre of everything we do. We are committed to meeting our Public Sector Equality Duty and to delivering accessible services that meet the needs of our community. We will ensure that services are accessible for all by ensuring we can see people in person, removing the barriers created by digitalisation. We want everyone to live with dignity and have the opportunity to reach their full potential. We know that safe and secure, good quality accommodation is central to achieving this.

We expect our staff and partners to work together in a way which supports our principles, and which is tailored to the individual and their specific needs. We value the knowledge and experience that our partners bring. Where an issue arises, we will work with our partners to address this in a timely and efficient manner.

The shared values we will work to are:

1. Person Centred

We will empower people to make decisions and choices about their lives, creating a culture of continuous improvement by delivering quality services and recognising the potential of an individual by growing knowledge, self-belief, and responsibility.

2. Working Together

We will work collaboratively with our partners and within the community to ensure that services are informed by the voices of those with lived experience, delivering services collectively that meet people's needs.

3. Delivery of quality services

We will work in a relational way to transcend traditional patterns, rules, and relationships to create something new and valuable to meet people's needs. We recognise that systems are complex and that everyone's homelessness journey is different and that we must work in a trauma informed manner.

Section 6: What have we delivered so far

A person is homeless if they have nowhere to stay and are living on the streets, but you can also be homeless even if you have a roof over your head. People experiencing the most acute forms of homelessness will include those sleeping rough, sofa surfing or living in hostels, night shelters or unsuitable temporary accommodation. Those in insecure or poor housing at risk of homelessness will include those with notice to quit who cannot afford to rent anywhere else, those in suitable but temporary accommodation and those about to be discharged from prison or hospital with nowhere to live permanently.

Work is ongoing to address homelessness and rough sleeping in Torbay. The following section provides some examples of the activities that have been delivered by working with our partners, homeless households and individuals. We have:

- **Increased temporary accommodation provision for families through £10m investment** by purchasing and leasing suitable accommodation. This has helped to provide consistent good quality temporary accommodation within Torbay, ensuring that support networks and relationships are protected and eliminating the use of B&B accommodation in all but exceptional circumstances.
- **Put in place joint working arrangements with Children's Services** to ensure that families entering temporary accommodation are supported by Early Help colleagues to help them recover from homelessness and sustain future accommodation.
- **Established a youth homelessness protocol** and a prevention panel to ensure collaborative working to support care experienced and young people who are at risk of homelessness. B&B usage has been eliminated for 16/17 year olds and significantly reduced for all young people.
- **Developed the Growth in Action Alliance** comprising of domestic abuse, drug and alcohol services and the homeless hostel. Shared responsibility across the alliance for delivery of services, providing a 'one front door' approach is helping to alleviate repetition and enable the timely sharing of information to facilitate the right support at the right time.
- **Insourced the Homeless Hostel** which has provided the foundation to transform and develop our single persons provision, average length of stay reduced from an average of over 500 days to 170 days within the first 12 months. The aim is to reduce this to three months by further developing our pathway to increase move on opportunities.
- **Establishing the Rough Sleeper Initiative** which provides outreach support to rough sleepers to enable offers of accommodation, support and tenancy sustainment.

- **Single Homeless Accommodation Programme (SHAP)** partnering with the YMCA to secure funding to deliver 36 units of supported accommodation for homeless care experienced and young people aged 18-25, a provision which will be able to provide tailored, flexible support based on individual needs.
- **Stabilised our workforce** which has ensured consistency for homeless households. This has been achieved by establishing a training and development scheme to attract the right candidates, investment in training and support for the team. This has eliminated the use of costly and inefficient reliance on temporary agency staff and ensured a positive workplace.
- **Increased performance management** which has created a culture of timely decision making, proactive prevention and relief work and resettlement from temporary accommodation.
- **Implemented specialist roles** across the housing team in response to identified trends and needs such as domestic abuse, young people, care experienced and families. Key relationships have been built with professionals by offering a dedicated point of contact with someone who specialises in the area.

Section 7: Priority One - Increasing Early Help and Prevention

Priority One - Increasing early help and prevention.

Supporting people at risk of becoming homeless and/or ensuring people at risk of homelessness can stay in their existing home or make a planned move to alternative accommodation.

Early help and prevention reduce the likelihood of someone becoming at risk of or experiencing homelessness, requiring a lesser intervention than if circumstances escalate and reach crisis point. This means supporting people in a range of circumstances before they might be considered at risk of homelessness.

We know there is more we can do to support our residents and stop them from reaching this point.

Our objectives are:

1. To provide the right advice at the right time

We will:

- **Continue to transform Prevention and Engagement services so that they are accessible when and where people need them** – this might include more outreach, digital transformation, different opening hours, flexible and face to face appointments for example.
- **Strengthen our collective partnership** commitment to joint working on homelessness prevention across all tenures of housing including the provision of support.

- **Developing a universal training program accessible for all that may encounter people that are at risk of homelessness** to improve knowledge and understanding to help prevent homelessness at any opportunity.
- **Put information sharing agreements and consent forms in place** so that anyone approaching services or voluntary sector organisations (with their permission) need only tell their story once.
- **Deliver timely, accurate and accessible housing advice and guidance**, including through assisted self-service models, to help people make planned moves when they need and before they reach crisis - this will include working with people that are 'pre 56 days' in terms of Homelessness Reduction Act criteria.
- **Giving advice about housing in the community** in our family hub, where a range of services for families are located.

2. Targeted prevention to reach people whose homelessness is hidden from services and to prevent and reduce repeat homelessness, rough sleeping and youth homelessness.

We will:

- **Develop a strategic plan for integrating housing and mental health practices** in Torbay.
- **Deliver a range of solutions** so that no one in Torbay needs to sleep rough.
- **Ensure people are not discharged from prison or hospital directly onto the street** through joint working protocols and that appropriate accommodation is offered by the right agency.
- **Design homelessness out of young people lives** by working with Early Help services upstream with families and young people at high risk of homelessness and through designing planned housing pathways based on partnership collaboration and integrated working with our partners.
- **Ensure there are integrated working practices across Housing and Children's Services** to achieve better outcomes for families.
- **Engage with young people through the most appropriate setting** to raise awareness of housing, the challenges, and solutions.

3. Reduce homelessness from private rented accommodation.

We will:

- **Continue to develop our 'Duty to Refer' model** to ensure that all partners can make timely referrals where there may be a risk of homelessness.
- **Develop our relationship with landlords** to improve communication and support to access to information to ensure early intervention if tenancies begin to fail.
- **Work with private landlords to increase standards**, reduce evictions, and make Torbay's private rented sector, the 'sector of choice.'
- **Develop an upstream approach to income maximisation including training and employment opportunities** to reduce the risk of homelessness occurring in the first place.

Section 8: Priority - Two Intervention

Priority Two - Intervention

When people fall into crisis, we will act swiftly to give them targeted support to get them into accommodation or off the streets.

When people become homeless, we need the right type of accommodation and support in place as part of a system wider approach to provide timely interventions. This requires strong and different partnerships and ability to adapt.

Our objectives are:

1. Providing somewhere safe to stay

We will:

- **Develop a range of accommodation options** so that no one needs to sleep rough.
- **Develop a pathway of accommodation** with a variety of support ensuring an offer for those with multiple and complex needs that does not rely on the Hostel. Therefore, providing alternatives.
- **Develop an approach that focus on prevention of homeless for young people** who are or may be homeless in partnership with Children's Services and our combined youth housing providers.
- **Collaboratively develop a Supported Housing Strategy** to enable the commissioning of supported accommodation that is tolerant and trauma informed environment so that we can support people of all ages and address the cause of homelessness.
- **Provide additional accommodation space to meet changes in demand** and have the ability to rapidly provide additional spaces to meet short term peaks in demand e.g. Severe weather.
- **Strengthen and develop wider partnerships** with existing and new providers to maximise opportunities to develop and provide services in Torbay.

2. To provide targeted support

We will:

- **Carry out targeted rough sleeping outreach** work in the community that also seeks to understand why certain groups are overrepresented in homelessness.
- **Provide a tenancy sustainment service** to support people recovering from homelessness.
- **As Corporate Parents ensure that there are planned pathways and appropriate information and support** to meet the needs of care experienced young people.

3. We will maintain a commitment within the authority area to

We will:

- **Never place any young person aged 16 or 17 in B&B except in an exceptional circumstance** by ensuring there is sufficient accommodation for this age group.

- **Never place a family in B&B except in exceptional circumstance.** If we do it will be for no longer than 6 weeks.
- **Ensure that there is an appropriate awareness of care leavers** circumstances to reduce the risk of them experiencing homelessness.
- **Explore relevant opportunities to attract and maximise funding and investment** to improve and deliver services or support.

Section 9: Priority Three – Achieving Better Outcomes, Better Lives

Priority Three – Achieving Better Outcomes, Better Lives

A property is not the end, but the start of the journey, we will support people to live independently and lead meaningful quality lives to create a home.

Ensuring we address systemic inequalities might require us to take steps to remove the barriers that some of our residents encounter. We aim to create services that are equitable in their approach where people at risk of or experiencing homelessness have the best chance of better life outcomes.

Our objectives are:

1. Supporting people with complex lives

We will:

- **Jointly prepare a single multi agency plan** for complex individuals and expand our work through the Housing and Vulnerability Forum.
- **Build upon our co-located team approach** and expand this offer.
- **Continue to transform systems** through our Multiple and Complex Needs Alliance (Growth in Action).
- **Ensure there is ongoing flexible and agile support** as and when needed.
- **Develop a strategic plan for Housing and those with Complex Needs** in Torbay.
- **Work collaboratively with our Public Health colleagues** to inform service provision.

2. Building peoples resilience

We will:

- **Establish local networks to provide support to sustain tenancies** including furniture, access to food banks, help with budgeting, benefits advice and offering employment and skills training so they can increase their income.
- **Develop peer advocacy, employment, volunteering, and training** offers to help improve opportunities.

- **Provide practical and ongoing support that will meet the individual needs of households.** This will include engagement with mental health and other services, specialist support to victims of domestic abuse or young people and working with marginalised families.

3. Building upon experience to develop and improve services

We will:

- **Be proactive in understanding and responding to current homelessness causes and risk factors** by undertaking research and evaluation with households who have engaged with homelessness services – which will inform continue service improvements and design of future housing provision.
- **Continue to learn from local experience with 16 and 17 year olds and care experienced young people** to transform systems and increase overall effectiveness in preventing homelessness amongst this cohort.
- **Understand the actual cost of homelessness both as an organisation and wider system** to inform and make the case for homelessness services and prevention activities.
- **Work collaboratively to achieve the objectives of the Housing Strategy** to provide affordable accommodation in Torbay.
- **Raise the profile of homelessness** ensuring that it is visible within the Council and embedded in other strategies. Recognising specifically the impact that rough sleeping can have on the wider community.
- **Convene a new Torbay Homeless Partnership**, to implement and develop our response to address homelessness in Torbay.

Section 10: How we will monitor success

We will drive the Council ambitions and strategy through a dynamic three-year action plan.

- Dynamic by design – flexible and resilient to the changes that occur during the course of the strategy.
- Dynamic in its implementing – capturing activity across Torbay, by Council services and the public and voluntary sectors.

The action plan will be owned by all Torbay Council services, and members of the newly formed Torbay Homelessness Partnership, that will be convened. We expect many actions will involve collaboration between one or more partners from across different sectors.

Performance metric will monitor the success of our strategy and make progress available for Security Board, Strategic Housing Partnership and Senior Leadership Team.

Section 11: Appendix

Plan on a page to be inserted following consultation of the strategy.

This document can be made available in other languages and formats. For more information, please contact Housing.Advice@Torbay.gov.uk

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Appendix 2 – Consultation Report

1 Homelessness and Rough Sleeping Strategy Consultation Report

- 1.1. The consultation exercise was undertaken for 6 weeks, from 12 July 2024 to 23 August 2024. Details of the consultation were sent to the following groups and platforms, (including potential reach).
1. Elected members briefing, 12 July (36)
 2. Devon Home Choice applicants (approx. 1,700) – advert published on the portal
 3. Households in temporary accommodation (approx. 160)
 4. Included in emails to those approaching and engaging with the Housing Options Service
 5. Social media activity – 6 posts between 15 July – 29 August. Reach of 18,788, 19,437 impressions, 242 clicks, 25 comments, 37 likes and 24 shares.
 6. One Torbay newsletter on the 12 and 26 July, 16 August (9,223)
 7. Housing associations
 8. Schools and colleges
 9. Local churches and other faith organisations (press release distribution list)
 10. Torbay Community Development Trust (press release distribution list)
 11. Community Partnerships (press release distribution list)
 12. Public sector partners such as the local NHS, Devon and Cornwall Police, Devon and Somerset Fire and Rescue and a range of others (press release distribution list)
 13. Voluntary sector partners (press release distribution list)
 14. Town Centre Partnership
 15. Neighbourhood Forums
 16. Chamber of Commerce
 17. Voluntary Sector organisations (press release distribution list)
 18. Devon Communities (press release distribution list)
 19. Staff news (1287) – 833 click on the survey
 20. Food safety Newsletter (6039) – 19 clicks on the survey
 21. Torbay Business Newsletter (878) – 3 clicks on the survey
 22. Adult Social Care news (382) – 16 clicks on survey
 23. Included in Children’s Services, Community Equipment and Young Person Participation Communications.
 24. Facebook (15K followers)

The Strategy was also reviewed at the Adults Social Care and Health Overview and Scrutiny Sub-Board on the 8 August 2024, with the following resolution:

That the Cabinet be advised that the Adult Social Care and Health Overview and Scrutiny Sub-Board supports the Draft Homelessness Strategy 2024 – 2030 being included within the Council’s Policy Framework and that the Cabinet be recommended that a key data table with

clear key performance indicators be included within the Action Plan, to measure performance of the Strategy and impact, including details of external influences.

2. Who responded to the Consultation

2.1. 117 people took part in the main survey (56% female, 37% male, others preferred not to say).

2.2. From which we received 231 comments and suggestions. 3 additional responses were provided by email, comments were also made via social media.

2.3. To help us understand the feedback provided, people were asked which best describes the position from which they were responding to this survey. There were 117 responses.

Response	%
I work in / am part of a partner organisation	29%
I have never experienced homelessness	48%
I am or have experienced homeless or a member of my family or friend is homeless, and I am supporting them	21%
Interested individual or impacted by homelessness	2%

2.4. The question was asked, are you worried that you might become homeless in the future, for example in the next 12-months? There were 111 responses to this question. 9% said they were worried and 9% preferred not to say, 82% said no.

2.5. The majority of respondents (80%) were over 45 years of age.

2.6. Of those that responded we asked what their current accommodation status was.

Response	%
Owned their own home	79%
Rented privately	9%
Rented from a social landlord	4%
Living with family and friend	3%
Homeless	5%

2.7. Of the 93 responses related to employment status 26% worked full time in Torbay, 24% were retired, 13% worked part-time in Torbay, 11% worked outside of Torbay, 11% self-employed, 6% were unemployed and 2% looked after family at home.

2.8. A spread of responses was received from across Torbay, 53% Torquay, 24% Paignton and 5% Brixham, with 18% living outside Torbay or preferring not to say

3. Strategy Priorities Feedback

3.1. The consultation results generally demonstrate an endorsement of the Strategy's three priorities.

3.2. Percentage of respondents who 'strongly agree and agree' for each priority:

Priority	% Strongly agreed or agree
One - Increasing early help and prevention	96%
Two - Intervention	97%
Three - Better outcomes, better lives	95%

3.3. Of the 32 written responses provided as part of the response for additional comment there were the following themes:

- The impact homelessness can have on the economy and the importance therefore of resolving the problem and reduce fear of crime. 31% raised rough sleeping as an issue for Torbay.
- The requirement in Torbay to provide more affordable homes both through developments but also through the private rented sector. 25% raised this as an issue.
- Requirement to fund the strategy appropriately if the outcomes are to be achieved.
- That it is a complex area and that there are many different classifications of homeless and reasons why and therefore strategy could be shaped in many different ways.
- A strong commitment and recognition that this matter cannot be delivered by one department in Torbay Council, but the entire Council and Torbay as a whole. Also, that this is a wider societal issue not just effecting Torbay.
- The role of the private rented sector in Torbay, in preventing homelessness, the quality of accommodation and fear of losing accommodation if complaining about poor standards.
- The role of enforcement related to quality of accommodation.
- Needs for accessible services both to assist those that are digitally exclude, but also face to face.
- The information related to the night shelters has not been included.
- The need for support for people is important e.g. form filling, mental health, addictions, basic hygiene for those rough sleeping.
- Delivery is key.
- The need to provide accommodation to meet people's needs which can be varied and therefore a mix of specialist provision for women or domestic abuse etc.
- Needs for accessible service both to assist those that are digitally exclude, but also face to face to make contact meaningful.

4.0 Priority One Feedback - Increasing early help and prevention

We know there is more we can do to support our residents and stop them from reaching the point of homelessness through increasing early help and intervention. The percentage of respondents who 'strongly agree and agree' with each of the objectives in priority 1.

Priority One Objectives	% Strongly agreed or agree
Providing the right advice at the right time	91%
Targeted prevention to reach people whose homelessness is hidden and to prevent and reduce repeated homelessness, rough sleeping and youth homelessness	88%
Reduce homelessness from private rented accommodation 'caused by no fault evictions' as this is the main reason for homelessness in Torbay	75%

Of the 26 written responses provided, if people disagreed or strongly disagreed with any of the objectives listed above, there were the following themes:

- Strong theme related to no fault evictions and the balance between tenant and landlord responsibility. 42% of responses.
- Need to improve early intervention that is also accompanied with appropriate support.

4.1 Additional comments were also sought on developing priority one, increasing early help and prevention objectives. Of the 27 response the following themes were identified:

- Ability to be able to response to the extent of the problem and provide enough prevention activity.
- Sharing of information between service/organisations to identify risk and improve early intervention.
- Investment into support service and social care support.

Quote provided from of the consultation:

“Ability of smaller organisation to be agile. A collaborative approach, involving both funded organisations and smaller agencies, is necessary to ensure comprehensive interventions strategies. Without concerted effort, we will continue to see individuals fall through the cracks, becoming victims of a system that fails to protect in their most critical moments. “

5.0 Priority Two Feedback – Intervention

5.1 When people become homeless, we need the right type of accommodation and support in place as part of a wider approach to provide timely interventions. This requires strong and different partnerships and the ability to adapt. The percentage of respondents who 'strongly agree and agree' with each of the objectives in priority 2.

Priority Two Objectives	% Strongly agreed or agree
Providing somewhere safe to stay so that no one needs to sleep rough	94%
To provide targeted support to help maintain accommodation and support to those that lose it.	93%
Never place a young person aged 16 or 19 in a Bed and Breakfast except in exceptional circumstances	80%
To not place families in Bed and Breakfast except in exceptional circumstances. If we do, for no more than six weeks.	83%
Ensure there is appropriate awareness of care leavers circumstances to reduce the risk of them experiencing homelessness	89%

5.2 Of the 27 written responses provided, if people disagreed or strongly disagreed with any of the objectives listed above, there were the following themes:

- That we should not use B&B for families. This was the strongest theme in the feedback at 11%.
- Reword the strategy – never place any family in a B&B unless in an emergency.
- That information should be provided on what is the right type of accommodation for people, as this is varied.
- That there is a need for accommodation to support older people
- That there needs to be close links with other strategies to improve employment opportunities and income levels for people.
- Need for ongoing support.

5.3 Additional comments were also sought on developing priority two objectives. Of the 15 response the following themes were identified:

- The need to provide affordable accommodation. This was the strongest theme at 20%.
- Recognition in the strategy of the large single homeless population.
- Digital exclusion and the impact this can have.
- Education on what to do and how to manage money.
- Intentionally homeless needs to be better understood more.

Quote provided from the consultation:

“Teaching skills to people to provide them with hope for the future and to encourage working environments where they can help each other in group settings”

6.0 Priority Three Feedback - Better outcomes, better lives

6.1 We aim to create services that are equitable in their approach where people at risk of or experiencing homelessness have the best chance of better life outcomes. The percentage of respondents who ‘strongly agree and agree’ with each of the objectives in priority 3.

Priority Three Objectives	% Strongly agreed or agree
Supporting people with complex lives	85%
Building people's resilience	79%
Building upon experience to develop and improve services	84%

6.2 Of the 17 written responses provided, if people disagreed or strongly disagreed with any of the objectives listed above, there were the following themes:

- The impact that rough sleeping has on communities in general was the strongest theme at 17%.
- The need for new ideas.
- The provision of workshops for life skills, healthy relationships, dealing with trauma area of more benefit that building resilience is important.

Quote provided from the consultation:

“Resilience comes from life experience. Often the most vulnerable people in society are the most resilient even if they aren’t aware of what is and isn’t socially acceptable.”

6.3 Additional comments were also sought on developing priority three objectives. Of the 11 response the following themes were identified:

- Recognition that the support required for those that have complex lives maybe different.
- To look at data and case law to identify trends.
- Trusted relationships are important in making a difference.
- Education and awareness.

7.0 Feedback on key prevention and support ideas

7.1 Finally, respondents were asked, what do you think are the key prevention and support actions that we should be providing for those at risk of or who are experiencing homelessness and rough sleeping? Of the 63 response the following themes were identified:

- Provision of affordable accommodation this was the strongest theme at 13%
- Sufficient support services, ideas include, keyworks, information in the right places, caring approach. 11% of responses.
- Face to face contact and the importance of this.
- Recognition of substance misuse and action required to address this.
- Need for provision for rough sleepers and keep people safe.

8.0 Amendments to the Strategy

Generally, the comments received tend to echo that within the strategy. Amendments have however been made as follows (highlighted in **Bold**):

1. Inclusion of single homelessness information in the key facts to illustrate this highlight this significant are of need.
2. Amendment to Priority one objectives:
 - a. Change of wording to - Strengthen our **collective** partnership commitment to joint working on homelessness prevention across **all tenures of housing including the provision of support.**

This reflects the feedback on the role of all organisations in the voluntary and statutory sectors and that work needs to be undertaken to assist everyone of all ages and irrespective of housing tenure. As such the support may therefore differ.

- b. Change of wording to - Put information sharing agreements and consent forms in place so that anyone approaching services **or voluntary sector organisations** (with their permission) need only tell their story once.

To strengthen and recognise the role that the voluntary sector and other organisations play in providing a service in Torbay.

- c. Change of wording to - Develop an upstream approach to income maximisation **including training and employment opportunities** to reduce the risk of homelessness occurring in the first place.

To reflect feedback around the integration with employment and wider economic strategies around employment and increasing wages in Torbay.

3. Amendment to Priority two objectives:
 - a. Change of wording to - Collaboratively develop a Supported Housing Strategy to enable the commissioning of supported accommodation that is tolerant and trauma informed environment so that we can support people **of all ages** and address the cause of homelessness.

To reflect feedback on the need to recognise all ages, especially older people. Reference to complex needs has also been removed as covered in other objectives therefore making this more balanced.

- b. Change of wording to - Never place any young person aged 16 or 17 in B&B except in an **exceptional circumstance** by ensuring there is sufficient accommodation for this age group.

Reworded so that it is more appropriate from emergency to exceptional circumstances.

- c. Change of wording to - Never place a family in B&B except in **an exceptional circumstance**. If we do it will be for no longer than 6 weeks.

Reworded so that it is more appropriate from emergency to exceptional circumstances.

4. Amendment to Priority three objectives:
 - a. Change of wording to - Develop peer advocacy, employment, volunteering, and training **offers** to help improve **opportunities**.

Rewording to recognise peoples development and support.

- b. Change of wording to - Work collaboratively to achieve the objectives of the Housing Strategy **to provide affordable accommodation in Torbay.**

To reflect the strong feedback within the consultation on the need for affordable accommodation in Torbay of any tenure.

- c. Change of wording to - Raise the profile of homelessness ensuring that it is visible within the Council and embedded in other strategies. **Recognising the impact that rough sleeping can have on the wider community.**

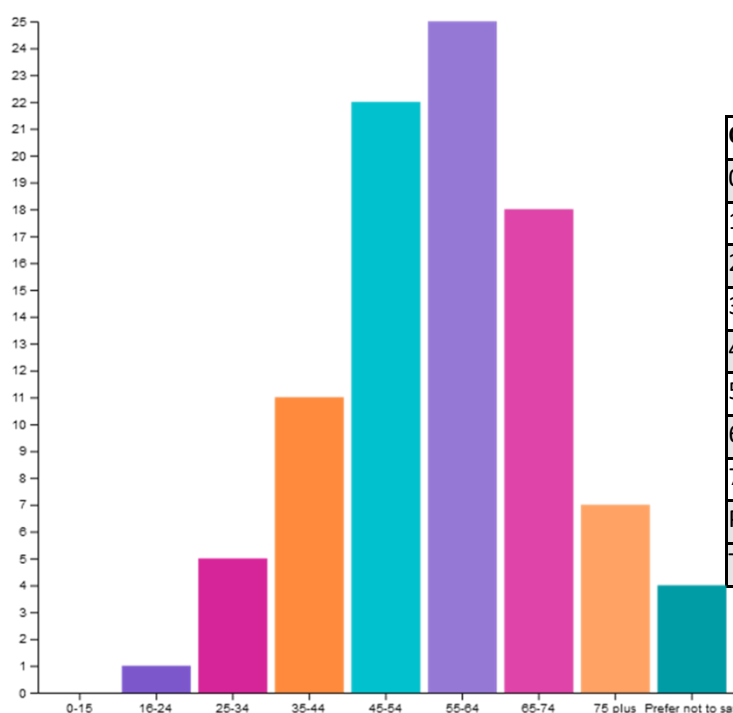
To reflect the strong feedback within the consultation of the impact that rough sleeping can have on the wider community.

Other comments will be picked up as suggestions and areas for development as part of the production of the Torbay Homelessness Partnership action plan. This will include the feedback from Adults Social Care and Health Overview and Scrutiny Sub-Board. This was for the development a key data table with clear key performance indicators be included within the Action Plan, to measure performance of the Strategy and impact, including details of external influences.

Sometimes it's simply not possible to achieve all of the suggestions included in the consultation feedback as there are insufficient resources to do so. This was a theme within the consultation feedback, recognising the need for resources to address the problem holistically to ensure delivery.

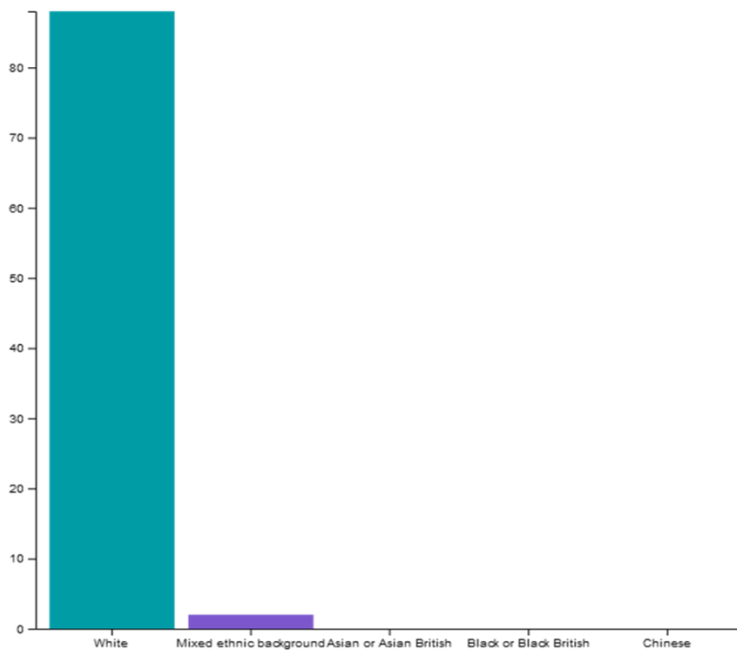
9.0 Other Demographic Information from the consultation

The following questions were asked as part of the consultation.
Which of the following age groups applies to you?



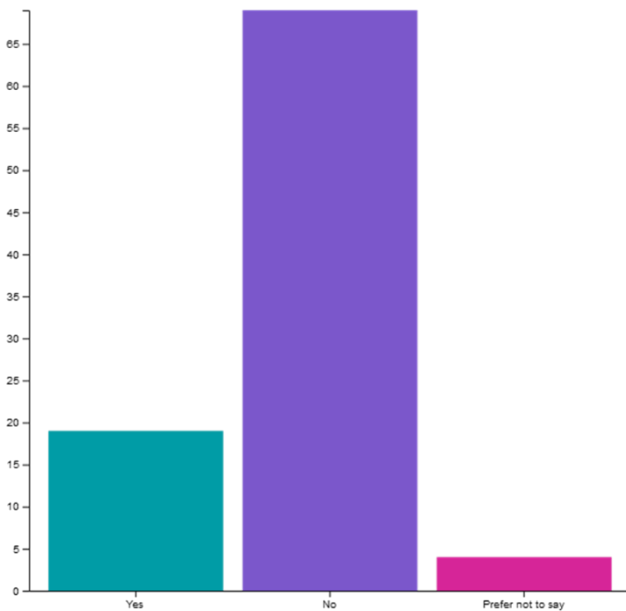
Option	Total	Percent
0-15	0	0%
16-24	2	2%
25-34	6	6.1%
35-44	11	11.2%
45-54	25	25.5%
55-64	25	25.5%
65-74	18	18.4%
75 plus	7	7.1%
Prefer not to say	4	4.1%
Total	98	

Which of the following best describes your ethnic background?



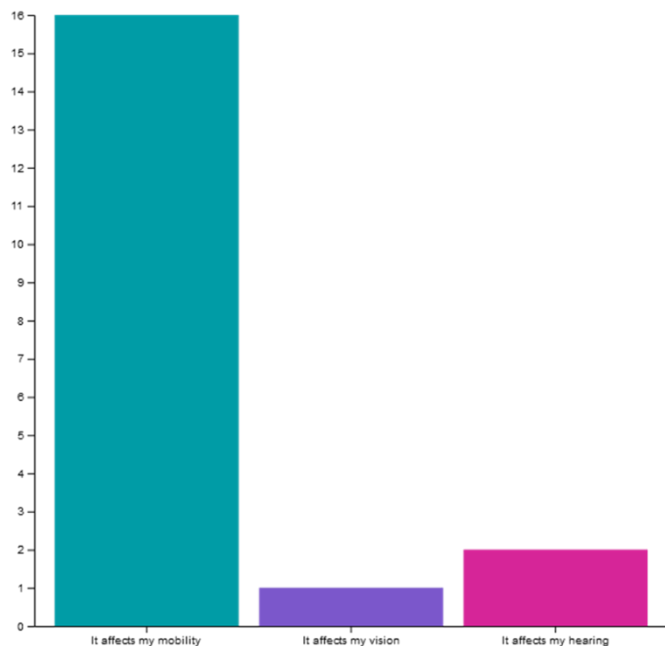
Option	Total	Percent
White	94	97.9%
Mixed ethnic background	2	2.1%
Asian or Asian British	0	0%
Black or Black British	0	0%
Chinese	0	0%
Total	96	

Do you consider yourself to be disabled in any way?



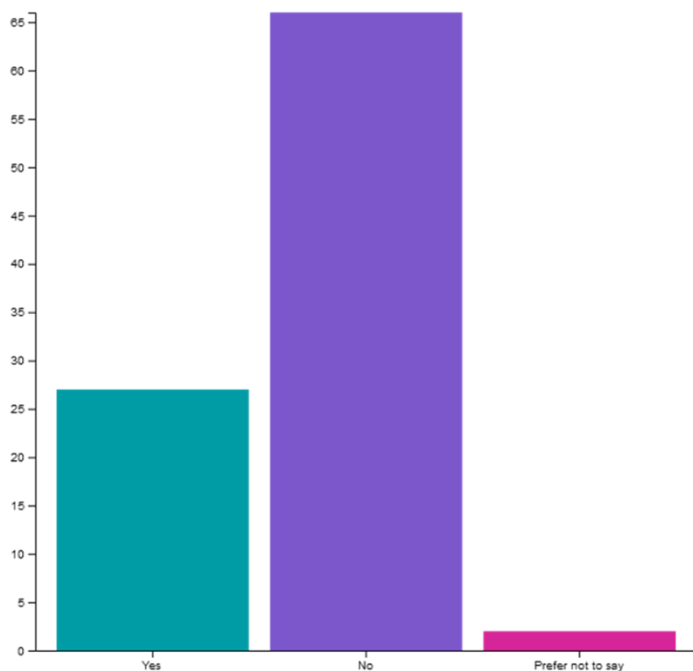
Option	Total	Percent
Yes	20	20.4%
No	73	74.5%
Prefer not to say	5	5.1%
Total	98	

If you answer 'yes' to the above question, please tell us how your disability affects you. Tick all that apply.



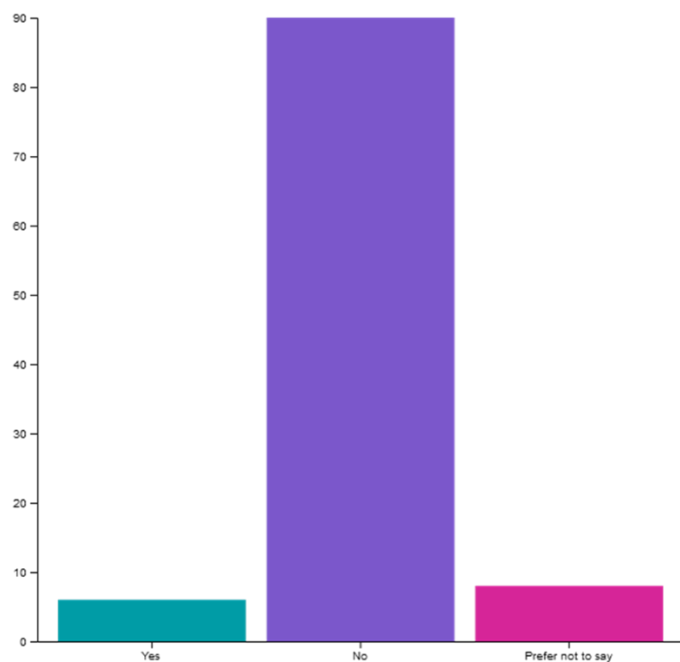
Option	Total	Percent
It affects my mobility	17	85%
It affects my vision	1	5%
It affects my hearing	2	10%
Total	20	

Do you consider yourself to be a carer? This question asks if you provide unpaid care to for example a friend, relative or neighbour.



Option	Total	Percent
Yes	28	27.7%
No	70	69.3%
Prefer not to say	3	2.97%
Total	101	

Have you been in care? This question asks if you have had experience of the care system at any point in your life.



Option	Total	Percent
Yes	7	6.66%
No	90	85.7%
Prefer not to say	8	7.61%
Total	105	

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Meeting: Cabinet/Council

Date: 26 November 2024/5 December 2024

Wards affected: All

Report Title: Gambling Act 2005 – Statement of Principles (Gambling Policy) 2025 - 2028

When does the decision need to be implemented? 31 January 2025

Cabinet Member Contact Details: Councillor Hayley Tranter, Hayley.tranter@torbay.gov.uk

Director Contact Details: Joanna Willams, Director of Adults and Community Services; Tara Harris, Assistant Director, Community and Customer Services

1. Purpose of Report

- 1.1 The Gambling Act 2005 requires Torbay Council, under its role as Licensing Authority, to review and publish a 'Statement of Principles' (the Gambling Policy), every three years. The Statement of Principles outlines the procedures that the Licensing Authority intends to follow in discharging its statutory responsibilities under the Act. The current Statement was published on 31 January 2022 and therefore, it must be reviewed, consulted upon and re-published, on or before 30 January 2025.
- 1.2 There will be upcoming changes to the Gambling Act 2005, following the publication of the governments Gambling White Paper 'High stakes: gambling reform for the digital age' in April 2023. However, the review of the Statement of Principles cannot wait until the legislation has been updated. We have therefore reviewed the Statement of Principles based on the current legislation and Gambling Commission Codes of Practice and have only made minor changes for the draft statement for 2025 – 2028. The information regarding Small Casinos has not been removed, as the Department for Culture, Media and Sport have advised that the reallocation did not take place as planned.
- 1.3 The Gambling Statement of Principles forms part of the Council's Policy Framework and therefore it is presented to Cabinet to recommend its approval by full Council.

2. Reason for Proposal and its benefits

- 2.1 The proposal is made so that we can comply with the statutory requirement, as prescribed under Section 349 of the Gambling Act 2005, which requires the Licensing Authority to publish a Statement and to review and re-publish the same, every three years. The Authority has reviewed its current Policy and prepared a draft 'Statement of Principles 2025-28' which went out for public consultation for six weeks from 12 July 2024 to 23 August 2024. The responses have been considered and the Policy has been updated and is attached as **Appendix 2** to this report.
- 2.2 The Statement ensures clarity as to how the Council will fulfil its role as the Licensing Authority and provides guidance to businesses and the public. Gambling premises are part of the UK culture, particularly in seaside locations, however it is important that the gambling activities are provided responsibly. This Statement assists businesses to function safely and within the law. It therefore helps to promote two of the Corporate Plan priorities, namely community and people, and economic growth.

Community and People – Gambling activities could negatively affect a participant's welfare. This revised policy and the licensing system will assist in minimising the risk of a negative impact as far as the law allows. The statutory controls via the Gambling Commission and Local Authorities will assist in excluding children and young persons from accessing age-restricted activities, or those with any gambling addiction.

Economic Growth – Gambling is a part of the local leisure and entertainment industry offered within Torbay. This revised policy will provide businesses with a consistent and transparent view of how the Council will consider premises licence applications in respect to the design, layout and operation of premises used for gambling activities.

3. Recommendation(s) / Proposed Decision

- 3.1 That Cabinet recommends to Council that the Gambling Statement of Principles 2025 to 2028, contained in Appendix 2 be adopted with effect from 31 January 2025.

Appendices

Appendix 1: Responses from the consultation

Appendix 2: Proposed Gambling Statement of Principles (Gambling Policy) 2025 to 2028

Background Documents

1. Current Gambling Statement of Principles (Gambling Policy) 2022 – 2025 - [Gambling Statement of Principles - Torbay Council](#)
2. Gambling Act 2005 - [Gambling Act 2005 \(legislation.gov.uk\)](#)
3. Gambling Commission Code of Practice - [Codes of practice \(gamblingcommission.gov.uk\)](#)

Supporting Information

1. Introduction

- 1.1 Torbay Council has a statutory responsibility under Section 349 of the Gambling Act 2005 (the Act) to review, consult and to re-publish its Licensing Statement of Principles (Gambling Policy) before each successive three-year period. The published document then provides the framework for all decisions on applications relating to the Gambling Act 2005 and the way the Council carries out its functions in relation to the legislation.
- 1.2 The current process of review, consultation and publication must be completed on or before 30th January 2025.
- 1.3 There will be forthcoming changes to the Gambling Act 2005, following the publication of the governments Gambling White Paper 'High stakes: gambling reform for the digital age' in April 2023. However, the review of the Statement of Principles cannot wait until the legislation has been updated. We have therefore reviewed the Statement of Principles based on the current legislation and Gambling Commission Codes of Practice and have only made minor changes for the draft statement for 2025 - 2028.

Minor updates have been made to:

- update any out-of-date website links/contact details for example to the Gambling Commission guidance notes.
- include references to the specific parts of the Gambling Commission guidance and code of practices.

More detail has been provided in some parts of the Policy namely regarding:

- the application process,
- the Council's routine inspections,
- gambling prevalence and social responsibility,
- vessels and vehicle licences,
- machine permits,
- small society lotteries,
- unlicensed family entertainment centres,
- child sexual exploitation.

2. Options under consideration

- 2.1 There are no other options available, as the review of the Statement of Principles is a statutory requirement under the Gambling Act 2005 and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006/636).

3. Financial Opportunities and Implications

- 3.1 The proposals contained in this report will not commit the Council financially in any regard, other than staff and consultations costs which will be drawn from existing budgetary resources.

4. Legal Implications

- 4.1 None, where the Statement of Principles is adopted within the required statutory timeframes.

5. Engagement and Consultation

- 5.1 A six-week public consultation exercise was undertaken between 12 July 2024 and 23 August 2024, which included writing to the following interested parties:

- Representatives of existing licence holders
- Bodies representing existing gambling businesses in Torbay.
- The Chief Officer of Devon and Cornwall Police.
- The Chief Officer of Devon and Somerset Fire and Rescue Service.
- Torbay and South Devon NHS Foundation Trust
- Torbay Safeguarding Children's Partnership
- Torbay Council: Planning and Community Safety Department
- Director of Public Health
- Ward Councillors
- Safer Communities Torbay.
- Facilities in Torbay assisting vulnerable persons.
- Representatives of local faith groups.
- Local residents groups.
- Brixham Town Council.
- English Riviera BID
- Gamcare
- Gamblers Anonymous
- GambleAware
- Mencap
- NSPCC
- Gambling Commission

The online survey was hosted on the Council's engagement page and website and copies of the Policy and survey questions were available at the libraries of Torquay, Paignton and Brixham. Social media posts were sent out via Facebook, LinkedIn and Twitter to encourage participation in the consultation.

- 5.2 Seven responses were received in total. One written response was received from a Solicitors firm on behalf of the Betting and Gaming Council. Six responses were received to the online consultation; five of these were from members of the public and one was from a local community group representative. The responses are attached in Appendix 1.
- 5.3 A detailed response has been included in Appendix 1, in reply to the solicitor's letter, who sent in a response on behalf of the Betting and Gaming Council. Minor changes have been made to the Policy following this feedback. The online responses received were mainly focused on comments that gambling, and gambling advertising, should not be permitted. However, this is not within the Council's remit as the Licensing Authority are required to permit the use of premises for gambling in so far as it thinks its use will be reasonably consistent with the licensing objectives, it is operating in accordance with the Statement of Principles (Gambling Policy), and in accordance with the relevant code of practice or any guidance issued by the Gambling Commission.
- 5.4 Furthermore, the Statutory Licensing Committee considered the Statement of Principles (Gambling Policy) at its meeting on 24 October 2024 and recommended to Cabinet and Council its adoption.

6. Procurement Implications

- 6.1 This proposal does not require the purchase or hire of goods or services.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 There is no aspect of this Statement that will impact negatively or positively on climate.

8. Associated Risks

- 8.1 The risks associated with agreeing the Statement of Principles (Gambling Policy) is minimal as it has been reviewed in accordance with the regulatory requirements, which includes full consultation and consideration of any comments that have been received.

The risks are more associated with any failure to review and re-publish the Statement in time, as the effect would be that the Council would have no policy in place, which effectively would prevent lawful discharge of functions under the Gambling Act 2005. This may lead to legal challenge against the Council and financial penalties being incurred.

9. Equality Impact Assessment

The Statement of Principles is a review of an existing Policy and therefore there is no change to impact of specific groups. Where there exists any potential for impact, this would generally be through the application process where there is the safeguard that any responsible authority or 'other person' may make representation. The three gambling licensing objectives are also designed to ensure consideration of any impacts.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Page Page 238	<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>No person under the age of 18 shall be permitted entry to age-restricted licensed premises such as casinos, bingo halls, betting shops and adult gaming centres, where gambling is permitted. There is no upper age limit. This is prescribed by statute.</p> <p>The Council does not impose any local age restrictions on the application process.</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>There is no requirement for the applicant to pass on any details about whether they are a carer. The council hold no information of any applicants from this group. The Policy will grant permits/licenses to any licensed operators that conform to the requirements of this Policy. Gambling</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>

		premises cannot allow anyone under 18 to enter the premises at any time.		
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.	There is no requirement for the applicant to pass on any details of medical capacity. There are no equality restrictions of who can enter licensed premises. The council hold no information of any applicants from this group. The Policy will grant a premises licence applicant that conforms to the requirements of this Policy without consideration of disability.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
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 are no gender restrictions of who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group. The Policy will grant a premises licence applicant that conforms to the requirements of this Policy without consideration of gender reassignment.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of	There are no equality restrictions of who can be a collector providing that the promoter has a valid permit/licence in	Routine assessment of applications and monitoring to ensure	Licensing Officers and other

	people were married or in a registered civil partnership.	place. The council hold no information of any applicants are from this group. The policy will grant permits/licenses to any licenced operators that conform to the requirements of this Policy without consideration of marriage or civil partnership.	compliance with regulations.	authorised officers.
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	<p>There are no equality restrictions of who can be a collector providing that the promoter has a valid permit/licence in place.</p> <p>The council hold no information of any applicants are from this group. The policy will grant permits/licenses to any licenced operators that conform to the requirements of this Policy without consideration of pregnancy and maternity.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
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.	<p>There are no race restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements.</p> <p>The council hold no information of any applicants from this group. The Policy will grant a premise licence to any applicant that conforms to the</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		requirements of this Policy without consideration of race.		
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no requirement for the applicant to pass on any details concerning faith, religion or belief. The council hold no information of any applicants from this group The Policy will grant a premises licence to any applicant who has the appropriate operator and personal licences required of the Gambling Commission and who conform with the requirements of this Policy without consideration of faith, religion, or belief.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Sex	51.3% of Torbay's population are female and 48.7% are male	There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The Policy will grant a premises licence to any applicant who has the appropriate operator and personal licences required of the Gambling Commission and who conform with the requirements of this Policy without consideration of gender.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

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.	<p>There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements.</p> <p>The Policy will grant a premises licence to any applicant who has the appropriate operator and personal licences required of the Gambling Commission and who conform with the requirements of this Policy without consideration of sexual orientation.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	<p>There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any minimum age-restricted requirements.</p> <p>The Policy will grant a premises licence to any applicant who has the appropriate operator and personal licences required of the Gambling Commission and who conform with the requirements of this Policy.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)	The Local Area Profile - Local area profile - Torbay Council has assessed the key characteristics of the local area in the context of gambling -related harm. This	The Policy seeks to allow licensed premises the legitimate opportunity to undertake licensed gambling activities providing that they are lawful and within their licensing requirements.	The Local Area Profile will be reviewed regularly with the Director of Public Health.	Licensing Officers and other authorised officers.

	sits aside the council's statement of principles and provides information to assist applicants in gauging a better understanding of the types of people who are at risk of being vulnerable to gambling related harm, where they are located and any current or emerging problems that may increase the risk.	Licensed premises must also have procedures in place to protect vulnerable persons from gambling irresponsibly. There are no other equality restrictions other than to protect children and young persons from age restricted gambling activities.		
Public Health impacts (Including impacts on the general health of the population of Torbay)	The Local Area Profile - <u>Local area profile - Torbay Council</u> has assessed the key characteristics of the local area in the context of gambling -related harm. This sits aside the council's Statement of Principles and provides information to assist applicants in gauging a better understanding of the types of people who are at risk of being vulnerable to gambling related harm, where they are located and any current or emerging problems that may increase the risk.	The Policy seeks to allow licensed premises the legitimate opportunity to undertake licensed gambling activities for the benefit of national and local needs. There are no equality restrictions of who can be a premises licence holder. Local communities have an opportunity to visit these premises if they wish.	The Local Area Profile will be reviewed regularly with the Director of Public Health.	Licensing Officers and other authorised officers.
Human Rights impacts	There are no human rights impact with regards to the Gambling Act. The Council ensures it complies with the legislative requirements.	The Policy seeks to promote flexibility and fairness to all premises licence holders by balancing the lawful right of charities to collect without undue inconvenience to the general public.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	The Policy will grant permits/licenses to any licensed operators that conform to the requirements of this policy. Gambling premises cannot allow anyone under 18 years of age to enter the premises at any time.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
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10. Cumulative Council Impact

None

11. Cumulative Community Impacts

None

Appendix 1: Responses from the Consultation

Responses from the online form

Six responses were received to the online consultation. Five of these were from members of the public and one as from a local community group representative.

Question 1: Do you have any comments on the additional information in the Enforcement section? These additions are to explain how routine inspections will be undertaken and the documentation that will be reviewed during the visit.

Yes	0
No	4
No response	2

Page 246

Question 2: Do you have any comments on the proposed new section on Gambling Prevalence and Social Responsibility? This section outlines gambling related harm; the necessity for policies and procedures and marketing communications to promote social responsibility.

Yes – 1 with the following comment	All advertising on gambling should be banned full stop and gambling establishments forced to take far more responsibility for the very negative consequences that it has on addiction. Having witnessed this first hand from a member of my own family, I know that the gambling establishments take no responsibility whatsoever for the damage they inflict on people's lives. They simply cover their own backs by complying with the barest minimum legal requirements to include a reference to Gamble Aware, without any further reference to the real threat of addiction from this heinous so called entertainment. Any Council that supports such establishments loses my vote immediately.
No	3
No response	2

Question 3: Do you have any comments on the new section on Test Purchasing? This section requires any results of underage test purchasing to be shared with authorities during inspections.

Yes – 1	Yes, I think that this is a good idea
No	3
No response	2

Question 4: Do you have any comments on the proposed new section on the application process? This includes more detail about the information required on the application form.

Yes	0
No	4
No response	2

Question 5: Do you have any comments on the additional information in the Premises Location section? This provides an explanation of what factors are considered when determining if a premises location is suitable.

Yes – 3	<ul style="list-style-type: none"> • Not relevant as none should ever be approved. • Should not be on the high street • I think this should consider Highstreet planning more, they are now present throughout our town centres, and they do not support regeneration or how the community engages in the town centre. I don't have an issue with gambling, but they do not drive up foot fall for the general public and they always look awful. I understand that there is a need for more shops to be filled, but there should be more consideration to long term effects.
No	2
No response	1

Question 6: Do you have any comments on the proposed new section on Plans? This section explains what information needs to be in the plan with the application for a premises licence.

Yes – 3	<ul style="list-style-type: none"> • None again as should never even be considered for planning permission. • Not on the high street • Yes, the more comprehensive the plans, the better informed a decision will be.
No	1
No response	2

Question 7: Do you have any comments on the proposed new section on Vessels and Vehicles? This section explains how applications are dealt with.

Yes – 1	Yes, I agree with the logic under section 33 Vessels and Vehicles
No	3
No response	2

Question 8: Do you have any comments on the additional information in the Reviews section? This provides more detail about how a review application is processed and what options are available to the Licensing Authority.

Yes	0
No	4
No response	2

Question 9: Do you have any comments on the additional information in the Unlicensed Family Entertainment Centre (UFEC) section? This section provides more information about the application process for an UFEC and the supporting documents required. It also includes a detailed section about children and gambling-related harm.

Yes – 2	<ul style="list-style-type: none"> • Not nearly strong enough. Simply uses legal jargon to get around taking any social and moral responsibility for the real harm that gambling causes. • Keep children away from gambling
No	2
No response	2

Question 10: Do you have any comments on the additional information in the Alcohol Licensed Premises – Gaming Machines Permits section? This includes a new section on applying for permits for three or more machines and the information required to support the application.

Yes	0
No	4
No response	2

Question 11: Do you have any comments on the additional information added to the Club Gaming Permits and Club Machine Permits section? This explains what a bonafide club is and the evidence required. It also includes information about where gaming machines should be sited.

Yes – 2	<ul style="list-style-type: none"> • None – just say NO! • Should not be allowed in clubs
No	2
No response	2

Question 12: Do you have any comments on the proposed new section on Small Society Lotteries? This section details the types of lotteries and the requirements for applying and renewing small society lottery registrations.

Yes	0
No	4
No response	2

Question 13: Do you have any comments on the proposed new appendix 2 on child sexual exploitation. This section details how gambling premises licence and permit holders and their employees can help tackle child sexual exploitation.

Yes - 3	<ul style="list-style-type: none"> • This is important to protect vulnerable children from harm • As if they would bother to help with this when there are serious profits to be made. • Children should not be anywhere with gambling • Yes, this is an important opportunity for licence and permit holders and their employees to identify victims which could liberate children and young people from exploitation. This is definitely a positive.
0	
No response	2

Question 14: Do you have any other comments on the proposed amendments of the Council's Gambling Act 2005 Statement of Principles (Gambling Policy)?

Yes - 4	<ul style="list-style-type: none"> • It is important to have robust policies to protect people from gambling-related harm • Shame on the Council for even considering allowing any gambling permits whatsoever to be approved. • I would like to see less licences granted • The only gambling I believe we should allow in Torbay is family friendly locations such as arcades, no betting shops, no Casinos. Bingo= fine, Arcades=fine, pubs having 1 or 2 machines=fine anything else No! The bay is one of the poorest places in the UK and gambling is not something we should be allowing
No	1
No response	1

Page 25

One written response was received (the full letter can be found in the Appendix 1 pdf document attached):

Response received from a Solicitors on behalf of the Betting and Gaming Council	Comments
<p>The new section 9 in Part A is headed, "Gambling Prevalence and Social Responsibility." The first two subsections, however deal entirely with "Harmful gambling" and "gambling related harm" citing an LGA publication, "Tacking (sic – this is misspelt in the draft) Gambling Related Harm: A Whole Council Approach." These two subsections should be deleted. The purpose of the statement of principles is to outline the principles that the Licensing Authority will apply when exercising its functions (s349 GA 2005) and not to include material out of context and which is potentially highly prejudicial to applicants.</p>	<p>Thank you for your feedback. A number of local authorities refer to other guidance within their policies. This assists applicants, Councillors and members of the public in understanding the issues and how the business can reduce the risk of gambling related harm. This publication encourages a 'whole council approach' to tackling gambling related harm and therefore we have included this within the Statement of Principles.</p>

<p>Any responsible authority or “other person” could refer to localised figures or issues if relevant in a representation to a new premises licence application. However, the precis contained within these two subsections without context has no place in a Licensing Authority’s statement of principles and should therefore be deleted.</p>	
<p>Thereafter, subsections 9.3 to 9.5 explain the requirements for operators to comply with the LCCP. Again this is nothing to do with the principles the Licensing Authority will apply and we question the need for these paragraphs within the draft Statement of Principles.</p>	<p>A number of local authorities refer to the Licensing Conditions and Codes of practice (LCCP) within their policies. This is to assist the new applicants, Councillors and members of the public about the requirements imposed to the businesses by these codes of practices.</p> <p>It is important that the reader understands that there are already specific requirements in place. This could avoid representations that are based on misunderstandings or made on an erroneous basis.</p>
<p>Sections 12 and 23 refers to premises licence conditions. Section 23 would be assisted by clear statement that the mandatory and default conditions are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objectives and that additional conditions will only be considered where there is clear evidence in the circumstances of the a particular case that it is necessary supplement the mandatory and default conditions due to a particular identified risk to the licensing objectives.</p>	<p>Section 23.1 of the draft statement did advise that any additional conditions attached to licences will only be imposed where there is evidence of a risk to the licensing objectives. However, we have amended the Licensing Conditions section to make this clearer and to provide more detail.</p>
<p>Section 17 refers to “sensitive areas” and indicates that the Licensing Authority may consider imposing restrictions on advertising gambling facilities (Subsection 17.3). This subsection should be removed as advertising gambling facilities is already</p>	<p>This is included in other local authority statements. The Licensing Authority consider this to be relevant. The advertising that you are referring to is related to direct business to customers. The wider non-discriminate advertising of gambling facilities must be a concern to the Licensing Authority from a</p>

<p>covered by social responsibility codes. The Licensing Authority should be careful not to trespass into areas for which the Gambling Commission has responsibility and powers of enforcement.</p>	<p>safeguarding perspective. For example, it would not be appropriate for a billboard or a premises advertising slots directly opposite a secondary school.</p>
<p>Section 21 contains a list of bullet points that the Licensing Authority expects operators to consider when undertaking a risk assessment. This bullet point list needs to be redrafted as it refers to issues that cannot be relevant to an assessment of risk to the licensing objectives. For example, the reference to gaming trends that mirror pay days or benefit payment days cannot be relevant unless the authority has predetermined that those in receipt of benefits are automatically vulnerable or are more predisposed to crime associated with gambling than others. We are certain that these conclusions are not those of the licensing Authority.</p>	<p>Section 21 was contained within the original Statement of Principles and has not been altered during this review.</p> <p>However, we have considered your comments and have removed the second bullet point 'Gambling trends that may mirror days for financial payments such as pay days or benefit payments'.</p>
<p>Section 31 deals with betting premises but inexplicably section 31.2 refers to gaming machines in alcohol-licensed premises. As a betting office may not sell alcohol, this reference should be removed. We suspect that the reference here should be to betting machines.</p>	<p>Thank you for bringing this to our attention. We have removed the paragraph which refers to the gaming machines in alcohol – licensed premises i.e.:</p> <p>businesses/guide/gaming-machine-categories</p> <p>31.2 The Licensing Authority may only limit the number of permitted gaming machines where it relates to an alcohol-licensed premises which holds a gaming machine permit. In such cases, the Licensing Authority will have regard to the following:</p> <ul style="list-style-type: none"> • The size of the premises. • The number of counter positions available for person-to-person transactions. • The ability of staff to monitor the use of the machines by persons under 18 years of age or vulnerable persons.

Page 258

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By Email Only
Licensing Section
Torbay Council

Date: 19th August 2024

Dear Torbay Council,

Re: Gambling Act 2005 Statement of Principles for Gambling

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four objectives. These are to:

1. create a culture of safer gambling throughout the betting and gaming sector, with a particular focus on young people and those who are vulnerable.
2. ensure future changes to the regulatory regime are considered, proportionate and balanced.
3. become respected as valuable, responsible, and engaged members of the communities in which its members operate.
4. safeguard and empower the customer as the key to a thriving UK betting and gaming industry.

BGC members support 110,000 jobs, generate £4.2 billion in taxes and contribute £7.1 billion to the economy in GVA (Gross Value Added), according to a report by EY in 2022.

Betting shops alone also support 42,000 jobs on the UK's hard-pressed high streets, contributing £800 million a year in tax to the Treasury and another £60m in business rates to local councils. Further, according to ESA Retail report 89% of betting shop customers go on to spend money in other high street establishments, further cementing the important role of betting shops in the local economy.

BGC members also support the UK's hospitality, tourism and leisure industry through our casinos – there are currently 116 across the UK. Overall, we are a major component of world leading British technology, where our members have founded tech powerhouses in many cities throughout the UK.

Betting is a hugely popular British leisure activity. Each month, around 22.5 million adults in the UK have a bet - whether it's buying a lottery ticket, having a game of bingo, visiting a casino, playing online or having a wager on football, horseracing and other sports - and the overwhelming majority do so perfectly safely and responsibly.

BGC members are proud to support UK sport, from the grassroots to the elite level. The industry contributes around £350 million to racing in levy, media, and sponsorship rights each year, £40 million to the EFL (English Football League), and £12.5 million to snooker, darts, and rugby league.

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Any consideration of gambling licensing at the local level should also be considered within the broader context.

The raft of measures recently put in place by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission, and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures, and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act (see further details on problem gambling rates below).

In addition, a range of further measures will be implemented imminently following the Government's White Paper, published in April 2023. These include: financial risk checks for those at risk of gambling harm, changes to the way operators market to their customers, changes to online game design which will remove certain features, the introduction of a mandatory levy for research, prevention and treatment (RPT) activities, an Ombudsman to adjudicate on customer redress and the introduction of mandatory stake limits on online slots, bringing the maximum stakes online in line with land based casinos.

It should also be noted that:

- The overall number of betting shops is in decline. Industry statistics set out that the number of betting shops (as of June 2024) is 5870. This is reducing yearly and has fallen by 29% since March 2019 – equating to 2408 betting shop closures in five years.
- Planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019, a maximum stake of £2 was applied to the operation of fixed odds betting terminals.

- Successive prevalence surveys and health surveys show that problem gambling rates in the UK are stable.

Problem Gambling

A point often lost in the debate about the future of gambling regulation is that problem gambling rates in the UK are low by international comparison.

The most recent “Gold standard” NHS (National Health Service) Health Survey found that problem gambling rates among adults are 0.4 per cent – the rate was 0.5 per cent in 2018. In comparison to other European countries, problem gambling rates in the UK are low. The problem gambling rate is 2.4 per cent in Italy, 1.4 per cent in Norway, and 1.3 per cent in France.

Both the Gambling Commission and the Government have acknowledged that problem gambling levels have not increased. However, one problem gambler is one too many, and we are working hard to improve standards further across the regulated betting and gaming industry.

In June 2020, the BGC’s largest members committed to increasing the amount they spend on RPT (Research, Prevention and Treatment) services from 0.1 per cent to 1 per cent in 2023. This was expected to raise £100 million but they have gone further and will have donated £110 million by 2024.

In the White Paper, the Government committed to introducing a statutory RPT (Research, Prevention and Treatment) levy, which would apply to all gambling licensees (excluding the national lottery). This levy is expected to raise £100m annually by 2026/2027.

The BGC also funds the £10 million Young People’s Gambling Harm Prevention Programme, delivered by leading charities YGAM and GamCare. As of March last year (2023), it has educated over 3 million children.

Advertising and Sponsorship

All betting advertising and sponsorship must comply with strict guidelines, and safer gambling messaging must be regularly and prominently displayed.

The Government has previously stated that there is “no causal link” between exposure to advertising and the development of problem gambling, as stated in a response by then Minister of State at DCMS in June 2021. The Gambling Review White Paper, in relation to advertising, restated that there was “little evidence” of a causal link with gambling harms or the development of gambling disorder.

The Seventh Industry Code for Socially Responsible Advertising, adopted by all BGC members, adds a number of further protections in particular for young people. New measures include ensuring that all social media ads must target consumers aged 25 and over unless the website proves they can be precisely targeted at over-18s. In addition to raising advertising standards for young people, this

code, which came into force on 1 December 2023, extended the previous commitment that 20% of TV and radio advertising is devoted to safer gambling messaging to digital media advertising.

Under the ‘whistle-to-whistle’ ban, ads cannot be shown from five minutes before a live sporting event until five minutes after it ends, before the 9 p.m. watershed. Research by Enders Analysis found that in its first 12 months in operation, the ban reduced the number of TV betting adverts seen by children by 97% at that time. Overall, the number of gambling adverts viewed by young people also fell by 70% over the entire duration of live sports programmes. At the same time, the ban also reduced the number of views of betting ads by 1.7 billion during its first five months in operation.

BGC members also continue to abide by the stringent measures established by advertising standards watchdogs. These measures are in stark contrast to the unsafe, unregulated black market online, which has none of the safer gambling measures offered by BGC members, including strict age-verification checks. Any withdrawal of advertising would simply level the playing field with illegal operators thus providing opportunities for those operators to peel off customers from the regulated markets.

Misleading/ambiguous premises signage

There are increasing numbers of premises (usually Adult Gaming Centres) which describe themselves on their shopfronts and external signage as casinos despite these premises not being permitted to operate as a casino.

Section 150 Gambling Act 2005 creates five separate classes of premises licences – the operation of a casino (a casino premises licence), the provision of facilities for the playing of bingo (a bingo premises licence) , making category B gaming machines available for use (an adult gaming centre premises licence), making category C gaming machines available for use (a family entertainment centre premises licence) and the provision of facilities for betting (a betting premises licence). Whilst casinos are permitted under a casino premises licence to provide bingo and betting facilities, the holder of an adult gaming centre premises licence may not offer casino facilities.

In order to avoid any ambiguity, the draft statement of principles should be clear that premises must not display signage which may suggest that the premises have a different premises licence to the one held.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important to clearly distinguish between the regimes, processes, and procedures established by the Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities—the regimes, processes, and procedures relating to the Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, which are then converted into premises licence conditions, there is no such

requirement in Gambling Act 2005 applications, where the LCCP provides a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in the Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances with clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In most cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry employs a policy called "Think 21". This policy is successful in preventing underage gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission shows that ID challenge rates are consistently around 85%. Following the publication of the Gambling Commission's response to their consultation on age verification on premises, all gambling venues will be moving to a "Think 25" policy from 30th August 2024.

Since Serve Legal began working with the gambling sector in 2009, the industry has now become the highest performing sector across all age verification testing. Across thousands of audits, there was an average pass rate of 91.4 per cent (2024 data). For casinos, there is a near perfect pass rate in the last period of 98%. When comparing Serve Legal audit data between members of the BGC and comparative age verification audit data in the Alcohol and Lottery sector we see how the gambling sector is performing between 10-15 per cent higher every year.

It should be noted that the Executive Summary of the Gambling White Paper stated that when parliamentary time allows, the Government will align the gambling licensing system with that for alcohol by introducing new powers to conduct cumulative impact assessments.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no precise requirements regarding the need for evidence in the revised licensing policy statement. If additional licence conditions are more commonly applied, this would increase variation across licensing authorities and create uncertainty amongst operators regarding licensing requirements, overcomplicating the licensing process for operators and local authorities.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships between betting and gaming operators and licensing authorities and that problems can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this, and the opportunity to respond to this consultation is welcomed.

Considerations Specific to the Gambling Act 2005 Statement of Licensing Principles

The new section 9 in Part A is headed, "Gambling Prevalence and Social Responsibility." The first two subsections, however deal entirely with "Harmful gambling" and "gambling related harm" citing an LGA publication, "Tacking (sic – this is misspelt in the draft) Gambling Related Harm: A Whole Council Approach." These two subsections should be deleted. The purpose of the statement of principles is to outline the principles that the Licensing Authority will apply when exercising its

functions (s349 GA 2005) and not to include material out of context and which is potentially highly prejudicial to applicants. Any responsible authority or “other person” could refer to localised figures or issues if relevant in a representation to a new premises licence application. However, the precis contained within these two subsections without context has no place in a Licensing Authority’s statement of principles and should therefore be deleted.

Thereafter, subsections 9.3 to 9.5 explain the requirements for operators to comply with the LCCP. Again this is nothing to do with the principles the Licensing Authority will apply and we question the need for these paragraphs within the draft Statement of Principles.

Sections 12 and 23 refers to premises licence conditions. Section 23 would be assisted by clear statement that the mandatory and default conditions are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objectives and that additional conditions will only be considered where there is clear evidence in the circumstances of the a particular case that it is necessary supplement the mandatory and default conditions due to a particular identified risk to the licensing objectives.

Section 17 refers to “sensitive areas” and indicates that the Licensing Authority may consider imposing restrictions on advertising gambling facilities (Subsection 17.3). This subsection should be removed as advertising gambling facilities is already covered by social responsibility codes. The Licensing Authority should be careful not to trespass into areas for which the Gambling Commission has responsibility and powers of enforcement.

Section 21 contains a list of bullet points that the Licensing Authority expects operators to consider when undertaking a risk assessment. This bullet point list needs to be redrafted as it refers to issues that cannot be relevant to an assessment of risk to the licensing objectives. For example, the reference to gaming trends that mirror pay days or benefit payment days cannot be relevant unless the authority has predetermined that those in receipt of benefits are automatically vulnerable or are more predisposed to crime associated with gambling than others. We are certain that these conclusions are not those of the licensing authority.

Section 31 deals with betting premises but inexplicably section 31.2 refers to gaming machines in alcohol-licensed premises. As a betting office may not sell alcohol, this reference should be removed. We suspect that the reference here should be to betting machines.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope these comments above are helpful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

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Gambling Act 2005 Statement of Licensing Principles

Effective from 31 January 2025 – 30 January 2028

Contents

Part A - Overview	4
1 Introduction.....	4
2 The Licensing Objectives	5
3 Torbay Council Area Overview	5
4 Declaration	6
5 Representations – Licensing Applications.....	6
6 Interested Parties	6
7 Exchange of Information.....	7
8 Enforcement	8
9 Licensing Authority Functions.....	9
10 Gambling Prevalence and Social Responsibility	10
11 Test Purchasing	11
Part B – Premises Licences	11
12 General Principles.....	11
13 Guiding Principles	11
14 Decision Making Process.....	12
15 Definition of Premises	13
16 Provisional Statements – Premises not yet ready for Gambling	14
17 Applications	14
18 Premises Location	15
19 Plans.....	15
20 Duplication with other Regulatory Regimes	16
21 Licensing Objectives	16
22 Local Area Risk Assessments	19
23 Local Area Profile.....	21
24 Licence Conditions.....	21
25 Buildings divided into more than one premises.....	23
26 Access to Premises	24
27 Material amendments to the premises	26
28 Adult Gaming Centres (AGC)	26
29 (Licensed) Family Entertainment Centres (FEC)	27
30 Casino Premises.....	28

31	Bingo Premises Licence	28
32	Betting Premises Licence	30
33	Track Premises Licence.....	31
	General	31
	Gaming Machines at Tracks	32
	Betting Machines at Tracks.....	32
	Conditions on Rules being Displayed at Tracks.....	32
	Applications and Plans for Tracks.....	32
	Self-Contained Premises on Tracks.....	33
34	Vessels and Vehicles.....	33
35	Travelling Fairs	33
36	Reviews	34
	Part C – Permits and Temporary and Occasional Use Notices.....	36
37	Unlicensed Family Entertainment Centre (UFEC)	36
38	Alcohol Licensed Premises – Gaming Machine Permits.....	39
	Automatic Entitlement: Two Machines	39
	Permit: Three or more machines.....	40
39	Prize Gaming Permits – Statement of Principles on Permits	41
40	Club Gaming Permits and Club Machine Permits	42
41	Temporary Use Notices	44
42	Small Society Lotteries	44
43	Occasional Use Notices.....	46
	Part D - Appendices	47
	Appendix 1 – Consultation.....	47
	Appendix 2: Child Sexual Exploitation and Trafficking of Children and Young People.....	48
	How gambling premises licence and permit holders and their employees can help tackle child sexual exploitation	48
	Appendix 3 - Small Casino Licence.....	50

Part A - Overview

1 Introduction

- 1.1 This Statement of Principles is published in accordance with the requirement set out in the Gambling Act 2005 (hereinafter referred to as 'the Act') requiring the Licensing Authority to prepare and publish a Statement of Principles that sets out the principles that the Licensing Authority proposes to apply when exercising its functions.
- 1.2 This Statement was written in accordance with legislation and guidance in place at the time of publication. It includes details of the steps taken in relation to its preparation and details of the policies to which the Licensing Authority will have regard in determining applications submitted under the Act. It is intended to comply with and fulfil the requirements of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006 No. 636).
- 1.3 The Licensing Authority consulted widely on this Draft Statement of Principles 2025-2028, before approving and publishing the finalised 'Statement of Principles 2025-2028. The consultation period commenced 12 July 2024 and concluded on 23 August 2024.
- 1.4 It should be noted that this Statement of Principles 2025-2028 will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each application will be considered on its own merits and in accordance with the statutory requirements of the Act.
- 1.5 This Statement of Principles 2025-2028 was approved and adopted by Torbay Council on 5 December 2024 and is effective from 31 January 2025.
- 1.6 The Gambling Commission was set up under the Act to regulate gambling in Great Britain in partnership with licensing authorities. The Commission is an independent non-departmental public body sponsored by the Department for Digital, Culture, Media and Sport (DCMS) whose work is funded by fees set by DCMS and paid by the organisations and individuals whom the Commission licences.

The Commission issues operating licences for gambling operators and, through effective regulation and public engagement, ensure that crime is kept out of gambling, that gambling is fair and open, and that children and the vulnerable are protected. The Commission works closely with other regulators, including licensing authorities and with bodies such as the Police and HM Revenue and Customs to regulate the gambling industry. Further information can be found at www.gamblingcommission.gov.uk/about-us.

The Commission has issued guidance in accordance with Section 25 of the 2005 Act about the manner in which licensing authorities exercise their licensing functions under the Act and in particular, the principles to be applied.

The Commission will also issue Codes of Practice under section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at: www.gamblingcommission.gov.uk

1.7 Torbay Council is designated as a Licensing Authority for the purposes of the Gambling Act 2005 and is therefore responsible for granting premises licences within its district in respect of:

Casino premises

Bingo Premises

Betting premises, including tracks

Adult Gaming Centres

Family Entertainment Centres

2 The Licensing Objectives

2.1 In exercising its functions under the Gambling Act 2005, the Licensing Authority will have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

[The Act defines a 'Child' as an individual who is less than 16 years old; and defines a 'Young Person' as an individual who is not a child but who is less than 18 years old].

2.2 In making decisions in relation to premises licences the Licensing Authority will, in accordance with Section 153 of the Act, aim to permit the use of premises for gambling in so far as it thinks that use will be:

- In accordance with any relevant code of practice issued by the Gambling Commission, available here: <https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp>
- In accordance with any relevant guidance issued by the Gambling Commission, available here: <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>.
- Reasonably consistent with the Licensing Objectives (subject to the above).
- In accordance with Torbay Council's 'Statement of Principles', issued under the Act (subject to the above).

3 Torbay Council Area Overview

3.1 Torbay is situated on the South Devon coast, on the southwest peninsular of England and comprises the three towns of Torquay, Paignton and Brixham. Torbay is an outstanding coastal destination, including 22 miles of coastline, which was recognised as a Global Geopark in 2007. The Council area is mainly urban, comprising the three bay towns of Torquay, Paignton, and Brixham; please refer to a map of the Torbay area in the [Local Area Profile](#).

4 Declaration

- 4.1 In producing this Statement of Principles 2025-2028, the Licensing Authority declares that it has had regard to the Licensing Objectives of the Act and the most recent Gambling Commission's '[Guidance to Licensing Authorities](#)', updated 11 April 2023. The Licensing Authority will have regard to changes in legislation, court judgments and any updated guidance issued by the Gambling Commission where it is appropriate to the application under consideration.

5 Representations – Licensing Applications

- 5.1 Only responsible Authorities and Interested Parties may make representations. Where there are representations, the Licensing Authority will encourage negotiation between the objector and the applicant as to the possible use of conditions on the licence.
- 5.2 Where there are representations, the Licensing Authority will determine whether or not they will be admissible and will consider carefully whether the representations are relevant. Relevant representations must:
- i) Be related to the three Licensing Objectives
 - ii) Raise issues under the Gambling Statement of Principles
 - iii) Raise issues under the Gambling Commission Guidance
 - iv) Raise issues under the Gambling Commission's Code of Practice.
- 5.3 Representations are not relevant where for example they can be addressed by other legislation, such as noise nuisance.
- 5.4 Before a decision is made as to whether it is relevant or not, the Licensing Authority will consider:
- Who is making the representation and whether there is a history of making representations that are not relevant.
 - Whether or not it raises a relevant issue
 - Whether it raises issues specifically to do with premises that are subject of the application
- 5.5 The Licensing Authority strongly recommends that representations are submitted by email to the relevant area licensing address at the earliest opportunity prior to the end of the prescribed consultation period to licensing@torbay.gov.uk

6 Interested Parties

- 6.1 'Interested Parties' can make representations to the Licensing Authority in respect of an application for a 'Premises Licence' or in respect of an application for a 'Provisional Statement', submitted to the Licensing Authority by an applicant, under the Act.
- 6.2 Interested parties can also initiate, (or make representation in respect of), a review of a Premises Licence, the detail of which is outlined at Section 28 of this 'Statement of Principles', under the heading of 'Reviews'.
- 6.3 The Act states that a person is an 'Interested Party', if in the opinion of the Licensing Authority, that person:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities.
 - b) Has business interests that might be affected by the authorised activities, or
 - c) Represents persons who satisfy the criteria at paragraph a) or b).
- 6.4 Persons at a) include trade associations, trade unions, and residents' and tenants' associations. However, the Licensing Authority will not generally view these bodies as interested parties, unless they have a member who satisfies the criteria in paragraphs a) or b) above; and they have written Authority of representation.
- 6.5 'Interested Parties' can also be persons who are democratically elected, such as Councillors, (including Town Councillors), and Members of Parliament. In such circumstances, no specific evidence of being 'asked' to represent an interested person will be required, provided the relevant Elected Member represents the ward or town likely to be affected.
- 6.6 The Licensing Authority will apply the following principles in determining whether a person or body is an interested party for the purposes of the Act:
- Each case will be decided upon its own merits subject to the Licensing Objectives and to any requirements imposed by the Act.
- 6.7 The Licensing Authority will not apply a rigid rule to its decision making.
- 6.8 The Licensing Authority will have regard to any guidance issued by the Gambling Commission with regard to the status and interpretation of 'Interested Parties'.
- 6.9 In respect of any representation made by an interested party, the Licensing Authority may disregard the representation if it considers that the representation is frivolous, vexatious or will certainly not influence the Authority's determination of the application.
- 6.10 The following are examples of grounds which may be discounted by the Licensing Authority.
- Representations which relate to the objection to gambling activity generally, for instance on moral or ethical grounds.
 - Representations in relation to the demand or unmet demand for gambling premises.
 - Representations in relation to planning matters.
 - Public Safety issues.
 - Traffic congestion issues.
 - Public Nuisance.

7 Exchange of Information

- 7.1 The Licensing Authority will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes a provision that the General Data Protection Regulations will not be contravened. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant Regulations issued by the Secretary of State under the powers provided in the Act.
- 7.2 The Council will work closely with the Gambling Commission, Devon and Cornwall Police and with Responsible Authorities where there is a need to exchange information on specific

premises. Should any protocols be established in respect to the exchange of information with other bodies then they will be made available.

- 7.3 The privacy of those making representations will be respected, but it may be necessary for the identity of those making representations to be passed onto Responsible Authorities and the Gambling Commission for the purpose of determining licensing applications or in any subsequent appeal that may be made.

8 Enforcement

- 8.1 The main enforcement and compliance role for the Licensing Authority in terms of the Act is to ensure compliance with the Premises Licences and other permissions which it authorises.
- 8.2 This Authority adopts a graduated approach to enforcement and when seeking to resolve or address issues the general expectation of the Authority is that operators promptly work alongside the Licensing Authority in taking remedial action. However, where a serious issue is identified, it is likely that the Authority will immediately initiate some form of enforcement action.
- 8.3 In discharging its responsibilities under the Act with regard to inspection and enforcement regimes, the Licensing Authority will have regard to any guidance issued by the Gambling Commission and Torbay Council 'Enforcement and Prosecution Policy' and will endeavour to be:
- Proportionate: The Licensing Authority will only intervene when it is deemed necessary, and remedies will be appropriate to the risk posed; costs will be identified and minimised.
 - Accountable: The Licensing Authority will ensure that it can justify decisions and will provide facilities for the public scrutiny of decisions taken.
 - Consistent: The Licensing Authority will ensure that rules and standards are 'joined up' and implemented fairly.
 - Transparent: The Licensing Authority will be open and will endeavour to keep regulations simple and user friendly.
 - Targeted: The Licensing Authority will endeavour to focus on the problem, minimise side effects and avoid duplication with other regulatory regimes.
- 8.4 The Licensing Authority has adopted and implemented a risk-based/intelligence led inspection programme, based on:
- The Licensing Objectives.
 - Relevant codes of practice - <https://www.gamblingcommission.gov.uk/authorities/guide/codes-of-practice>
 - Guidance issued by the Gambling Commission - <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>
 - The principles set out in this 'Statement of Principles 2025-2028.
 - Regulators Code - Regulators' Code - GOV.UK (www.gov.uk)
 - Departmental and Partner Agency intelligence.

- 8.5 The Council will undertake routine inspections using the premises assessment templates available at [Premises assessments toolkit and Primary Authority agreements \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/premises-assessments-toolkit-and-primary-authority-agreements)
- 8.6 During proactive or pre-planned compliance visits the Licensing Enforcement Officers will review documentation including:
- Site Plan to ensure this reflects the actual layout of the premises.
 - Local area risk assessments.
 - Training policies and training undertaken by staff.
 - Records of refusals to serve or admit on age grounds.
 - The premise's approach to managing self-exclusion, how the premises fulfils the requirement to participate in multi-operator schemes and the numbers of people currently self-excluded.
 - The involvement or impact of any work in local gambling schemes such as Betwatch.
 - That appropriate signage and information is in place.
- 8.7 The Gambling Commission has the following principal statutory functions:
- issuing operating and personal licences to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions, and ensuring that holders of licences adhere to their terms
 - publishing codes of practice
 - publishing statutory guidance to licensing authorities.
- 8.8 The Commission also has a duty to advise the Secretary of State on gambling and its regulation.

9 Licensing Authority Functions

- 9.1 The Licensing Authority has a duty under the Act to:
- Issue 'Premises Licences' where gambling activities are to take place.
 - Issue 'Provisional Statements' where gambling activities may take place.
 - Regulate 'Members Clubs' that wish to undertake certain regulated gaming activities by issuing 'Club Gaming Permits' or 'Club Machine Permits'.
 - Issue 'Club Machine Permits' to 'Commercial Clubs'.
 - Grant 'Permits' for the use of certain lower stake gaming machines at 'Unlicensed Family Entertainment Centres'.
 - Receive 'Notifications' from premises licensed under the Licensing Act 2003, (for the sale and consumption of alcohol on the premises), for the use of up to two gaming machines on the premises.
 - Grant 'Licensed Premises Gaming Machine Permits' for premises licensed under the Licensing Act 2003, (for the sale and consumption of alcohol on the premises), where there are more than two machines on the premises.
 - Register 'Small Society Lotteries' below prescribed thresholds.
 - Issue 'Prize Gaming Permits'.
 - Receive and endorse 'Temporary Use Notices'.
 - Receive 'Occasional Use Notices'.
 - Provide information to the Gambling Commission.

- Maintain registers of the permits and licences issued.

10 Gambling Prevalence and Social Responsibility

- 10.1 Harmful gambling is an umbrella term to describe any frequency of gambling that results in people experiencing harm. It includes those gambling at elevated risk of harm as well as those experiencing 'problem' gambling. Gambling related harm is a broad concept that impacts a wide range of people, including families, colleagues, employers and those within the wider community who may not have been involved in gambling themselves. Harms may include financial hardship, relationship breakdown, domestic abuse, mental health problems and suicidal thoughts. It is important to note that anyone can be negatively affected by gambling. Gambling behaviours occur along a continuum, with possible harms dependent on the level of exposure. Research shows that there are features of some gambling products which make them more addictive, like continuous play. (Taken from '[Tackling Gambling Related Harm: A Whole Council Approach](#)').
- 10.2 Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas. Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts ([Tackling Gambling Related Harm: A Whole Council Approach](#)).
- 10.3 Gambling Operators must comply with the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP). The social responsibility code requires gambling operators to have and put into effect policies and procedures to promote socially responsible gambling and these should reduce the risk of and seek to identify problem gambling.
- 10.4 The requirements on gambling premises under the social responsibility code are based upon key areas:
- **Provision of information on gambling responsibly** – for example, the availability of time or monetary limits for players and information on where to get help and advice about gambling.
 - **Customer interaction** – licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include staff training and the types of behaviour that may trigger an intervention or where staff may consider refusing services to customers.
 - **Layout of the premises** - operators must ensure that the layout of a gambling premises supports the effective supervision of the premises.
 - **Self-exclusion** – licensees must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling. In addition to operating their own self-exclusion schemes all licensees must offer the facility for customers to self-exclude on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.

- 10.5 Any marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited. Licensees are required to comply with the Social Responsibility Code 5 of the Code of Practice.

11 Test Purchasing

- 11.1 The results of any under-age testing that is carried out on the Gambling Premises should be shared with Licensing Officers, Trading Standards Officers or the Police, during inspections/visits and used to review the local area risk assessment (as outlined in the Social Responsibility Code 3.27).

Part B – Premises Licences

12 General Principles

- 12.1 In exercising its functions under the Act in relation to premises licences, the Licensing Authority will have regard to the provisions of the Act, Regulations drafted under the Act, the mandatory and default conditions and any guidance or codes of practice issued by the Gambling Commission.
- 12.2 The Licensing Authority may:
- Exclude default conditions from the premises licence where the exclusion does not adversely affect the Licensing Objectives.
 - Attach additional licence conditions, if it is deemed necessary to do so to ensure the operation of the licence is consistent with the Licensing Objectives.

13 Guiding Principles

- 13.1 The Licensing Authority will treat each Licensing Objective with equal importance.
- 13.2 The Licensing Authority will have regard to its responsibilities under Section 17 of the Crime and Disorder Act 1998 and within the strategic aims of the Community Safety Partnership Strategic Assessment, to do all that is reasonable to prevent crime and disorder in Torbay.
- 13.3 The Licensing Authority will have regard to its responsibilities under the European Convention on Human Rights, set out by the Human Rights Act 1998, and its statutory role as a Local Authority to fulfil the duties and responsibilities vested in it.
- 13.4 The Licensing Authority will have regard to its responsibilities under the Equalities Act 2010.
- 13.5 Torbay Council's Constitution states that the Licensing Committee shall be comprised of 15 Elected Members of the Council; with a quorum of 5, and the Licensing Sub Committee shall be comprised of 3 Elected Members of the Council; with a quorum of 3.
- 13.6 The Chair of Torbay Council's Licensing Committee will be elected at the annual meeting of the Council.
- 13.7 Torbay Council will ensure that Members and Officers are appropriately trained to carry out their duties under the Act and in accordance with Torbay Council's constitution. No Member

of Torbay Council shall sit upon the Licensing Committee or Sub-Committee unless they have received appropriate training.

- 13.8 The Licensing Authority considers that effective Licensing can only be achieved by recognising the value of all contributors and will work in partnership with the Police and other statutory services, local businesses, local people, professionals involved in child protection and all others who can contribute positively, to the successful promotion of the three Licensing Objectives.
- 13.9 Torbay Council considers that the decisions of the Licensing Authority can be a key factor of the Council effectively discharging its duties under the Section 17 of the Crime and Disorder Act 1998. Whilst the Licensing Authority will not use Licensing conditions to control anti-social behaviour by patrons once they are away from licensed premises, licence holders will be expected to demonstrate that they have taken appropriate action to minimise the potential impact of that behaviour, within the general vicinity of the licensed premises.
- 13.10 The Licensing Authority will ensure that any conditions attached to a licence will relate to matters within:
- The control of the licence holder, or,
 - The control of other persons who may have relevant licences or authorisations, in respect of the subject premises, or adjacent premises.
- 13.11 In determining any such conditions, the Licensing Authority will have regard to the Act, any guidance or codes of practice issued by the Gambling Commission and this 'Statement of Principles'.
- 13.12 Torbay Council will ensure that decisions made in relation to planning and building control legislation will be made independently of those made in respect of the Act. The Licensing Authority will not have regard to the likelihood of obtaining consents under planning or building legislation in considering any application for a premises licence, made under the Act.
- 13.13 The Licensing Committee will receive reports, compiled six-monthly, on decisions made by Officers under the provisions of the scheme of delegation.
- 13.14 The Licensing Authority will, where relevant to its functions under the Act, have regard to and promote [Torbay Council's Economic Growth Strategy](#) which forms part of the Council's Policy Framework.
- 13.15 Section 156 of the Act requires licensing authorities to maintain a register of the premises licences that it has issued. The register must be made available, at any reasonable time, to the public who may request copies of the entries. The Licensing Authority achieves this requirement using an online register which is accessible via the Council's website - [Torbay Council - Licensing & Public Protection.](#)

14 Decision Making Process

- 14.1 In making decisions about premises licences, in accordance with section 153 of the Gambling Act 2005, the Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it is:
- In accordance with any relevant codes of practice issued by the Gambling Commission.
 - In accordance with any relevant guidance issued by the Gambling Commission.
 - Reasonably consistent with the Licensing Objectives (subject to the above).

- In accordance with the Licensing Authority's 'Statement of Principles 2025-2028' (subject to the above).

14.2 In determining a premises licence application, the Licensing Authority shall not have regard to any objections which are deemed to be raised on moral or ethical grounds, nor will it be concerned with matters of sufficiency of, or unmet demand for, gambling facilities. Each application must be considered on its own merits without regards to demand.

15 Definition of Premises

15.1 In deciding if parts of a given building constitute premises in their own right, the Licensing Authority will have due regard to the definition of premises meaning "any place" as set out in Section 152 of the Act and any guidance issued by the Gambling Commission and any decisions handed down by the Courts.

15.2 The Act allows for a single building to be subject to more than one premises licence, provided those premises licences are for different parts of the building, and the different parts of the building can reasonably be regarded as being 'different premises'. This provision exists to allow large multiple unit premises, such as a pleasure park, pier, track or shopping mall, to obtain separate premises licences. However, this does not mean that a premises cannot be the subject of a separate licence for example the basement and ground floor, if they are configured to a standard approved by the Licensing Authority.

The Licensing Authority will pay particular attention, as recommended by Gambling Commission at 7.5 of its Guidance to Local Authorities (<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>), if there are issues about sub-division of a single building or plot and will ensure any applicable mandatory conditions relating to access between premises are observed. The Licensing Authority does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.

15.3 The Licensing Authority will pay particular attention, as referenced above, to premises licence applications and applications for permits, such as UFEC's, where access to the proposed licensed premises, can only be made by passing through other premises; being other premises which may or may not have the benefit of licences in their own right.

15.4 The Licensing Authority will also take particular care in considering applications for multiple licences for a building and/or those relating to a separate part of a building used for other (non-gambling) purposes. In particular, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable, so that the separation of different premises is not compromised, and that people do not 'drift' into a gambling area.

15.5 Where access to the proposed licensed premises or an area covered by a permit such as a UFEC, cannot be made directly from the public highway the Licensing Authority will consider specific issues before granting such applications, for example:

- The general access arrangements of the premises.
- The structural integrity and nature of any premises separation.
- Whether persons under 18 years of age can gain access to or have sightlines into the premises.
- The compatibility of adjacent establishments.

- Supervision and monitoring systems.
- The nature and legitimacy of any unlicensed areas providing separation of licensed premises.
- The overall ability to comply with the requirements of the Act, specifically but not exhaustively, the mandatory and default Licensing conditions.

16 Provisional Statements – Premises not yet ready for Gambling

- 16.1 Where there is an intention on the part of an applicant, to provide gambling facilities at premises:
- which they expect to be constructed, or
 - which they expect to be altered, or
 - for which they do not yet have the right to occupy the premises, then an application may be made to the Licensing Authority for a 'Provisional Statement'.
- 16.2 The Licensing Authority will issue 'Provisional Statements' in accordance with the provisions of the Act, any guidance or codes of practice issued by the Gambling Commission and the principles contained within this 'Statement of Principles'.
- 16.3 'Responsible Authorities' and 'Interested Parties' (in accordance with the procedures outlined at Section 4 of this Statement of Principles) can make representations to the Licensing Authority, in respect of an application for a 'Provisional Statement'. Following the grant of a 'Provisional Statement', no further representations from Relevant Authorities or Interested Parties can be taken into account unless:
- The representations concern matters which could not have been addressed at the 'Provisional Statement' stage.
 - The representations reflect a change in the applicant's circumstances.
- 16.4 The Licensing Authority may refuse the grant of a Premises Licence, or grant the licence on terms different to those which may have been attached to the 'Provisional Statement', only by reference to matters which:
- Could not have been raised by objectors at the 'Provisional Statement' stage
 - In the Licensing Authority's considered opinion, reflect a material change in the operator's circumstances.

17 Applications

- 17.1 An application for a premises licence can only be made by a person who a) holds an operator's licence granted by the Gambling Commission authorising him/her to carry out the activity specified within the application or b) has made an application for an operator's licence which has yet to be determined. A premises licence will, therefore, only be granted when evidence is obtained of the granting of an operator's licence.
- 17.2 The application form must include:

- Proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document.
- Plan (see section 18 below)
- Local area risk assessment (see section 21 below)

18 Premises Location

- 18.1 The Licensing Authority must be satisfied that the potential location of a premises intended for gambling is suitable for the purposes of the required gambling activity. In considering matters of location, the Licensing Authority will have particular regard to the Licensing Objectives, Local Area Profile and the Local Area Risk Assessment. In considering location, the Authority may consider the general characteristics of the area. For example, if the premises is in a Cumulative Impact Area for the purposes of the Licensing Act 2003, the Authority will consider whether this may negatively impact on the gambling licensing objectives and how the applicant proposes to mitigate such impact.
- 18.2 In determining whether a premises location is suitable for the grant of a licence regard will be given to the following factors:
- The proximity of the premises to any school, centre or establishment for the education, training, or care of young and/or vulnerable persons.
 - The proximity of the premises to leisure centres used for sporting and similar activities by young and/or vulnerable persons.
 - The proximity of the premises to any community, ecclesiastical, welfare, health or similar establishments used specifically, or to a large extent, by young and /or vulnerable persons.
 - The proximity of any other area or location where young and / or vulnerable persons could congregate.
 - The proximity of the premises to any youth club or similar establishment
- 18.3 Where gambling premises are located in sensitive areas (for example, near schools), the Licensing Authority will consider imposing restrictions on advertising gambling facilities on such premises where it is felt relevant and reasonably consistent with the Licensing Objectives.

19 Plans

- 19.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007, state that a plan to accompany an application for a Premises Licence must show:
- The extent of the boundary or perimeter of the premises
 - Where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building.
 - Where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises.
 - Where the premises are a vessel or part of a vessel, the location of any external or internal walls of the building which are included in the premises.
 - The location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.
 - The positioning and types of any gaming machines, the location of any ATM/cash machines or change machines.

- 19.2 The Gambling Act 2005 requires applicants to submit plans of the premises with their application in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The information will also be used to plan future premises inspection activity. The plan should be drawn to scale.
- 19.3 If plans change in any material respect in the opinion of the Licensing Authority during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under Section 159 or to seek an amendment to the licence under Section 187 of the Gambling Act 2005.

20 Duplication with other Regulatory Regimes

- 20.1 The Licensing Authority will endeavour to avoid any duplication with other statutory and regulatory regimes in discharging its functions under the Act, unless the Licensing Authority believes such duplication is necessary for compliance with the Licensing Objectives.
- 20.2 In considering an application for a premises licence the Licensing Authority will not take into account matters which lie beyond the remit of the Licensing Objectives. Although this is not an exhaustive list, this would include issues such as:
- Whether the premises, which is the subject of the licence application, is likely to be awarded planning permission or building consent.
 - Whether the premises is safe for the intended use, (e.g., the structure, the means of escape, fire precaution provisions, etc).
 - Whether the use of the premises under the licence may cause any public nuisance (e.g., to residents within the vicinity).
- 20.3 The above matters will be addressed by other regulatory regimes.

21 Licensing Objectives

- 21.1 The Licensing Authority will endeavour to ensure that any premises licences granted will be consistent with the Licensing Objectives.

The Licensing Objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Licensing Objective: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

- 21.2 The Gambling Commission will take a lead role in preventing gambling from becoming a source of crime. However, the Licensing Authority acknowledges this objective in the delivery of its responsibilities. For instance, in considering applications for premises licences the Licensing Authority will have particular regard to the following:

- Where an area has known high levels of organised crime the Licensing Authority will consider carefully whether gambling premises should be located in the proximity of that area.
- Whether additional licence conditions may be appropriate, such as the provision of Security Industry Authority (SIA), registered door supervisors.
- Whether additional security measures should be installed at the premises, such as monitored CCTV.
- The likelihood of any violence or public order issues if the licence is granted.
- The design and layout of the premises.
- The training given to staff in crime prevention measures appropriate to those premises, for example, the detection and prevention of money laundering.
- Physical security features installed in the premises. This may include matters such as the positioning of cash registers and the standard of any CCTV system.
- If premises are to be subject to age restrictions; the procedures in place to conduct age verification checks.
- The Local Area Profile.
- The premises' Local Risk Assessment.

Licensing Objective: Ensuring that gambling is conducted in a fair and open way.

- 21.3 The Licensing Authority will not generally be concerned with ensuring that gambling is conducted in a fair and open way, (as that is the remit of the Gambling Commission), unless the gambling facilities are being provided at a Track; see Section 28. 'However, the fair and open principle will be considered as an integral part of any inspection carried out by this Authority'.

Licensing Objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 21.4 This objective is concerned with protecting children from gambling, as well as restrictions upon advertising, to ensure that the commercial promotion of gambling is not targeted towards children or portrayed as attractive to children. It is also concerned with protecting vulnerable people from being harmed or exploited by gambling. The Licensing Authority will therefore consider the local risk assessment and whether specific measures are required at particular premises, with regard to this Licensing objective, which may include the supervision of entrances, the supervision of machines and the appropriate segregation of high-risk areas, the provision of a 'chill out' room or area free from gambling and alcohol facilities. For more information regarding Local Area Risk Assessments, please see section 17.
- 21.5 In discharging its responsibilities with respect to this particular Licensing objective, the Licensing Authority will have regard to the current 'Gambling Commission Codes of Practice', insofar as they may apply to specific premises.
- 21.6 The Act does not offer a definition with regard to the term, 'vulnerable persons', however the Gambling Commission states the following.

For regulatory purposes the Commission will assume that this group includes:

- People who gamble more than they want to.
- People who gamble beyond their means.
- People who may not be able to make informed or balanced decisions about gambling, due to a mental impairment, alcohol, other relevant disability, or drugs.

- 21.7 Torbay and South Devon NHS Foundation Trust refers to a vulnerable adult as an Adult at Risk. The Care Act 2014 defines an adult at risk as someone who:
- has care and support needs
 - is experiencing, or is at risk of, abuse or neglect
 - as a result of their care and support needs is unable to protect himself or herself or the risk of it.
- 21.8 Torbay Council defines an adult at risk as persons aged over 18 years old who:
- is old and frail due to ill health, physical disability or cognitive impairment
 - has a learning disability
 - has a physical disability and/or a sensory impairment
 - has mental health needs including dementia or a personality disorder
 - has a long-term illness/condition
 - misuses substances or alcohol
 - is a carer such as a family member/friend who provides personal assistance and care to adults and is subject to abuse
 - is unable to demonstrate the capacity to make a decision and is need of care and support.
- 21.9 The Licensing Authority also recognises that, despite the above, anyone can be at risk of abuse or exploitation.
- 21.10 The Licensing Authority will have regard to the definitions of an Adult at Risk as provided by the Gambling Commission, by the Torbay and South Devon NHS Foundation Trust and Torbay Council, in discharging its responsibilities under the Act.
- 21.11 Problem gambling, particularly with the young, can sometimes be an indication of other issues that are of concern to the Licensing Authority, such as anti-social behaviour problems. When the Licensing Authority is made aware of issues associated with problem gambling and vulnerable people, the Licensing Authority will seek to work closely with the gambling premises operator, the Gambling Commission and other relevant sections of the Council, including the Adult Services Directorate and Children's Services Directorate.
- 21.12 This Authority places social responsibility as a high priority. As such, it will when exercising its statutory powers have due regard, where relevant to its statutory functions, to the need to:
- Prevent gambling related problems in individuals and groups at risk of gambling addiction.
 - Promote informed and balanced attitudes, behaviours and policies towards gambling and gamblers by both individuals and by communities; and
 - Protect vulnerable groups from gambling related harm.
- 21.13 The Licensing Authority will work with operators and other public agencies to encourage a commitment to social responsibility including responsible design, delivery, promotion and use of product. The end goal will be to reduce the incidence of high-risk and problem gambling. The Licensing Authority will consider, in relation to any particular premises whether any special considerations apply to the protection of vulnerable persons. Such considerations need to be balanced by the Authority's objective to aim to permit the use of premises for gambling.

21.14 Appendix 2 provides information for licence holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly if it relates to child sexual exploitation and trafficking.

22 Local Area Risk Assessments

- 22.1 The Gambling Commission's Social Responsibility Code (Licence Conditions and Codes of Practice (LCCP) 10.1.1) requires licence holders to assess the local risks to the Licensing Objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures, and control measures to mitigate those risks. In undertaking their risk assessments, licence holders should take into account any relevant matters identified in this Policy statement.
- 22.2 Licence holders are required to undertake a Local Area Risk Assessment when applying for a new premises licence. Their risk assessment will also need to be updated:
- When applying for a variation of a premises licence.
 - To take account of significant changes in local circumstances, including those identified in this Policy.
 - When there are significant changes at a licence holder's premises that may affect the level of risk or the mitigation of those risks. This includes any changes to the interior layout of the premises. Significant changes will require a variation to the premises licence.
- 22.3 The Social Responsibility Code provision is supplemented by the LCCP: Ordinary code 10.1.2 and requires licence holders to share their risk assessments with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises or otherwise on request of the Licensing Authority.
- 22.4 While there are no plans to request that licensed premises share risk assessments on a periodic basis, where concerns do exist, perhaps prompted by new or existing risks, the Licensing Authority is likely to request that a licence holder share a copy of their risk assessment. The risk assessment will set out the measures the licence holder has put in place to address specific concerns, thereby potentially reducing the occasions on which a premises review and the imposition of licence conditions is required.
- 22.5 In some circumstances, it may be appropriate for the Licensing Authority to offer a licence holder the opportunity to volunteer specific conditions that could be attached to the premises licence. Where this is appropriate, the Licensing Authority will liaise with the licence holder directly.
- 22.6 The Social Responsibility Code (LCCP 10.1.1) requires an operator to consider the Licensing Authority's Statement of Policy, wherein the Licensing Authority will set out the matters it will expect an operator to take in to account when considering their own risk assessment. The Licensing Authority expects, though it is not a mandatory requirement, that operators consider the following matters:
- Information held by the licence holder regarding self-exclusions and incidences of underage gambling,
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
 - Proximity to schools, commercial environments or other factors affecting footfall

- Range of facilities in proximity to the licensed premises, such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Potential for money laundering.
-

22.7 Matters relating to vulnerable adults, including:

- Information held by the licence holder regarding self-exclusions
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people, such as hospitals, residential care homes, medical facilities, doctor's surgeries, Council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

Other issues that may be considered could include:

- Proximity of premises which may be frequented by large numbers of people including sports stadiums, leisure centres, places of worship.
- Staffing levels at different times of the year (e.g., the peak summer school holidays).
- This list is not exhaustive and other factors not in this list that are identified must be taken into consideration. The Risk Assessment must be kept on the premises to which it relates and available for inspection by an authorised officer of the Licensing Authority or Gambling Commission.

22.8 Significant changes in local circumstances:

- The following lists set out some examples of what the Licensing Authority considers to be significant changes in local circumstances requiring a review of the Local Area Risk Assessment. The list is not exhaustive, and each premises will be considered on its own merits. Operators must consider whether any change in the locality of their premises is one that may be considered significant.
- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Local Area Profile.
- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where premises are converted to a local supermarket, or a new office building is constructed nearby.
- Any new pay day loan establishment or pawn brokers open in the local area.
- Relevant changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises.
- Educational facilities increase in the local area. This may occur because of the construction of a new school/college or where a significant change is made to an existing establishment.
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.

- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises e.g., additional homeless hostels or gambling or mental health care/support facilities in the local area.
- A new gambling premises opens in the local area.
- Operators must consider what is happening within their premises and it is their responsibility to identify significant changes which may require a review and possible amendment to their risk assessment. A significant change can be temporary, and any temporary changes should be considered, and adjustments made to the risk assessment if necessary.

22.9 Unlicensed Family Entertainment Centres (UFEC) are not required to undertake a Local Area Risk Assessment unless the UFEC is situated adjacent to an Adult Gaming Centre and therefore the Licensing Authority will expect the UFEC activities to be taken into account.

22.10 The Authority will expect applicants to have regard to the Local Area Profile (LAP) which will assist in identification of local gambling risks.

23 Local Area Profile

23.1 The Licensing Authority has produced a profile of the areas within the Authority which will assess the local environment and identify local concerns and risks.

23.2 The profile takes into account a wide range of factors, data and information held by the Licensing Authority and its partners. Responsible authorities and other relevant organisations will be invited to take part in the preparation of the profile. The profile will enable operators to clearly identify the risks and concerns in the community when completing their risk assessment.

23.3 The [Local Area Profile](#) is a separate document to this Statement of Principles and will be made publicly available. It will be reviewed and amended as and when required taking into account changes in the local area.

24 Licence Conditions

24.1: How the licensing committee decides what conditions to apply to premises licences

Under Section 153 of the Gambling Act 2005, the aim is to permit the use of premises for gambling. The 'aim to permit' framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject or revoke premises licences, where there is an inherent conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement. Licence conditions are one method by which it is possible to mitigate risks associated with a particular premises ([Gambling Commission Guidance to Licensing Authorities 1.25 – 1.29](#)).

Mandatory and default conditions are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objective. Additional conditions will only be imposed where there is evidence of a risk to the Licensing Objectives.

- 24.2 Premises licences may be subject to any of all of the following:
- conditions specified in the Gambling Act 2005
 - conditions specified in the regulations issued by the Secretary of State
 - conditions attached at a hearing by the Licensing Sub-Committee determining that application.
- 24.3 With respect to conditions, the Licensing Authority can:
- issue licences without modifying conditions set out in the Act and by the Secretary of State
 - exclude default conditions
 - attach conditions where it is believed to be appropriate
 - conditions may be general in nature (i.e. they attach to all licences of a particular premises type e.g. all casinos) or they may be specific to a particular licence.
- 24.4 The Licensing Authority will ensure that any conditions imposed on a licence are:
- Proportionate to the circumstances which they are seeking to address
 - Relevant to the need to make the proposed building suitable as a gambling facility
 - Directly related to the premises and the type of licence applied for
 - Fairly and reasonably related to the scale and type of premises
 - Reasonable in all other respects
- 24.5 There are also conditions, which the Licensing Authority cannot attach to premises licences. These are:
- Conditions that make it impossible to comply with an operating licence condition.
 - Conditions relating to gaming machine categories, numbers or methods of operation
 - Conditions that require membership of a club or body (The Gambling Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
 - Conditions relating to stakes, fees, winnings or prizes
 - Conditions relating to demand for the premises
- 24.6 Decisions about conditions will be taken on a case-by-case basis considering any representations that have been made, any written or oral evidence presented to the Licensing Authority and after having regard to the Gambling Commissions Licence Conditions and Codes of Practice, Gambling Commissions Guidance to Licensing Authorities, the licensing objectives and the policies within this statement of Policy.
- 24.7 There are a number of control measures that the Licensing Authority can utilise, such as the use of supervisors or the use of appropriate signage for adult only areas. The Licensing Authority will also expect the applicant to identify local risks and control measures ensuring

their operations are consistent with the Licensing Objectives. For example, local issues associated with a high crime rate may put a premises at risk of not being consistent with the Licensing Objectives, and specific conditions may be necessary to address the risk.

- 24.8 The Licensing Authority may require additional control measures in respect of buildings which are the subject of multiple premises licence applications, in order to ensure the operation of the premises in question is consistent with the Licensing Objectives. Such requirements may relate to the supervision of entrances, the segregation of gambling areas from non-gambling areas which may be frequented by children and the supervision of gaming machines in non-adult gambling specific premises.
- 24.9 The Licensing Authority will have regard to any guidance issued by the Gambling Commission in determining any such additional measures.
- 24.10 Where there are risks associated with a specific premises or class of premises, the Licensing Authority may consider it necessary to attach specific conditions to the licence to address those risks, taking account of the local circumstances.
- 24.11 The Licensing Authority will ensure that, where adult only gaming machines are made available on premises to which children have access that:
- All such machines are located in an area of the premises that is separated from the remainder of the premises by a physical barrier and which is effective to prevent access, other than through a designated entrance.
 - Only adults have access to the area where these machines are located.
 - Access to the area where the machines are located is adequately supervised.
 - The area where these machines are located is arranged so that it can be observed by the staff or the licence holder.
 - At the entrance to and inside any such areas notices are prominently displayed, indicating that access to the area is prohibited to persons under 18 years of age.
- 24.12 Tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. In discharging its functions in relation to tracks, the Licensing Authority will consider the impact upon the Licensing objective that refers to the 'protection of children'. The Licensing Authority will specifically require that the entrances to each part of a premises are distinct and that children are effectively excluded from gambling areas to which entry is not permitted.
- 24.13 Applicants are encouraged to consult the Licensing Authority prior to submitting an application so that the Authority may offer guidance in respect of the premises' intended operation, premises layout, geographical area to which the premises is located etc.

25 Buildings divided into more than one premises

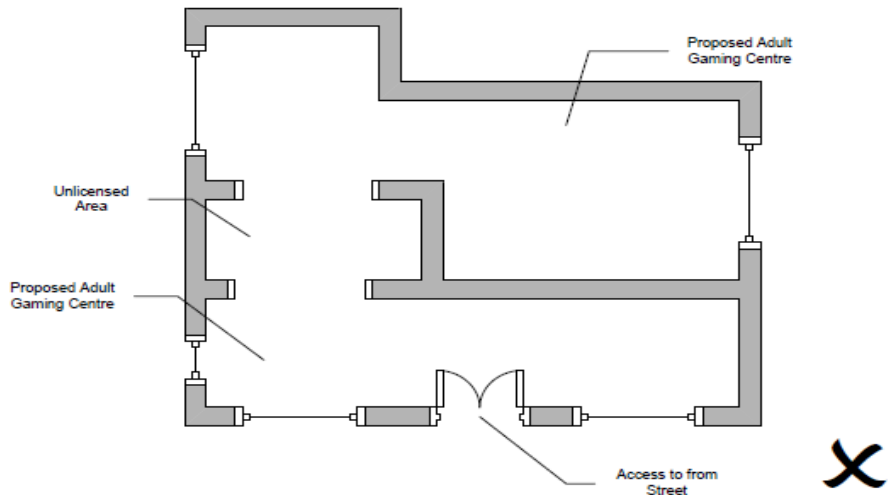
- 25.1 Part 7, paragraph 7.5 of the Gambling Commissions Guidance states that "there is no reason in principle why a single building could not be subject to more than one premises licence; provided they are for different parts of the building, and the different parts of the building can be reasonably regarded as being different premises". Examples are given of multiple unit premises, such as pleasure parks, tracks, or shopping malls. It is also possible for licensed premises to be located next to each other, as long as there are no restrictions regarding direct access between these premises imposed on that category of gambling premises from its mandatory conditions. The Licensing Authority will follow this guidance.

- 25.2 It will be for the Licensing Authority to determine whether premises are genuinely separate, and not artificially created from that which is readily identifiable as a single premises. Prior to making an application, applicants are encouraged to discuss with the Licensing Authority their premises layout and intended applications.
- 25.3 In considering whether different areas of a building are genuinely separate premises, the Licensing Authority will take into account factors which may include whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person, and whether the premises are operated independently of each other.

26 Access to Premises

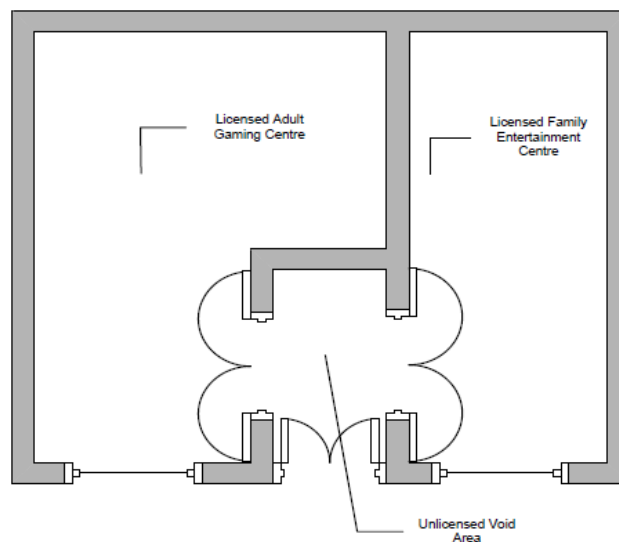
- 26.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 26.2 The Gambling Commission Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or Regulations, but Licensing authorities may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access.”
- 26.3 In particular, where premises are not accessed from the street, the Licensing Authority has sought to define the nature of the area which must separate licensed premises and through which the premises are accessed, so as to prevent direct access between premises in order to comply with the provisions of the Act and Regulations.
- 26.4 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.
- 26.5 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:
- Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part,
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not ‘drift’ into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit.
 - Customers must be able to participate in the activity named on the premises licence. This is not an exhaustive list, and the Licensing Authority will consider other aspects based on the merits of the application.
- 26.6 Applications to place two licensed premises in one premises with an unlicensed area separating them, (see figure 1) will not meet this Policy because of the artificial nature of the premises, access, and likely use issues which will arise.

Figure 1



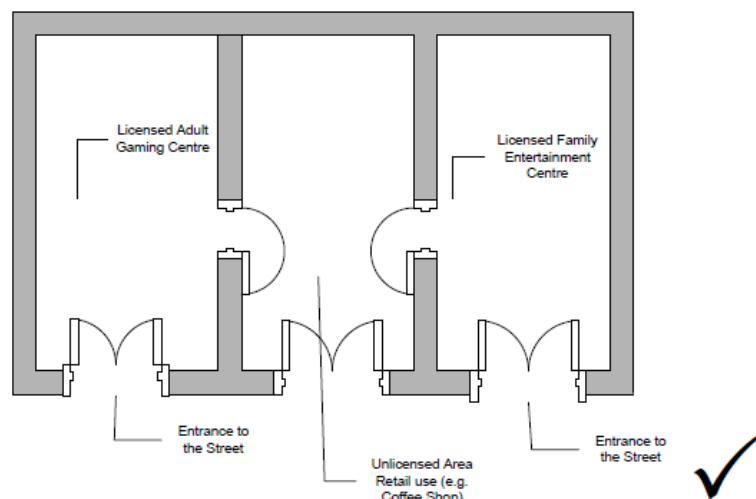
26.7 It is possible to have an unlicensed foyer area which separates one licensed premises from another if the foyer is accessed from the street, see Figure 2. The Licensing Authority would expect as a minimum that the area should be used for non-gaming purposes such as an information point, a coffee shop or similar but must not contain any gambling information or literature promoting gambling activities. The size of the unlicensed area is matter for each application, but the Licensing Authority will not consider this configuration if the foyer is not of sufficient size to be a useable space.

Figure 2



26.8 It may also be acceptable if a premises is separated by another non-licensed premises that has access to both licensed premises from it. An example of this could be in the form of a coffee shop which has a main entrance to the street. The coffee shop may have access to an Adult Gaming Centre on one side and an entrance Family Entertainment Centre on the other side, see figure 3. Where a member of the public not using the gambling premises is likely to use the coffee shop it may be considered that there is no direct access between the two licensed premises.

Figure 3



26.9 The provisions of this Statement of Principles 2025-2028 come into force on 31 January 2025. From this date, any new application for any type of Gambling Premises Licence, will be expected to fully comply with the terms and conditions as set out above. Existing licensed premises may continue to operate under the terms that have been granted by virtue of the licence that they currently hold, provided that the Licensing Objectives continue to be fully promoted at all times. Any application to vary however, will be subject to the full terms as outlined above.

27 Material amendments to the premises

- 27.1 The Authority will have regard to the principles as set out in s.153 of the Act in determining variation applications. However, applications will be carefully scrutinised to ensure the Licensing Objectives are not undermined.
- 27.2 Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times. For example, the installation of any screening would require a variation application including an updated Local Area Risk Assessment to evidence that any risks presented have been recognised and mitigated.

28 Adult Gaming Centres (AGC)

- 28.1 The Licensing Authority is responsible for the issue of premises licences for all Adult Gaming Centres that are able to offer higher stake gaming machines, which are restricted to over 18 years.

Further information on machine categories can be found here -

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>

- 28.2 In respect of adult gaming centres, the Licensing Authority will have specific regard to the Licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the Licensing Authority that there will be sufficient measures and procedures in place, to ensure that persons under 18 years of age do not have access to the premises.

28.3 The Licensing Authority will expect applicants to offer their own measures and must be included in the Local Area Risk Assessment to meet the Licensing Objectives; however appropriate measures and/or licence conditions may cover issues such as: (this list is indicative only and is not exhaustive)

- Proof of age schemes.
- Closed Circuit Television Systems, (CCTV).
- Supervision of entrances and machine areas.
- Physical separation of areas.
- Location of entry.
- Appropriate notices and signage.
- Specific opening hours.
- Self-exclusion schemes and the display of information regarding self-exclusion schemes.
- Provision of information leaflets and helpline numbers for organisations such as 'Gamcare'
- Identify local risks, such as proximity to schools or in an area with a high crime rate.

In determining an application for a licensed AGC, the Licensing Authority will have regard to any guidance issued by the Gambling Commission and any mandatory or default conditions deemed to have a positive effect.

29 (Licensed) Family Entertainment Centres (FEC)

29.1 The Licensing Authority is responsible for the issue of premises licences for all Family Entertainment Centres. These permit gaming machines of up to Category C to be provided. Further information on machine categories can be found here -

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>

29.2 In respect of (Licensed) Family Entertainment Centres, (FEC's), the Licensing Authority will have specific regard to the Licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the Licensing Authority that there will be sufficient measures and procedures in place, to ensure that persons under 18 years of age do not have access to the 'adult only' gaming machine areas on the premises.

29.3 The Licensing Authority will expect applicants to offer their own measures and must be included in the Local Area Risk Assessment to meet the Licensing Objectives; however appropriate measures and/or licence conditions may cover issues such as: (*this list is indicative only and is not exhaustive*)

- Proof of age schemes.
- Closed Circuit Television Systems, (CCTV).
- Supervision of entrances and machine areas.
- Physical separation of areas.
- Location of entry.
- Appropriate notices and signage.
- Specific opening hours.
- Self-exclusion schemes.

- Measures/training for staff on how to deal with suspected truant school children on the premises
- Provision of information leaflets and helpline numbers for organisations such as Gamcare.
- Identify local risks, such as proximity to schools or in an area with a high crime rate.

29.4 In determining an application for a licensed family entertainment centre, the Licensing Authority will have regard to any guidance issued by the Gambling Commission and any mandatory or default conditions deemed to have a positive effect. The Licensing Authority will have particular regard to any guidance or direction on how the separation and/or delineation of the 'adult only' machine areas of the premises should be achieved. Please refer to Sections 20 and 21 of this Statement of Principles for more information regarding separation of premises and/or consult the Licensing Authority for guidance in this regard.

30 Casino Premises

30.1 Small Casino Premises

On 15 May 2008, the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved. This specified which Licensing Authorities could issue Large and Small Casino Licences. Torbay Council was one of the authorities authorised to issue a Small Casino Premises Licence.

30.2 Section 166(1) of the Act states that a Licensing Authority may resolve not to issue a premises licence. A decision to pass such a resolution will be taken by the Authority as a whole and will not be delegated to the Licensing Committee (a resolution not to issue casino premises licences will only affect new casinos). In passing such a resolution the Authority may take into account any principle or matter, not just the Licensing Objectives. At the time a counter resolution is passed, the principles set out in Appendix 3 will be applied. A resolution will not affect the ability of the casino with preserved entitlements from the 1968 Gaming Act from continuing to operate as a casino.

30.3 The Council will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance, bearing in mind the mandatory conditions listed, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

31 Bingo Premises Licence

31.1 The Licensing Authority is responsible for the issue of premises licences for all bingo premises. Typically, these are a bingo hall or club but they can also be similar to an AGC on the high street. Further information on machine categories can be found here - <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>.

31.2 The Licensing Authority considers that if persons under 18 years of age are allowed to enter premises licensed for bingo, it is important that they do not participate in gambling, other than on category D machines. Where category C or above machines are available on premises to which persons under 18 years of age have access, the Licensing Authority will require that:

- All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where the machines are located.
- Access to the area where the machines are located is adequately supervised.
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.
- At the entrance to and inside any such area there are notices prominently displayed, indicating that access to the area is prohibited to persons under 18.
- No under 18s may play bingo on this premises' must be displayed at each entrance to the bingo premises.

31.3 The Licensing Authority will expect applicants to offer their own measures and must be included in the Local Area Risk Assessment to meet the Licensing Objectives; however appropriate measures and/or licence conditions may cover issues such as: (this list is indicative only and is not exhaustive)

- Proof of age schemes.
- Closed Circuit Television Systems, (CCTV).
- Supervision of entrances and machine areas.
- Physical separation of areas.
- Location of entry.
- Appropriate notices and signage.
- Specific opening hours.
- Self-exclusion schemes.
- Measures/training for staff on how to deal with suspected truant school children on the premises.
- Provision of information leaflets and helpline numbers for organisations such as Gamcare
- Identify local risks, such as proximity to schools or in an area high crime rate.

31.4 In determining any application for a Bingo Premises Licence, the Licensing Authority will have regard to any guidance issued by the Gambling Commission with regard to the suitability and general layout of Bingo Premises. In particular, the Licensing Authority will have regard to Social Responsibility Code 9, which requires that gaming machines are only made available in combination with the named non-remote activity of the operating licence. The Code states: *“So, unless a bingo operator offers substantive facilities for non-remote bingo it should not make gaming machines available for use on the premises in question. To contain the unavoidable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised.”*

31.5 Licensees must also ensure that the function along with the internal and/or external appearance of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing bingo facilities (Gambling Commission Social Responsibility Code Provision 9.1.2).

32 Betting Premises Licence

32.1 The Licensing Authority is responsible for the issue of premises licences for all betting establishments, including casinos, bookmaker's offices and tracks. It is illegal for persons under 18 years of age to enter upon licensed betting premises and bet, but they may gain entry to tracks.

A betting premises licence gives the holder the entitlement to up to 4 Category B2 machines (also known as Fixed Odds Betting Terminals (FOBTs)). Further information on machine categories can be found here -

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>

32.2 The Licensing Authority expects applicants to offer their own measures and must be included in the Local Area Risk Assessment to meet the Licensing Objectives; however appropriate measures and/or licence conditions may cover issues such as: (this list is indicative only and is not exhaustive)

- Proof of age schemes.
- Closed Circuit Television Systems, (CCTV).
- Supervision of entrances and machine areas
- Physical separation of areas.
- Location of entry.
- Appropriate notices and signage.
- Specific opening hours.
- Self-exclusion schemes.
- Measures / training for staff on how to deal with suspected truant school children on the premises.
- Provision of information leaflets and helpline numbers for organisations such as Gamcare.
- Identify local risks, such as proximity to schools or in an area with a high crime rate.

32.3 S.181 of the Gambling Act contains an express power for licensing authorities to restrict the number of Self-Service Betting Terminals (SSBTs), their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the licensing authority, amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

32.4 In determining any application for a Betting Premises Licence, the Licensing Authority will have regard to any guidance or codes of practice issued by the Gambling Commission with regards to the suitability and general layout and appearance of Betting Premises (social Responsibility Code 9 of the Licence Conditions [and Codes of Practice - Gambling Commission](#)). concerning primary gambling activity, as well as any subsequent case law.

The Licensing Authority will require a full premises licence variation application when premises are intending to apply screening and/or a booth to any category of gaming machines.

33 Track Premises Licence

General

- 33.1 Tracks are sites, (including horse racecourses and dog tracks), where races or other sporting events take place. Betting is a primary gambling activity on tracks, both in the form of pool betting, (often known as the 'Totalisator' or 'Tote'), and also general betting, often known as 'Fixed-Odds' betting. In discharging its functions with regard to Track Betting Licences, the Licensing Authority will have regard to any guidance issued by the Gambling Commission in that respect.
- 33.2 There is no special class of betting premises licence for a track, but the Act does contain rules which apply specifically to a 'Premises Licence' granted in respect of a track.
- 33.3 Applicants for a Premises Licence made in relation to a track will not be required to hold an Operating Licence issued by the Gambling Commission unless the applicant intends to offer pool betting or general betting facilities himself/herself; in which case an Operating Licence will be required.
- 33.4 The betting that is provided upon the track will not generally be provided by the applicant but will be provided by other operators who attend the track to provide betting facilities. These 'On-Course Operators' will require the necessary operating licences; therefore, the Act allows the track operator to obtain a Premises Licence without the requirement to hold an Operating Licence. This 'Track Premises Licence' then authorises anyone upon the premises to offer betting facilities, provided they already hold a valid Operator's Licence.
- 33.5 The Licensing Authority is aware that tracks are different from other premises in that there may be more than one premises licence in effect, each covering a specified area of the track. The Licensing Authority will especially consider the impact of the Licensing objective of the protection of children and vulnerable persons with regard to this category of licence. specific considerations in this respect may include:
- The need to ensure entrances to each type of premises are distinct.
 - That children are excluded from gambling or betting areas that they are not permitted to enter.
- 33.6 The Licensing Authority will expect the premises licence applicant(s) to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.
- 33.7 Children are legally permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines, (other than category D machines), are provided.
- 33.8 Appropriate measures and / or licence conditions which may be applied to a track premises licence by the Licensing Authority, in order to promote the Licensing Objectives, (particularly the objective with regard to children and vulnerable persons), may include:
- (This list is indicative; it is not mandatory or exhaustive)
- Proof of age schemes.
 - CCTV.
 - Door supervisors.
 - Supervision of entrances/machine areas.
 - Physical separation of areas.

- Location of entry.
- Notices / signage.
- Specific opening hours.
- Self-barring schemes.
- Provision of information leaflets / helpline numbers for organisations such as Gamcare.
- Identify local risks, such as proximity to schools or in an area with a high crime rate.

Gaming Machines at Tracks

33.9 Applicants for Track Premises Licences will need to demonstrate within their applications, that where the applicant holds a 'Pool Betting Operating Licence' and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded and that such areas are suitably operated.

Betting Machines at Tracks

33.10 The Licensing Authority has an express power under the Act, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching licence conditions to a betting premises licence.

33.11 The potential space available for betting machines at a track may be considerable, bringing with it significant problems in relation to:

- The proliferation of such machines.
- The ability of track staff to supervise the machines if they are dispersed around the track.
- The ability of the track operator to comply with the law and prevent children betting on the machines.

33.12 In considering whether or not it is appropriate to restrict the number of betting machines made available at a track, by way of licence condition, the Licensing Authority will have regard to the following:

- The size of the premises.
- The ability of staff to monitor the use of the machines by children or by vulnerable people.
- The number, nature, location, and circumstances of the betting machines that an operator intends to make available for use.

Conditions on Rules being Displayed at Tracks

33.13 The Licensing Authority will attach a condition to Track Premises Licence requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas or made available to the public by some other means, such as being included in the race-card or issued as a leaflet.

Applications and Plans for Tracks

33.14 The following information should be submitted with the application:

- Detailed plans for the track and the area that will be used for temporary "on-course" betting facilities (often known as the "Betting Ring").
- In the case of dog tracks, horse racecourses, fixed and mobile pool betting facilities, (whether operated by the tote or the track operator), and any other proposed gambling

facilities; the plans should make clear what is being sought for authorisation under the Track Betting Premises Licence.

- Details of any other areas of the track, which may be the subject of a separate application, for a different type of premises licence.

Self-Contained Premises on Tracks

33.15 The Licensing Authority will generally require that all 'self-contained premises' operated by off-course betting operators on track, be the subject of a separate Premises Licence. This will ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the track premises.

34 Vessels and Vehicles

34.1 Licences may be granted for passenger vessels. However, not all forms of permits are available to vessels. Vehicles may not be the subject of a Premises Licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle.

34.2 The Licensing Authority will have jurisdiction over gambling conducted on vessels on all inland waterways, at permanent moorings and on all aircraft on the ground or in domestic air space.

34.3 Section 211 (4) of the Act provides that in relation to a vessel, but to no other premises, responsible authorities should also include navigation authorities within the meaning of Section 221 of the Water Resources Act 1991 that have functions in relation to the waters where the vessel is usually moored or berthed, or in any waters where it is proposed to be navigated at a time when it is used for licensable activities.

34.4 The Council when considering applications for premises licences in respect of vessels will give particular weight to the views of the Maritime and Coastguard Agency in respect of promoting the licensing objectives. Where in the opinion of the Licensing Authority any of the three objectives are undermined, and this cannot be resolved through the imposition of conditions, the application will be refused.

35 Travelling Fairs

35.1 Travelling fairs do not require any permit to provide gaming machines but must comply with the legal requirements as to the way the machines operate. They may provide an unlimited number of Category D gaming machines, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.

35.2 A given area of land may, by statute, only be used on 27 days per calendar year for the purposes of accommodating a fair. The statutory maximum of 27 days calendar use applies to the land on which the fairs are held, and that use is cumulative, regardless of whether it is the same fair or a procession of different travelling fairs.

35.3 The Licensing Authority will monitor fairs, (whether travelling or otherwise), which provide category D gaming machines within Torbay, to ensure that the provision of gambling is ancillary to the amusement provided at the fair and to ensure that the statutory limits upon the annual use of the land, are not exceeded.

35.4 The Licensing Authority will work with its neighbouring Licensing Authorities to ensure that any inter-authority sites which may be used for the provision of fairs, are appropriately monitored to ensure due compliance with statutory requirements.

36 Reviews

- 36.1 An 'Interested Party' or a 'Responsible Authority' can make an application to the Licensing Authority at any time, requesting that the Licensing Authority review a licence that it has granted; the Licensing Authority may also initiate a review of a licence itself.
- 36.2 The list of Responsible Authorities can be viewed at www.torbay.gov.uk/business/licensing/gambling/gambling-premises-licence/list-of-responsible-authorities/
- 36.3 Interested Parties are defined at Section 5 of this 'Statement of Principles'.
- 36.4 Should the Licensing Authority receive an application requesting the review of a licence, the Licensing Authority will make a determination as to whether or not the review is to be carried out. In making this determination the Licensing Authority will consider whether the request for the review is relevant to the matters listed below:
- In accordance with any relevant Code of Practice issued by the Gambling Commission.
 - In accordance with any relevant guidance issued by the Gambling Commission.
 - Consistent with the Licensing Objectives.
 - In accordance with Torbay Council's 'Statement of Principles'.
- 36.5 The Licensing Authority will also make a determination as to whether or not the application for the licence review is made on relevant grounds; the following are examples of grounds which may be considered by the Licensing Authority, to be irrelevant, (this list is indicative and is not exhaustive):
- Representations which do not raise an issue relevant to the principles to be applied in accordance with Section 153 of the Act.
 - Representations that are inconsistent with any guidance or codes of practice issued by the Gambling Commission, or with this 'Statement of Principles'.
 - Representations which relate to an objection to gambling activity generally, for instance on moral grounds.
 - Representations in relation to the demand or unmet demand for Gambling Premises.
 - Representations in relation to planning matters.
 - Public Safety Issues.
 - Traffic Congestion issues.
- 36.6 The Licensing Authority will not initiate a licence review if it considers that the grounds upon which the review is being sought are:
- Frivolous
 - Vexatious
 - Substantially the same as representations made at the time that the application for a premises licence was considered; the Licensing Authority will not normally review a licence to revisit issues which were considered at the time of the grant, unless there is evidence which justifies such reconsideration.
 - Substantially the same as the grounds cited in a previous application for review, relating to the same premises, and a sufficient or reasonable period of time has not elapsed since that previous application was made.

- Insignificant; to such an extent, that it would be wholly unreasonable for the Licensing Authority to revoke or suspend the licence; or to remove, amend or attach conditions to the licence, on the basis of such representation.
- 36.7 Should the Licensing Authority determine that an application for a licence review, (which has been duly submitted by an 'Interested Party' or a 'Responsible Authority'), is valid or should the Licensing Authority decide to initiate a licence review of its own volition; then that licence review will be undertaken and progressed to conclusion, in accordance with the requirements of the Act, any guidance or codes of practice issued by the Gambling Commission and this 'Statement of Principles'.
- 36.8 Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28-day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 36.9 The Council must carry out the review as soon as is reasonably practicable after the 28-day period for making representations has passed.
- 36.10 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are
- Add, remove or amend a licence condition imposed by the Licensing Authority;
 - Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - Suspend the premises licence for a period not exceeding three months;
 - Revoke the premises licence.
- 36.11 In determining what action, if any, should be taken following a review, the Licensing Authority will have regard to the principles set out in Section.153 of the Act, as well as any relevant representations.

In particular, a review of a premises licence may be initiated on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority will, as soon as possible, notify its decision to:

- The licence holder
- The applicant for review (if any)
- The Commission
- Any person who made representations
- The chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

Part C – Permits and Temporary and Occasional Use Notices

37 Unlicensed Family Entertainment Centre (UFEC)

- 37.1 Unlicensed Family Entertainment Centres (UFEC's), are premises commonly located at seaside resorts, on piers, at airports or at motorway service stations. These establishments cater for families, including unaccompanied children and young persons and, subject to the grant of a permit from the Licensing Authority, operators can provide an unlimited number of Category D gaming machines, upon the premises.
- 37.2 Where a premises does not have the benefit of a premises licence issued under the Act, but the applicant wishes to provide Category D gaming machines; an application may be made to the Licensing Authority for an unlicensed family entertainment centre permit. The applicant must satisfy the Licensing Authority that the premises will, in accordance with Section 238 of the Act, be 'wholly or mainly' used for making gaming machines available for use.
- 37.3 The Licensing Authority will require as part of the application form, a plan to scale, clearly defining the area covered by the UFEC and including the layout of machines. UFEC permits will only be granted for areas which complies with section 238 of the Gambling Act in that the area specified is wholly or mainly used for making gaming machines available for use. As such it is not permissible for permits to be granted to entire complexes such as leisure centres, shopping centres and motorway service areas or similar.
- 37.4 The Licensing Authority will issue permits for unlicensed family entertainment centres in accordance with the following principles:
- The Licensing Objectives.
 - Any relevant regulations or codes of practice.
 - Any guidance issued by the Gambling Commission.
 - The principles set out in this 'Statement of Principles'.
- 37.5 The Licensing Authority will only grant a permit if satisfied that the premises will be used as a UFEC and that Devon and Cornwall Police has been consulted in relation to the application; applicants will also be required to demonstrate to the Licensing Authority:
- That the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed family entertainment centre.
 - That staff are suitably trained and have a full understanding of the maximum stakes and prizes permissible in an unlicensed family entertainment centre.
 - That the applicant has no convictions, which may have been identified as 'relevant convictions', for the purposes of the Act.
- 37.6 The Licensing Authority will expect the applicant to show that they have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 37.7 Such measures may include:
- Appropriate measures/training for staff as regards suspected truant school children on the premises.

- Appropriate measures/training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on/or around the premises.

37.8 The Licensing Authority can grant or refuse an application for an unlicensed family entertainment centre permit; however, it cannot attach conditions to a permit.

37.9 The Statement of Licensing Policy clarifies the measures it will expect applicants to demonstrate when applying for a permit for an unlicensed family entertainment centre. This will allow this Licensing Authority to better determine the suitability of the applicant and the premises for a permit.

37.10 Within this process, the applicant must be able to demonstrate that:

- They are a fit and proper person to hold the permit
- They have considered and are proposing suitable measures to promote the licensing objectives, and
- They have a legal right to occupy the premises to which the permit is sought.

The measures suggested in this Statement of Licensing Policy will be applied although the Council will consider any alternative measures suggested by the applicant and will substitute measures as appropriate.

37.11 The Council will require the following supporting documents to be served with all UFEC gaming machine permit applications:

- Proof of age - a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over).
- Proof that the applicant has the right to occupy the premises - acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document.
- A standard disclosure and barring service check issued within the previous month. This will be used to check that the applicant has no relevant convictions as defined in Schedule 7 of the Act.
- Evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission.
- Suitable and sufficient gambling local risk assessments where the UFEC is located adjacent to an AGC.
- Suitable and sufficient safeguarding policy.
- A plan of the premises for which the permit is sought showing the following items:
 - (i) The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
 - (ii) Where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny-falls, cranes)
 - (iii) The positioning and types of any other amusement machines on the premises
 - (iv) The location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
 - (v) The location of any ATM/cash machines or change machines
 - (vi) The location of any fixed or temporary structures such as columns or pillars

(vii) The location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises

(viii) The location of any public toilets in the building

Unless otherwise agreed, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

37.12 The Licensing Authority encourages applicants for UFEC Permits to consider adopting the British Amusement Catering Trade Association (BACTA) voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres, which now includes no access to Category D reel machines for those aged under 18 years. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

37.13 Harm in this context is not limited to harm from gambling but includes wider protection considerations. The Licensing Authority will consider these policies and procedures on their merits but should (depending on the particular permit being applied for) include appropriate measures/training for staff having regard to the following:

- Maintain contact details for any local schools and or the education authority so that any truant children can be reported
- Employ policies to address problems associated with truant children who may attempt to gain access to the premises and to gamble when they should be at school
- Employ policies to address any problems that may arise when there is an increased likelihood that children may frequent the premises in greater numbers, such as half terms and summer holidays
- Safeguarding policies in place to both protect children and vulnerable adults but also staff training in relation to the identification and onward alerting of safeguarding concerns
- Display posters with the 'Child Line' phone number in discreet locations throughout the premises e.g. toilets, corridors
- Maintain a register of any incidents that arise on and around the premises related to children i.e. children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. The register can be used to detect any trends which require action by the management of the premises.
- Take steps to ensure all young children are accompanied by a responsible adult.
- Maintain policies to deal with any young children who enter the premises unaccompanied.
- Undertake satisfactory disclosure checks (criminal records checks) for all staff who will be working with children.
- Clear signage that identifies gaming machines and skill machines
- Any prizes displayed must be capable of being won.
- Staff training that covers all of the controls in place

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

37.14 The Licensing Authority will expect the applicant to show that there are policies and procedures in place to **protect vulnerable persons**. The Council will assess the submitted

policies and procedures on their merits, but (depending on the particular permit being applied for) should include appropriate measures/training for staff relating to the following:

- Display Gamcare helpline stickers on all gaming machines.
- Display Gamcare posters in prominent locations on the premises.
- Training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable.
- Consider appropriate positioning of ATM and change machines, including the display of Gamcare stickers on any such machines.
- Customer self-exclusion systems (for example where the UFEC is adjacent to an AGC).

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

37.15 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance:

- Maintain an effective CCTV system to monitor the interior and exterior of the premises.
- Keep the exterior of the premises clean and tidy.
- Ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises.
- Consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

38 Alcohol Licensed Premises – Gaming Machine Permits

Automatic Entitlement: Two Machines

38.1 There is an automatic entitlement to provide a maximum of 2 Category C and/or D gaming machines, on premises that are licensed under the Licensing Act 2003, for the sale and consumption of alcohol on the premises. Subject only to the proviso, that the premises licence holder must serve notice of intention upon the Licensing Authority in respect of those machines.

Applicants should be aware that only those premises which have a 'bar' (servery) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants, which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food will not automatically qualify for two machines.

38.2 As outlined in section 284 of the Gambling Act 2005, the Licensing Authority can remove the 'Licensing Act 2003 Automatic Entitlement' in respect of any particular premises if:

- The provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives.
- The Licence Holder has breached the requirements of the Act.
- An offence under the Act has been committed on the premises.

- The premises are mainly used for gaming.
- 38.3 The premises must comply with the Code of Practice for gaming machines in clubs and premises with an alcohol licence issued by the Gambling Commission, which may be accessed through the following link: <https://www.gamblingcommission.gov.uk/licenses-and-businesses/guide/lccp>
- 38.4 All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.
- 38.5 The provision of gaming machines, on premises licensed for the sale and consumption of alcohol, in excess of the automatic two machine entitlement, can only be authorised by way of a permit issued by the Licensing Authority.
- 38.6 In considering any application for a permit to authorise the provision of more than two machines, on premises licensed under the Licensing Act 2003, for the sale and consumption of alcohol; the Licensing Authority will have regard to the following:
- The requirements of the Act.
 - The Licensing Objectives.
 - Any guidance issued by the Gambling Commission.
 - Any Code of Practice issued by the Gambling Commission.
 - The principles within this 'Statement of Principles'.
 - Any other matters that the Licensing Authority considers relevant.
- 38.7 The matters that the Licensing Authority considers relevant in reference to the last bullet point above, will include but are not exclusive to:
- Any representation it considers relevant by The Police and the Children's Safeguarding Board.
 - Any relevant policies e.g., child protection from the applicant.
 - The percentage of gross turnover the gaming machines contribute to total gross turnover of the premises and this should not be significant.
 - The confidence the Licensing Authority has in the management of the premises.
- 38.8 In granting a permit the Licensing Authority can prescribe a different number of machines to that which was applied for and can prescribe the particular category of machine(s) that may be permitted; however, the Licensing Authority cannot attach conditions to a permit.
- 38.9 Applications for permits under this section cannot be made in respect of unlicensed non-alcohol areas of, (Licensing Act 2003), licensed premises. Such areas would need to be considered under the provisions relating to 'Family Entertainment Centres' or 'Adult Gaming Centres'.

Permit: Three or more machines

- 38.10 If a premises wishes to have more than two machines, then it needs to apply for a gaming machine permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25, codes issued under Section 24 of the Act, and 'other such matters as the Licensing Authority think relevant'.

- 38.11 The Licensing Authority considers that 'such matters' will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines being in sight of the bar, or in sight of staff that will monitor that the machines are not being used by those under 18, or suitable Challenge scheme. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 38.12 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. Please refer to Pubs and clubs toolkit (gamblingcommission.gov.uk)
- 38.13 All gaming machines must be located in a place within the premises so that their use can be adequately supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.
- 38.14 A plan must accompany applications indicating where and what type of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.
- 38.15 In granting a permit, the Licensing Authority can prescribe a different number of machines to that which was applied for and can prescribe the particular category of machine(s) that may be permitted. The number of machines will be clearly stated on each permit.
- Any gaming machines must be obtained from a licensed supplier.

39 Prize Gaming Permits – Statement of Principles on Permits

- 39.1 In considering any application for a prize gaming permit the Licensing Authority will have regard to the following:
- The type of gaming that the applicant is intending to provide.
 - The requirements of the Act.
 - The Licensing Objectives.
 - Any guidance issued by the Gambling Commission.
 - Any statutory and mandatory conditions.
 - The principles within this 'Draft Statement of Principles'.
- 39.2 The Licensing Authority will expect the applicant to demonstrate that they understand the limits applicable to 'stakes and prizes' that are set out in Regulations; and that they are able to understand and ensure that the gaming to be provided is within the law.
- 39.3 There are statutory and mandatory conditions in the Act which the permit holder must comply with, and the Licensing Authority cannot impose any additional conditions to the grant of a permit. The conditions in the Act are:
- The limits on participation fees, as set out in regulations, must be complied with.
 - All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played.

- The prize for which the game is played must not exceed the amount set out in regulations (if a monetary prize), or the prescribed value, (if non-monetary prize).
- Participation in the gaming must not entitle the player to take part in any other gambling.

40 Club Gaming Permits and Club Machine Permits

- 40.1 The Act creates a separate regime for gaming in ‘club’ premises from that in other relevant alcohol licensed premises. It defines two types of clubs for the purposes of gaming:
- Members’ club (including miners’ welfare institutes)
 - Commercial club.
- 40.2 A Members Club may apply for a ‘Club Gaming Permit’ or a ‘Club Machine Permit’. Whereas a Commercial Club, may only apply for a ‘Club Machine Permit’ and may not provide Category B3A machines.
- 40.3 The grant of a ‘Club Gaming Permit’ by the Licensing Authority will enable the premises to provide gaming machines of the type and number set out on the Gambling Commission’s website (link below) and <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/club-gaming-and-machine-permits>, equal chance gaming and games of chance as set out in regulations.
- 40.4 The grant of a ‘Club Machine Permit’ by the Licensing Authority will enable the premises to provide gaming machines of the type and number set out on the Gambling Commission’s website <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/club-gaming-and-machine-permits>
- NOTE: This maximum entitlement of three machines will include any machines provided by virtue of the Licensing Act 2003 entitlement; it is not in addition to that entitlement.
- 40.5 Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming unless the gaming is permitted by separate regulations. This may cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A ‘Members’ Club’ must be permanent in nature, not established to make commercial profit, and controlled by its members in equal part. Examples would include ‘Working Men’s Clubs’, branches of the ‘Royal British Legion’ and clubs with political affiliations.
- 40.6 The Licensing Authority will take steps to ensure that a club is a bonafide club within the terms set out in the Act and with this in mind reserve the right to request or require sight of evidence that confirms the status of the club. The Licensing Authority may request evidence any of the follow factors for consideration in its decision-making;
- Evidence of committee members and evidence of their election by club members?
 - Minutes of previous meetings (where appropriate)?
 - Is the primary activity of the club something other than gaming?
 - Are the club’s profits retained solely for the benefit of the club’s members?
 - Are there 25 or more members?
 - Are the addresses of club member’s genuine domestic addresses and live reasonably locally to the club?
 - Do members participate in the activities of the club via the internet?
 - Do guest arrangements link each guest to a member?

- Is the 48-hour rule being applied for membership and being granted admission being adhered to (for member clubs)
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution, and can it provide evidence that the constitution was approved by members of the club?
- Submission of a plan of the premises for which the permit is sought i.e. premises, boundaries, machine position, etc.

40.7 The Licensing Authority may only refuse an application for a 'Club Gaming Permit' or a 'Club Machine Permit' on the grounds that:

- The applicant does not fulfil the statutory requirements for a member's club, a commercial club or a miner's club, welfare institute; and therefore, is not entitled to receive the type of permit for which it has applied.
- The applicant's premises are used wholly or mainly by children and/or young persons.
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities.
- A permit held by the applicant has been cancelled in the previous ten years.
- An objection to the grant of a permit has been lodged by the Gambling Commission or the Police within the 28 days consultation period, as specified in section 9 of the Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007.

40.8 The Licensing Authority is aware that there is a fast-track procedure for the issue of a permit to premises which hold a club premises certificate granted under the Licensing Act 2003. Under this fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police.

40.9 The 'fast track' process afforded to an applicant under the Licensing Act 2003 does not provide any statutory right to the issue of a permit and the Licensing Authority may resolve to refuse the grant of a 'fast track' application on the following grounds:

- That the club is established primarily for gaming, other than gaming prescribed under Schedule 12 of the Act, that section relating to 'Club Gaming Permits' and 'Club Machine Permits'.
- That in addition to the prescribed gaming to be provided under the permit, the applicant provides facilities for other gaming on the same premises.
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

40.10 No child shall be permitted to use a Category B or C gaming machines on the premises and that the holder of the Premises Licence must comply with any code of practice relevant to the location and operation of gaming machines.

40.11 All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by suitable other means. Please refer to [Codes of Practice - Section C - Gaming machines in clubs and premises with an alcohol licence \(gamblingcommission.gov.uk\)](#). Information on permits can be found on the Gambling

41 Temporary Use Notices

- 41.1 There are a number of statutory limits as regards Temporary Use Notices. The limits are set out in the Act as:
- A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months.
 - A set of premises may be the subject of more than one temporary use notice in a period of 12 months; provided that the aggregate of the periods for which the notices have effect does not exceed 21 days.
- 41.2 The Licensing Authority notes that a Temporary Use Notice can only be used to offer gambling of a form authorised by the operator's Operator Licence and will give consideration to whether the form of gambling offered on the premises will be remote, non-remote, or both.
- 41.3 The purposes for which a temporary use notice may be used are restricted by regulations, to the provision of facilities for equal chance gaming only, which must be provided by means other than 'machine gaming'.
- 41.4 'Equal Chance Gaming' is gaming where the participants are taking part in a gambling competition which is intended to produce a single, overall winner. An example of this would be a poker competition.
- 41.5 In considering whether to object to a temporary use notice the Licensing Authority will have particular regard to this Statement of Principles, and any guidance issued by the Gambling Commission, with regard to the nature and definition of a 'premises' or a 'place'. Should the Licensing Authority consider that 'Temporary Use Notices' are being employed at premises (or for discreet parts of premises), to the extent where 'regular gambling' is thereby being provided within a given building or at a given place; then the Licensing Authority may object to the notice(s).

42 Small Society Lotteries

- 42.1 Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence (a large lottery) or is an exempt lottery. The Licensing Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:

- Licensed lotteries (requiring an operating licence from the Gambling Commission)
- Exempt lotteries (including small society lotteries registered with Torbay Council)

Exempt lotteries are defined as:

- Small society lotteries
- Incidental non-commercial lotteries
- Private lotteries
- Work lotteries
- Residents' lotteries
- Customer lotteries

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission guidance and their website - [Types of lottery you can run without a licence \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/types-of-lottery-you-can-run-without-a-licence)

- 42.2 Organisers of raffles or lotteries MUST follow the legislation contained within the Gambling Act 2005, to ensure that the arrangements for lottery are legal to avoid an offence being committed. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within.
- 42.3 Applicants for small society registrations must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area, it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 42.4 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the promoter to declare that they represent a bonafide non-commercial society and have no relevant convictions. The Licensing Authority may seek further information from the Society if not provided. The Licensing Authority may refuse an application for registration if in their opinion:
- The applicant is not a non-commercial society
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence or
 - Information provided in or with the application for registration is false or misleading
- 42.5 The Licensing Authority will refuse applications for registration if in the previous five years, either an Operating Licence held by the applicant for registration has been revoked, or an application for an Operating Licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 42.6 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.
- 42.7 The Licensing Authority may revoke the registered status of a society if it thinks that they would have been obliged or permitted to refuse an application for registration if it were being made anew. No revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the Society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 42.8 Where the annual fee is not paid by the due date, the Licensing Authority may cancel the small society registration. The onus is firmly placed on the society to ensure they pay the annual fee by the due date.
- 42.9 Where a society employs an external lottery manager, it will need to satisfy itself that that person holds an Operator's Licence issued by the Gambling Commission. The Licensing Authority will expect this to be verified in writing by the Society.
- 42.10 The Licensing Authority requires all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

42.11 The Licensing Authority is permitted to inspect the records of the lottery for any purpose related to the lottery. It is likely to do so where:

- The Society has failed to complete the statement of return correctly on two or more occasions.
- The Society fails to submit a statement of return for a lottery the society has held within 3 months of the draw taking place.

The Licensing Authority will keep a Public Register of all applications to register a small society for lottery purposes.

The Licensing Authority will accept return information by an electronically scanned return sent by email.

43 Occasional Use Notices

43.1 With regard to 'Occasional Use Notices' (OUN's), the Licensing Authority will ensure the following:

- That the statutory limit of 8 days in a calendar year is not exceeded.
- That the subject premises can reasonable and effectively be defined as a 'track'
- That the applicant is permitted to avail himself/herself of the notice.

Further information on OUN's may be found on the Gambling Commission website:

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/page/occasional-use-notices-ouns>

Part D - Appendices

Appendix 1 – Consultation

The Act requires that the following parties are consulted by Torbay Council prior to publication of this 'Statement of Principles':

- The Chief Officer of Police.
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Authority's area.
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act.

This Statement of Principles is made following consultation with the following:

- Residents and businesses of Torbay
- Bodies representing existing gambling businesses in Torbay
- The Chief Officer of Devon and Cornwall Police
- The Chief Officer of Devon and Somerset Fire and Rescue Service
- Torbay and South Devon NHS Foundation Trust
- Torbay Safeguarding Children's Partnership
- Torbay Council: Planning, Community Safety
- Safer Communities Torbay
- Facilities in Torbay assisting vulnerable persons
- Faith groups; via Torbay Interfaith Forum and the Street Pastors
- Brixham Town Council
- English Riviera BID
- Director of Public Health
- Ward Councillors
- Gamcare
- Gamblers Anonymous
- GambleAware
- Gambling Commission

In determining this Statement of Principles, the Licensing Authority undertook to give appropriate weight to the views of those it consulted. In determining what weight to give to a particular representation, the factors taken into account included:

- Who made the representation; (what is their expertise or interest?)
- What was the motive for their representation?
- How many other people have expressed the same or similar views?
- How far the representation related to matters that The Licensing Authority should be including in its Statement of Principles.

Torbay Council has designated the Torbay Safeguarding Children's Partnership, as the 'Competent Body' to advise the Council, with regard to the Licensing objective that protects children from being harmed or exploited by gambling.

Appendix 2: Child Sexual Exploitation and Trafficking of Children and Young People

Torbay Council is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly the Police and Safeguarding Boards.

Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with the Police and Safeguarding Boards helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion, and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older person, or a young person having sex in return for attention, gifts, alcohol, or cigarettes.

How gambling premises licence and permit holders and their employees can help tackle child sexual exploitation

Gambling establishment licence and permit holders and their employees are in a good position to help identify victims of sexual exploitation because, through the operation of certain gambling activities, licence and permit holders and their employees regularly come into contact with children, young and vulnerable people. This means that licence and permit holders and their employees are in an ideal position to help protect young and vulnerable people.

In particular, licence and permit holders and their employees should ask themselves the following questions when they see young and vulnerable people in their gambling premises:

- Do any of your customers appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children/young people being brought regularly to your premises by older people? If so, ask yourself why?

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with the Police (Tel: 101 or if immediate risk 999) and Torbay Safeguarding Children Partnership on Tel: 01803 208100 or the out of hours number on Tel: 0300 4564876. Please email for enquiries and referrals to torbay.safeguarding@torbay.gov.uk

Appendix 3 - Small Casino Licence

The Act provided for an increase in the number of casino premises permitted to operate in the United Kingdom and established that two new types of casino should be permitted: eight large and eight small casinos. The Secretary of State for Culture, Media and Sport was given the Authority under the Act to determine which Licensing authorities should be permitted to grant new casino premises licences.

The Secretary of State established a '*Casino Advisory Panel*' to recommend the most appropriate areas of the UK in which to site the 16 new casino premises and invited interested Local Authorities to submit proposals to the Panel; Torbay Council submitted a proposal to the panel in response to this invitation.

On 15th May 2008, the 'Categories of Casino Regulation 2008' and the 'Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008' were approved. The Order specified which Licensing Authorities could issue premises licences for both large and small casinos; Torbay Council's Licensing Authority was included in the Order and was authorised to issue one small casino premises licence.

On 26th February 2008, the Secretary of State for Culture, Media and Sport issued the '*Code of Practice on Determinations Relating to Large and Small Casinos*' (herein referred to as the Code of Practice). The Licensing Authority must comply with the Code of Practice which states:

- The procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Act.
- Matters to which the Licensing Authority should have regard in making those determinations.

In summary, the casino licensing process is in two stages. At Stage 1, applications are made for premises licences or provisional statements. Those applications are decided in accordance with section 153 of the Gambling Act 2005, in the same way as any other application and without reference to each other. If more than one applicant is successful at Stage 1, then the process passes to Stage 2.

As to Stage 2, Schedule 9 paragraph 5 to the Act states the following:

"This paragraph applies if a Licensing Authority determine under Paragraph 4 that they would grant a number of competing applications greater than the number which they can grant as a result of section 175 and the Order under it.

The Authority shall then determine which of those applications to grant under section 163(1)(a).

For that purpose the Authority -

- *shall determine which of the competing applications would, in the Authority's opinion, be likely if granted to result in the greatest benefit to the Authority's area,*
- *may enter into a written agreement with an applicant, whether as to the provision of services in respect of the Authority's area or otherwise,*
- *may determine to attach conditions under section 169 to any licence issued so as to give effect to an agreement entered into under paragraph (b), and*
- *may have regard to the effect of an agreement entered into under paragraph (b) in making the determination specified in paragraph (a)."*

Torbay Council, as the Licensing Authority, is aware that there may be a number of operators who may wish to apply for the small casino premises licence from Torbay Council.

The Licensing Authority will therefore stage a statutory selection process, (*the 'small casino premises licence process'*), under Schedule 9 of the Act and will run the selection process in line with *'The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008'* and the said Code of Practice, issued by the Secretary of State.

In accordance with the above Regulations, Torbay Council's Licensing Authority will publish an invitation calling for applications for the 'small casino premises licence'.

Should the Licensing Authority receive more than one application for a small casino premises licence at Stage 1 of the 'small casino premises licence process' and should the Licensing Authority determine that it would grant more than one small casino premises licence, then subject to any and all appeals which may have been lodged at Stage 1 of the process being concluded, the Licensing Authority will:

- Make a 'Provisional Decision to Grant' in respect of those applicants deemed appropriate for the grant of a small casino premises licence.
- Implement Stage 2 of the 'small casino premises licence process'.
- Invite those applicants issued with a 'Provisional Decision to Grant' at Stage 1 of the 'small casino licence process', to participate in Stage 2 of the 'small casino premises licence process'.

Any 'Provisional Decision to Grant' issued to an applicant at Stage 1 of the 'small casino premises licence process', shall have no effect and shall not be used for the provision of casino gaming facilities upon the premises to which it relates. The 'Provisional Decision to Grant' merely confirms the Licensing Authority's determination, that the applicant satisfies the statutory requirements for the grant of a small casino premises licence; and afford the applicant the right to participate in Stage 2 of the 'small casino premises licence process' for Torbay.

It may be the case that at Stage 1 of the process, only one application may be submitted to the Licensing Authority for a small casino premises licence, or it may be the case that after due consideration of all the applications at Stage 1, the Licensing Authority considers that only one applicant satisfies the statutory requirements, in respect of a premises licence. In that instance, the Licensing Authority will not implement Stage 2 of the 'small casino Licensing process' and will, (subject to any and all appeals being concluded), grant a small casino premises licence to the 'only suitable applicant' determined under Stage 1 of the process.

If the Licensing Authority does not receive any applications for a small casino premises licence at Stage 1 of the 'small casino premises licence process', or should the Licensing Authority resolve to refuse the grant of any applications so made under Stage 1, then subject to any and all appeals being concluded:

- Stage 2 of the 'small casino premises licence process' will not be implemented, and,
- The Licensing Authority may re-publish an invitation calling for applications for a 'small casino premises licence'.

Section 166(1) of the Act states that a Licensing Authority may resolve not to issue a premises licence. A decision to pass such a resolution will be taken by the Authority as a whole and will not be delegated to the Licensing Committee (a resolution not to issue casino premises licences will only affect new casinos). In passing such a resolution the Authority may take into account any principle or matter, not just the Licensing Objectives. The Authority may revoke the resolution by passing a counter resolution. To date, no resolution has been passed by the Licensing Authority.

Small Casino Premises Licence – General Principles

The Licensing Authority recognises that applicants may either apply for a 'Casino Premises Licence' or alternatively a 'Provisional Statement' in respect of the small casino premises licence.

Unless otherwise specified, any reference to the application and procedures for a 'Small Casino Premises Licence' in the 'Small Casino Premises Licence' sections of this 'Statement of Principles' shall also include the application and procedures for a 'Provisional Statement' for a small casino premises licence.

In making any decision under Stage 1 or Stage 2 of the 'small casino premises licence process', the Licensing Authority will have due regard to this 'Statement of Principles', the Act and to any Codes of Practice, Regulations and Guidance which may be issued by:

- The Secretary of State.
- The Department for Culture, Media and Sport, (*DCMS*).
- The Gambling Commission.

In making any decision in respect of a small casino premises licence application, made under the 'small casino premises licence process':

- the Licensing Authority shall not take into account whether or not an applicant is likely to be granted planning permission or building regulations approval; and
- any decision taken in relation to the small casino premises licence application, shall not constrain any later decision by The Council, under the law relating to planning or building control; and
- any conditions or agreements attached to any planning consents will normally fall outside of the Licensing process and will normally be disregarded by the Licensing Authority, in determining which applicant will bring the greatest benefit to the area of Torbay.

The Licensing Authority cannot consider unmet demand when considering applications for a small casino premises licence.

Torbay Council does not have a preferred location for the new small casino. Applicants can submit plans for any site or location within Torbay, each of which will be judged on its own individual merits. Applicants, however, should have regard to the proposed location of the premises, with regard to meeting the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling.

Where more than one 'Provisional Decision to Grant' is issued, the Licensing Authority will implement Stage 2 of the 'small casino premises licence process'.

The Licensing Authority will ensure that any pre-existing contract, arrangements or other relationship it may have with a company or individual, does not affect the procedure so as to make it unfair (or appear unfair) to any applicant.

Small Casino Premises Licence Application - Stage 1

The 'small casino premises licence process' will be started by the Licensing Authority publishing an invitation calling for applicants to submit an application for a small casino premises licence.

An application for a small casino premises licence may be made at any time, however the Licensing Authority will not consider any such application, until a formal invitation to apply has been published and the appointed closing date for the submission of applications has passed. The

appointed closing date shall be the final day of the three-month period, duly advertised for Stage 1 applications.

The Licensing Authority will provide an application pack that will include a statement of the procedure and process it proposes to follow, in assessing applications for a small casino premises licence.

All applications for a small casino premises licence will be received through Stage 1 of the 'small casino premises licence process'. Should the Licensing Authority receive more than one application, then each application will be considered separately and on its own merits, with no reference being made to the other applications received.

At Stage 1 of the 'small casino premises licence process' any additional information submitted by an applicant, above that required by the statutory process, will be disregarded and returned to the applicant in accordance with Act and its Regulations. Additional information may be submitted by an applicant participating in Stage 2 of the 'small casino premises licence process'.

The Licensing Authority recognises that, should there be more than one small casino premises licence applicant, then each applicant is an 'Interested Party' in relation to the other, and therefore may make a representation. The term 'Interested Party' is defined in Section 5, of this 'Statement of Principles' and all representations will be considered carefully to ensure they meet the requirements set out therein.

It is recognised that any decision taken by the Licensing Authority under Stage 1 of the 'small casino licence application process' may be the subject of an appeal. The Licensing Authority will not proceed to Stage 2 of the 'small casino premises licence process' until any and all appeals, which may have been lodged at Stage 1 of the process, have been concluded.

Where the application at Stage 1 is for a 'Provisional Statement', the provisional statement is likely to be granted for a fixed period of 12 months, so that applications for premises licences should follow shortly after the provisional statement.

It is unlikely that the Authority will wish to extend the duration of the provisional statement.

If applicants do not believe they can apply for and be granted a premises licence within 12 months of grant of the provisional statement they should say so in their applications. The risk that they will not obtain a premises licence within that timescale will be taken into account in assessing the likely benefits of the proposal.

If a licence is granted, the Authority is likely to consider applying to revoke it after 12 months pursuant to section 202(3) of the Act, unless construction work has commenced or is imminent at the end of that period.

Small Casino Premises Licence Application - Stage 2

Stage 2 of the 'small casino premises licence process' cannot commence until Stage 1 has been completed and all applications have been determined, including the conclusion of any and all appeals.

At Stage 2 of the 'small casino premises licence process', each of the second stage applicants will be required to state and demonstrate the greatest benefit they can bring to the local area of Torbay and how this will contribute to the wellbeing of the area.

Where more than one application is received for a small casino premises licence and where more than one application is the subject of a 'Provisional Decision to Grant', (in accordance with Section 19.8 at Page 18), the Licensing Authority will give due consideration to all applications. It will grant

the available licence to the applicant whose application it considers will be likely if granted to result in the greatest benefit to the area of Torbay.

Any determination made under Stage 2 of the 'small casino premises licence process' will be judged on the criteria below, which have been established by the Licensing Authority in consultation with the community of Torbay, under the terms of this Statement of Principle'.

The Licensing Authority may during Stage 2 of the 'small casino premises licence process' engage in discussions with each Stage 2 applicant, with a view to the application being refined, supplemented or otherwise altered so as to maximise the benefits to the area of Torbay.

The Licensing Authority will expect a Stage 2 applicant to sign a written agreement with Torbay Council relating to the benefits that the proposed development may bring to the area of Torbay. The Licensing Authority will take any such agreement into account, in determining which application would result in the greatest benefit to the area of Torbay. The Licensing Authority may attach conditions to the small casino premises licence to give effect to this agreement.

The following are the principles which will be used by the Licensing Authority to judge which proposal is likely to result in the greatest benefit to the area of Torbay and therefore, these are the matters to which applicants will be expected to address their Stage 2 application:

- An upfront payment on grant.
- A percentage of the Gross Gambling Yield including from machines
- An annual sum, to be paid whether the casino has been built or is operational or not.
- The likelihood of delivery of such benefits.

In considering the likelihood that such benefits will be delivered, the matters the Licensing Authority will take into account include but are not limited to:

- Whether the applicant is the intended operator.
- If the applicant does not have an operating licence, the timescale for obtaining one.
- Whether or not the proposal has planning permission.
- Whether or not the applicant has a legal right to occupy the site.
- The committed financing of the proposal.
- The timescale for completion and the risks to the timetable.
- Whether the Stage 1 application is for a 'provisional statement', and whether a premises Licence application will be made with 12 months of the original grant.

Above, the Licensing Authority has set out matters which it will take into account in judging the competing applications at Stage 2 of the 'small casino premises licence process'. While these matters are likely to receive the greatest weight in the evaluation process, an operator is not debarred from putting forward other benefits which the Licensing Authority will take into consideration and weigh to the extent it considers them relevant.

The Stage 2 applicant will be expected to additionally submit the following:

- A clear and detailed Business Plan dealing, amongst other things, with the viability of any submitted proposals.
- A signed 'Development Agreement' in a form that is acceptable to the Licensing Authority, committing the applicant, (in the event that they are granted a licence), to the entirety of the scheme they have put forward.

- A timescale for implementation and completion of the proposed development works, (including any ancillary development), setting out the various stages of construction. This is to enable the Licensing Authority to be kept informed of when the project is likely to be completed and that the applicant is on target for final completion.
- Evidence that there will be consultation with Statutory Bodies and Responsible Authorities, to ensure due compliance with any and all Statutory Regulations and Legislation, during the construction of the development; (e.g. health and safety, highway approvals, etc).

In assessing applications made under the 'small casino premises licence process' the Licensing Authority will give consideration to the likelihood of a casino actually being developed and additional weight shall be given to its deliverability.

The 'small casino premises licence process' will follow the DCMS Code of Practice; however, the Code of Practice leaves individual authorities to determine the detail of their own procedure.

Therefore, (because it is recognised that the Licensing Authority does not necessarily have all the relevant expertise), the Licensing Authority might need to seek advice on an applicant's proposal from Officers in other relevant Council departments, for example Planning, Highways, Finance, Regeneration and Legal. The Licensing Authority may also need to solicit independent expertise and advice from sources outside of the Council.

For this purpose, the Licensing Authority intends to constitute a non-statutory panel to assist in the evaluation of the Stage 2 application process. This panel shall be called the 'Advisory Panel'.

It is accepted that only the Licensing Authority will make the final decision on the successful applicant. The function of the Advisory Panel will be to evaluate the applications for the benefit of the Licensing Committee or Sub-Committee. The Advisory Panel will not be a decision-making body and while the Licensing Committee or Sub-Committee will take the Advisory Panel's evaluations into account, with regard to the 'small casino premises licence process', it is not bound to follow them.

Members of the Advisory Panel will comprise of carefully selected, competent and suitably qualified individuals, who are not biased and whose personal interests would not compromise their independence. It will be for the Local Authority to determine the membership of the Advisory Panel.

A schedule detailing the Advisory Panel members and the Panel's terms of reference will be included in the application pack. The terms of reference will include further details of the functions of the Advisory Panel and the procedures of the evaluation process, in order to ensure fairness and transparency to all applicants.

To ensure that there is fairness and transparency; applicants will be asked if they wish to object to any Member of the Advisory Panel. Should an applicant wish to raise any objection to a Member of the Advisory Panel; then:

- A formal objection must be served upon the Local Authority within 10 working days of the applicant requesting an application pack.
- The objection must clearly indicate the grounds upon which the objection is being made.
- It will be for the Local Authority to determine the validity of any objection and to determine if any member of the Advisory Panel should be replaced on the basis of the objection(s) raised.

- The formal procedure to be followed in the event of any objection being raised will be detailed within the 'application pack'

The strict time constraints detailed above, are to ensure that in the event of an Advisory Panel Member being replaced as a result of an applicants' objection, all applicants can be given due notice and opportunity to object to any 'Replacement' Advisory Panel Member(s); and to prevent the potential frustration of the procedure in the latter stages of the 'small casino premises licence' determination process. Objections raised 'out of time' will only be considered if the applicant can satisfy the Local Authority, that the objection could not reasonably have been made within the stipulated period for objections).

It is important that the small casino premises licence application includes all documents and paperwork in support of the proposals, (hereinafter referred to as the 'bid documentation'). Once all the bid documentation has been submitted, the Advisory Panel will carry out a preliminary evaluation of each application. Following the preliminary evaluation, Officers of Torbay Council may liaise with applicants with a view to the application being refined, supplemented or altered so as to maximise the greatest benefit to the Torbay area.

Once the bid documentation is finalised, the Advisory Panel will evaluate each bid. Once assessed, the Advisory Panel's draft evaluation report on each application will be sent to the applicant, in order to enable the relevant applicant to identify and address any factual errors that may have occurred. Thereafter no additional information may be submitted by the applicant, but any agreed factual errors will be amended.

The unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable

Meeting: Council **Date:** 5 December 2024

Wards affected: All wards in Torbay

Report Title: Review of Political Balance

When does the decision need to be implemented? Immediately

Director Contact Details: Matthew Fairclough-Kay, Director of Corporate Services,
matthew.fairclough-kay@torbay.gov.uk

1. Purpose of Report

- 1.1 This report sets out a review of the political balance of the Council to ensure places on Committees and Working Parties are allocated in accordance with the relevant statutory and Constitutional requirements. The report is presented following notification that Councillors Maddison wishes to be known as a member of the Independent Group.

2. Reason for Proposal and its benefits

- 2.1 Following notification that Councillors Maddison wishes to be known as a member of the Independent Group, the political balance for the Council needs amending.

3. Recommendation(s) / Proposed Decision

1. That Council adopts one of the options for the overall political balance of the committees as set out at Appendix 1.
2. That it be noted the overall political balance of Council appointed working parties remains the same (as set out in Appendix 2).
3. That it be noted that the political balance of the Adult Social Care & Health and Children & Young People's Overview and Scrutiny Sub-Boards of the Overview and Scrutiny Board, and the Harbour Appointments Sub-Committee of the Harbour Committee remain unchanged.

Appendices

Appendix 1: Political Balance of Committees

Appendix 2: Political Balance of Working Parties

1. Introduction

- 1.1 Following notification that Councillor Maddison wishes to be known as a member of the Independent Group, this has resulted in changes to the political make-up of the Council. There are now 18 members of the Conservative Group, 15 members of the Liberal Democrat Group, and 3 members of the Independent Group. The political balance is now:

Conservative Group	18 seats	= 50%
Liberal Democrat Group	15 seats	= 41.67%
Independent Group	3 seats	= 8.33%

- 1.2 The notification has resulted in a change in the political make-up of the Council with a recalculation of seats on Committees between political groups required as a consequence. There are a number of permutations for the proportional distribution of seats on Committees and options received in advance from the Political Groups are set out at Appendix 1.
- 1.3 Whilst not a legislative requirement, the Council has included in its Constitution that Council appointed Working Parties will also be politically balanced. Whilst again there are a number of permutations for the proportional distribution of seats on Working Parties, the change has not resulted in a change to the current political balance (as set out at Appendix 2), with no alternative options put forward by the Political Groups.

2. Options under consideration

- 2.1 The calculations for the options set out at Appendix 1 provide political balance of Committees in accordance with the principles set out in paragraph 4.1 below.
- 2.2 It is possible for alternative arrangements to be considered which does not apply political balance principles, however in order to do this a vote needs to be taken where no councillor voted against them.

3. Financial Opportunities and Implications

3.1 There are no financial implications.

4. Legal Implications

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

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

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

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

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

4.2 As a result of the change in membership of political groups, no group holds the majority of the Council's membership. Therefore, paragraph (b) does not apply.

4.3 The Council is required to determine the number of seats on each committee and the allocation of those seats to the political groups. Applying the principles of the Local Government and Housing Act 1989 and the supporting Regulations, there are many permutations for distribution which would be proportional, and those set out at Appendix 1 have been requested to be included by the **Political Groups** on the Council.

- 4.4 The allocation of seats includes a statutory bar on members of the Cabinet sitting on the Overview and Scrutiny Board and a local decision to exclude members of the Cabinet sitting on the Audit Committee.
- 4.5 Whilst the Regulatory Committee is required to be politically balanced, the Statutory Licensing Committee is not, but must be made up of 10 to 15 Members. The Members on both these Committees' can be the same. Given that Members must be trained before presiding, it is proposed that the Membership for both Licensing Committee's continue to be the same. Therefore, maintaining political balance whilst remaining within the requirement of 10 to 15 Members.
- 4.6 Political balance requirements may be dis-applied under Section 17, Local Government and Housing Act 1989 and Regulation 20, Local Government (Committees and Political Groups) Regulations 1990. Any decision to dis-apply would require no councillor voting against such a decision.
- 4.7 In respect of Working Parties, the Council's Constitution states that Working Parties considering non-executive functions will be appointed in accordance with the principles of political balance. The change to political balance does not change the distribution of seats on Working Parties and, as such, Council is requested to note the current balance as set out at Appendix 2.
- 4.8 The political balance of the Adult Social Care & Health and Children & Young People's Overview and Scrutiny Sub-Boards of the Overview and Scrutiny Board and the Harbour Appointments Sub-Committee of the Harbour Committee remain unchanged (in accordance with Paragraph 15 sub section (2) and (3) of the 1989 Act – namely the application of principle (d) outlined above).
- 4.9 The Review Panels established by the Overview and Scrutiny are classed as Working Parties and the Overview and Scrutiny Board, as the appointing body, is requested to review the political balance of these following the Council's determination of this report.

5. Engagement and Consultation

- 5.1 The Group Leaders have been consulted on the political balance calculations of both committees and working parties and they have submitted the options as set out at Appendix 1 for committees for the Council to consider.

6. Procurement Implications

6.1 Not applicable.

7. Protecting our naturally inspiring Bay and tackling Climate Change

7.1 No impact.

8. Associated Risks

8.1 There is a statutory requirement to undertake a review of political balance following a change in the political composition of the Council. This review has been completed. Therefore, there are no risks unless members fail to determine the matter.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	There is no differential impact.		
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	There is no differential impact.		
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.	There is no differential impact.		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community	There is no differential impact.		

	<p>answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.</p>			
Marriage and civil partnership	<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>There is no differential impact.</p>		
Pregnancy and maternity	<p>Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.</p>	<p>There is no differential impact.</p>		
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>There is no differential impact.</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.		
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.		
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact.		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	There is no differential impact.		
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)	There is no differential impact.			
Public Health impacts (Including impacts on the general health of	There is no differential impact.			

the population of Torbay)				
Human Rights impacts	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.	There is no differential impact.		

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.

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Review of Political Balance of Committees

Option 1: No change to committee size/overall number of seats

Committee	Conservative Group	Liberal Democrat Group	Independent Group	Total
Audit Committee (excluding Cabinet Members)	3	2	01	6
Civic Committee	2	2	0	4
Employment Committee (to include a Cabinet member)	3	2	1	6
Harbour Committee	3	3	0	6
Regulatory Committee (excluding Cabinet Member with responsibility for Licensing)	5	4	1	10
Overview and Scrutiny Board (excluding Cabinet Members)	5	4	1	10
Planning Committee (excluding Cabinet Member with responsibility for Planning)	4	4	0	8
Standards Committee	3	2	0	5
Totals	28	23	3 4	55

Option 2: Opposition Partnership proposal:

Committee	Conservative Group	Liberal Democrat Group	Independent Group	Total
Audit Committee (excluding Cabinet Members)	3 4	2 3	0 1	6 8
Civic Committee	2	2	0	4
Employment Committee (to include a Cabinet member)	3	2	1 0	6 5
Harbour Committee	3	3	0 1	6 7
Regulatory Committee (excluding Cabinet Member with responsibility for Licensing)	5	4	1	10
Overview and Scrutiny Board (excluding Cabinet Members)	5	4	1	10
Planning Committee (excluding Cabinet Member with responsibility for Planning)	4	4	0 1	8 9
Standards Committee	3	2	0	5
Totals	28 29	23 24	4 5	55 58

Political Balance of Non-Executive Council appointed Working Parties

No change:

Working Party	Conservative Group	Liberal Democrat Group	Independent Group	Total
Community Asset Transfer Panel (including appropriate Cabinet Member)	3	2	0	5
Corporate Parenting Board	2	2	1	5
Harbour Asset Working Party (plus external advisors and membership restricted to Harbour Committee)	2	2	0	4
Harbour Budget Working Party (plus external advisors and membership restricted to Harbour Committee)	2	2	0	4
Local Plan Working Party	3	2	1	
Totals	12	10	2	24

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Meeting: Cabinet/Council **Date:** 26 November 2024/5 December 2024

Wards affected: All wards in Torbay

Report Title: Review of Parliamentary Polling Districts, Polling Places and Polling Stations 2024

When does the decision need to be implemented? 1 February 2025

Cabinet Member Contact Details: Councillor Jacqueline Thomas, Cabinet Member for Tourism, Culture & Events and Corporate Services

Director Contact Details: Anne-Marie Bond, Chief Executive and Returning Officer, anne-marie.bond@torbay.gov.uk

1. Purpose of Report

- 1.1 Under the Representation of the People Act 1983, Torbay Council (“the Council”) has a duty to divide its area into polling districts and to designate a polling place for each district. The Electoral Administration Act 2006, as amended, introduced a duty on all local authorities in Great Britain to review their polling districts and polling places at least once every five years. The Council’s compulsory review must be undertaken within a 16-month window between 1 October 2023 and 31 January 2025. This report sets out the results of a consultation exercise and sets out proposals for a revised polling district and polling station scheme.
- 1.2 The proposals contained in this report will result in some minor changes to resourcing of polling stations, but these are not significant.

2. Reason for Proposal and its benefits

- 2.1 Under the Representation of the People Act 1983, the Council has a duty to conduct a review of its Parliamentary polling districts, polling places and polling stations at least once every five years.
- 2.2 The proposals in this report help us to deliver our vision of a healthy, happy and prosperous Torbay through the provision of good polling arrangements.

2.2 The reasons for the proposal and need for the decision are to meet statutory requirements.

3. Recommendation(s) / Proposed Decision

3.1. That the revised polling district and polling station scheme, as set out at Appendix 1 be approved.

3.2. That delegation be given to the Returning Officer to make any amendments to the scheme which may be required to facilitate the running of elections.

Appendices

Appendix 1: Revised Polling District and Polling Station Scheme

Appendix 2: Consultation feedback and response

Background Documents

Electoral Commission: [Reviews of polling districts, polling places and polling stations | Electoral Commission](#)

Legislation:

[Electoral Administration Act 2006 \(legislation.gov.uk\)](#)

[Representation of the People Act 1983 \(legislation.gov.uk\) \(parliamentary\)](#)

[Representation of the People Act 1983 \(legislation.gov.uk\) \(local elections\)](#)

Supporting Information

1. Introduction

- 1.1 Under the Representation of the People Act 1983, the Council has a duty to divide its area into polling districts and to designate a polling place for each district.
- “Polling districts” are geographical electoral areas into which wards and constituencies may be sub-divided.
 - “Polling places” are the buildings or areas designated by the Council where electors in a polling district go to vote in person. In Torbay and South Devon constituencies, the polling places are the same areas as the polling districts.
 - “Polling stations” are the number of issuing desks in the building or area that is the designated polling place.
- 1.2 The Electoral Administration Act 2006, as amended, introduced a duty on all local authorities in Great Britain to review their polling districts and polling places at least once every five years. The next compulsory review must be undertaken within a 16-month window between 1 October 2023 and 31 January 2025.
- 1.3 The review can only address polling issues within the current ward structure of the Borough. It cannot make changes to the ward (or Borough) boundaries.
- 1.4 Whilst there are minimal changes to the existing scheme, changes have been made to existing polling stations as a result of consultation feedback, where they are no longer available, or a more suitable location has been identified.

2. Options under consideration

- 2.1 Consider the Returning Officers recommendations for polling districts, polling places and polling stations.
- 2.2 Identify alternative polling places and polling stations – this option is not recommended as alternative venues need to be fully assessed for accessibility and suitability.

3. Financial Opportunities and Implications

- 3.1 There are no financial implications. The cost of polling stations is covered by the Elections Reserve (for local elections) or funded by the Electoral Claims Unit (for national elections).

4. Legal Implications

- 4.1 The Polling District and Polling Station Scheme is a legal requirement which will come into force in January 2025.

5. Engagement and Consultation

5.1 As part of the review, statutory consultation is required, and the consultation ran from 19 August to 25 September 2024. The documents consulted upon comprised the Officer proposals, which were published on the Council's website. The following people and stakeholders were included in the consultation:

- Electors
- All Councillors
- Brixham Town Councillors
- Steve Darling MP
- Caroline Voaden MP
- Candidates and agents
- Political parties
- Local and national disability groups including Age UK Torbay, Action on Hearing Loss, RNIB South West, Scope, South West Multiple Sclerosis Centre, Torbay Disability Information Centre, Speaking out in Torbay, Shopmobility, Disability Support Torbay/.
- Community Partnerships in all wards
- The Acting Returning Officer for South Hams District Council

5.2 The comments and feedback received from the consultation are included under Appendix 2.

5.3 The feedback received informed the review and the response is also set out at Appendix 2.

6. Procurement Implications

6.1 There are no procurement implications.

7. Protecting our naturally inspiring Bay and tackling Climate Change

7.1 There are no climate change implications.

8. Associated Risks

8.1 The Council must comply with the legislative requirements regarding the designation of polling districts, polling places and polling stations.

8.2 Failure to implement the proposals will be a breach of the legislation.

8.3 Some electors will vote at a different polling station to where they are used to. However, all affected electors will receive poll cards with additional messaging highlighting the change prior to an election. Redirection signage will also be provided at the previous location.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	There is no differential impact.	N/A	N/A
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.	N/A	N/A
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.	An accessibility assessment is made on all polling stations and reasonable adjustments made where required.	N/A	N/A
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community	There is no differential impact.	N/A	N/A

	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.			
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.	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.	There is no differential impact.	N/A	N/A
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.	N/A	N/A

Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There are a number of existing polling stations which are located in Christian churches or church halls. This may have an impact on residents of other faiths/those without a faith who may not feel welcome or may not want to enter such places.	As much as practicable ensure that polling stations are located in secular venues. Ensure that churches are used only when strictly necessary, and with awareness of the potential impact on the local community.	N/A
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact.	N/A	N/A
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.	N/A	N/A
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.	N/A	N/A
Additional considerations				

Socio-economic impacts (Including impacts on child poverty and deprivation)		There is no differential impact.	N/A	N/A
Public Health impacts (Including impacts on the general health of the population of Torbay)		There is no differential impact.	N/A	N/A
Human Rights impacts		There is no differential impact.	N/A	N/A
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.	N/A	N/A

10. Cumulative Council Impact

10.1 None

11. Cumulative Community Impacts

11.1 None

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Revised Polling District and Polling Station Scheme for the Torbay Constituency

Polling Districts	Parishes and other Places within the Polling Districts	Polling Place	Current Polling Station	Proposed Polling Station
AA		Barton with Watcombe	Mobile Station at DFS Car Park, Willows Retail Park, Nicholson Road, TQ2 7TD	No change
AB		Barton with Watcombe	Rear of St Martins Church, Barton Hill Road, TQ2 8JA	No change
AC		Barton with Watcombe	Yellow Frog Café, Moor Lane, Torquay, TQ2 8NL	No change
AD		Barton with Watcombe	Medway Centre, Medway Road, Torquay, TQ2 8SA	No change
AE		Barton with Watcombe	Acorn Community Centre, Lummaton Cross, TQ2 8ET	No change
AF		Barton with Watcombe	Hele Road Baptist Church, Hele Road, Torquay, TQ2 7PP	No change
CA		Clifton with Maidenway	Catholic Church Rooms, Cecil Road, Paignton, TQ3 2SH	No change

Polling Districts	Parishes and other Places within the Polling Districts	Polling Place	Current Polling Station	Proposed Polling Station
CB		Clifton with Maidenway	Marquee at the Old Monastery, Berry Drive, Paignton, TQ3 3RD	No change
CC		Clifton with Maidenway	Catholic Church Rooms, Cecil Road, Paignton, TQ3 2SH	No change
CD		Clifton with Maidenway	Cross Link Hall, Winner Street, Paignton, TQ3 3LN	No change
CE		Clifton with Maidenway	Mobile station at Morrison's car park, Totnes Road, Paignton, TQ4 7ET	Great Parks Chapel, 98 Kings Ash Road, Paignton, TQ3 3TT
DA		Cockington with Chelston	Mobile Station at Purbeck Avenue, Torquay, TQ2 6UL	No change
DB		Cockington with Chelston	St Matthews Church, Walnut Road, Torquay, TQ2 6JA	No change
DC		Cockington with Chelston	St Peters Centre, Queensway, Torquay, TQ2 6BP	No change
DD		Cockington with Chelston	St Peters Centre, Queensway, Torquay, TQ2 6BP	No change
FA		Ellacombe	Salvation Army Hall, Castle Lane, Torquay, TQ1 3AF	No change
FB		Ellacombe	Salvation Army Hall, Castle Lane, Torquay, TQ1 3AF	No change
FC		Ellacombe	Boots and Laces, Marnham Road, Torquay, TQ1 3QW	No change

Polling Districts	Parishes and other Places within the Polling Districts	Polling Place	Current Polling Station	Proposed Polling Station
HA		Goodrington with Roselands	Time Out Coffee Shop, 6 Sturcombe Avenue, Paignton, TQ4 7EB	No change
**HB		Goodrington with Roselands	Time Out Coffee Shop, 6 Sturcombe Avenue, Paignton, TQ4 7EB	No change
HC		Goodrington with Roselands	St Georges Hall, Barn Road, Paignton, TQ4 6NG	No change
***HD		Goodrington with Roselands	St Georges Hall, Barn Road, Paignton, TQ4 6NG	No change
HE		Goodrington with Roselands	Torbay Leisure Centre, Penwill Way, Paignton, TQ4 5JR	No change
HF		Goodrington with Roselands	Torbay Leisure Centre, Penwill Way, Paignton, TQ4 5JR	No change
JA		Preston	Mobile Station at Preston Down Road, Shopping Parade, TQ3 1DS	No change
JB		Preston	St Pauls Church - Francis Norrish Room, Torquay Road, TQ3 2DH	No change

Polling Districts	Parishes and other Places within the Polling Districts	Polling Place	Current Polling Station	Proposed Polling Station
JC		Preston	Mobile Station at Albany Road/Lacy Road, Albany Road/Lacy Road, TQ3 1BU	No change
JD		Preston	Paignton SNU Spiritualist Church Hall, Manor Corner, Torquay Road, TQ3 1JB	No change
KA		Roundham with Hyde	Christ Church Hall, Torquay Road, TQ3 2DH	No change
KB		Roundham with Hyde	*Paignton Club, Esplanade Road, Paignton, TQ4 6ED	Paignton Rugby Club, Queens Park, Paignton, TQ4 6AT
KC		Roundham with Hyde	*Paignton Club, Esplanade Road, Paignton, TQ4 6ED	Paignton Rugby Club, Queens Park, Paignton, TQ4 6AT
KE		Roundham with Hyde	Cross Link Hall , Winner Street, TQ3 3LN	No change
LA		Shiphay	Sherwell Valley Primary School, Hawkins Avenue, TQ2 6ES	Torquay Boys/Girls Grammar School, Shiphay Manor Drive, Torquay, TQ2 7DY
LB		Shiphay	St Andrews Church Hall, Exe Hill, TQ2 7NF	No change
LC		Shiphay	St Andrews Church Hall, Exe Hill, TQ2 7NF	No change
MA, MB		St Marychurch	The Precinct Social Centre, Church Road, TQ1 4QY	No change
MC		St Marychurch	Rear of Dunboyne Court, 170 St Marychurch Road, TQ1 3AB	No change

Polling Districts	Parishes and other Places within the Polling Districts	Polling Place	Current Polling Station	Proposed Polling Station
MD		St Marychurch	Plainmoor Swimming Pool, Plainmoor, TQ1 3QP	No change
ME		St Marychurch	Furrough Cross Church Hall, Babbacombe Road, TQ1 3SE	No change
MF		St Marychurch	St Annes Hall, Babbacombe Road, TQ1 3UH	No change
PA		Tormohun	Central Church Hall, Central Church, Tor Hill Road, TQ2 5RS	No change
PB		Tormohun	Central Church Hall, Central Church, Tor Hill Road, TQ2 5RS	No change
PC		Tormohun	Essential 6, Unit 1 Marble Court Business Park, Lymington Road, TQ1 4FB	Echo Building, St James Road, Torquay, TQ1 4AZ
PD		Tormohun	Barton Cricket Club, Barton Road, Torquay, TQ2 7NY	No change
PE		Tormohun	Windmill Community Centre, Pendennis Road, TQ2 7QR	No change
PF		Tormohun	Torquay Harbour Office, (Beacon Quay car park entrance), Beacon Hill, TQ1 2BG	No change
RA		Wellswood	St Matthias Church Hall, Babbacombe Road, Torquay, TQ1 1HW	No change
RB		Wellswood	St Matthias Church Hall, Babbacombe Road, Torquay, TQ1 1HW	No change

Polling Districts	Parishes and other Places within the Polling Districts	Polling Place	Current Polling Station	Proposed Polling Station
RC		Wellswood	Torquay Museum, 529 Babbacombe Road, Torquay, TQ1 1HG	No change
RD		Wellswood	Torquay Museum, 529 Babbacombe Road, Torquay, TQ1 1HG	Little Theatre, St Marks Road, Torquay, TQ1 2EL

*Venue no longer available for use as a polling station

**To be incorporated into polling district HA following the outcome of the Boundary Commission's Parliamentary Boundary Review which came into force at the 2024 UK Parliamentary General Election.

*** To be incorporated into polling district HC following the outcome of the Boundary Commission's Parliamentary Boundary Review which came into force at the 2024 UK Parliamentary General Election.

Revised Polling District and Polling Station Scheme for the South Devon Constituency

Ward	Polling Districts	Polling Place	Proposed Polling Station	Proposed Polling Station
Churston with Galmpton	BA	BA	St Georges Church, Barn Road, Paignton, TQ4 6NG (existing)	No change
Churston with Galmpton	BB	BB	Hookhills Community Centre, Freshwater Drive, Paignton, TQ4 7SB (existing)	No change
Churston with Galmpton	BC	BC	Mobile Station at Davies Avenue, Paignton, TQ4 7AW (existing)	No change
Churston with Galmpton	**BD	**BD	St Georges Church, Barn Road, Paignton, TQ4 6NG (existing)	No change
Churston with Galmpton	BE	BE	Galmpton Village Hall, Greenway Road, Galmpton, TQ4 6LL (existing)	No change
Churston with Galmpton	BF	BF	Churston Branch Library, Broadsands Road, Paignton, TQ4 6LL	No change
Collaton St Mary	EA	EA	The Parker's Arms, 343 Totnes Road, Paignton, TQ4 7DE	No change
Collaton St Mary	EB	EB	Beefeater Restaurant, Long Road South, Paignton, TQ4 7RZ	No change
Furzeham with Summercombe	GA	GA	Higher Brixham Community Centre, 1-3 Poplar Close, Brixham, TQ5 0SA	No change
Furzeham with Summercombe	GB	GB	Central Garage Showroom, Milton Street, Brixham, TQ5 0BY	No change

Ward	Polling Districts	Polling Place	Proposed Polling Station	Proposed Polling Station
Furzeham with Summercombe	GC	GC	Scala Hall, Brixham Town Hall, Market Street, Brixham, TQ5 8TA	No change
Furzeham with Summercombe	GD	GD	Scala Hall, Brixham Town Hall, Market Street, Brixham, TQ5 8TA	No change
Furzeham with Summercombe	GE	GE	Brixham Cricket Club Pavilion, 63 North Boundary Road, Brixham, TQ5 8LH	No change
Furzeham with Summercombe	GF	GF	Brixham Bowling Club Pavilion, Nelson Road, Brixham, TQ5 8BH	No change
Kings Ash	IA	IA	Foxhole Community Centre, Belfield Road, Paignton, TQ3 3UZ (formerly St Boniface Church Hall, Belfield Road, Paignton, TQ3 3UY)	
Kings Ash	***IB	***IB	St Boniface Church Hall, Belfield Road, Paignton, TQ3 3UY	Foxhole Community Centre, Belfield Road, Paignton, TQ3 3UZ
Kings Ash	IC	IC	*St Boniface Church Hall, Belfield Road, Paignton, TQ3 3UY	Foxhole Community Centre, Belfield Road, Paignton, TQ3 3UZ
Kings Ash	ID	ID	Great Parks Community Centre, Queen Elizabeth Drive, Paignton, TQ3 3YS	No change
Kings Ash	IE	IE	Great Parks Community Centre, Queen Elizabeth Drive, Paignton, TQ3 3YS	No change
St Peters with St Marys	NA	NA	St Mary's Park Bowling Club, St Mary's Park, Upton Manor Road, Brixham, TQ5 9RD	No change
St Peters with St Marys	NB	NB	Brixham Rugby Club, Astley Park, Rea Barn Road, Brixham, TQ5 9ED	No change

Ward	Polling Districts	Polling Place	Proposed Polling Station	Proposed Polling Station
St Peters with St Marys	NC	NC	Brixham Rugby Club, Astley Park, Rea Barn Road, Brixham, TQ5 9ED	No change

*Venue no longer available for use as a polling station

** To be incorporated into polling district BA following the outcome of the Boundary Commission's Parliamentary Boundary Review which came into force at the 2024 UK Parliamentary General Election.

*** To be incorporated into polling district IA following the outcome of the Boundary Commission's Parliamentary Boundary Review which came into force at the 2024 UK Parliamentary General Election.

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Torbay Constituency - Consultation Feedback and Response

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
AA	Barton with Watcombe	Mobile Station at DFS Car Park, Willows Retail Park, Nicholson Road, TQ2 7TD	None	
AB	Barton with Watcombe	Rear of St Martins Church, Barton Hill Road, TQ2 8JA	None	
AC	Barton with Watcombe	Yellow Frog Café, Moor Lane, Torquay, TQ2 8NL	None	
AD	Barton with Watcombe	Medway Centre, Medway Road, Torquay, TQ2 8SA	None	
AE	Barton with Watcombe	Acorn Community Centre, Lummaton Cross, TQ2 8ET	None	
AF	Barton with Watcombe	Hele Road Baptist Church, Hele Road, Torquay, TQ2 7PP	None	
CA	Clifton with Maidenway	Catholic Church Rooms, Cecil Road, Paignton, TQ3 2SH	None	

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
CB	Clifton with Maidenway	Marquee at the Old Monastery, Berry Drive, Paignton, TQ3 3RD	None	
CC	Clifton with Maidenway	Catholic Church Rooms, Cecil Road, Paignton, TQ3 2SH	None	
CD	Clifton with Maidenway	Cross Link Hall, Winner Street, Paignton, TQ3 3LN	None	
CE	Clifton with Maidenway	Mobile station at Morrison's car park, Totnes Road, Paignton, TQ4 7ET	<p>Too far by foot. Alternative locations suggested:</p> <p>Portakabin at roundabout/green on Waterleat Road</p> <p>Portakabin on concrete area at Tweenaway traffic lights</p> <p>Portakabin at Clifton Close green</p> <p>Great Parks Chapel, Kings Ash Road</p> <p>Portakabin in Waterleat Court car park, Waterleat Road</p> <p>Portakabin at Primley Woods, near entrance to Westleat Avenue</p> <p>My first proposed change would be CE Clifton with Maidenway, Mobile station at Morrison's car park, Totnes Road, Paignton, TQ4 7ET. This polling station</p>	<p>The proposed alternatives have been assessed. The most suitable accommodation for polling stations are permanent buildings, which best meet the Electoral Commission's requirements for polling stations. The ideal location would be Paignton Community College on Waterleat Road, however they are not able to accommodate a polling station on safeguarding grounds, and it is the Returning Officer's policy to avoid the use of schools as polling stations where possible.</p> <p>Following a site visit, Great Parks Community Chapel was deemed to be the most viable and is therefore proposed as the polling station for CE for future elections.</p>

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
			is outside of the polling area and many residents need to make a special journey to use it. There is a lower-than-average turnout for this polling station. I would recommend that the council approach the school on Waterleat Avenue and see if there is a part that could be used as a station. This would be in the ward and would hopefully facilitate a higher turnout due to convenience.	
DA	Cockington with Chelston	Mobile Station at Purbeck Avenue, Torquay, TQ2 6UL	None	
DB	Cockington with Chelston	St Matthews Church, Walnut Road, Torquay, TQ2 6JA	Having reviewed the list of polling stations, I would like to support the continued use of St Matthews Church, Walnut Road. As a relatively new resident, it was easy to find and easy to access, there was space for privacy for voting as well as capacity for people to wait at peak times. The volunteers on duty when I voted were helpful and polite.	It is proposed St Matthews Church, Walnut Road, Torquay, TQ2 6JA will continue as the Polling Station for DB
DC	Cockington with Chelston	St Peters Centre, Queensway, Torquay, TQ2 6BP	None	

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
DD	Cockington with Chelston	St Peters Centre, Queensway, Torquay, TQ2 6BP	None	
FA	Ellacombe	Salvation Army Hall, Castle Lane, Torquay, TQ1 3AF	None	
FB	Ellacombe	Salvation Army Hall, Castle Lane, Torquay, TQ1 3AF	None	
FC	Ellacombe	Boots and Laces, Marnham Road, Torquay, TQ1 3QW	None	
HA	Goodrington with Roselands	Time Out Coffee Shop, 6 Sturcombe Avenue, Paignton, TQ4 7EB	None	
**HB	Goodrington with Roselands	Time Out Coffee Shop, 6 Sturcombe Avenue, Paignton, TQ4 7EB	None	
HC	Goodrington with Roselands	St Georges Hall, Barn Road, Paignton, TQ4 6NG	Need better signage to distinguish two polling stations at St Georges please.	Agreed. This will be actioned for future elections.
***HD	Goodrington with Roselands	St Georges Hall, Barn Road, Paignton, TQ4 6NG	None	
HE	Goodrington with Roselands	Torbay Leisure Centre, Penwill Way, Paignton, TQ4 5JR	None	

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
HF	Goodrington with Roselands	Torbay Leisure Centre, Penwill Way, Paignton, TQ4 5JR	None	
JA	Preston	Mobile Station at Preston Down Road, Shopping Parade, TQ3 1DS	None	
JB	Preston	St Pauls Church - Francis Norrish Room, Torquay Road, TQ3 2DH	None	
JC	Preston	Mobile Station at Albany Road/Lacy Road, Albany Road/Lacy Road, TQ3 1BU	None	
JD	Preston	Paignton SNU Spiritualist Church Hall, Manor Corner, Torquay Road, TQ3 1JB	None	
KE	Roundham with Hyde	Christ Church Hall, Torquay Road, TQ3 2DH	None	
KB	Roundham with Hyde	Paignton Rugby Club, Queens Park, Paignton, TQ4 6AT	None	
KC	Roundham with Hyde	Paignton Rugby Club, Queens Park, Paignton, TQ4 6AT	None	
KD	Roundham with Hyde	Cross Link Hall , Winner Street, TQ3 3LN	None	
LA	Shiphay	Sherwell Valley Primary School, Hawkins Avenue, TQ2 6ES	I know that people within the Elections Office are very aware of the inadequacies of Sherwell Valley Primary	The proposed alternatives have been assessed. The most suitable accommodation for polling stations are

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
			<p>School as a polling station so I will be brief in describing the issues.</p> <ol style="list-style-type: none"> 1. Particularly for disabled voters, most end up parking on the road which means a considerable walk along the school entrance. The entrance to the music room which doubles as the polling station is approached by a ramp - good you think but it will accommodate only small wheelchairs. 2. Although I am unaware of any incidents, the school is far from happy having the public walk across to the polling station while children are in lessons / at play / etc. <p>I know there is no alternative building in the area so:</p> <ol style="list-style-type: none"> 1. Could the boundary be changed to include suitable premises? 2. Could the school be persuaded to have a training day on election days? (Then the car park could be used by voters and as the children would not be in school, there would be no concern.) 3. Does the polling station have to be in the ward? Public transport is not bad in Tq so would an alternative venue further afield work? <p>I realise the above is an awkward situation but I would like to think the</p>	<p>permanent buildings, which best meet the Electoral Commission's requirements for polling stations. Whilst the Sherwell Valley School has been used as the polling station in the district for many years, access is difficult and is in conflict with the Returning Officers' policy on not using schools as polling stations where there is disruption to the school day.</p> <p>It is not possible to change the boundary of the ward as this is the responsibility of the Local Boundary Commission for England.</p> <p>There are very few suitable areas to site a mobile polling station due to parking on the road.</p> <p>A site within Torquay Boys Grammar School or Torquay Girls Grammar School campus have been identified as the venue for the polling station for future elections.</p>

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
Page 359			review considers it and finds a workable solution.	
			The only polling station that I have significant concerns with is Sherwell Valley. While the location is not a problem - access is.	
			There is nowhere to park within the grounds, nor on the driveway and the road has parking restrictions between 8am and 6pm, very few available parking places as well the bus stop and double yellows. I believe the turnout is also lower than other stations in the ward	
			Consider a suitable area to site a mobile polling station.	
			Consider using the Air Cadet building on Shiphay Manor Drive.	
LB	Shiphay	St Andrews Church Hall, Exe Hill, TQ2 7NF	No change	
LC	Shiphay	St Andrews Church Hall, Exe Hill, TQ2 7NF	No change	
MA, MB	St Marychurch	The Precinct Social Centre, Church Road, TQ1 4QY	No change	

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
MC	St Marychurch	Rear of Dunboyne Court, 170 St Marychurch Road, TQ1 3AB	<p>This polling station is hidden away off to one side of the polling area. There is no reason why residents would go past it during their usual daily business. I would suggest that reaching out to the doctors and using something along the lines of the rear entrance to Chilcote surgery would make more sense as a polling station instead for this polling area.</p> <p>Many residents are unclear of where this is. It is out on a limb from the polling district MC. The rest of St Marychurch Road is in a different polling district. Dunboyne is a long walk uphill from Westhill Road. Suggested alternative locations:</p> <p>The John Bull pub (Chatto Road) Westhill Garage (Chatto Road) The Chilcote Surgery (Chatto Road entrance) Junction of Barewell Road and Shelley Avenue (large area of pavement)</p> <p>As the above locations are more central.</p>	<p>The proposed alternatives have been assessed and were not suitable environments to accommodate a polling station due to conflicts of use and accessibility.</p> <p>Therefore, it is proposed to continue to use Dunboyne Court as the polling station in this area.</p>
MD	St Marychurch	Plainmoor Swimming Pool, Plainmoor, TQ1 3QP	No change	

Page 360

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
ME	St Marychurch	Furrough Cross Church Hall, Babbacombe Road, TQ1 3SE	No change	
MF	St Marychurch	St Annes Hall, Babbacombe Road, TQ1 3UH	No change	
PA	Tormohun	Central Church Hall, Central Church, Tor Hill Road, TQ2 5RS	No change	
PB	Tormohun	Central Church Hall, Central Church, Tor Hill Road, TQ2 5RS	No change	
PC	Tormohun	Essential 6, Unit 1 Marble Court Business Park, Lymington Road, TQ1 4FB	This polling station is off to one side of the polling area, in the middle of a light industrial estate where very few residents would normally pass. The polling area has a very low turnout. Relocating the polling station to the former echo centre now the Together church on St James rd Torquay being in the centre of the polling area and would have footfall from local residents as there is a school, takeaway, social club, and shop nearby. The Together Church have agreed to be a polling station.	Following a site visit, Together Church (the former Echo Centre) on St James Road, is a suitable venue for a polling station. Therefore, it is proposed Together Church is used for future elections as the polling station for PC.
PD	Tormohun	Barton Cricket Club, Barton Road, Torquay, TQ2 7NY	None	
PE	Tormohun	Windmill Community Centre, Pendennis Road, TQ2 7QR	None	

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
PF	Tormohun	Torquay Harbour Office, (Beacon Quay car park entrance), Beacon Hill, TQ1 2BG	None	
RA	Wellswood	St Matthias Church Hall, Babbacombe Road, Torquay, TQ1 1HW	<p>The polling station at St Matthias Church Hall is excellent - convenient for many, as its right next to Wellswood shops and school - and there's plenty of space. The process always seems very efficient.</p> <p>I am registered to vote in Ilsham and at the last general election the polling station was St Mathias' Church Hall. For other elections the scout hut adjacent to The Range on Babbacombe Road has been used.</p> <p>My comment on the review is that I and many others who do not identify with the Christian faith are uncomfortable in visiting CoE facilities such as church halls. Along with quality, diversity and inclusion principles which currently factor physical disability, gender, race, religion (including none) should be a factor. I would suggest the Scout Hut a more inclusive location.</p> <p>Agree with Wellswood polling stations for RA and RB at St Matthias and RC and Torquay Museum.</p> <p>Can you look at Little Theatre for RD</p>	<p>We understand that polling station locations can be sensitive for some, and we take care to choose locations that are accessible, convenient, and compliant with the Electoral Commission's standards for polling stations. There are limited options for polling stations to be located in Torbay and so in some cases we do use religious buildings</p> <p>The current location was chosen because it meets the Electoral Commission's requirements in terms of accessibility.</p>

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
RB	Wellswood	St Matthias Church Hall, Babbacombe Road, Torquay, TQ1 1HW	<p>The polling station at St Matthias Church Hall is excellent - convenient for many, as its right next to Wellswood shops and school - and there's plenty of space. The process always seems very efficient. I am registered to vote in Ilisham and at the last general election the polling station was St Mathias' Church Hall. For other elections the scout hut adjacent to The Range on Babbacombe Road has been used.</p> <p>My comment on the review is that I and many others who do not identify with the Christian faith are uncomfortable in visiting CoE facilities such as church halls. Along with quality, diversity and inclusion principles which currently factor physical disability, gender, race, religion (including none) should be a factor. I would suggest the Scout Hut a more inclusive location.</p> <p>Agree with Wellswood polling stations for RA and RB at St Matthias and RC and Torquay Museum. Can you look at Little Theatre for RD</p>	<p>We understand that polling station locations can be sensitive for some, and we take care to choose locations that are accessible, convenient, and compliant with the Electoral Commission's required standards. In this case, the current location meets our needs in terms of space, accessibility and availability, and is also the preferred option for the majority of the electors in the area.</p>
RC	Wellswood	Torquay Museum, 529 Babbacombe Road, Torquay, TQ1 1HG	<p>Agree with Wellswood polling stations for RA and RB at St Matthias and RC and Torquay Museum.</p>	<p>It is proposed Torquay Museum, 529 Babbacombe Road, Torquay, TQ1 1HG will continue as the Polling Station for RC.</p>

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
RD	Wellswood	Torquay Museum, 529 Babbacombe Road, Torquay, TQ1 1HG	<p>Agree with Wellswood polling stations for RA and RB at St Matthias and RC and Torquay Museum.</p> <p>Can you look at Little Theatre for RD</p>	<p>Following a site visit, the Little Theatre is a suitable venue for a polling station. Therefore, it is proposed to use the venue as a polling station for RD for future elections (reverting to the museum if the theatre is unavailable). The Little Theatre is within the polling district and is accessible.</p>

South Devon Constituency - Consultation Feedback and Response

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
BA	Churston with Galmpton	St Georges Church, Barn Road, Paignton, TQ4 6NG	Need better signage to distinguish two polling stations at St Georges please	Agreed. This will be actioned for future elections.
BB	Churston with Galmpton	Hookhills Community Centre, Freshwater Drive, Paignton, TQ4 7SB	None	
BC	Churston with Galmpton	Mobile Station at Davies Avenue, Paignton, TQ4 7AW	None	
**BD	Churston with Galmpton	St Georges Church, Barn Road, Paignton, TQ4 6NG	None	
BE	Churston with Galmpton	Galmpton Village Hall, Greenway Road, Galmpton, TQ4 6LL	None	
BF	Churston with Galmpton	Churston Branch Library, Broadsands Road, Paignton, TQ4 6LL	None	
EA	Collaton St Mary	The Parker's Arms, 343 Totnes Road, Paignton, TQ4 7DE	None	
EB	Collaton St Mary	Beefeater Restaurant, Whiterock, Long Road South, Paignton, TQ4 7RZ	This is creating confusion. It does not service the residents of Whiterock, therefore a polling station with Whiterock in the name is confusing.	We will remove the reference to Whiterock in the address on the poll card for future elections.

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
GA	Furzeham with Summercombe	Higher Brixham Community Centre, 1-3 Poplar Close, Brixham, TQ5 0SA	None	
GB	Furzeham with Summercombe	Central Garage Showroom, Milton Street, Brixham, TQ5 0BY	None	
GC	Furzeham with Summercombe	Scala Hall, Brixham Town Hall, Market Street, Brixham, TQ5 8TA	None	
GD	Furzeham with Summercombe	Scala Hall, Brixham Town Hall, Market Street, Brixham, TQ5 8TA	None	
GE	Furzeham with Summercombe	Brixham Cricket Club Pavilion, 63 North Boundary Road, Brixham, TQ5 8LH	None	
GF	Furzeham with Summercombe	Brixham Bowling Club Pavilion, Nelson Road, Brixham, TQ5 8BH	None	
IA	Kings Ash	Foxhole Community Centre, Belfield Road, Paignton, TQ3 3UZ	None	
IB	Kings Ash	Foxhole Community Centre, Belfield Road, Paignton, TQ3 3UZ	None	

Polling Districts	Polling Place	Proposed Polling Station	Comments received	Response
IC	Kings Ash	Foxhole Community Centre, Belfield Road, Paignton, TQ3 3UZ	None	
ID	Kings Ash	Great Parks Community Centre, Queen Elizabeth Drive, Paignton, TQ3 3YS	None	
IE	Kings Ash	Great Parks Community Centre, Queen Elizabeth Drive, Paignton, TQ3 3YS	None	
NA	St Peters with St Marys	St Mary's Park Bowling Club, St Mary's Park, Upton Manor Road, Brixham, TQ5 9RD	None	
NA	St Peters with St Marys	Brixham Rugby Club, Astley Park, Rea Barn Road, Brixham, TQ5 9ED	None	
NC	St Peters with St Marys	Brixham Rugby Club, Astley Park, Rea Barn Road, Brixham, TQ5 9ED	None	

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Meeting: Audit Committee/Council **Date:** 27th November 2024/ 5th December 2024

Wards affected: All wards in Torbay

Report Title: Treasury Management Mid – Year Review 2024/25

When does the decision need to be implemented? Immediate

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

Director/Divisional Director Contact Details: Malcolm Coe, Director of Finance, malcolm.coe@torbay.gov.uk and Paul Matravers, Head of Corporate Finance, paul.matravers@torbay.gov.uk

1. Purpose of Report

- 1.1 This report provides Members with a review of Treasury Management activities during the first part of 2024/25. The Treasury function aims to support the provision of all Council services through management of the Council's cash flow and debt & investment operations.
- 1.2 The report has been prepared based on performance and data at 30th September 2024.
- 1.3 The key points in the Treasury Management review are as follows:
 - Bank rate was cut from 5.00% to 4.75% in November with further cuts forecast.
 - Gilt yields and therefore PWLB rates are over 1% higher than those at the start of the year.
 - No new borrowing has been undertaken and internal resources used to fund capital expenditure.
 - Further strategic investments in long term bonds to provide budgetary surety over the medium term
 - All decisions have complied fully with adopted principles and the Council's approved Treasury Management Strategy.

2. Reason for Proposal and its benefits

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

3. Recommendation(s) / Proposed Decision

Audit Committee:

- 3.1 That the Audit Committee provide any comments and/or recommendations on the Treasury Management performance for the half year to 30 September 2024

Council:

- 3.2 That the Treasury Management decisions made during the half year to 30 September 2024 as detailed in this report be noted.

Appendices

Appendix 1: Economic Commentary

Appendix 2: Non-Treasury Management Investments (Exempt)

Appendix 3: Borrowing and Investment Portfolio at 30th September 2024

Background Documents

[Treasury Management Strategy 2425.pdf \(torbay.gov.uk\)](#)

1. Introduction

- 1.1 In February 2019 the Council adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice (the CIPFA Code) which requires the Council to approve treasury management semi-annual and annual reports.
- 1.2 The Treasury Management strategy for 2024/25 was approved at a meeting on 22nd February 2024. The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Council's treasury management strategy.
- 1.3 Treasury Management decisions and strategies have been made in consultation with the Council's advisors, Arlingclose Ltd.

2. Economic Commentary

- 2.1 The significant economic events impacting the Treasury Management strategy during the year were:
 - UK headline consumer price inflation fell from 3.2% at the start of the year to 2.0% by May and has remained around that Bank of England target.
 - The Monetary Policy Committee cut Bank rate from 5.00% to 4.75% in November.
 - Gilt yields have risen with a period high in May before falling back by end September
- 2.2 A full economic commentary covering the first quarter 2024/25 by Arlingclose Ltd is provided at Appendix 1 to this report.
- 2.3 Arlingclose's key observations for the remainder of 2024/25 are set out below:
 - The MPC will continue to cut rates to stimulate the UK economy but will initially be cautious given lingering domestic inflationary pressure. We see another rate cut in 2024 (Q4), but more significant monetary easing in 2025, with Bank Rate falling to a low of around 3%.
 - Upside risks to inflation remain which could limit the extent of monetary easing
 - Long-term gilt yields have fallen alongside US monetary policy expectations. Arlingclose's central case is for yields to be volatile around a relatively narrow range, reflecting the likelihood for monetary policy loosening in the Eurozone, UK and US.

3. Local Context

3.1 On 31st March 2024, the Council had net borrowing of £309m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31st March 2024 Actual £m	31st March 2025 Forecast (at 30.9.24) £m
Total Capital Financing Requirement (CFR)	449	446
Less: Other debt liabilities	(14)	(13)
Borrowing CFR	435	433
Financed by:		
External borrowing	359	356
Internal borrowing	76	77
Total	435	433
Internal Resources for investment:		
Useable Reserves	(99)	(92)
Working Capital/Other	(27)	(35)
Less: Cash resource applied to Internal Borrowing	76	77
Total Treasury Management Investments	(50)	(50)
Net Treasury Management Position		
External Borrowing	359	356
Investments	(50)	(50)
Net Total	309	306

- 3.2 The treasury management position (nominal values) on 30th September 2024 and the change over the six months is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.24 Balance £m	Movement £m	30.9.24 Balance £m	30.9.24 Rate %
Long-term borrowing	359	(3)	356	2.91
Short-term borrowing	0	0	0	0
Total borrowing	359	(3)	356	2.91
Long-term investments	(15)	(6)	(21)	4.72
Short-term investments	(35)	(24)	(59)	5.00
Cash and cash equivalents	(0)	(0)	(0)	
Total investments	(50)	(30)	(80)	4.93

4. Borrowing

- 4.1 Gilt yields were volatile over the 6-month period and have reduced slightly between April and September 2024. The PWLB certainty rate for 10-year maturity loans was 4.80% at the beginning of the half year and 4.79% at the end. The lowest available 10-year maturity rate was 4.52% and the highest was 5.18%. Rates for 20-year maturity loans ranged from 5.01% to 5.57% during the half year, and 50-year maturity loans from 4.88% to 5.40%.
- 4.2 As outlined in the Treasury Management Strategy, the Council's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should long-term plans change being a secondary objective. The Council's borrowing strategy continues to address the key issue of affordability without compromising the longer-term stability of the debt portfolio.
- 4.3 No new borrowing was undertaken while a £3m existing loan has matured without replacement.
- 4.4 The Council will continue to monitor, with the support of its Treasury advisor's, any alternative borrowing options.
- 4.5 Outstanding loans on 30th September 2024 are summarised in Table 3 below.

Table 3: Borrowing Position

	31.3.24 Balance £m	Net Movement £m	30.9.24 Balance £m	30.9.24 Weighted Average Rate %	30.9.24 Weighted Average Maturity (years)
Public Works Loan Board	349	(3)	346	2.858	25
Banks (LOBO)	5	0	5	4.395	54
Banks (fixed term)	5	0	5	4.700	50
Total borrowing	359	(3)	356	2.905	26

- 4.6 LOBO loans: The Council continues to hold £5m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Council has the option to either accept the new rate or to repay the loan at no additional cost. The lender option does not commence until 2028.
- 4.7 After £0.8m repayment of prior years' Private Finance Initiative debt, the balance outstanding stood at £13m on 30th September 2024, taking total debt to £369m.

5. Treasury Investment Activity

- 5.1 The CIPFA TM Code defines treasury management investments as those which arise from the Council's cash flows or treasury risk management activity that ultimately represents balances which need to be invested until the cash is required for use in the course of business.
- 5.2 The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year investment balances ranged between £52m and £92m due to timing differences between income and expenditure. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	31.3.24 Balance £m	Net Movement £m	30.9.24 Balance £m	30.9.24 Income Return %	30.9.24 Weighted Average Maturity days
Banks & Building Societies	0.3	0.0	0.3	3.20	1
Government Bonds	3.3	14.3	19.6	4.50	5,601
Local Authorities	35.0	12.0	47.0	4.78	198
Corporate Bonds	2.0	0.0	2.0	4.28	1,599
Money Market Funds	4.6	10.7	15.3	4.94	1
Other Pooled Funds:					
- Property fund	4.4	0.0	4.4	4.86	-
Total Investments	49.6	37.0	86.6	4.73	1,189

- 5.3 Both the CIPFA Code and government guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.
- 5.4 Bank Rate reduced from 5.00% to 4.75% in November 2024 with short term interest rates largely being around these levels. The rates on DMADF deposits obtained ranged between 4.86% and 5.20% and money market rates between 4.8% and 5.3%.
- 5.5 Further investments into longer term bonds were made in June and July as part of the strategy of diversifying the portfolio. A further £10 million was placed in these instruments at yields of 4.118%, 4.551% and 4.802% providing budgetary security through returns beyond the medium term.
- 5.6 Cash levels were boosted at the start of the year by capital grant monies. After consideration of the affect on strategic cash flows and forecast reductions to interest rates, a number of deposits were made through the period, with other Local Authorities, to lock in rates before they fell. Rates obtained from these transactions ranged from 4.70% to 5.15%. Otherwise, investments were kept short with the government DMADF facility, in Money Market Funds and other Local Authority deposits.
- 5.7 The progression of risk and return metrics are shown in the extracts from Arlingclose' s quarterly investment benchmarking exercise (Q2 to end September 2024) in Table 5 below.

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

	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (days)	Rate of Return %
30.06.2024	3.99	AA-	22%	821	4.81%
30.09.2023	4.02	AA-	11%	1,189	4.73%
Similar LAs	4.65	A+	60%	100	5.01%
All LAs	4.60	A+	61%	11	4.91%

5.8 The benchmarking results reflect the Council’s appetite for low-risk counterparties which may impact the overall level of return. The high average maturity period is driven by the move into longer dated bond investments. Details behind the benchmarking results suggest that other LA’s use pooled funds for their strategic investments; these may be providing a higher return currently but are more volatile than the fixed return of bonds and may be subject to revenue impacts from potential changes to accounting regulations in the near future.

5.9 **Externally Managed Pooled Funds:** £5m of the Council’s investments is held in an externally managed strategic pooled property fund where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability.

6. Non-Treasury Investments

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

6.2 A full list of the Council’s non-treasury investments is presented at Appendix 2.

7. Impact of Treasury Performance on the Revenue Budget

7.1 The net revenue budget for treasury management is projected to be underspent as a result of reduced external borrowing expectations and the rise in investment returns, as shown in table 6 below.

As at 30 th September 2024	Budget 2024/25	Projected Outturn 2024/25	Variation
	£m	£m	£m
Investment Income	(1.3)	(3.7)	(2.4)
Interest Paid on Borrowing	12.2	10.4	(1.8)
Net Position (Interest)	10.9	6.7	(4.2)
Minimum Revenue Provision	7.6	7.6	(0.0)
Amortisation of discount on repaid loans	0	(0.1)	(0.1)
Net Position (Other)	7.6	7.5	(0.1)
Net Position Overall	18.5	14.2	(4.3)

8. Compliance

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

Table 7: Debt Limits

	2024/25 Maximum	30.9.24 Actual	2024/25 Operational Boundary	2023/24 Authorised Limit	Complied? Yes/No
Borrowing	£359m	£359m	£430m	£480m	Yes
PFI & Finance Leases	£14m	£14m	£20m	£20m	Yes
Total Debt	£373m	£373m	£450m	£500m	Yes

Table 8: Investment Limits

	Maximum in period	30.9.24 Actual	2024/25 Limit	Complied? Yes/No
Any single organisation, except the UK Government	£10m	£10m	£15m	Yes
UK Central Government	£23m	£0m	Unlimited	Yes
Money Market Funds	£23m	£13m	Unlimited	Yes

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

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

	30.9.24 Actual	2024/25 Target	Complied?
Portfolio average credit rating (score)	AA- (4)	A (6)	Yes

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

	30.9.24 Actual	2024/25 Target	Complied?
Total cash available within one month	£25m	£10m	Yes

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

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

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

Refinancing rate risk indicator	30.9.24 Actual	Upper limit	Lower limit	Complied?
Under 12 months	2%	10%	0%	Yes
12 months and within 24 months	0%	15%	0%	Yes
24 months and within 5 years	6%	30%	0%	Yes

5 years and within 10 years	10%	40%	10%	Yes
10 years and within 20 years	18%	50%	10%	Yes
20 years and within 30 years	9%	50%	10%	Yes
30 years and within 40 years	37%	50%	10%	Yes
40 years and above	18%	50%	0%	Yes

Principal Sums Invested for Periods Longer than a year: The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments.

	2024/25	2025/26	2026/27
Actual principal invested beyond year end	£30m	£20m	£20m
Limit on principal invested beyond year end	£40m	£40m	£40m
Complied?	Yes	Yes	Yes

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Appendix 1 - Economic background (provided by Arlingclose, October 2024)

UK headline consumer price inflation remained around the Bank of England (BoE) target later in the period, falling from an annual rate of 3.2% in March to 2.0% in May and then rebounding marginally to June to 2.2% in July and August, as was expected, due to base effects from energy prices. Core and services price inflation remained higher at 3.6% and 5.6% respectively in August.

The UK economy continued to expand over the period, albeit slowing from the 0.7% gain in the first calendar quarter to 0.5% (downwardly revised from 0.6%) in the second. Of the monthly figures, the economy was estimated to have registered no growth in July.

Labour market data was slightly better from a policymaker perspective, showing an easing in the tightness of the job market, with inactivity rates and vacancies declining. However, a degree of uncertainty remains given ongoing issues around the data collected for the labour force survey by the Office for National Statistics. Figures for the three months to July showed the unemployment rate fell to 4.1% (3mth/year) from 4.4% in the previous three-month period while the employment rate rose to 74.8% from 74.3%.

Over the same period average regular earnings (excluding bonuses) was 5.1%, down from 5.4% in the earlier period, and total earnings (including bonuses) was 4.0% (this figure was impacted by one-off payments made to NHS staff and civil servants in June and July 2023). Adjusting for inflation, real regular pay rose by 2.2% in May to July and total pay by 1.1%.

With headline inflation lower, the BoE cut Bank Rate from 5.25% to 5.00% at the August Monetary Policy Committee (MPC) meeting. The decision was finely balanced, voted by a 5-4 majority with four members preferring to hold at 5.25%. At the September MPC meeting, committee members voted 8-1 for no change at 5.00%, with the lone dissenter preferring Bank Rate to be cut again to 4.75%. The meeting minutes and vote suggested a reasonably hawkish tilt to rates, with sticky inflation remaining a concern among policymakers.

The latest BoE Monetary Policy Report, published in August, showed policymakers expected GDP growth to continue expanding during 2024 before falling back and moderating from 2025 to 2027. Unemployment was forecast to stay around 4.5% while inflation was shown picking up in the latter part of 2024 as the previous years' energy price declines fell out of the figures before slipping below the 2% target in 2025 and remaining there until early 2027.

Arlingclose, the authority's treasury adviser, maintained its central view that Bank Rate would steadily fall from the 5.25% peak, with the first cut in August being followed by a series of further cuts, with November 2024 the likely next one, taking Bank Rate down to around 3% by the end of 2025.

The US Federal Reserve (the Fed) also cut interest rates during the period, reducing the Federal Funds Rate by 0.50% to a range of 4.75%-5.00% at its policy meeting in September. The forecasts released at the same time by the central bank suggested a further 1.00% of easing is expected by the end of the calendar year, followed by the same amount in 2025 and then a final 0.50% of cuts during 2026.

Having first reduced interest rates in June, the European Central Bank (ECB) held steady in July before cutting again in September, reducing its main refinancing rate to 3.65% and its deposit rate to 3.50%. Unlike the Fed, the ECB has not outlined a likely future path of rates, but inflation projections remain in line with the central bank's previous forecasts where it will remain above its 2% target until 2026 on an annual basis.

Financial markets: Sentiment in financial markets continued to mostly improve over the period, but the ongoing trend of bond yield volatility remained. The general upward trend in yields in the early part of the period was reversed in the later part, and yields ended the half-year not too far from where they started. However, the volatility in response to economic, financial and geopolitical issues meant it was a bumpy ride for bond investors during that time.

Over the period, the 10-year UK benchmark gilt yield started at 3.94% and ended at 4.00% but hit a high of 4.41% in May and a low of 3.76% in mid-September. While the 20-year gilt started at 4.40% and ended at 4.51% but hit a high of 4.82% in May and a low of 4.27% in mid-September. The Sterling Overnight Rate (SONIA) averaged 5.12% over the period to 30th September.

Credit review: Arlingclose maintained its advised recommended maximum unsecured duration limit on all banks on its counterparty list at 100 days.

Having had its outlook increased by Fitch and ratings by S&P earlier in the period, Moody's upgraded Transport for London's rating to A2 from A3 in July.

Moody's also placed National Bank of Canada on Rating Watch for a possible upgrade, revising the outlook on Standard Chartered to Positive, the outlook to Negative on Toronto Dominion Bank, and downgrading the rating on Close Brothers to A1 from Aa3.

S&P upgraded the rating on National Bank of Canada to A+ from A, and together with Fitch, the two rating agencies assigned Lancashire County Council with a rating of AA- and A+ respectively.

Credit default swap prices were generally lower at the end of the period compared to the beginning for the vast majority of the names on UK and non-UK lists. Price volatility over the period was also generally more muted compared to previous periods.

Financial market volatility is expected to remain a feature, at least in the near term and, credit default swap levels will be monitored for signs of ongoing credit stress. As ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remain under constant review.

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Borrowing and Investment Portfolio at 30th September 2024

Long Term Borrowing

Name	Principal £	Interest Rate	Start Date	Maturity Date
Barclays Bank PLC (NRFB)	5,000,000	4.700%	25/09/2006	25/09/2076
Dexia Credit Local	5,000,000	4.395%	05/11/2007	07/11/2078
Public Works Loan Board	3,000,000	4.150%	13/12/2005	14/02/2046
Public Works Loan Board	2,000,000	4.050%	23/12/2005	14/02/2051
Public Works Loan Board	2,000,000	4.450%	14/07/2006	14/08/2036
Public Works Loan Board	4,000,000	4.350%	19/07/2006	15/11/2036
Public Works Loan Board	2,000,000	4.400%	19/07/2006	15/11/2034
Public Works Loan Board	2,337,000	4.400%	02/08/2006	15/05/2037
Public Works Loan Board	2,000,000	4.400%	11/08/2006	15/12/2037
Public Works Loan Board	2,000,000	4.100%	28/09/2006	15/12/2041
Public Works Loan Board	3,000,000	4.150%	03/11/2006	15/06/2038
Public Works Loan Board	2,000,000	4.100%	03/11/2006	15/12/2041
Public Works Loan Board	4,000,000	4.100%	07/12/2006	15/01/2052
Public Works Loan Board	4,000,000	4.350%	25/01/2007	15/10/2042
Public Works Loan Board	3,000,000	4.450%	31/01/2007	15/03/2048
Public Works Loan Board	4,000,000	4.350%	02/03/2007	15/07/2043
Public Works Loan Board	4,000,000	4.300%	08/03/2007	15/07/2049
Public Works Loan Board	2,000,000	4.300%	08/03/2007	15/07/2050
Public Works Loan Board	2,000,000	4.500%	20/08/2007	15/09/2052
Public Works Loan Board	2,000,000	4.500%	27/11/2007	15/01/2035
Public Works Loan Board	2,000,000	4.420%	07/01/2008	15/03/2041
Public Works Loan Board	2,000,000	4.420%	24/01/2008	15/03/2040
Public Works Loan Board	3,000,000	4.380%	10/09/2008	15/04/2058
Public Works Loan Board	3,000,000	4.390%	10/08/2009	15/04/2027
Public Works Loan Board	3,000,000	4.480%	10/08/2009	15/04/2044
Public Works Loan Board	5,000,000	4.250%	24/08/2009	24/08/2032
Public Works Loan Board	5,000,000	4.010%	13/10/2009	15/06/2029
Public Works Loan Board	5,000,000	4.380%	10/05/2010	15/07/2025
Public Works Loan Board	61,587	4.500%	21/04/1999	21/03/2059
Public Works Loan Board	252,508	4.750%	21/04/1999	21/03/2059
Public Works Loan Board	615,872	4.750%	28/07/1999	28/03/2059
Public Works Loan Board	636,401	4.750%	28/07/1999	28/03/2059
Public Works Loan Board	1,437,035	4.750%	28/07/1999	28/03/2059
Public Works Loan Board	944,337	4.500%	09/08/1999	09/03/2058
Public Works Loan Board	392,105	4.750%	10/08/1999	10/03/2054
Public Works Loan Board	410,581	4.500%	12/08/1999	12/03/2057
Public Works Loan Board	266,591	4.875%	02/12/2002	30/09/2027
Public Works Loan Board	207,974	4.750%	11/03/2004	11/09/2033
Public Works Loan Board	410,581	4.750%	01/04/2004	01/03/2034
Public Works Loan Board	410,581	4.950%	08/07/2004	08/03/2034
Public Works Loan Board	410,581	4.250%	21/11/2005	21/09/2032
Public Works Loan Board	410,581	4.150%	13/12/2005	13/09/2055
Public Works Loan Board	410,581	4.100%	19/12/2005	19/03/2051
Name	Principal £	Interest Rate	Start Date	Maturity Date
Public Works Loan Board	410,581	3.900%	11/01/2006	11/03/2055
Public Works Loan Board	410,581	4.300%	13/04/2006	13/09/2041

Public Works Loan Board	410,581	4.400%	28/04/2006	30/09/2051
Public Works Loan Board	410,581	4.200%	23/05/2006	30/09/2047
Public Works Loan Board	1,231,744	4.400%	29/06/2006	29/09/2053
Public Works Loan Board	205,291	4.250%	19/07/2006	19/09/2055
Public Works Loan Board	615,872	4.250%	25/08/2006	25/09/2055
Public Works Loan Board	410,581	4.200%	31/08/2006	30/09/2051
Public Works Loan Board	615,872	4.200%	19/09/2006	19/09/2051
Public Works Loan Board	410,581	4.050%	29/09/2006	29/09/2051
Public Works Loan Board	1,231,744	4.250%	16/01/2007	16/03/2052
Public Works Loan Board	410,581	4.500%	11/04/2007	11/09/2054
Public Works Loan Board	410,582	4.430%	21/01/2008	21/09/2037
Public Works Loan Board	1,560,207	4.875%	08/08/2002	08/03/2027
Public Works Loan Board	5,000,000	2.540%	22/02/2017	15/05/2061
Public Works Loan Board	5,000,000	2.480%	28/02/2017	15/05/2062
Public Works Loan Board	5,000,000	2.350%	12/04/2017	15/05/2063
Public Works Loan Board	5,000,000	2.270%	19/04/2017	15/06/2064
Public Works Loan Board	5,000,000	2.280%	26/06/2017	15/08/2065
Public Works Loan Board	5,000,000	2.360%	21/07/2017	30/09/2030
Public Works Loan Board	5,000,000	2.400%	26/07/2017	30/09/2031
Public Works Loan Board	5,000,000	2.440%	26/07/2017	30/09/2066
Public Works Loan Board	5,000,000	2.370%	15/08/2017	31/03/2061
Public Works Loan Board	5,000,000	2.580%	25/09/2017	15/11/2059
Public Works Loan Board	2,000,000	2.540%	26/09/2017	15/11/2062
Public Works Loan Board	3,000,000	2.520%	27/09/2017	15/11/2064
Public Works Loan Board	2,000,000	2.520%	27/09/2017	15/11/2065
Public Works Loan Board	5,000,000	2.260%	06/10/2017	15/09/2028
Public Works Loan Board	5,000,000	2.500%	06/10/2017	15/09/2067
Public Works Loan Board	5,000,000	2.500%	19/10/2017	15/12/2059
Public Works Loan Board	5,000,000	2.500%	19/10/2017	15/12/2060
Public Works Loan Board	8,000,000	2.570%	16/11/2017	31/03/2057
Public Works Loan Board	6,000,000	2.490%	16/11/2017	31/03/2065
Public Works Loan Board	6,000,000	2.510%	16/11/2017	31/03/2062
Public Works Loan Board	4,000,000	2.550%	16/11/2017	31/03/2058
Public Works Loan Board	6,000,000	2.490%	16/11/2017	30/09/2066
Public Works Loan Board	4,000,000	2.160%	24/11/2017	31/03/2028
Public Works Loan Board	6,000,000	2.610%	24/11/2017	31/03/2049
Public Works Loan Board	5,000,000	2.530%	24/11/2017	31/03/2053
Public Works Loan Board	5,000,000	2.510%	24/11/2017	30/09/2033
Public Works Loan Board	5,000,000	2.520%	05/06/2018	15/01/2048
Public Works Loan Board	5,000,000	2.540%	10/07/2018	31/03/2047
Public Works Loan Board	3,000,000	2.370%	21/02/2019	31/03/2066
Public Works Loan Board	2,000,000	2.360%	26/02/2019	31/03/2063
Public Works Loan Board	3,000,000	2.380%	12/03/2019	31/03/2036
Public Works Loan Board	2,000,000	2.320%	25/03/2019	31/03/2036
Public Works Loan Board	2,000,000	2.410%	25/03/2019	31/03/2040
Public Works Loan Board	2,000,000	2.420%	25/03/2019	31/03/2041
Public Works Loan Board	2,000,000	2.350%	27/03/2019	31/03/2045
Name	Principal £	Interest Rate	Start Date	Maturity Date
Public Works Loan Board	2,000,000	2.350%	27/03/2019	31/03/2046
Public Works Loan Board	4,000,000	2.250%	28/05/2019	31/03/2068
Public Works Loan Board	3,000,000	2.280%	30/05/2019	31/03/2039

Public Works Loan Board	5,000,000	2.150%	06/06/2019	31/03/2068
Public Works Loan Board	5,000,000	2.140%	08/07/2019	31/03/2044
Public Works Loan Board	5,000,000	1.900%	13/08/2019	31/03/2064
Public Works Loan Board	5,000,000	1.730%	19/08/2019	31/03/2069
Public Works Loan Board	5,000,000	1.720%	05/09/2019	31/03/2050
Public Works Loan Board	5,000,000	1.850%	16/09/2019	31/03/2058
Public Works Loan Board	5,000,000	1.530%	17/09/2019	31/03/2030
Public Works Loan Board	5,000,000	1.950%	17/09/2019	31/03/2054
Public Works Loan Board	5,000,000	1.860%	23/09/2019	31/03/2040
Public Works Loan Board	5,000,000	1.810%	23/09/2019	31/03/2056
Public Works Loan Board	5,000,000	1.520%	23/09/2019	31/03/2031
Public Works Loan Board	5,000,000	1.740%	23/09/2019	31/03/2069
Public Works Loan Board	6,000,000	2.900%	06/12/2019	31/03/2059
Public Works Loan Board	5,000,000	2.430%	03/02/2020	30/09/2031
Public Works Loan Board	5,000,000	2.760%	03/02/2020	31/03/2055
Public Works Loan Board	5,000,000	2.240%	11/03/2020	31/03/2043
Public Works Loan Board	5,000,000	2.210%	11/03/2020	31/03/2051
Public Works Loan Board	1,666,667	1.420%	22/02/2017	15/05/2027
Public Works Loan Board	2,901,962	2.290%	26/07/2017	30/09/2042
	355,928,910			

Long Term Investments

Name	Principal £	Yield	Start Date	Maturity Date
European Investment Bank	3,000,000	4.439%	20/03/2024	15/04/2039
BNG Bank INV	2,000,000	4.284%	20/03/2024	15/05/2024
European Investment Bank	5,000,000	4.802%	03/06/2024	07/03/2044
International Bank for Reconstruction & Development	3,000,000	4.118%	18/07/2024	07/06/2032
European Investment Bank	2,000,000	4.551%	18/07/2024	07/03/2044
CCLA Property Fund	5,000,000	5.020%	n/a	n/a
	20,000,000			

Short Term Investments

Name	Principal £	Interest Rate	Start Date	Maturity Date
Aberdeen City Council	2,000,000	5.150%	07/06/2024	06/06/2025
Cheshire East Council	5,000,000	5.250%	28/05/2024	27/11/2024
Borough of Kingston Upon Hull	5,000,000	5.150%	06/08/2024	06/11/2024
Newport City Council	5,000,000	4.800%	09/09/2024	08/09/2025
Blackpool Council	5,000,000	4.850%	30/08/2024	30/06/2025
London Borough of Waltham Forest	5,000,000	4.850%	20/08/2024	20/05/2025
Chorley Borough Council	5,000,000	4.750%	30/09/2024	29/09/2025
DMADF	4,000,000	4.860%	04/09/2024	04/12/2024
Bournemouth Christchurch & Poole Council	5,000,000	4.820%	17/09/2024	15/01/2025
Goldman Sachs Money Market Fund	850,000	5.131%	n/a	n/a
CCLA Public Sector Deposit Fund	50,000	5.218%	n/a	n/a
Aviva Investors Money Market Fund	50,000	5.268%	n/a	n/a
Legal & General Money Market fund	3,600,000	5.220%	n/a	n/a
	9,550,000			

Cash & Cash Equivalents

Name	Principal £	Interest Rate	Start Date	Maturity Date
National Westminster Bank	271,359	3.000%	n/a	n/a
	271,359			

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