

Wednesday, 3 July 2024

CABINET

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

Thursday, 11 July 2024

commencing at **5.30 pm**

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

Members of the Committee

Councillor David Thomas (Chairman)

Councillor Billings	Councillor Jacqueline Thomas
Councillor Bye	Councillor Tranter
Councillor Chris Lewis	Councillor Tyerman

A Healthy, Happy and Prosperous Torbay

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Goern, Town Hall, Castle Circus, Torquay, TQ1 3DR

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

CABINET AGENDA

1. **Apologies**
To receive apologies for absence.
2. **Minutes** (Pages 5 - 16)
To confirm as a correct record the Minutes of the meeting of the Cabinet held on 11 June 2024.
3. **Disclosure of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

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

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**
To consider any other items the Chairman decides are urgent.
5. **Matters for Consideration**
6. **Local Government Association Corporate Peer Challenge** (Pages 17 - 62)
To consider a report that sets out the feedback from the Local Government Association (LGA) following the Corporate Peer Challenge of Torbay Council which was undertaken in April 2024.
7. **Nightingale Solar Farm** (Pages 63 - 104)
To consider a report that provides an update and seeks updated authorisation for prudential borrowing to bring the project forward.
8. **Torbay Resident Discount Scheme Launch Approval** (Pages 105 - 122)
To consider a report that seeks approval to launch the Torbay Resident Discount Scheme Card for the residents of Torbay aged

16 and above.

9. **Torbay Youth Justice Plan 2024-25** (Pages 123 - 172)
To consider a report on the Torbay Youth Justice Plan 2024-25.
10. **Gambling Act 2005 - Draft Licensing Statement of Principles (Gambling Policy) 2025 - 2028** (Pages 173 - 242)
To consider a report that seeks approval to launch for consultation the Draft Licensing Statement of Principles (Gambling Policy) 2025-2028.
11. **Draft Homelessness and Rough Sleeping Strategy** (Pages 243 - 266)
To consider a report that seeks approval to launch for consultation the draft Homelessness and Rough Sleeping Strategy.
12. **Disposal of development site at Preston Down Road, Paignton** (Pages 267 - 278)
To consider a report on the above.
13. **Torbay Community Wellbeing Contract** (Pages 279 - 294)
To consider a report that outlines a proposal to undertake a procurement for a community based integrated Community Wellbeing Service.
14. **0-19 Services Procurement** (Pages 295 - 314)
To consider a report on the procurement of 0-19 Services.
15. **Re-Procurement of Asset Maintenance "Service Level Agreements" 2024** (Pages 315 - 328)
To consider a report that outlines the planned re-procurement of contractors for Service Level Agreements (SLAs) to provide a range of planned and reactive asset maintenance and minor capital works services.
16. **Budget Monitoring - Outturn 2023/24** (Pages 329 - 374)
To consider a report that provides a high-level budget summary of the Council's revenue and capital position for the financial year 2023/24.
17. **Review of Council Procurement Policies and Food and Music Festival - Report of the Overview and Scrutiny Board** (Pages 375 - 382)
To consider the above report from the Overview and Scrutiny Board.
18. **Internships - Report of the Children and Young People's Overview and Scrutiny Sub-Board** (Pages 383 - 386)
To consider the above report from the Children and Young People's Overview and Scrutiny Sub-Board.

Live Streaming and Hybrid Arrangements

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

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

Minutes of the Cabinet

11 June 2024

-: Present :-

Councillor David Thomas (Chairman)

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

(Also in attendance: Councillors Barbara Lewis and Stevens)

7. Minutes

The Minutes of the meeting of the Cabinet held on 14 May 2024 were confirmed as a correct record and signed by the Chairman.

8. Matters for Consideration

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

9. Bus Service Improvement Plan 2024 Update

10. Council Business Plan 2023-2027

11. Productivity Plan

12. Cabinet Urgent Decision taken by Chief Executive

The Cabinet noted the report setting out an urgent decision taken by the Chief Executive on behalf of the Cabinet.

13. Brokenbury Solar Farm

14. Exclusion of Press and Public

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

that the press and public be excluded from the meeting prior to consideration of the item 12 on the agenda on the grounds that exempt information (as

defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) was likely to be disclosed.

Prior to consideration of the item in Minute 15, the press and public were formally excluded from the meeting.

15. CSW Group Ltd

Chairman

Record of Decisions

Brokenbury Solar Farm

Decision Taker

Cabinet on 11 June 2024

Decision

1. that subject to 2 below the Director of Pride in Place be authorised to proceed with the project to deliver a solar farm at Brokenbury;
2. that Cabinet recommends to Council that up to £2,750,000 of prudential borrowing be approved subject to securing a unit rate per MWh that exceeds the loan repayments, covers projected maintenance and other operational and equipment replacement costs and provides an appropriate surplus per annum over the life of the scheme commensurate with level of risk; and
3. that the Chief Executive in consultation with the Leader of the Council, Finance Director and Cabinet Member for Finance should review and agree the final business plan after the EPC tender and Power Purchase Agreement (PPA) stage are complete and subject to that agreement is then authorised to agree and finalise the detailed terms and enter into contract with South West Water (SWW) or another purchaser of the electricity.

Reason for the Decision

To support the delivery of the Council's Energy and Climate Strategy which will help minimize the economic, social and environmental costs of climate change by demonstrating leadership and providing encouragement in working toward emission reductions and resilience to our changing climate. To also support the Government's net zero strategy "Build Back Greener". This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet Central Governments net zero target by 2050. Renewable energy including solar power forms part of that strategy.

Implementation

This decisions in 1 and 3 will come into force and may be implemented on 24 June 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

The recommendation in 2 will be considered at the Council meeting on 18 July 2024.

Information

The submitted report provided an update on the original decision in respect of Brokenbury Solar Farm, taken in May 2020 as considerable time had passed and sought updated authorisation for prudential borrowing to bring the project forward, subject to the income generating a positive margin. The margin would be defined on completion of procurement and a final refinement of project costs.

An overall scheme budget of up to £2,750,000 had previously been approved by Cabinet in May 2020 subject to conditions set out in the submitted report with the latest project costs

remain within that budget.

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

Alternative Options considered and rejected at the time of the decision

To build out the planning consented scheme after negotiating the Power Purchase Agreement and receiving EPC and O&M tender responses which confirm that the scheme was viable.

As an alternative to the private wire connection with an end user there was the potential to sell the renewable power direct to the national grid. However, the wider grid network has limited capacity. The earliest possible connection may not be until 2028 but this was likely to extend out to 2036 when more capacity within the network was expected. The issue with the wider network was that it needs upgrading to be able to handle significant extra capacity. Such upgrades delay the timeframe for a connection to be made. In addition to the programme delays there were also financial considerations. To connect to the grid will cost at least £250k (September 2021 estimate – this was likely to be more now). Furthermore the unit price when feeding into the national grid was likely to be considerably less when compared to a private wire end user scenario which would make the project unviable.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes in respect of 1 and 3 but no in respect of 2 as this is a recommendation to Council.

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

None

Published

14 June 2024

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

Date: _____

Record of Decisions

Council Business Plan 2023-2027

Decision Taker

Cabinet on 11 June 2024

Decision

That the Council Business Plan 2023-2027 set out in Appendix 1 to the submitted report be approved.

Reason for the Decision

To set out how the Council will deliver the Community and Corporate Plan over the next four years.

Implementation

This decision will come into force and may be implemented on 24 June 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council approved the co-produced Community and Corporate Plan on 22 February 2024, which set out the high level priorities for the Council for the next 20 years. The Council's Business Plan sets out how the Administration intends to deliver the Community and Corporate Plan for the next four years, including priority actions that will be progressed and milestones and key performance indicators that will be used to measure progress and success.

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

Alternative Options considered and rejected at the time of the decision

There have been wide ranging discussions between Members of the Cabinet and Directors about the priority actions that can be reasonably taken over the coming four years to meet the ambitions of the Community and Corporate Plan. Those discussions have included the milestones that need to be set and the performance indicators that will be used to measure progress.

It is felt that the proposed Council Business Plan now put forward for consideration is achievable whilst seeking to secure continuous improvement as an organisation.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

14 June 2024

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

Record of Decisions

Productivity Plan

Decision Taker

Cabinet on 11 June 2024

Decision

1. that the Council's Productivity Plan be:
 - a. approved for submission to the Government;
 - b. published on the Council's website; and
2. that the Chief Executive ensures that the actions identified within the Productivity Plan are implemented as part of the Council's day to day activity.

Reason for the Decision

To meet the requirements placed on Council's as part of the Local Government Finance Settlement to prepare a Productivity Plan and submit it by 19 July 2024.

Implementation

This decision will come into force and may be implemented on 24 June 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The proposals in the submitted report help the Council to deliver our vision of a healthy, happy and prosperous Torbay by demonstrating to the Government and our community the work that we were doing to:

- Transform the way that we design and deliver services to make better use of resources;
- Take advantage of technology and make better use of data to improve decision making, service design and use of resources; and
- Reduce wasteful spend within our organisation and systems.

Through the submission of a Productivity Plan to the Government.

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

Alternative Options considered and rejected at the time of the decision

The Plan could have answered all of the specific questions which the Government suggested the Council may wish to consider in preparing the Productivity Plan. It was felt that, by focussing on the four key areas, the proposed Plan provided a rounded view of activity in place across the Council.

The suggestion was that the Plan should be three or four pages in length but it is not felt that this would provide the opportunity to explain the range of information which was requested by

the Government.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

14 June 2024

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

Record of Decisions

Brokenbury Solar Farm

Decision Taker

Cabinet on 11 June 2024

Decision

1. that subject to 2 below the Director of Pride in Place be authorised to proceed with the project to deliver a solar farm at Brokenbury;
2. that Cabinet recommends to Council that up to £2,750,000 of prudential borrowing be approved subject to securing a unit rate per MWh that exceeds the loan repayments, covers projected maintenance and other operational and equipment replacement costs and provides an appropriate surplus per annum over the life of the scheme commensurate with level of risk; and
3. that the Chief Executive in consultation with the Leader of the Council, Finance Director and Cabinet Member for Finance should review and agree the final business plan after the EPC tender and Power Purchase Agreement (PPA) stage are complete and subject to that agreement is then authorised to agree and finalise the detailed terms and enter into contract with South West Water (SWW) or another purchaser of the electricity.

Reason for the Decision

To support the delivery of the Council's Energy and Climate Strategy which will help minimize the economic, social and environmental costs of climate change by demonstrating leadership and providing encouragement in working toward emission reductions and resilience to our changing climate. To also support the Government's net zero strategy "Build Back Greener". This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet Central Governments net zero target by 2050. Renewable energy including solar power forms part of that strategy.

Implementation

This decisions in 1 and 3 will come into force and may be implemented on 24 June 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

The recommendation in 2 will be considered at the Council meeting on 18 July 2024.

Information

The submitted report provided an update on the original decision in respect of Brokenbury Solar Farm, taken in May 2020 as considerable time had passed and sought updated authorisation for prudential borrowing to bring the project forward, subject to the income generating a positive margin. The margin would be defined on completion of procurement and a final refinement of project costs.

An overall scheme budget of up to £2,750,000 had previously been approved by Cabinet in May 2020 subject to conditions set out in the submitted report with the latest project costs

remain within that budget.

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

Alternative Options considered and rejected at the time of the decision

To build out the planning consented scheme after negotiating the Power Purchase Agreement and receiving EPC and O&M tender responses which confirm that the scheme was viable.

As an alternative to the private wire connection with an end user there was the potential to sell the renewable power direct to the national grid. However, the wider grid network has limited capacity. The earliest possible connection may not be until 2028 but this was likely to extend out to 2036 when more capacity within the network was expected. The issue with the wider network was that it needs upgrading to be able to handle significant extra capacity. Such upgrades delay the timeframe for a connection to be made. In addition to the programme delays there were also financial considerations. To connect to the grid will cost at least £250k (September 2021 estimate – this was likely to be more now). Furthermore the unit price when feeding into the national grid was likely to be considerably less when compared to a private wire end user scenario which would make the project unviable.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes in respect of 1 and 3 but no in respect of 2 as this is a recommendation to Council.

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

None

Published

14 June 2024

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

Date: _____

Record of Decisions

CSW Group Ltd

Decision Taker

Cabinet on 11 June 2024

Decision

That the decision in respect of CSW Group Ltd as set out in Exempt Minute 15/6/24 be approved.

The full decision of the Cabinet in respect of Exempt Minute 15/6/24 is exempt by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1973 (as amended).

Reason for the Decision

To agree a way forward for CSW Group Ltd.

Implementation

This decision will come into force and may be implemented on 24 June 2024 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The submitted exempt report sought a decision on the way forward for 'Careers South West' (CSW) which is a wholly owned company of Devon County Council, Plymouth City Council, Torbay Council and Cornwall Council.

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

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the Exempt Report and not discussed at the meeting.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

14 June 2024

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

Meeting: [Cabinet](#)

Date: [11 July 2024](#)

Wards affected: [All](#)

Report Title: [Local Government Association Corporate Peer Challenge](#)

When does the decision need to be implemented? [As soon as possible](#)

Cabinet Member Contact Details: [Councillor David Thomas, Leader of the Council](#)
david.thomas@torbay.gov.uk

Director Contact Details: [Anne-Marie Bond, Chief Executive](#) anne-marie.bond@torbay.gov.uk

1. Purpose of Report

1.1 This report sets out the feedback from the Local Government Association (LGA) following the Corporate Peer Challenge of Torbay Council which was undertaken in April 2024. The report also details the proposed action plan which will assist the Council to embrace the opportunities and improvements identified by the LGA.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver our vision of a healthy, happy and prosperous Torbay by ensuring we respond to the LGA's feedback, and the actions proposed enable the Council to continue to improve and strengthen its ability to deliver all of the Community and Corporate Plan themes.
- 2.2 The reasons for the proposal and need for the decision are to make available the LGA's Corporate Peer Challenge Feedback Report and to ensure that an action plan is in place to embrace the recommendations of the LGA.

3. Recommendation(s) / Proposed Decision

1. That the Local Government Association be thanked for undertaking the Corporate Peer Challenge and that the resulting Feedback Report (as set out in Appendix 1) be accepted.
2. That the LGA Corporate Peer Challenge Action Plan (as set out in Appendix 2) be approved.

3. That the Audit Committee be requested to monitor the implementation of the Action Plan.

Appendices

Appendix 1: LGA Corporate Peer Challenge – Feedback Report

Appendix 2: LGA Corporate Peer Challenge Action Plan

Background Documents

[None](#)

Supporting Information

1. Introduction

- 1.1 The Local Government Association (LGA) offers all councils a Corporate Peer Challenge once every five years. Our last full challenge took place in 2015 and due to the pandemic, we had a shorter Remote Health Check in 2021.
- 1.2 The Challenge is an effective and well-regarded tool for improvement in local government. At the heart of this is a practitioner perspective who take a 'critical friend' approach to understanding where we are and where we can improve. This isn't an inspection, but it is an in-depth challenge. Importantly it provides an opportunity to reflect on how we are doing and receive the benefit of others experience and perspective.
- 1.3 In April 2024, a team of seven peers visited Torbay and met with a range of officers, councillors and external partners/stakeholders. The LGA Peer Team comprised:
- Rob Walsh – Chief Executive, North East Lincolnshire Council
 - Cllr Laura Mayes, Cabinet Member for Adult Social Care, Public Health and Public Protection, and Deputy Leader of the Council, Wiltshire Council
 - Cllr Gareth Roberts, Leader of the Council, London Borough of Richmond upon Thames
 - Kate Martin, Executive Director, City Futures Portfolio, Sheffield City Council
 - Mary Morrissey, Director of Economy and Infrastructure, Solihull Metropolitan Borough Council
 - Chris Bowron – Peer Challenge Manager, LGA
 - Rebekah Willson, Programme Manager, Cyber, Digital and Technology Team, LGA (Shadow Peer Member)
- 1.4 At the end of their review, the team provided feedback and made recommendations. The full LGA Corporate Peer Challenge Feedback Report can be found at Appendix 1. A draft Action Plan has also been prepared to respond to the LGA's recommendations, to ensure the Council embraces the learning and feedback from our peers.

2. Options under consideration

- 2.1 Not to accept the LGA Corporate Health Check Feedback Report and resulting action plan – this is not recommended as implementation of the action plan will enable the Council to continue to improve. Alternative or additional actions could be proposed.

3. Financial Opportunities and Implications

- 3.1 In the main, the action plan will be delivered within existing resources. If additional resources are required the appropriate decision making will be undertaken.

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 All members of the Council were invited to share their views with the Peer Team when they visited Torbay. The Council's Senior Leadership Team and other senior officers also provided views as well as partners.
- 5.2 The Feedback Report will be published on the Council and LGA websites and updates against the Council's action plan will be published when they are discussed at the Audit Committee.

6. Procurement Implications

- 6.1 None

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 Not applicable

8. Associated Risks

- 8.1 The main risk associated with this report is the failure to respond to the recommendations of the LGA Peer Team. This may result in the Council not responding adequately to the issues and challenges it faces. The resulting action plan addresses the recommendations by the LGA Peer Team.

9. Equality Impact Assessment

- 9.1 The LGA Corporate Health Check Feedback Report and resulting action plan provides indirect benefits for all its residents through the improvements identified

10. Cumulative Council Impact

- 10.1 Delivery against the Action Plan will be undertaken alongside other programmes of improvement work. All of these programmes aim to deliver the ambition within the Council's Community and Corporate Plan.

11. Cumulative Community Impacts

- 11.1 None

LGA Corporate Peer Challenge

Torbay Council

15th to 18th April 2024

Feedback report



1. Executive summary

It is widely recognised internally and externally that this is ‘a moment in time’ for Torbay. This opportunity may not come around again. The whole council – elected members and officers – and the wider community need to hold this in their mind and not lose sight of it.

The Corporate and Community Plan sets out an ambition of a ‘healthy, happy and prosperous Torbay’ and the ‘Torbay Story’ outlines a long-term vision and the characteristics and opportunities of the Bay. The ‘Torbay Story’ enjoys the full support of partners across the public, private and voluntary sectors and the level of Government funding to support key regeneration projects is unprecedented. This is what constitutes the ‘moment in time’ for Torbay and the attendant level of expectation, both politically and amongst partners, is significant. Everything now needs to mature into mobilised capacity to deliver at pace.

The council is in a very different and much better place compared to a few years ago and has a solid foundation. It has demonstrated drive, determination and delivery across a number of spheres. What has been achieved is reflected in the 2023 Local Government Chronicle (LGC) awards recognising Torbay as the ‘Most Improved Council’ in the country.

There is a lot to be proud of but there remains a lot to do, with a range of socio-economic challenges in Torbay. It is the most deprived local authority area in the South-West of England and is in the top quarter of most deprived council areas nationally. The housing agenda is a key priority for Torbay and progressing the development of a comprehensive and bold housing strategy is of critical importance to the successful and inclusive regeneration of Torbay. Crucial within this is driving further progress in addressing the challenges around homelessness. The potential and opportunity of the ‘moment in time’ lies in maximising the economic and social benefits for the people and place of Torbay.

The Community and Corporate Plan seeks to provide stability and continuity in a context of political uncertainty. The development of the council's Business Plan – representing a delivery plan through to 2027 – had been intended to establish a clear set of manageable priorities that enable real focus for the organisation. The absence of an agreed plan – due to political tensions that have emerged recently – represents a key risk to the council being able to deliver the inclusive growth agenda. Officers need to be able to focus on clear strategic political priorities otherwise there is a risk to progress, delivery and the council's credibility. The message that we have gleaned loudly and clearly from partners is that the opportunity of this 'moment in time' must not be missed.

The council is seen as a good local and regional partner. Those organisations we spoke to at the regional level described a confident and influential organisation that is operating as an equal partner. The Leader is seen to have advocated effectively for Torbay and the Chief Executive is widely held in very high regard, both internally and externally.

The Devon and Torbay Devolution Deal is a major strategic opportunity for Torbay and provides the potential to leverage more investment, exert more influence and continue to enhance the profile and economic growth prospects for the benefit of residents, communities and businesses. The proposed Combined County Authority arrangements, if fully approved, will require the council to gear up and ensure that elected members, officers and the organisation overall are effectively placed to lead, advocate and influence at that level. Such preparations are not a light touch endeavour and the work needs to start now.

The complexity of the challenges and opportunities facing Torbay requires the organisation to develop a suitably strategic and integrated way of working in response. Positive progress is being made, with a council that has a better understanding of communities; is engaging those communities more; is better understanding and managing performance, delivery and risk; and is demonstrating greater cross-organisational collaboration. This can and should be built upon.

Torbay is also a council that is demonstrating greater joined-up working and cross-organisational collaboration. There is, however, a widespread desire both politically and managerially for greater time and space to be dedicated to strategic thinking. People are keen to have the opportunity to capitalise upon and share knowledge and expertise in order to collectively 'problem-solve', inform strategic direction, enhance the focus on outcomes and develop a greater sense of shared endeavour. This would also serve to develop a more distributed model of leadership which, in turn, would address the risk of so much being vested in the Chief Executive.

Staff that we met at various levels in the council emphasised the positive organisational culture that exists, centred on teamwork, mutual support and trust between colleagues. The council also demonstrates a good track record around enabling people to grow and develop in the organisation. These dimensions are significant factors in the council having such a loyal, committed and passionate workforce. There is huge goodwill and staff are clearly very invested in the place that they serve. The Staff Wellbeing Check-In results from last year reflect dimensions of the organisation that require suitable and effective responses in order to maintain that.

Process and system is absolutely central to good and effective governance. We would, though, encourage the council to consider the extent to which current approaches are proportionate and geared both to maximising impact through making the best use of people's time and securing the necessary assurance on what matters most. Our sense is that there may be potential to streamline the processes and meetings structure in order to create the space and capacity for leaders and managers to focus increasingly on strategic thinking and delivery.

A minority Administration under No Overall Control is a new way of working for all in Torbay and requires the appropriate adaptation of style and approach to reflect the fact that no single political party now has the majority of elected members on the council. Some success was seen in the 'Minority Administration Way of Working' developed a few months ago, not least the formal adoption of the Community and Corporate Plan and passing of the 2024/25 budget – both on a cross-party basis. Unfortunately, the 'Way of Working' has clearly broken down in recent weeks.


It is clear that the current political tensions, and the way they are being played out, are negatively impacting upon staff morale and motivation; the vast majority of elected members; the reputation of the council and the trust and confidence of partners. The issues are vested in a very small number of elected members, from across the Council Chamber, who must ask themselves what they want their legacy to be – in a context of this being that ‘moment in time’ for Torbay.

‘No Overall Control’ with a minority Administration is not unique to Torbay and there is no ‘silver bullet’. It requires pragmatism on the part of political leaders to find common ground on the top strategic priorities that must be determined and delivered collaboratively. What is crucial is there being a genuine desire to listen on all ‘sides’ and not try to ‘score political points’. It needs to be approached from the perspective of ‘how do we get things done for the people of Torbay’ and ‘how do we collectively ensure good governance is maintained in the council’.

Torbay is a council that has been financially well managed and prudent over a number of years. The council’s overall financial position is providing it with the scope to undertake a longer-term strategic approach to finance and invest in priority areas. Budgets are set without any reliance upon the use of reserves and the council has been working to increase the level of reserves. The council has a strategic approach to savings, focused on nine areas of significant spend and demand pressure. There is no reliance on material savings in the short-term from these and they are instead being looked at as helping to address the medium-term financial gap.

Torbay has high levels of borrowing and interest payments relative to other unitary authorities, although the level of borrowing has not increased since 2020 and £18m of long-term debt has recently been repaid. The maturity of the council’s loans portfolio is seen to protect it from increased interest rates whilst it has, in turn, benefited with an increased return on its cash investments through the situation with interest rates.

The ‘return to the workplace’ following the pandemic has been managed in a way that has given scope and flexibility to managers and teams to determine approaches



matched to their needs and context. There have been a number of upsides to this. We see merit in now taking stock to collectively consider the learning, challenges and opportunities that exist as the 'return to the workplace' continues to evolve. This forms part of what we see as the need for the council to consider its approach to its buildings and accommodation. This can be looked at both from the perspective of service users, staff and elected members and in a 'place-shaping' context. Considerations around council accommodation have formed part of the 'Whole Council Redesign' programme. Continuing to drive this whole programme forward will be important.

The progress the council has made in services such as adults and children's services is to be commended. As the council continues to progress, the role and ways of working of corporate services will need to continue to evolve too, in order to ensure they are fully geared to supporting the needs of the 'corporate body' and the wider organisation.

The importance of equalities, diversity and inclusion (EDI) has been gaining increasing recognition in the council. However, there is much to do and there are significant considerations and the EDI agenda requires clear corporate leadership and ownership.

2. Key recommendations

There are a number of observations and suggestions within the main section of the report. The following are the peer team's key recommendations to the council:

Recommendation 1

- Adopt a council Business Plan agreed on a cross-party basis that outlines a clear set of strategic political priorities

Recommendation 2

- The very small number of elected members from across the council chamber whose behaviours are impacting so negatively must ask themselves what they want their legacy to be and find ways of working effectively in a context of the minority Administration No Overall Control arrangement

Recommendation 3

- Gear up fully to deliver the proposed Combined County Authority arrangements

Recommendation 4

- Dedicate greater time and space for thinking and collaboration across the organisation to inform strategic direction and focus on outcomes and develop a more distributed model of leadership

Recommendation 5

- Ensure the People Strategy is collectively owned and led from the top

Recommendation 6

- Ensure corporate leadership and ownership of the equalities, diversity and inclusion (EDI) agenda

Recommendation 7

- Reflect on current approaches around process and system to ensure risk is balanced with outcomes and the necessary assurance is received on what matters most

Recommendation 8

- Deliver a 'reset' of Overview and Scrutiny organisationally and politically

Recommendation 9

- Create the space for cross-party consideration of matters relating to Constitutional and elected member governance

Recommendation 10

- Maintain the focus on the nine areas of significant spend and demand pressure

Recommendation 11

- Consider the approach to the council's buildings and accommodation and take stock of the learning, challenges and opportunities around the 'return to the workplace'

Recommendation 12

- Enhance the corporate approach to transformation

Recommendation 13

- Evolve the role and ways of working of corporate services

Recommendation 14

- Undertake the necessary functional realignments in relation to the Torbay Economic Development Company (known as TDA)

Recommendation 15

- Dedicate the necessary resource to develop the housing strategy and ensure the delivery of it is corporately owned

3. Summary of the peer challenge approach

3.1 The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected the focus of the peer challenge and peers were selected on the basis of their relevant expertise. The peers were:

- Rob Walsh, Chief Executive, North East Lincolnshire Council
- Councillor Laura Mayes, Cabinet Member for Children's Services, Education and Skills and Deputy Leader, Wiltshire Council (Conservative)
- Councillor Gareth Roberts, Leader, London Borough of Richmond upon Thames (Liberal Democrat)
- Mary Morrissey, Director of Economy and Infrastructure, Solihull Metropolitan Borough Council
- Kate Martin, Executive Director for City Futures, Sheffield City Council
- Rebekah Wilson, Programme Manager, Cyber, Digital and Technology Team, LGA (shadowing)
- Chris Bowron, Peer Challenge Manager, Local Government Association

3.2 Scope and focus

The peer team considered the following five themes which form the core components of all corporate peer challenges. These areas are critical to councils' performance

and improvement.

1. **Local priorities and outcomes** - Are the council's priorities clear and informed by the local context? Is the council delivering effectively on its priorities?
2. **Organisational and place leadership** - Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
3. **Governance and culture** - Are there clear and robust governance arrangements? Is there a culture of challenge and scrutiny?
4. **Financial planning and management** - Does the council have a grip on its current financial position? Does the council have a strategy and a plan to address its financial challenges?
5. **Capacity for improvement** - Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?

In undertaking this, overarching questions that the council asked the peer team to provide insight on were:

- With the agreement of our new Community and Corporate Plan and draft Council Business Plan: How well does the council focus on and prioritise its ambitions?
- Given the recent move to being a council with No Overall Control: What more needs to be done to ensure that governance and practical arrangements are working effectively to deliver for our residents?
- In light of the emerging national assurance framework for local government: Is the council making good progress at documenting its assurance framework (setting out our 'Torbay Way')?
- Given the ambitions of the council around our capital and regeneration projects: Do we now have in place the organisational structures and capacity to support delivery of local priorities?

- In light of the recent transfer to the council of the Torbay Economic Development Company (TDA): Are the foundations in place to ensure that we maximise the opportunities that this presents?

3.3 The peer challenge process

Peer challenges are improvement focused; it is important to stress that this was not an inspection. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared by reviewing a range of documents and information in order to ensure they were familiar with the council and its context, challenges and opportunities. The team then spent three and a half days onsite in Torbay, during which they:

- Gathered information and views from more than 40 meetings, in addition to further research and reading
- Spoke to more than 120 people, including a range of council staff, elected members and external stakeholders

This report provides a summary of the peer team's findings. In presenting feedback, they have done so as fellow local government officers and elected members.

4. Feedback

4.1 Local priorities and outcomes

It is widely recognised internally and externally that this is 'a moment in time' for Torbay which may not come around again. The whole council – elected members and officers – and the wider community need to hold this in their mind and not lose sight of it.

The Corporate and Community Plan, agreed on a cross-party basis last year and running through to 2043, sets out a long-term vision and ambition of a 'healthy, happy and prosperous Torbay'. Sitting alongside this is the 'Torbay Story', developed through engagement with residents and a range of partners across the public, business and voluntary and community sector and launched in early 2022. This is a fantastic vision providing both an overarching story of the characteristics and opportunities of Torbay as a whole, whilst outlining the individual identities, sense of place, assets and roles of the three towns of which it is comprised. Brixham, with its harbour and fish market; Paignton as a classic British seaside town with its sandy beach, promenade and pier, zoo and steam train; and Torquay with the marina and its gardens and galleries explains why the area is such a magnet for tourists. Especially when the natural environment of Tor Bay, supplemented through proximity to Dartmoor National Park, is also considered. Then there is the economic potential, reflected in the globally significant technology businesses, in the likes of marine industries and photonics, that Torbay is home to.

The 'Torbay Story' enjoys the full support of partners across the public, private and voluntary sectors. The level of Government funding of over £100m – including 'Levelling Up', 'Town Deal' and 'Future High Streets' monies – to support key regeneration projects is unprecedented. Established regeneration partnerships demonstrate strong public, business and voluntary and community sector support and continued commitment to the next phase for Torbay. The council's new regeneration partnership with Willmot Dixon and Milligan offers further capacity and knowledge. It shows early positive signs of productive and successful relationship forming and added value focused on place shaping and driving socio-economic benefits. The scale of regeneration in Torbay is likely to require, and provides the opportunity to establish, additional partnerships to facilitate neighbourhood regeneration and master planning. This is likely to require regional funding structural support and national agency bespoke capacity, through the likes of Homes England.

The council has the general capacity to support the direct delivery of its physical regeneration project priorities. The transfer to the council of the Torbay Economic Development Company (known as TDA) offers a phased opportunity for strengthened delivery around economic development and regeneration but there will

need to be consideration given to some functional realignments, around agreed priorities, to aid this. Aligning the council's capacity with the drive and scope of key partners, and the potential of local, regional and national investment, offers the opportunity to maximise the council's regeneration activity into longer-term place shaping.

What is outlined above constitutes the 'moment in time' for Torbay. The attendant level of expectation, both politically and amongst partners, is significant and everything now needs to mature into mobilised capacity to deliver at pace. The next phase of delivery and the key priorities that are central to it need to be communicated to the public, including the 2,000 Torbay 'Place Champions, and partners. It is also important to foster a place for councillors to enhance their role as ambassadors for their local areas and place them at the heart of neighbourhood regeneration.

The council is in a very different and much better place compared to a few years ago and has a solid foundation. It has demonstrated drive, determination and delivery across a number of spheres in recent years. This includes leading the response to the pandemic, driving improvement in children's services improvements and taking more direct control of a number of key functions and services. The latter includes the creation of SWISCo, as a company wholly owned by the council, to deliver waste, highways, street scene and parks services. What has been achieved is reflected in the 2023 Local Government Chronicle (LGC) awards recognising Torbay as the 'Most Improved Council' in the country.

There is a lot to be proud of but there remains a lot to do, with a range of socio-economic challenges in Torbay. It is the most deprived local authority area in the South-West of England and is in the top quarter of most deprived council areas nationally. Twenty-seven per cent of residents live in the twenty per cent most deprived areas in England. Life expectancy for men and women in the most deprived areas is nine years and eight years less, respectively, compared to those in the least deprived. Twenty-four per cent of residents are reported as having a long-term limiting illness, compared to averages in the South-West and nationally of 18.4% and 17.6% respectively. The growth in Gross Value Added (GVA) in Torbay since 2010 measures 7.5% compared to 28.8% nationally.

The housing agenda, and the challenges and opportunities it represents, featured widely in our discussions as one of the key priority areas for Torbay. Progressing the development of a comprehensive and bold housing strategy is of critical importance to the successful and inclusive regeneration of Torbay. Crucial within this is driving further progress in addressing the challenges around homelessness. Linked to both the regeneration and housing agendas, continuing to improve Planning Services at pace is important given the statutory requirement for an adopted Local Plan.

The council and its partners are very much aware of the challenges that exist and the potential and opportunity of the 'moment in time' lies in maximising the economic and social benefits for the people and place of Torbay – raising aspiration, creating the conditions for long term positive change and tackling inequality. The regeneration projects alone offer significant local opportunities around training, skills and employment.

The Community and Corporate Plan, along with its related objectives and priorities, seeks to provide stability and continuity in a context of political uncertainty. The development of the council's Business Plan – representing a delivery plan through to 2027 – had been intended to establish a clear set of manageable priorities that enable real focus for the organisation. The absence of an agreed plan – due to political tensions that have emerged recently and which we expand upon later – represents a key risk to the council being able to deliver the inclusive growth agenda that can be transformative for existing and future communities. Officers need to be able to focus on clear strategic political priorities and that which is going to deliver the greatest impact for local communities. Otherwise, there is a risk to progress, delivery and the council's credibility. The message that we have gleaned loudly and clearly from partners is that the opportunity of this 'moment in time' must not be missed.

4.1.1 Performance

Whilst ambition is high and much is being achieved, the Residents' Survey of last summer should serve to focus minds further. Drawing on the 'LG Inform' data and performance information system which the Local Government Association hosts on

behalf of the sector, it is feasible to see the following for Torbay when compared to the fifteen other councils in its CIPFA 'family' grouping of similar authorities, using the most recently available data:

Where Torbay is amongst the better performers:

- Average Attainment 8 score
- Percentage of child protection cases which were reviewed within required timescales
- Overall satisfaction of people who use adult social care services for their care and support
- Total households on the housing waiting list
- Time taken to process housing benefit new claims and change events
- Residual household waste per household
- Percentage of household waste sent for reuse, recycling and composting
- Percentage of adults aged 16+ who are active (150+ minutes a week)

Where Torbay is less high performing:

- Council tax not collected as a percentage of council tax due
- Proportion of population aged 16-64 qualified to at least Level 2
- Children looked after rate, per 10,000 children aged under 18
- Care leavers in education, employment or training
- Social care-related quality of life
- Vacant dwellings as a percentage of all dwellings in the area
- Principal roads where maintenance should be considered
- Non-principal roads where maintenance should be considered
- Access to employment by public transport
- Processing of planning applications – other
- Percentage of adults (18+) classified as overweight or obese
- Percentage of children in reception year who are obese

Where performance in Torbay is around the average:

- Non-domestic rates not collected as a percentage of non-domestic rates due

- Proportion of 16 and 17 year olds who were not in education, employment or training (NEET) or their activity was not known
- Percentage of children becoming the subject of a child protection plan for a second or subsequent time
- Care leavers in suitable accommodation
- Number of households living in temporary accommodation per 1,000 households
- Number of affordable homes delivered
- Processing of planning applications – major
- Processing of planning applications – minor
- Percentage of children in year 6 who are obese

The following is a link to the ‘Headline Report’ for Torbay in the LG Inform system:

https://lginform.local.gov.uk/reports/view/lga-research/lga-research-report-headline-report-bar-charts?mod-area=E06000027&mod-group=CIPFA_Near_Neighbours&mod-type=comparisonGroupType

4.2 Organisational and place leadership

The Torbay Place Leadership Board provides stewardship, advocacy, influence and strategic leadership from across the area’s anchor institutions. Those involved are fully invested in the vision and ambition for Torbay and provide strong, credible and strategic place leadership along with a healthy balance of challenge and support to the council. The new Culture Board that sits under the Place Leadership Board, and the related strategy that has been developed, offers great opportunities to enhance tourism, heritage, culture and destination benefits along with aiding the development of new creative industries.

The council is seen as a good local and regional partner. Those organisations we spoke to at the regional level described a confident and influential organisation that is operating as an equal partner. There is a set of well-established sub-regional partnerships that the council is effectively engaged in, including those focused on

housing, skills, climate change and the visitor economy at the Devon-wide level. The Leader is seen to have advocated effectively for Torbay, including at the UK's Real Estate Investment and Infrastructure Forum last year and in the discussions around Devolution. The Chief Executive is widely held in very high regard, both internally and externally.

The Devon and Torbay Level 2 Devolution Deal is a major strategic opportunity for Torbay. It represents a platform to communicate the area's needs and future opportunities to key stakeholders at the regional and national level. Devolution provides the potential to leverage more investment, exert more influence and continue to enhance the profile and economic growth prospects for Torbay for the benefit of residents, communities and businesses. The proposed Combined County Authority arrangements, if fully approved, will require the council to gear up and ensure that elected members, officers and the organisation overall are effectively placed to lead, advocate and influence at that level. Such preparations are not a light touch endeavour and the work needs to start now.

The complexity of the challenges and opportunities facing Torbay, outlined earlier, requires the organisation to develop a suitably strategic and integrated way of working in response. Positive progress is being made, with a council that has a better understanding of communities; is engaging those communities more; is better understanding and managing performance, delivery and risk; and is demonstrating greater cross-organisational collaboration. This can and should be built upon.

As an example, effective consultation and engagement is seen to have taken place around the likes of the 'Big Plan' for learning disabilities, the development of sea defence schemes and a range of projects delivered through the 'Councillor Ward Fund' including the development of play areas and installation of defibrillators. The delivery of successful regeneration will require more and deeper engagement with communities. It will also require an enhanced understanding of communities, building upon the 'Torbay Profile', centred on data and insight looking much deeper into localities and neighbourhoods to drive improved outcomes, leverage potential funding and track the impact of regeneration.

As another example, the council is demonstrating an improvement in understanding and managing performance, delivery and risk. It has fundamentally changed its approach to planning capital investment from this year. A review of the Capital Investment Programme last year has sought to ensure that the £270m four-year plan is realistic and can be delivered and the 'Gateway' and monitoring processes that have been developed are designed to provide elected members with much greater oversight. This will be important for reasons of financial control, delivery, impact and credibility. A revised and strengthened Risk Management Policy and Framework was agreed by Cabinet in March last year. The council recognises that the same focus that has been applied to enhancing risk management now needs to be applied to performance management. A revised Performance Management Policy and Framework is being developed, along with a refreshed performance report commencing with Quarter 1 of this year.

Torbay is also a council that is demonstrating greater joined-up working and cross-organisational collaboration, facilitated at least in part by the meetings every six weeks of the Senior Leadership Team (SLT), which brings together the Chief Executive, Directors and Divisional Directors, and fortnightly meetings of the Cabinet and Directors (CAD) forum. There is, however, a widespread desire both politically and managerially – identified through our discussions with Cabinet and Divisional Directors – for greater time and space to be dedicated to strategic thinking in these types of forums.

People are keen to have the opportunity to capitalise upon and share knowledge and expertise from across different Portfolios, directorates and services in order to collectively 'problem-solve', inform strategic direction, enhance the focus on outcomes and develop a greater sense of shared endeavour. An example here would be the council's desire to see Public Health thinking and understanding become more embedded across the organisation. We also noted reference to recent discussions in SLT sessions having enabled people to make connections between their services and wider strategic agendas that they hadn't previously recognised.

The type of approach outlined here would also serve to develop a more distributed model of leadership. This, in turn, would address the risk of so much being vested in

the Chief Executive, which was highlighted through many of our conversations both internally and externally.

4.3 Governance and culture

Staff that we met at various levels in the council emphasised the positive organisational culture that exists, centred on teamwork, mutual support and trust between colleagues. The council also demonstrates a good track around enabling people to grow and develop in the organisation. What struck us most around these aspects is the informal but clearly very effective approaches to them that have developed and which drive them. The organisation describes itself as “small and agile” and is clearly one in which informal networks and links within and between teams develop easily. These links have been enhanced through the pandemic and sustained during the subsequent period of increased remote working. In relation to people progressing in the organisation, those staff that we met reflected a willingness on the part of the council to invest in their development – both financially and in the provision of opportunity – and highlighted an informal ‘talent spotting’ approach that identifies future managers and leaders.

The above dimensions are, based on what we heard, significant factors in the council having such a loyal, committed and passionate workforce. There is huge goodwill and staff are clearly very invested in the place that they serve. The Staff Wellbeing Check-In results from last year reflect dimensions of the organisation that require suitable and effective responses in order to maintain the goodwill and motivation that exists. Issues around work pressures featured prominently and there were also some issues of discrimination highlighted.

Of those completing the Check-In, 44.6% indicated they were experiencing health or wellbeing challenges. Within that, 46.5% cited mental health matters and 42.6% workload related issues. Staff that we spoke to highlighted the good progress that has been made in the council’s wellbeing offer, with a member of staff within the HR function dedicated to this area, and the Check-In results show 65.5% of respondents felt the council was committed to staff wellbeing. A series of support mechanisms,

events and initiatives have been introduced in recent times, covering areas such as financial wellbeing; menopause; being a carer; men's health; domestic abuse; and mental health. Nearly a quarter of respondents to the Check-In had drawn upon these sources of support.

In relation to discrimination, 8.7% of Check-In respondents indicated they had either experienced or witnessed it at work, comprising 6.1% coming from a colleague or manager and 2.6% from a customer, client or member of the public.

The Internal Engagement Strategy, which has been in place since 2020, provides a wide range of communication and engagement approaches across the organisation, including 'All Staff News', 'Manager's Briefing', forums for managers and senior managers and 'Ask Us Anything' sessions. The next phase of the Internal Engagement Strategy is currently being progressed and is intended to refine and enhance approaches over the coming months. Developments include establishing directorate newsletters and encouraging increased visibility on the part of senior leaders, including them meeting new starters and holding briefing sessions for their directorates.

A new People Strategy, covering the period through to 2029, was approved in March and sets the framework for council-wide organisation and workforce development and a clearer focus on equalities, diversity and inclusion (EDI). The vision at the heart of the strategy is to empower, support, develop and engage people, now and into the future, to deliver the council's ambitions for Torbay and ensure a sustainable workforce moving forward. Priority areas are:

- An organisational culture that prioritises relationships internally and externally
- Improving consistency in ways of working and delivering services through a flexible and high-performing workforce
- Employee wellbeing through work/life balance and a happy and healthy workplace where everyone can be themselves, thrive and perform to the best

of their ability

- Supporting learning and development to enhance personal and professional growth and aspiration – including a management and leadership development programme
- Valuing and respecting people for their differences, building on them to enhance performance and organisational capability
- Attracting, retaining and maximising talent through recruitment, induction, career progression, development programmes and an effective pay, reward and retention offer

As planned, it is imperative that the People Strategy is led visibly by the Chief Executive and all Directors in order to maximise its impact.

As we outlined earlier, the council is demonstrating an improvement in understanding and managing performance, delivery and risk. This has involved developing greater rigour in key processes and systems and this will continue to evolve with the development of a refined approach to performance management. The council asked us to consider the progress it is making in documenting its 'Assurance Framework' in the light of the emerging national assurance framework for local government. We have additionally woven the council's 'Decision-Making Framework and Internal Governance Meeting Structure' into our thinking.

Process and system is absolutely central to good and effective governance. We would, though, encourage the council to consider the extent to which current approaches are proportionate and geared both to maximising impact through making the best use of people's time and securing the necessary assurance on what matters most, including performance, project delivery, budget and risk. It is perhaps helpful here to reflect on our earlier observation about the informal but effective approaches seen in the council fostering links within and between teams and growing and developing people. The related outcomes are impressive and yet there is little

reliance upon process and system. This perhaps contrasts with, as an example, reflections we heard around the number of meetings and steps that have to be navigated in the drafting of a report for consideration by elected members. Our sense is that there may be potential to streamline the processes and meetings structure currently in place in order to create the space and capacity for leaders and managers to focus increasingly on strategic thinking and delivery and balance the managing of risk with an enhanced focus on 'outcomes'. There is, though, a complex set of considerations here – not least the additional requirements generated in a council under a 'Minority Administration No Overall Control (NOC)'.

Torbay has traditionally been politically contested and that continues with it now being a council that is under 'No Overall Control' with a minority Conservative Administration. The council has been NOC since 2019 but has not previously had a minority Administration – with the previous Administration having entered into a formal arrangement with independent councillors. A minority Administration is a new way of working for all in Torbay and requires the appropriate adaptation of style and approach to reflect the fact that no single political party now has the majority of elected members on the council. Some success was seen in the 'Minority Administration Way of Working' a few months ago, not least the formal adoption of the Community and Corporate Plan and passing of the 2024/25 budget – both on a cross-party basis. A set of key principles were established to sit at the heart of this, as follows:

- To act in the best interests of Torbay Council and its residents
- To work together on the basis of honesty, openness and transparency
- To work together on the basis of no surprises
- To seek to achieve consensus through discussion
- To promote strong working relationships with council officers based on mutual trust and respect

Unfortunately, the 'Way of Working' has clearly broken down in recent weeks. There are too many contrasting perspectives and there is too much complexity around this, and the related deterioration in relationships, for us to make sense of it.

What is absolutely clear is that the current political tensions, and the way they are being played out, are negatively impacting upon staff morale and motivation; the vast majority of elected members; the reputation of the council and the trust and confidence of partners. The issues are vested in a very small number of elected members, from across the Council Chamber, who must ask themselves what they want their legacy to be – in a context of this being that ‘moment in time’ for Torbay.

‘No Overall Control’ with a minority Administration is not unique to Torbay and there is no ‘silver bullet’. It requires pragmatism on the part of political leaders to find common ground on the top strategic priorities that must be determined and delivered collaboratively. Achieving this is crucial in providing stability and continuity for the council and Torbay in the face of likely future political change and, in so doing, helping stakeholders to retain trust and confidence in the council.

Currently, significant capacity is being absorbed in terms of time, negative energy and diversion of officer focus from what is truly important. It is right and appropriate that officers dedicate the additional time necessitated by NOC to supporting the smooth flow, through the council’s democratic and decision-making structures, of the key considerations and strategic issues for the council and Torbay. This is inevitably more demanding and drawn out than in an environment where there is a political majority. What is a less positive use of senior officer time is managing the ‘fall-out’ in the organisation of the latest political point-scoring and public criticisms of the council and trying to maintain an ‘even keel’ in a context of the challenging political dynamic.

It is undoubtedly the case that ensuring the council gets the ‘brilliant basics’ right would take some of the ‘heat’ out of the system by reducing the scope for criticism. Also, it would reduce the amount of time officers at all levels are having to dedicate to responding to issues elected members are raising with them as casework. Ensuring the effective use of the elected member casework system, and a consistently good quality and timeliness of response to the issues raised through it by councillors, would also assist here.

We see the Council Leadership Group (CLG), which includes the political group leaders, as a valuable concept that should be maintained. We also urge the senior political leaders to uphold the key principles upon which the intended 'Way of Working' under NOC has been founded. At the same time, we feel the focus of CLG could usefully be refined to generate the greater time and space necessary for strategic thinking and related discussion on a cross-party basis. At present, alternate CLG meetings have different purposes. One focuses on governance, Constitutional issues and work programming across the likes of Full Council, Cabinet and Overview and Scrutiny. The other provides the scope to focus on key strategic issues, often centred upon 'Emerging Issues' papers. We see merit in shifting CLG meetings to focus on two issues:

- The in-depth consideration and discussion of key issues for Torbay and the council – strictly confined to truly strategic or highly politically sensitive matters
- Determining the work programming of key matters that need to progress through the council's governance structures, in order to ensure that they receive appropriate consideration

We would see this as then leaving a requirement for governance and Constitutional matters being considered by a separate body but which also operates on a cross-party basis. This would enable the consideration of the types of governance issues that we heard about anecdotally during our discussions and for which jointly agreed approaches and solutions need to be identified. Examples include ad hoc changes being made to the order of business at some meetings of Full Council; the unannounced tabling of Amendments to Motions at some meetings of Full Council; some desire on the part of some councillors to see a wider range of elected member meetings being Webcast; the limited scope that some Chairs feel they have to influence the agendas for their meetings; and ensuring minutes consistently provide an accurate record of meetings.

We fully acknowledge, in citing anecdotal evidence in these areas, that experiences and perspectives will differ and it may be that an issue lies more with levels of understanding than it does to a need for Constitutional revision. Where this is the

case, that should inform elected member development and awareness raising. However, there may be instances where a Constitutional refinement or adaptation, agreed on a cross-party basis, would provide increased certainty to elected members; help to protect the interests of all political groups on the council; and provide greater stability for councillors and officers during periods of No Overall Control.

This links to what we outlined earlier regarding the adaptation of style and approach necessary under NOC. That includes the need to avoid notions at any point in the future of any political group determining that 'we're in charge now so we'll just change things to how we want it'. Another example would be ensuring the cross-party shaping and steering of what we recommend by way of a fundamental reset of Overview and Scrutiny, organisationally and politically. It is clear that Overview and Scrutiny has got caught up in the politics and there is an opportunity in the months ahead to jointly consider and determine what it is there to do and how it can best operate to support good governance and improved outcomes for local people.

What is crucial is there being a genuine desire to listen on all 'sides' and not try to 'score political points'. It needs to be approached from the perspective of 'how do we get things done for the people of Torbay' and 'how do we collectively ensure good governance is maintained in the council'.

There are many positive aspects to elected member development in the council. We learnt of the induction process at the last elections being open to all councillors rather than just those newly elected and the process having been refined in line with learning from previous years. We heard that training and development in more technical and quasi-judicial areas, such as Licensing and Planning, is seen to be particularly valuable. Examples of this include the delivery of a briefing on Strategic Planning; participation in national level training around Licensing committees; and the bringing in of national experts to talk to councillors sitting on the Harbour Committee.

The council seems to be tapping increasingly into provision of elected member training at the national level, in particular through the Local Government Association. There was also evidence of some tailoring of provision to specific need, for example

participation in remotely delivered training in order to suit individual circumstances, whilst councillor colleagues attended a similar event face to face in line with their preferences. People we spoke to highlighted training they had particularly valued, including Charing Skills and media training. There is undoubtedly scope to enhance things further in relation to elected member development – for example there is clearly a desire for more guidance and insight around managing councillors’ personal safety and a more personalised and tailored approach to identifying and meeting individuals’ needs generally – but the direction of travel is positive.

Finally in this section, it is of vital importance that councillors are not underestimated in relation to the contribution they can make. We highlight this in a context of having heard of some instances of attitudes towards councillors that could be deemed to be patronising, along the lines of matters being “too complex” for them.

4.4 Financial planning and management

Torbay is a council that has been financially well managed and prudent over a number of years. It has delivered balanced budgets year on year without significant overspends and, where overspends have occurred, these have been matched by surpluses elsewhere in the budget. Budgets are set without any reliance upon the use of reserves and the council has been working to increase the level of reserves, leaving them now comparing reasonably favourably with other unitary councils. A revised ‘Revenue Reserves Policy’ has been established and the General Fund reserve was planned to rise from £5.7m at the end of 2022/23 to £7.6m in the financial year just concluded. A ‘top up’ to the council’s unearmarked Working Balance Reserve is intended over the period of the Medium-Term Resource Plan in order to return it to a level of 5% of net revenue budget.

Torbay has high levels of borrowing (circa £385m) and interest payments relative to other unitary authorities, although the level of borrowing has not increased since 2020 and £18m of long-term debt has recently been repaid. The maturity of the council’s loans portfolio is seen to protect it from increased interest rates whilst it has, in turn, benefited with an increased return on its cash investments through the situation with interest rates. Torbay invested in a number of commercial assets

several years ago. Whilst these assets provide a financial return of around £4m per annum currently, the value of them appears to have reduced significantly recently and the council is currently determining its strategy around them going forward.

The 'Safety Valve' agreement reached with the Department for Education in 2022 in relation to the 'High Needs Block' of the Dedicated Schools Grant is seen to be working. The Department agreed to fund the cumulative deficit to a level close to £13m, dependent upon key milestones in a deficit recovery plan being achieved which, if successful, should provide for a balanced High Needs Block by 2026/27. Thus far the council has received over £6m from the Department.

For the last nearly 20 years, the council and health partners have sought to work collaboratively across adult social care and health. In 2015 an integrated care organisation (ICO) was established for Torbay. The recent renewal of the Section 75 agreement between the council and Torbay and South Devon NHS Foundation Trust, covering a five-year period, provides greater financial stability around what the council identified as its biggest financial risk over the medium-term. It also continues what the council and partners are proud of in terms of joined-up delivery across social care and health. Central to helping improve financial sustainability in this sphere – in a context of the ICO forecasting a £12m deficit in the last financial year that is attributable to adult social care and which could rise to as much as £36m across a five-year period – is a cross-partnership transformation programme.

The council has a strategic approach to savings, focused on nine areas of significant spend and demand pressure. These include children's social care placements; home to school transport; the prevention and relief of homelessness; and the optimisation of council assets. Each of the nine areas has a Revenue Savings Plan that is focused over four years. There is no reliance on material savings in the short-term from these plans and they are instead being looked at as helping to address the medium-term financial gap that is forecast to be £5.4m in 2025/26 and £1.9m in 2026/27.

The council's overall financial position is providing it with the scope both to undertake this longer-term strategic approach to finance and invest in priority areas. Examples

of the latter include the purchase or lease of 37 properties to reduce the council's costs associated with temporary accommodation whilst simultaneously increasing the stability of accommodation options that could be offered. This is in a context of a 66% per cent increase having been seen since 2020 in those people being provided with temporary accommodation. Another example of investment is senior posts that have been established and recruited to in the areas of housing and regeneration.

4.5 Capacity for improvement

The 'return to the workplace' following the pandemic has been managed in a way that has given scope and flexibility to managers and teams to determine approaches matched to their needs and context. There have been a number of upsides to this. One example is helping to address recruitment challenges in certain areas, such as Legal Services and Children's Services, with the ability to perform roles remotely having led to people joining the organisation who previously wouldn't have been available to the council. Another example is the creation of working environments and atmospheres that people have found enable collaboration and working across teams and which they enjoy working in and appreciate. We see merit in now taking stock to collectively consider the learning, challenges and opportunities that exist as the 'return to the workplace' continues to evolve – as it is doing for every organisation. Clearly there are approaches and experiences which, when shared, may be felt appropriate for adoption elsewhere in the organisation. Equally, commonly shared challenges can be identified and corporate solutions potentially devised. We learnt, as an example, that when some office accommodation is fully occupied the Wi-Fi facility can sometimes struggle to cope and thus there is a negative impact on people's ability to work.

The above forms part of what we see as the need for the council to consider its approach to its buildings and accommodation. This can be looked at both from the perspective of service users, staff and elected members and in a 'place-shaping' context. We gleaned some concerns from our engagement with staff about the limited ability for service users to come into the council through a customer access point and the challenges and risks this particularly poses to more vulnerable citizens.

In relation to staff and elected members, ensuring the way offices and meeting rooms are designed and kitted out is consistently conducive to desired ways of working and fully meets people needs is clearly important. In relation to 'place-shaping', an 'asset optimisation' approach to public and private assets would help to co-ordinate a 'One Bay Estate' approach and prioritise potential catalyst schemes for regeneration. The council's own accommodation – in terms of what it occupies and where and what it might potentially relinquish going forward – forms part of this.

Considerations around council accommodation have formed part of the 'Whole Council Redesign' programme. Continuing to drive this programme forward will be important. The 'Future Ways of Working' strand of the programme, focused on where and how the council works, has delivered, amongst other things, some hybrid meeting rooms and staff breakout rooms plus a desk booking system. This project is currently paused and we would encourage the council to revisit it in the context of what we have outlined above.

The 'Our People' project within the 'Whole Council Redesign' programme has supported the development of the new People Strategy and the creation of a new recruitment strategy and website, applicant tracking system and induction programme. The 'Our Organisation' element has seen the roll-out of 'Microsoft 365' and is now taking forward the deployment of 'Power BI' across the organisation to support the enhancement of performance management. Work has also taken place focusing on the approach to customers. This has included the development of a set of corporate customer service standards; establishment of a customer relationship management (CRM) system; and a shift towards emphasising a 'digital by default' approach. There has also been consideration given to the council's 'tone of voice' which focuses the organisation on always being perceived as approachable, friendly and professional.

The 'transformation' activity outlined above is corporate in nature, being designed to take effect across the organisation. Other 'transformation' is taking place that is more specific to certain directorates or functions, such as adults and children's services. Some corporate support has been provided for this, including the

implementation of a new IT system in children's services. In a context of transformation being most effectively delivered when it is led, owned and governed on a 'whole council' basis, we would encourage Torbay to enhance the corporate approach to transformation. This would help to maximise synergies, enable the deployment of constrained corporate resource to support such initiatives to be as effectively co-ordinated as possible; and identify where such corporate resource might usefully be enhanced if feasible.

The progress the council has made in services such as adults and children's services is to be commended. As the council continues to progress, the role and ways of working of corporate services will need to continue to evolve too, in order to ensure they are fully geared to supporting the needs of the 'corporate body' and the wider organisation. One example is what we outlined earlier around supporting the development of the Combined County Authority arrangements and the demands of the wider Devolution agenda. Another is the delivery of the necessary support for the regeneration agenda in Torbay.

The council's approach to communications is seen to be working much better, including a weekly E-newsletter distributed to over 10,000 residents. The agreement of clear political priorities would enable a truly strategic approach to communications to be developed. We would see this entailing a 'campaigns-based' approach, involving the corporate funding of communications activity supporting those political priorities. This contrasts with the current approach of the corporate communications function being asked to support and advise on the communications ambitions devised by directorates and services themselves, which has led to too broad a range of engagement and communications priorities.

The importance of equalities, diversity and inclusion (EDI) has been gaining increasing recognition in the council. The recruitment of a dedicated officer to lead the EDI strategic agenda is welcomed for the expertise and guidance that can be offered through this to colleagues across the organisation. Those colleagues are mindful, however, of the risk that the responsibility for driving EDI forward comes to be seen to sit with one individual rather than shared widely. There is much to do and

there are significant considerations. This is reflected in what we outlined earlier around issues of discrimination being highlighted in the Staff Check-In. This was brought to life for us through a discussion with officers that highlighted what had been experienced by some members of staff, recruited internationally to support work in children's services, during their work in communities. Such issues, as well as the wider EDI agenda, require clear corporate leadership and ownership.


With all that is being achieved and the progress being made, we would encourage the council to ensure it celebrates success. The move to establish the Staff Awards is an important one that people are pleased to see being brought about. Being recognised as the 'Most Improved Council' and securing the improvement in children's services are huge steps in the council's journey and have provided people with an enormous boost. There have been, and continue to be, many positive steps forward made from right across the organisation. Whilst these may not be of the same order of magnitude nor enjoy the same profile as those judgements from LGC and OFSTED, they are important to recognise, celebrate and communicate at regular junctures and their cumulative impact is highly significant.

5. Next steps

It is recognised that the council's senior political and managerial leadership will want to consider, discuss and reflect on these findings.

Both the peer team and LGA are keen to build on the relationships formed through the peer challenge. The corporate peer challenge process includes a Progress Review, the findings from which need to be publicly reported within twelve months of the corporate peer challenge. The Progress Review provides space for the council's senior leadership to update peers on the authority's progress against the action plan and discuss next steps.

In the meantime, Paul Clarke, Principal Adviser for the South-West region, is the main contact between your authority and the Local Government Association. Paul is



available to discuss any further support the council requires and can be reached via
paul.clarke@local.gov.uk

LGA Corporate Peer Challenge - April 2024

Proposed Action Plan

Ref	Recommendation	Action	Lead Officer/Member	Completion Date	
1	Adopt a council Business Plan agreed on a cross-party basis that outlines a clear set of strategic political priorities	1.1	Seek cross party input through Council Leadership Group	Director of Corporate Services	COMPLETED
		1.2	Approval of the Council Business Plan by Cabinet	Cabinet	COMPLETED
		1.3	Determine monitoring for Business Plan delivery	Director of Corporate Services	30 June 2024
		1.4a	Review of Service Plans to ensure Council Business Plan actions are reflected	All Directors	31 July 2024
		1.4b	Review of Council Business Plan to ensure all actions are reflected in Services Plans	Director of Corporate Services	31 July 2024
2	The very small number of elected members from across the council	2.1	Group Leaders to reflect on LGA advice within their Groups	Support from Chief Executive and Monitoring Officer	On-going

Ref	Recommendation	Action	Lead Officer/Member	Completion Date
	chamber whose behaviours are impacting so negatively must ask themselves what they want their legacy to be and find ways of working effectively in a context of No Overall Control			
3	Gear up fully to deliver the proposed Combined County Authority arrangements	3.1 Consider the recruitment of the Torbay Council devolution “co-ordinator” for 12 months	Director of Corporate Services and Director of Pride in Place	To be determined after the General Election
Page 54		3.2 Agree internal arrangement for staffing and backfill/recruit as required	Director of Corporate Services	To flow from 2.1
		3.3 Continue to work with Devon County Council on the establishment and implementation of the Devon and Torbay Combined County Authority	Chief Executive	To be determined after the General Election
		3.4 Establish Devon and Torbay Combined County Authority	Chief Executive	To be determined after the General Election
		3.5 Review the Local Transport Plan, identifying linkages to a future Devon and Torbay Local Transport Plan and associated offers and asks	Director of Pride in Place	December 2024
		3.6 Review the Economic Growth Strategy, identifying linkages to a future Devon and Torbay Economic Strategy and associated offers and asks (including	Director of Pride in Place	December 2024

Ref	Recommendation	Action	Lead Officer/Member	Completion Date
		around training, skills, employment and business support)		
4a	Dedicate greater time and space for thinking and collaboration across the organisation to inform strategic direction and focus on outcomes	4.1 Develop proposals to determine how this will be facilitated, following engagement with colleagues across the Council	Director of Corporate Services and Director of Adult and Community Services	31 July 2024
Page 55		4.2 Establish periodic check and challenge to ensure that this is embedded as our approach moving forward	Director of Corporate Services and Director of Adult and Community Services	31 July 2024
		4.3 Review the Decision Making Framework and Internal Governance Meeting Structure (and associated processes) in order to empower Directors and their teams	Director of Corporate Services to develop proposal	31 July 2024
		4.4 Ensure that governance arrangements are followed in order to free up time and space for greater collaboration within DOM, SLT and CAD, including effective use of the Member Casework System	All Directors	On-going
4b	Develop a more distributed model of leadership	4.5 Ensure the Member Development Programme provides support for councillors' role as ambassadors for their local areas	Director of Corporate Services	31 July 2024
		4.5 Linking to the Our People Strategy Action Plan, consider the potential to develop a Head of Service support programme and a development programme for aspiring Heads of Service	Chief Executive	30 September 2024

Ref	Recommendation	Action	Lead Officer/Member	Completion Date	
5	Ensure the People Strategy is collectively owned and led from the top	5.1	Run senior management session to help facilitate knowledge, co-design actions and increase ownership	Director of Corporate Services	30 June 2024
		5.2	Launch People Strategy with associated Communication and Engagement Plan	Director of Corporate Services	July 2024
		5.3	Review the leadership and membership of the Our People Board to drive delivery of the Our People Strategy Action Plan (with the Chief Executive as Senior Responsible Officer)	Chief Executive	Summer 2024
		5.4	Deliver the Our People Strategy Action Plan including: <ul style="list-style-type: none"> The establishment of staff awards Recognising, celebrating and communicating everyday successes and achievements Phase 2 of the Internal Engagement Strategy 	Chief Executive	On-going
6	Ensure corporate leadership and ownership to develop a clearer focus on equalities, diversity and inclusion	6.1	Deliver the Equality, Diversity and Inclusion Action Plan	Director of Public Health and Director of Corporate Services	On-going
		6.2	Establish mechanism to report on progress against the Action Plan to Lead Members and DOM on a quarterly basis	Director of Corporate Services	31 July 2024
		6.3	Update the Equality, Diversity and Inclusion Action Plan on an annual basis taking account of equality	Director of Public Health and Director	From January 2025

Ref	Recommendation	Action	Lead Officer/Member	Completion Date
		data and feedback from resident and staff engagement	of Corporate Services	
7	Reflect on current approaches around process and system to ensure risk is balanced with outcomes and the necessary assurance is received on what matters most	7.1 Revise and embed the Performance Management Framework	Director of Corporate Services	From June 2024
Page 57		7.2 Review current approach, testing against guidance and best practice from elsewhere, and determine correct approach for our circumstances	Director of Finance and Director of Corporate Services	30 September 2024
		7.3 Make best use of data and insight to drive improved outcomes,	Director of Public Health	September 2024
	8	Deliver a 'reset' of Overview and Scrutiny organisationally and politically	8.1 Review the draft Local Protocol for Overview and Scrutiny taking account of the Statutory Guidance issued in April 2024	Director of Corporate Services and Director of Adults and Community Services
		8.2 Consider further, potentially external, training requirements for members and officers in relation to overview and scrutiny	Director of Corporate Services and Director of Adults and Community Services	September 2024
		8.3 Adopt through Council and embed new changes	Director of Corporate Services	30 September 2024

Ref	Recommendation	Action	Lead Officer/Member	Completion Date
9	Create the space for cross-party consideration of matters relating to Constitutional and elected member governance	9.1 Review ways of working to ensure that the overall structure provides the required opportunities for all issues to be addressed	Chief Executive	31 July 2024
		9.2 Council Leadership Group to agree approach	Chief Executive	31 July 2024
10	Maintain the focus on the nine areas of significant spend and demand pressure	10.1 Ensure that there continues to be focus on these areas, with report to Cabinet established	Director of Finance	On-going
11a	Consider the approach to the council's buildings and accommodation	11.1 Review previous initiatives in relation to office accommodation to assess the following against the Target Operating Model: <ul style="list-style-type: none"> • cost/benefit • response to staff survey • current contractual arrangements for staff, including the requirement for monthly team anchor days 	Director of Pride in Place and Director of Corporate Services	December 2024
		11.2 Subject to 11.1, agree the Council's approach to its buildings and accommodation	All Directors	December 2024
		11.3 Determine the Council's wider approach to our estate, including the need or otherwise for increased customer access points	Director of Pride in Place and Director of Adult and Community Services	December 2024
		11.4 In light of 11.1-11.3, review the Council's Asset Management Strategy and Policy	Director of Pride in Place	December 2024

Ref	Recommendation	Action	Lead Officer/Member	Completion Date
		11.5 Consider how a One Bay Estate approach could be used to place-shape and optimise the use of assets across Torbay	Director of Pride in Place	2025/2026
11b	Take stock of the learning, challenges and opportunities around the 'return to the workplace'	11.6 Review the Flexible Working Policy to collectively consider the learning, challenges and opportunities that exist as return to the workplace continues	Director of Corporate Services	August 2024
12	Enhance the corporate approach to transformation	12.1 Consider extension of current temporary resource to safeguard future delivery timescales and consider extra project leads and business analysts to increase rate of change	Director of Finance	July 2024
Page 59		12.2 Consider Internal Audit recommendation of Portfolio Manager (or Programme Manager) role and associated support requirements to enable a PMO approach based on cost/benefit	Director of Finance	August 2024
		12.3 Adopt standardised project methodology across the Council	Director of Corporate Services and Director of Pride in Place	August 2024
		12.4 Complete the Service Review of Corporate Services (to include consideration of silos of project management being brought together under one Programme Management Office) (see also 13.2)	Director of Corporate Services	April 2025
13	Evolve the role and ways of working of corporate services	13.1 Support all directorates to have "Brilliant Basics" in place	Director of Corporate Services	December 2024

Ref	Recommendation	Action	Lead Officer/Member	Completion Date
		13.2 Complete the Service Review of Corporate Services to appraise Corporate Services against our Design Principles and our progress towards the Target Operating Model (see also 12.4)	Director of Corporate Services	April 2025
14	Undertake the necessary functional realignments in relation to the TDA	14.1 Review the organisational structure of the Council to appropriately reflect the functions previously undertaken by TDA, including ensuring that there is strengthened delivery around economic regeneration and growth	Director of Pride in Place	November 2024
		14.2 Ensure that the working practices and processes that apply to assets, projects and other services previously delivered through TDA are consistent with other Council areas	Director of Pride in Place	November 2024
	Dedicate the necessary resource to develop the housing strategy and ensure the delivery of it is corporately owned	15.1 Complete preparation of Housing Strategy Delivery Plans	Director of Pride in Place	September 2024
		15.2 Assess resource requirements against Delivery Plans and recruit as indicated	Director of Pride in Place and Director of Finance	September 2024
		15.3 Develop closer working relationship with Homes England, identifying linkages to a future Devon and Torbay housing approach/capital programme and associated offers and asks	Director of Pride in Place	December 2024
		15.4 Deliver the actions within the Council Business Plan in relation to homelessness	Director of Adult and Community Services	December 2024

Ref	Recommendation	Action	Lead Officer/Member	Completion Date
		15.5 Delivery against targets and mitigations against risk to be considered through Performance Reports and Risk Reports	Director of Pride in Place, Director of Adult and Community Services and Director of Corporate Services	From June 2024

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Meeting: Cabinet/Council **Date:** 11 July 2024/18 July 2024

Wards affected: Barton with Watcombe

Report Title: Nightingale Solar Farm

When does the decision need to be implemented? Immediately

Cabinet Member Contact Details:

Cabinet Member: Cllr Chris Lewis, Cabinet Member for Place Development and Economic Growth and Deputy Leader, chris.lewis@torbay.gov.uk

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

1. Purpose of Report

- 1.1 To provide an update as considerable time has passed since the previous decision (August 2021) and to seek updated authorisation for prudential borrowing to bring the project forward, subject to the income generating a positive margin. The margin will be defined on completion of procurement and a final refinement of project costs.
- 1.2 On 24th August 2021 Cabinet approved to increase the budget to £3,100,000 acknowledging the refined cost estimates having identified an organisation as the potential end user. Latest estimated costs are contained in Exempt appendix 1. An increase to the budget is requested. The income (unit price) charged to the end user will increase to cover the increased costs so that the net income exceeds the loan repayment costs.
- 1.3 For background reading the previous cabinet papers (August 2021) can be found in appendix 2.

2. Reason for Proposal and its benefits

- 2.1 On 24 June 2019, Torbay Council declared a 'Climate Emergency'. Torbay Council is a partner of and supports the work of the Devon Climate Emergency Response Group, which is aiming to produce a collaborative Devon-wide response to the climate emergency to help us get to net zero carbon emissions by 2050 at the latest and prepare Devon for the necessary adaptation to infrastructure and services required to respond to climate change.
- 2.2 Torbay Council's current Energy and Climate Change Strategy for Torbay describes how we aim to help minimise the economic, social and environmental costs of climate change in

Torbay by demonstrating leadership and providing encouragement in working toward emission reductions and resilience to our changing climate.

- 2.3 The UK central government also has its net zero commitments called: Net Zero Strategy: Build Back Greener. This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet Central Governments net zero target by 2050. Renewable energy, including solar power, forms part of this strategy.
- 2.4 The solar farm would allow the end user to buy and use sustainable electricity generated on Torbay Council owned land to power the end users site. The end users site serves residents throughout Torbay and beyond. It would be a positive step, towards meeting the targets set out in the Climate Change Strategy.
- 2.5 The objective is to provide a 3.2MWP solar farm to generate renewable energy over a 25-year period which will:
 - Contribute to Torbay's net zero target by reducing our carbon footprint by 734 tonnes of CO₂ a year or 18,350 tonnes of CO₂ over a 25-year period. These figures are approximate based on average sunlight.
 - Generate a surplus for Torbay Council. The detail of which is available within exempt appendix 1.
- 2.6 The business case has been considered by Capital and Growth Board and is now recommended to Cabinet for approval.

3. Recommendation(s) / Proposed Decision

That Cabinet recommends that Council accept the following proposals;

- 3.1 That the Director of Pride of Place be authorised to proceed with the next stage of the Nightingale Solar Farm project that is to conduct the EPC tender process and negotiation of the Power Purchase Agreement and to then develop a final business case based on revised income and costs.
- 3.2 That Council approve up to £4,151,000 of prudential borrowing subject to the securing a unit rate per M/Wh that exceeds the loan repayments, covers projected maintenance and other operational costs including anticipated equipment replacement costs and produces an appropriate surplus per annum over the life of the scheme commensurate with levels of risk.
- 3.3 That the Chief Executive, in consultation with the Leader of the Council, Finance Director and Cabinet Member for Finance, be given delegated authority to review and agree that the final business case meets the conditions in 3.2 above, and subject to that agreement is then authorised to agree and finalise the detailed terms and enter into contract with The Health Trust or another user of the electricity.

- 3.4 That, subject to the Council entering into contract as per 3.3 above, the Director of Pride of Place in consultation with the Cabinet Member for Place, Development and Economic Growth be authorised to proceed with the project to deliver a solar farm on Nightingale Park.
- 3.5 That, in the event that the Chief Executive should determine that the final business case does not meet the criteria in 3.2 above, a paper should be brought back to cabinet and Council to determine the future of the project.
- 3.6 That a report be presented to a future Cabinet Meeting after completion of the scheme, as to the potential use of up to 10% of the actual surplus generated to be made available for community use within 1 mile straight line distance of Nightingale Park.

Appendices

Appendix 1: Exempt appendix - financial summary

Appendix 2: The previous August 2021 Cabinet papers with Exempt appendices.

Background Documents

Cabinet report 24th August 2021 *“Project update for the creation of a solar farm on land at Nightingale Park to sell the electricity for a return on investment and help meet the Council’s carbon neutral priority.”*

1. Introduction

- 1.1 On 28th July 2020 informal Cabinet authorised the borrowing of £2,000,000 to allow the delivery of a solar farm at Nightingale Park for the purposes of selling the power to end users in the area and to the national grid if necessary and provided delegated authority to the Chief Executive in consultation with the Chief Financial Officer to agree and finalise any Power Purchase Agreement with end users.
- 1.2 On 24.08.21 the budget was increased to £3,100,000 based upon knowing who the end user was going to be resulting in a more detailed set of project costs being produced. Cabinet approved the request of funding for £3,100,000 subject to conditions below:

That the i) to iii) of the exempt decision made by the Cabinet 11 August 2020 (Minute 115h/08/20 refers) be rescinded and that the following be approved:

- 1. That, subject to the criteria in the Growth Fund strategy being met and a detailed business case approved by the Section 151 Officer in consultation with the Cabinet Member for Economic regeneration, Tourism and Housing, Cabinet authorise up to £3.1m from the Growth Fund to fund the construction and delivery of the solar farm.*
- 2. That, Delegated authority be given to the Chief Executive in consultation with the Leader of the Council to agree and finalise the detailed terms of the power purchasing agreement with an end user.*
- 3. If necessary delegated authority be given to the Chief Executive in consultation with the Leader of the Council to agree and finalise the terms of setting up a separate special purpose vehicle with the Health Trust, if this is deemed the most appropriate route to ensuring both the sale of the energy by the Council and its purchase by the Health Trust is undertaken in accordance with the requirements of the Public Contracts Regulations.*
- 4. If the HealthTrust have not entered into a formal agreement to purchase the power generated by the solar farm by 31st October and subject to a detailed business case being approved by the Section 151 Officer then delegated authority be given to the Chief Executive in consultation with the Leader of the Council to use the power directly to create a sustainable energy source for the Council.*
- 5. That the Cabinet reconfirms their decision in respect of iv) of the exempt decision made by the Cabinet 11 August 2020 (Minute 115h/08/20 refers):*
'That a report be presented to the next Cabinet Meeting after completion of the deal, as to the potential use of up to 10% of the surplus generated, being made available for community use within 1 mile, straight line distance of Nightingale Park.'



- 1.3 The previous cabinet papers from August 2020 and August 2021 explain how a private wire solar scheme at Nightingale Park can provide power to the nearby Torbay Hospital.
- 1.4 Planning consent has been obtained on 16.06.22 reference P/2021/1287. This is for a 3.2MWp solar farm. The consent has been granted for a 3-year period whereby work must have started (but not completed). Enabling works to provide a new access road into the site and the levelling of the area to be filled with solar panels has been completed and therefore has implemented the planning consent. The Council can finish the consent at its own pace.
- 1.5 A grid connection to export power up to 999kv has been accepted in October 2022. This allows the private wire from the solar farm to connect to the end users site whilst using the existing grid connection for any export of excess power into the national grid capped at 999kv. The solar farm has been designed to meet the power requirements of the end users site but at times there may be excess power that the hospital cannot use which can be exported into the national grid. However, it should be noted that the end user is contractually obliged to purchase all the power produced at the site and then they will either store any power that is not used or export it to the grid.
- 1.6 The Heads of Terms (HoTs) for the Power Purchase Agreement (PPA) have been signed by the end user and Torbay Council. They are not legally binding but do show a commitment toward the project and enable the Power Purchase Agreement discussions to proceed. Legal advice received in relation to the next phase is that the Power Purchase Agreement should only be signed in tandem with the EPC and O&M contract. One should not be signed without the other and both must accord with the obligations of the other. Solicitors are advising on the commercial EPC contract and the Power Purchase Agreement.

- 1.8 The financial appraisals to date have been produced to test different unit prices for the solar power to be sold. The unit price will be agreed through the Power Purchase Agreement. The Power Purchase Agreement can progress now the HoTs are being signed. In principle the terms upon which the power would be sold to the end user are:
1. A 25-year power purchase agreement (PPA). This is confirmed in the HoTs.
 2. The end user will buy 100% of all power generated from the planning approved site. A unit price of £ per MWh is stated within the HoTs although once the procurement is complete and the final build costs are known there may be a need to revisit this.
 3. Torbay Council will develop the solar array at its own cost, estimated at £4,151,000 (the EPC and O&M tender has not been run yet which will constitute the biggest cost to the scheme).
 4. Based on the planning consented scheme the end user would pay Torbay Council for the power the solar farm would generate, over a 25-year period. At which point the Council's loan will be repaid. The unit price will be index linked over the 25 years. The unit price has not been agreed yet and would need to be agreed through the Power Purchase Agreement (PPA). Before the PPA can be drafted for a final time and signed, a successful EPC and O&M tender process must be completed with a final tender price agreed which will demonstrate the viability of the project.
- 1.9 The end user will be contractually obliged to purchase 100% of the power produced by the solar farm at the rate agreed.
- 1.10 The solar panels typically have a useable life span of up to 40 years. The efficiency of the panels reduces with their age. Typically, they are guaranteed to achieve 80 to 85% efficiency after 25 years. Degradation will be fully modelled as part of the due diligence during the tender stage with the EPC and O&M contractor.
- 1.11 After 25 years the PPA with the end user could be renegotiated. We do not envisage the end user moving its operation from its current site so it is entirely plausible that the end user would seek to negotiate a new arrangement.
- 1.12 All of the capital required to develop the solar farm will be repaid over the 25yr term, matching the length of the PPA agreement and therefore the surplus to the Council from year 26 will be considerably more.

2. Options under consideration

- 2.1 Build out the planning consented scheme after negotiating the Power Purchase Agreement and receiving EPC and O&M tender responses which confirm that the scheme is viable.
- 2.2 As an alternative to the private wire connection with an end user there is potential to sell the renewable power direct to the national grid.

- 2.3 The wider network has limited capacity. The earliest possible connection may not be until 2028 but this is likely to extend out to 2036 when more capacity within the network is expected. The issue with the wider network is that it needs upgrading to be able to handle significant extra capacity. Such upgrades delay the timeframe for a connection to be made. In addition to the programme delays there are also financial considerations. To connect to the grid will cost at least £420k (Sep 21 estimate – this is likely to be more now). Furthermore, the unit price when feeding into the national grid is likely to be considerably less when compared to a private wire end user scenario which would make the project unavailable.

3. Financial Opportunities and Implications

Funding

- 3.1 Previously the Council has approved a budget of £3,100,000 from the Economic Development Growth Fund.
- 3.2 The next phase of work will consist of procurement EPC and O&M contractor and is estimated to require a budget of £61,600. This will include a period of technical design with the selected preferred supplier. Following this technical stage a Full Business Case (FBC) will be submitted and approved by CGB as a final viability check before committing to a contract.
- 3.3 The money will be borrowed from the Public Works Loan Board. The capital cost summary and ongoing revenue costs are detailed at exempt Appendix 1.
- 3.4 The financial loans costs are repaid over the 25-year PPA period. The unit price charged for the electricity will cover the Councils loan repayment costs and further details of this can be found in the exempt financial summary appendix 1.

4. Legal Implications

- 4.1 The Power Purchase Agreement will progress shortly now the HOTS are signed. In principle the terms upon which the power would be sold to the end user are:
- A 25-year power purchase agreement (PPA). This is confirmed in the HoTs.
 - The end user will buy 100% of all power generated from the planning approved site. A unit price of is stated within the HOTS.
 - Torbay Council will develop the solar array at its own cost, estimated at £4,151,000 (the EPC and O&M tender has not been run yet which will constitute the biggest cost to the scheme).

- Based on the planning consented scheme end user will pay Torbay Council for the power the solar farm would generate. The unit price has not yet been finalised but the amount charged will be in excess of the Councils loan repayments and running costs.

5. Engagement and Consultation

- 5.1 Public consultation for the project has been carried out in line with the usual planning application process.
- 5.2 The key stakeholder and end user of the renewable energy, has been closely engaged with both during the strategic work up of the project which is ongoing.
- 5.3 A comms plans will be produced by Torbay Council comms team once a committed start on site date is defined. This will likely include local news and social media messages which will be updated as we progress through key stages of delivery.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 The solar project is at a stage where an EPC and O&M contractor must be appointed to progress but can only be appointed in tandem to the signing of the Power Purchase Agreement.
- 6.2 These contractors would then be responsible for acquiring the various components and delivering the scheme.

Market analysis

- 6.3 The solar consultant has looked at comparable solar scheme costs that are reflected in the financial appraisal. The comparable solar farms are of a similar MW rating to the Councils to 3.2MWp scheme. The comparable schemes are either live or recently completed.
- 6.4 The costs from the comparable schemes provided by the solar consultant have informed the build costs contained within the financial appraisal.
- 6.5 The operating costs have been discussed with the solar consultant who has provided advice on comparable sized schemes. The O&M contract will be initially provided by the EPC contractor for a period of 2 years. After 2 years should the council be happy it could reappoint the same contractor or look to appoint another contractor.

Route to market

- 6.6 The Councils procurement team have identified the CCS framework as having a lot specific for EPC and O&M contractors. The solar consultant has reviewed the list of contractors on the CCS Framework. The CCS Framework has been confirmed as being acceptable to use by the Council's Procurement Officer. There is no cost for the Council to use the framework. The cost is passed on to the contractor which will be reflected in the contractor's tender response.

- 6.7 Using the framework ensures there has already been an element of pre selection using robust quality and price criteria and furthermore reduces the number of potential bidders to a more manageable amount.
- 6.8 Using this framework is more likely to produce more committed responses from providers on the framework than in an open competition procedure where it is common to receive interest with no real potential behind them. As we will know the details of potential bidders in advance of the procurement process commencing targeted market engagement activities can be undertaken to establish the potential level of respondents.

7. Tackling Climate Change

- 7.1 The following text is an extract from the Council's Climate Change Strategy which remains in force:

Climate change is having a major impact on our planet. On 24 June 2019, Torbay Council declared a 'Climate Emergency'. Torbay Council is a partner of and supports the work of the Devon Climate Emergency Response Group, which is aiming to produce a collaborative Devon-wide response to the climate emergency to help us get to net zero carbon emissions by 2050 at the latest and prepare Devon for the necessary adaptation to infrastructure and services required to respond to climate change.

- 7.2 Torbay Council's current Energy and Climate Change Strategy for Torbay describes how we aim to help minimize the economic, social and environmental costs of climate change in the Bay by demonstrating leadership and providing encouragement in working toward emission reductions and resilience to our changing climate.
- 7.2 The UK central government also has its net zero commitments called: Net Zero Strategy: Build Back Greener. This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet Central Governments net zero target by 2050. Renewable energy including solar power forms part of this strategy.
- 7.3 The solar farm would allow the end user to buy and use sustainable electricity generated on Torbay Council owned land to power its site. Its site serves residents throughout Torbay and beyond. It would be a positive step, towards meeting the targets set out in the Climate Change Strategy.
- 7.4 The project will contribute to Torbay's net zero target by reducing our carbon footprint by 734 tonnes of CO₂ a year or 18,350 tonnes of CO₂ over a 25-year period. These figures are approximate based on average sunlight.

8. Associated Risks

- 8.1 If the end user does not sign the PPA there will be abortive costs. To date £809,219 has been spent with a further £33,210.90 committed. The next phase is estimated to cost £61,600 leading to potential overall abortive costs of £870,819. There are no competing

private wire schemes in the area. Negotiations have been positive throughout and it is considered that this scenario is unlikely.

- 8.2 The EPC contract and PPA contract must be signed in tandem to ensure the obligations within each can be met when viewed in the round. This will involve some co-ordination internally and externally and potentially could add time to the programme. Progress has been slow during the HoTs discussions.
- 8.3 Inflation has meant that the longer it has taken to deliver the solar farm the higher the build costs, further prolongation of the programme will increase the scheme costs further.
- 8.4 The end user has made obligations within the HOTS that need to be reflected in any unit price agreement. The figures (£) will be negotiated through the Power Purchase Agreement. The greater the requested obligations the greater the unit price requested by the Council to cover the associated risks.

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

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			X
People with caring Responsibilities			X
People with a disability			X
Women or men			X
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			X
Religion or belief (including lack of belief)			X
People who are lesbian, gay or bisexual			X
People who are transgendered			X
People who are in a marriage or civil partnership			X

Women who are pregnant / on maternity leave			X
Socio-economic impacts (Including impact on child poverty issues and deprivation)			X
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Clean energy will prevent the use of fossil fuel alternative and help to sustain a cleaner atmosphere and environment for all in the local area.		

10. Cumulative Council Impact

None

11. Cumulative Community Impacts

None

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Meeting: [Cabinet](#) **Date:** [11 July 2024](#)

Wards affected: [All](#)

Report Title: [Torbay Resident Discount Scheme Launch Approval](#)

When does the decision need to be implemented? [02 September 2024](#)

Cabinet Member Contact Details: [Cllr Adam Billings, Cabinet Member for Pride in Place, and Parking, Adam.Billings@torbay.gov.uk](#)

Director Contact Details: [Lisa Tuck, Divisional Director, Economy, Environment and Infrastructure. Lisa.tuck@torbay.gov.uk](#)

1. Purpose of Report, Reason for Proposal and its benefits

- 1.1 To seek approval to launch the Torbay Resident Discount Scheme for the residents of Torbay aged 16 and above. The scheme gives discounted access to parking and public toilets, and discounted leisure and retail offers from local businesses.
- 1.2 The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay and our strategic themes as below:
 - **Community and People:** The proposals aim to increase belonging for residents in Torbay and provide opportunities for individuals and families to benefit from discounts.
 - **Pride in Place:** The proposals support local businesses to invest in our place through the offer of discount to residents, encouraging use of local businesses and areas and increasing satisfaction in the area.
 - **Economic Growth:** The proposals will attract and increase expenditure in the local economy, in our attractions and highstreets.
- 1.3 The proposals in this report help deliver our ambition of supporting Torbay and its residents to thrive. The scheme is expected to promote the retention of local spending and contribute to an improved sense of community.
- 1.4 The proposals meet our ambitions to:

- Put our residents at the heart of everything we do,
 - Present evidence-based activity,
 - Collaborate with other organisations,
 - Maximise the use of our leisure assets,
 - Enable residents to access new opportunities and discounts on local attractions and leisure facilities, public toilets, and parking.
- 1.5 A resident discount scheme facilitated by the Council is expected to:
- Provide local offers that give residents better value for their money and help reduce the cost of living,
 - Improve marketing of local businesses and facilities among residents,
 - Increase local spending by residents,
 - Increase footfall and income for local businesses, leisure and sports, arts and culture venues, and parking.

2. Outline of the Scheme

- 2.1 The proposal would enable residents to access the following discounts:
- **Parking:** An additional 1-hour free parking (when buying at least an hour) across Zones 1 to 3. The offer will be available across all off-street Council managed pay and display car parks in Torbay. The scheme can be used in short stay car parks, although does not give an exclusion to any time limits placed on length of stay. Hourly parking rates in the car parks range from £1.50 to £1.70.
10 car park stays could have a value to residents of £15 per card per year.
 - **Toilets:** Up to 33 free visits a year.
The card would have an equivalent value to residents of £10 per card per year.
 - **Leisure and retail:** The card will provide residents with access to exclusive offers across a range of businesses and attractions in Torbay.
10 uses of the card could have a value to customer of circa £20-£50 per card per year. Additional uses will result in additional value.
- 2.2 The resident discount cards will not hold any cash value. Based on the above, the estimated average savings offered by each card could be between £45 and £75 per year.
- 2.3 Residents will receive a credit card sized discount card they can use to access toilets and leisure offers. Residents will also receive a paper car park permit to display on their vehicle dashboard to access the additional free hour of parking.
- 2.4 The scheme will aim to launch in September 2024 and will be open for residents to sign-up to until mid-November 2024. Resident cards and permits will be posted out in December 2024 allowing residents to use these from 1st January 2025 for a 15-month period until April 2026. This will be classed as an 'Early Bird' sign up offer.

- 2.5 The scheme will be open again for sign ups in January and February 2025, with cards posted to residents for use from 1st April 2025.
- 2.6 Annually thereafter the sign-up period will be open each year between December and February to start from 1st April.
- 2.7 All residents signing up to the scheme will be charged a non-refundable annual fee of £10 per person to cover the administration costs of the cards and permits.
- 2.8 Residents will sign up for membership of the scheme through their 'MyTorbay' account via the Council's website. Following validation of the applicant's primary residence in Torbay, residents will receive a notification to pay for their scheme membership via their 'MyTorbay' account.
- 2.9 Alternative methods of applying to join the scheme via the Council's customer service telephone line will be available for those that need assistance or are unable to access the application digitally using the 'MyTorbay' accounts.
- 2.10 Any individual residents over the age of 16 and able to provide the necessary evidence of local residence can apply for the Torbay Resident Discount Scheme.
- 2.11 Council officers will work with businesses to ensure as many offers as possible include a family or group discount, to ensure children in Torbay can also benefit as much as possible from the scheme.

3. Recommendation(s) / Proposed Decision

- 3.1 That the delivery of the Torbay Resident Discount Scheme as outlined in the submitted report be approved for launch in September 2024.
- 3.2 That the Director of Pride in Place seeks to keep the operational budget of the scheme within the £200,000 allocated within the Council's 2024/2025 budget, and within any budget set for the scheme in future years.
- 3.3 That the Director of Pride in Place in consultation with the Cabinet Member for Pride in Place and Parking, and Director of Finance, be given delegated authority to approve future changes to the scheme.
- 3.4 That the Director of Pride in Place in consultation with the Cabinet Member for Pride in Place and Parking, and Director of Finance, be given delegated authority to offer residents on low incomes a reduction on the entry cost of the scheme, in the event the Director is not satisfied that the scheme will achieve a neutral or positive impact on financial equality for those on low income solely through the provision of leisure and retail offers intended to target these groups.
- 3.5 That the Director of Pride in Place be given delegated authority to award the contract(s) in respect of the services of external suppliers for the printing and posting of promotional materials, and resident cards and permits for use in the scheme.

1. Introduction

- 1.1. The Council with its place partners has secured significant investment to deliver regeneration in Torbay and in particular in the town centres of Torquay and Paignton, this is complemented by investment in support of key sectors and cultural heritage. Such change will inevitably take time to deliver. While this physical regeneration of the area begins Torbay’s Corporate and Community Plan makes a clear commitment for the Council to support our communities and people and direct local spend into the local economy.
- 1.2. The Resident Discount Scheme will provide residents of Torbay with offers on Council off street parking, discounts on access to public toilets, local leisure and sports facilities, arts and cultural venues, and local attractions. Raising awareness of local offers is expected to increase footfall in key areas of Torbay, improve participation in cultural activities and complement the physical regeneration of the place.
- 1.3. A review of the scheme will take place at the end of the first year and annually, to include resident feedback to inform decisions on or changes to the scheme going forward.

2. Options under consideration

2.1 Below details the three main options that were under consideration:

Option 1: Do Nothing	
Details:	If this approach is adopted, the Council will continue in an ‘As Is’ state, with no discount scheme across local businesses, leisure and sports, arts and culture, and parking available for all residents.
Likely advantages:	<ul style="list-style-type: none"> • No additional increase in cost or resources required.
Time and cost estimates:	None
Likely disadvantages:	<ul style="list-style-type: none"> • The benefits described in section 1 of this report above – Reason for proposal and its benefits, will not be realised.
Outcome:	It is recommended that this option is NOT pursued.

Option 2: Physical resident discount card and a physical parking permit sent to all residents in Torbay.

Details:	Council to provide all residents physical discount cards and a physical parking permit at no cost to residents to enter the scheme.
Likely advantages:	<ul style="list-style-type: none"> • Potential for higher uptake of the scheme and its benefits by residents.
Likely disadvantages:	<ul style="list-style-type: none"> • Not environmentally friendly to print and post all the physical resident cards and permits that may not be required or used by the residents. • Printing and posting cost for the scheme will be considerably higher.
Outcome:	It is recommended that this option is not pursued.

Option 3: Physical resident discount card and a physical parking permit at a sign-up cost of £10.00 per annum for residents to enter the scheme.

Details:	<p>Council to provide residents physical discount cards and a physical parking permit at a sign-up cost of £10.00 per annum for residents to enter the scheme.</p> <p>Residents will be charged £5.00 for any replacement of lost or damaged resident cards and parking permits.</p>
Likely advantages:	<ul style="list-style-type: none"> • Charging the residents would cover some of the operational costs of the scheme. • Customers will receive an estimated benefit of £45-£70 per annum. • A higher value may be placed on the card due to the initial payment, and therefore residents will ensure they maximise the benefits of the card.
Likely disadvantages:	<ul style="list-style-type: none"> • The scheme might not be perceived well by residents if there is a cost attached to it. • Might reduce the uptake of the scheme and its benefits, also resulting in increased cost for printing and posting lower volumes of cards and permits. • There will be a requirement to maintain a minimum level of offers at all times to ensure value for money.
Outcome:	It is recommended that this option IS pursued.

3. Financial Opportunities and Implications

3.1 An annual budget allocation of £200,000 has been provided for the financial year 2024/25 to deliver the scheme.

- 3.2 As a pilot scheme, it is difficult to estimate take up and accurately estimate costs, therefore there is an element of financial risk that the scheme will not be supported within the allocated budget. However, this risk has been deemed low as this will only occur for sign-ups of over 20,000 in the first year.
- 3.3 The scheme may have an impact on parking income levels. Any impact on income could be mitigated by offering free parking in addition to paid parking. The scheme could also encourage new users for parking over and above previous usage.
- 3.4 Cost of printing and posting are likely to be reduced from year 2, with the option for residents to retain their original resident discount card when they renew their membership.
- 3.5 Advertisement letters, resident cards, and parking permits will be designed internally at Torbay using existing resources to reduce and avoid the cost of designing these with an external supplier.

4. Legal Implications

- 4.1 Applicants will be provided with full terms and conditions for signing up and the use of the discount card and parking permit before they sign up to the scheme.
- 4.2 A statement will be included in the terms and conditions of the scheme that no refunds are available if a resident chooses to leave the scheme during the year.

5. Engagement and Consultation

- 5.1 There is no requirement for any formal consultation to be carried out for the delivery of this scheme. The scheme takes into account intelligence from engagement carried out during the pre-election period, and through resident engagement events and surveys.
- 5.2 Throughout the resident discount scheme, Council officers will carry out customer satisfaction surveys to identify any changes to the delivery of the scheme. Businesses will also be encouraged to collate data on the uptake of the scheme and share this information with the Council to allow us to make any changes to the delivery of the scheme.
- 5.3 Council officers will engage with local businesses to encourage their participation in the scheme and provision of special offers for residents. Council officers will also offer support to businesses with the creation or review of their resident offers.
- 5.4 A full communication plan is being drafted currently by the Communications Team to inform and engage both residents and businesses.

6. Procurement Implications

- 6.1 The Council will need to procure the services of external print suppliers for the printing and posting of the physical resident discount cards and parking permits.

- 6.2 The printing of marketing and advertising literature will be through suppliers on Council's printing services framework.
- 6.3 The scheme uses the Council's website, internal back-office system, and MyTorbay accounts. Therefore, these aspects of the scheme do not require procurement.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 Printing and posting of resident discount cards and parking permits are unavoidable for the delivery of the scheme. However, once the scheme is live and following reviews, we will look for alternative options for the delivery of the scheme to reduce the need for print and postage resources.
- 7.2 From the second year, there will be an option for residents to reuse their existing discount cards to reduce the number of new cards printed and posted in the following years. Following payment of the annual sign-up fee, toilet credit will be refreshed on their discount cards and new parking permits will be posted out each year.
- 7.3 We will work with the print suppliers to identify opportunities for printing the resident cards and parking permits on recyclable materials.

8. Associated Risks

- 8.1 The risks associated with making this decision are:

	Risk Description	Mitigation
1	Lack of staff resource/ capacity for the set up and ongoing maintenance of the scheme	<ul style="list-style-type: none"> • Dedicated project team to support the setup of the scheme. • Allow additional time for the setup of the scheme to reduce the pressure on services involved in the delivery of the scheme who will need to do this work on top of existing projects, and business-as-usual activities.
2	Lack of budget to cover the cost of set up and delivery of the scheme	<ul style="list-style-type: none"> • Close control of the costs and tracking the number of signups will take place to limit the risk of budget overrun.
3	Potential loss of income for parking services is difficult to estimate and is unlimited. There is no data available on the actual resident usage and frequency in the car parks currently.	<ul style="list-style-type: none"> • By offering free parking in addition to paid parking, it is expected to minimise this loss. • The scheme could also encourage new users for parking over and above previous usage.
4	Potential loss of toilet income for the Council	<ul style="list-style-type: none"> • By capping the number of toilet entries/ the credit on the cards, it is expected to minimise this loss.

	Risk Description	Mitigation
5	Potential loss of income for local businesses with residents as main customer base	<ul style="list-style-type: none"> • Support businesses to create offers that benefit them. • Provide the option to withdraw or amend the offer if their initial offer is not beneficial.
6	Lack of engagement from business groups and businesses in promoting the scheme and/or providing complementary benefits	<ul style="list-style-type: none"> • Early engagement with the English Riviera BID company and Chambers of Commerce and other business groups including Council tenants to explain the scheme. • Adapt the scheme to take account of the lessons from the Maybe* loyalty programme piloted in Covid-19 recovery. • Adapt the scheme to take account of lessons from Torbay Leisure Cards currently delivered by the Council. • Adapt the scheme to take account of lessons from other Council who are running similar schemes currently. • Explore the potential of including advertisements of the scheme in Business rate letters.
7	Potential loss of income for the Council by providing offers in Council-owned assets such as Torre Abbey	<ul style="list-style-type: none"> • Support the organisations to create offers that benefits the organisation. • Provide the option to withdraw or amend the offer if their initial offer is not beneficial.
8	Clashing priorities and limited resources to do any work with the corporate CRM and MyTorbay	<ul style="list-style-type: none"> • Allow additional time for the set up and delivery of the scheme to reduce the pressure on the resources.
9	Increased pressure on Customer Service team with queries or complaints regarding the scheme	<ul style="list-style-type: none"> • Make the service aware of the potential increase in customer queries prior to Go-Live and provide them with all the necessary information to answer any general queries. Include all the relevant information and FAQ section on the webpage for the scheme. • Set up a dedicated email address for the scheme, which can be monitored by the dedicated resource for the scheme and include auto responses with links to the webpage. • Additional staff will be recruited to support the service.
10	Including existing offers that residents can get without participating in the scheme as part of the scheme could result in challenges from the resident on the need for the scheme	<ul style="list-style-type: none"> • Engage with businesses to gather as many unique offers as possible which are not available elsewhere. • Where existing offers outside of the scheme are mentioned as part of the scheme,

	Risk Description	Mitigation
		clearly state that this and include information on the scheme for residents.
11	Providing reusable cards without an expiry date that are reloaded with the toilet offer when residents sign up again in the future years could result in residents not signing up, but still able to use the card to receive the offers in other local businesses.	<ul style="list-style-type: none"> • Potential cost of reprinting and posting new cards on an annual basis is more expensive than the risk of residents using this card for the following years with local businesses. • Residents will not be able to use the parking and toilet offers without signing up again and getting the new parking permits and cards reloaded with toilet credits. Therefore, the cost implications are minimal.
12	By charging residents to enter the scheme, it might be perceived as a commercial venture rather than a service provided by the Council	<ul style="list-style-type: none"> • Clearly state the reason and purpose of the fee to enter the scheme to avoid legal challenges in the future.

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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
<p>Age</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 114</p>	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>Older people are less likely to have access to the internet, and so may find it more difficult to access the scheme.</p> <p>The scheme is only open to residents aged 16+ limiting the offers available for children to benefit from.</p>	<p>We will offer support via Council's Customer Services to help residents with completing the application form online. For residents who have no access to digital means at all, we will provide paper application forms, or complete the application form on their behalf. We will encourage businesses to extend their offers to children accompanied by adults with a resident card.</p>	<p>RDS Business Development Officer.</p> <p>Ongoing from launch of scheme on 2nd September 2024.</p>

			Additionally, children already often have reduced charges at most venues.	
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.	People with caring responsibilities might encounter difficulties in accessing the scheme with an annual sign-up fee. It is known that they are more likely to experience poverty compared to those who are not carers.	There is an existing scheme - Torbay Carers Discount scheme administered by Torbay and South Devon NHS providing free carer cards with discounts across Torbay. We will signpost information to other existing offers on the webpage of the resident scheme.	RDS Business Development Officer. Ongoing from launch of scheme on 2 nd September 2024.
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.	It might be more difficult for people with some disabilities to provide any evidence to verify their resident status. In addition, people with disabilities might encounter difficulties in accessing the scheme with an annual sign-up fee as they are more likely to experience financial difficulties.	We will offer support and work with relevant Council services to verify their resident status. We will also encourage businesses to extend their offers to a limited number of people in a	RDS Business Development Officer. Ongoing from launch of scheme on 2 nd September 2024.

		<p>Furthermore, some people with disabilities are more likely to be reliant on public toilets due to health conditions. It is important that we take steps to ensure equitable access to both public toilets and parking facilities.</p>	<p>group accompanied by an adult with a resident card.</p> <p>We will also encourage businesses to extend the offer to carers of card holders with disabilities.</p> <p>There are existing schemes such as Torbay Carers and Carers Toilet card providing offers around Torbay at no cost. The Torbay Leisure card is also available for eligible residents at zero cost for discounts in leisure and sports facilities.</p> <p>We will signpost information to other existing offers on the webpage of the resident scheme.</p>	
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as	There is no differential impact anticipated.	Not applicable	Not applicable

	<p>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>	<p>Not applicable</p>	<p>Not applicable</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>	<p>Not applicable</p>	<p>Not applicable</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>People who are from black, Asian or minoritised ethnic backgrounds are more likely to experience financial hardship.</p>	<p>The existing scheme Torbay Leisure card is available for residents on lower income for receiving discounts in sports and leisure facilities. We will signpost information to other existing offers on the</p>	<p>RDS Business Development Officer.</p> <p>Ongoing from launch of scheme on 2nd September 2024.</p>

			<p>webpage of the resident scheme.</p> <p>Leisure and shopping discounts will also be sought with a view to specifically assisting these groups.</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.	Not applicable	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	Families headed by females are more likely to experience lower incomes. Therefore, they might be impacted by the charge to enter the scheme and thus find it more difficult to access the scheme.	We will encourage businesses to extend their offers to a limited number of people in a group accompanied by an adult with a resident card.	<p>RDS Business Development Officer.</p> <p>Ongoing from launch of scheme on 2nd September 2024.</p>
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact.	Not applicable	Not applicable
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	There is no differential impact.	Not applicable	Not applicable

	5.9 per cent of the population have previously serviced in the UK armed forces.			
Additional considerations				
Page 119	Socio-economic impacts (Including impacts on child poverty and deprivation)	<p>Discounts will provide offers with local businesses that could help residents with the cost of living locally.</p> <p>Charging residents to enter the scheme on an annual basis will impact residents on low incomes as they have lower levels of disposable income than the general population.</p>	<p>We will signpost information of other existing schemes which are free and relevant, such as the Torbay Leisure Card, and the Torbay Carers Discount Card on the webpage for this scheme.</p> <p>Leisure and shopping discounts will also be sought with a view to specifically assisting these groups.</p>	<p>RDS Business Development Officer.</p> <p>Ongoing from launch of scheme on 2nd September 2024.</p>
	Public Health impacts (Including impacts on the general health of the population of Torbay)	<p>Discounted leisure and sports facilities can support healthier lifestyle for Torbay residents.</p> <p>We will encourage as many sports and leisure facilities to sign-up to provide an offer to residents as part of this scheme.</p>	Not applicable	<p>RDS Business Development Officer.</p> <p>Ongoing from launch of scheme on 2nd September 2024.</p>

Human Rights impacts		There are no human rights impacts 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.	Charging residents to enter the scheme on an annual basis may impact care experienced individuals who are more likely to be on lower incomes.	<p>The existing scheme Torbay Leisure card is available for residents on lower income for receiving discounts in sports and leisure facilities.</p> <p>We will signpost information to other existing offers on the webpage of the resident scheme.</p> <p>Leisure and shopping discounts will also be sought with a view to specifically assisting these groups.</p>	<p>RDS Business Development Officer.</p> <p>Ongoing from launch of scheme on 2nd September 2024.</p>

10. Cumulative Council Impact

10.1 As a minimum the scheme requires the following resources:

- Project resource – to support the setup of this scheme, gather offers from local businesses, and manage this project prior to Go-Live.
- Business development resource – to manage the scheme on a day-to-day basis once the scheme is up and running. To liaise with the local businesses, arts and cultural, and sports and leisure facilities to gather offers for residents.
- Customer services – to support with responding to any queries from the public related to the scheme or for applying for a parking permit online.
- Communications team – to support with both the internal and external communication and marketing of this scheme.
- Web team – to support with the design, set up and maintenance of the dedicated webpage on the Council's external website.
- IT – to support with the set up and maintenance of resident application form on the corporate CRM, and Adelante payments system for taking payments from the residents.
- Parking services – to support with the set up of parking permits and the delivery of the parking discount offer.
- Finance team – to support with any costings and budget monitoring of this scheme.
- Healthmatic – to support with the set up and delivery of the toilet discount offer.
- External print suppliers – for printing and posting the resident card and permits, and promotional materials.

10.2 Working on the delivery of this scheme will be a new and additional requirement to existing work for all the resources above. So, it should be noted that an increased pressure on all the above services is expected because of this project, which could also impact on the delivery of other business-critical projects currently ongoing across the Council.

10.3 Additional resources might also be required to scale up the scheme, and with an increase in the number of parking permit applications, queries and local business offers.

10.4 There are clashing priorities for the CRM project as part of the works already planned for the CRM project which might affect the timeline for the delivery of this scheme, especially due to the limited and same resources that will be working across both projects.

10.5 Multiple procurement exercises are due to commence shortly in Parking services increasing the pressure on the capacity of the service to contribute towards this scheme.

11. Cumulative Community Impacts

11.1 We reviewed potential impacts of the scheme on care experienced, and residents who may need additional support such as those with learning disabilities. We will provide support

where necessary for these residents such as by offering assistance with completing application forms and verifying their resident status to help them sign up to the scheme.

- 11.2 Through the availability of discounted offers in parking, toilets and other local venues, this scheme is expected to provide a small financial relief to the residents with their local spending during the current cost-of-living crisis.
- 11.3 Businesses may not find it financially viable to offer any discount with the recent rising costs of goods, materials, and energy. However, the scheme will offer wide advertising opportunities for the business and aims to drive footfall into the businesses. Further one aim of the scheme is to drive footfall to local businesses which should overall assist local businesses.

DRAFT

Meeting: Cabinet **Date:** 11th July 2024

Wards affected: All

Report Title: Torbay Youth Justice Plan 2024-25

When does the decision need to be implemented? ASAP

Cabinet Member Contact Details: Cllr Nick Bye, Cabinet Member for Children's Services, nick.bye@torbay.gov.uk

Director/Divisional Director Contact Details: Nancy Meehan Director of Children's Services. Nancy.Meehan@Torbay.gov.uk

1. Purpose of Report

- 1.1 Torbay Local Authority is required by the Crime and Disorder Act 1998 to approve an annual Youth Justice Plan that has been prepared in consultation with its partner agencies, staff, and service users.
- 1.2 The key outcomes for the Youth Justice Plan are to prevent children from offending, reduce re offending and prevent children entering custody.
- 1.3 The national Youth Justice Board (YJB) has released new guidance on the production and contents of the [Youth Justice Plans for 2024-25](#) Torbay's plan has been updated in accordance with this guidance.

Reason for Proposal and its benefits

2.1 The Youth Justice Plan contributes to desired outcomes of the Community and Corporate Plan: -

'We want Torbay and its residents to thrive' - the Youth Justice Service works with vulnerable children whose offending behaviour if not addressed is likely to have lifelong impact on their ability to thrive.

'where our children and older people will have high aspirations' - the Youth Justice Service supports children to develop alternatives to their current behaviours and raise their expectations and aspirations

'Build safer communities: -

- *Work with partners to tackle crime, including exploitation, and its effects.*
- *Work with partners to reduce offending and reoffending and its impacts*
- *Work with partners to tackle domestic abuse and sexual violence and its effects'*

The Youth Justice Service (YJS) directly contributes to the delivery of these three aspects of the 'Thriving Community' element of the Corporate Plan by its direct work with children to address the causes of their offending behaviour and the impacts for families and victims.

2.2 The local authority has a statutory duty to submit its Youth Justice Plan by 30th June 2024. Failure to do so may result in YJB funding being withheld or delayed resulting in a reduced or delayed service as specified within the plan.

3. Recommendation(s) / Proposed Decision

3.1 To approve the YJS plan, noting that it has been approved by the Torbay YJS Strategic Board, signed by the Chair of the Board and submitted to the National Youth Justice Board (YJB).

Appendices

Appendix 1: Torbay Youth Justice Plan 2024-5 v4

Supporting Information

1. Introduction

1.1 Torbay Local Authority is required by the Crime and Disorder Act 1998 to approve an annual Youth Justice Plan that has been prepared in consultation with its partner agencies, staff and service users.

- 1.2 Local authorities have a statutory duty to submit its Youth Justice Plan Youth Justice Board (YJB) by 30th June each year. Section 40 of the Crime and Disorder Act 1998 sets out the youth justice partnership's responsibilities in producing a plan. It states that it is the duty of each local authority, after consultation with the partner agencies, to formulate and implement an annual youth justice plan, setting out how youth justice services in their area are to be provided and funded, how it will operate, and what functions it will carry out. The plan should equally address the functions assigned to a youth justice service and include how services will prevent offending behaviour and reduce reoffending.

2. Options under consideration

- 2.1 There are no other options being considered as there is a legal requirement to deliver this service and produce this plan.

3. Financial Opportunities and Implications

- 3.1 Torbay Youth Justice Service is a statutory partnership governed by a Management Board. The statutory partners are required to agree the level of funding for the service and the amounts contributed by each statutory partner. The following Draft Budget has been set for the following year subject to final agreement by some partner agencies. Torbay Council Children's Services as one of the statutory partners has agreed funding for 2024-25 of £343,600 as part of a total budget of £894,778. The Youth Justice Board (YJB) is the next largest contributor granting £252,579 the remaining budget is made up of contributions for the other partners and other specific grants. Additionally, partners contribute £179,196 'in kind' through the secondment of workers to the service. See Appendix 2 of the Youth Justice Plan 2024-25 for more details.
- 3.2 Failure to agree the Youth Justice Plan may result in funding from the Youth Justice Board (YJB) being withdrawn or withheld, as well as contributions from other partner agencies which would result in a reduced service to children in Torbay.

4. Legal Implications

- 4.1 [The Crime and Disorder Act 1998 \(Section 39\)](#) introduced a statutory requirement for local authorities to establish Youth Offending Teams (YOTs) in their area, requiring the involvement of the local authority (the lead agency), Police, Health and Probation – the statutory partners.
- 4.2 The local authority is also required, under Section 40, after consultation with the partner agencies, to publish a Youth Justice Plan each year outlining the composition of and funding for their YOT. This includes the steps taken to encourage children not to commit criminal offences. This document is the required Youth Justice Plan for Torbay.

- 4.2 The legislation refers to Youth 'Offending' Teams (YOTs) and youth 'offenders' this language has been replaced by updated guidance from the Youth Justice Board (YJB) as part of their Child First approach to stop labelling children as offenders and now refers to local YOTs as Youth Justice Services (YJSs), although the primary legislation has not been changed. The Child First model is based on evidence and research that shows a positive, pro social approach focussing on the child's strengths and capabilities is the most likely to result in desistance from offending.

5. Engagement and Consultation

- 5.1 All partners have been engaged in the development of the youth justice plan through representation on the two Governing Boards for the service with specific meetings held to oversee the development of the plan.
- 5.2 Staff were involved through team meetings and workshops to help develop the vision and priorities for the service, and the views of children, families and victims has been gathered through the ongoing feedback systems of the service and used to influence the priorities of the service.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 There will be very limited spend outside of the Council. Over 90% percent of Youth Justice Service funding is spent on staff employed on behalf within the Youth Justice Service by Torbay Council (not including seconded posts). The main areas of funding outside this are to a wide variety of providers relating to the delivery of direct work with children eg rental of community facilities to see children and activities provided or delivered as part of an agreed intervention plan.

7. Tackling Climate Change.

- 7.1 There will be no contribution to tackling climate change in this proposal.

8. Associated Risks

- 8.1 If a Youth Justice Plan is not approved by the local authority it would potentially be failing to provide its statutory duty under as specified under the Crime and Disorder Act 1998 (section 40). This may result in funding being withheld by the YJB and therefore in a reduction in service to children, or increased expenditure by to the local authority and / or the other funding partners. This would also affect the reputation of the local authority and may open it to legal action by the government.

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

- 9.1 The Youth Justice Plan has a direct positive impact on children aged 10-17 years old by reducing their offending behaviour and increasing their likelihood of a positive future.
- 9.2 The Youth Justice Service works with some of the most vulnerable and deprived children and families within Torbay as is evidenced within chapter 15. Overrepresented groups section of the plan which shows that 63% of children known to the service are living in poverty (in receipt of free school meals), 31% live in areas that fall into the 10% most deprived in England. 31.6% have Special Educational Needs and an Education and Health Care Plan (EHCP), over three quarters are already known to Children's Services.

10. Cumulative Council Impact

- 10.1 None

11. Cumulative Community Impact

- 11.1 None

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Working together to keep
young people and their
communities safe

Torbay Council • Devon and Cornwall Police • NHS Devon • Probation Service



TORBAY YOUTH JUSTICE PLAN 2024-25

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1. Introduction, Vision and Strategy

Introduction by Chair of Torbay Youth Justice Board

As the chair of Torbay Youth Justice Service Strategic Management Board, I am pleased to present the Youth Justice Plan for 2024-25. It has been developed taking a Child First approach with the partners represented at both the Strategic and Operational Management Boards, the staff team and based on the feedback from children, parents, and victims and the wider community.

Firstly, I would like to recognise the achievements of the service over the last year, specifically maintaining very low rates of children who reoffend in both the pre court and statutory court orders arenas. This is particularly true for the new Prevention / Turnaround service where early data shows that 81% of children accepted onto the programme did not go on to re-offend. We have maintained our very low rates of children receiving a custodial sentence and only had one child enter the secure estate due to mandatory minimum sentencing guidelines for knife offences, this was the first Torbay child to receive this type of sentence in nearly 3 years.

We are also very pleased to have finally recruited to the services Child and Adolescent Mental Health Service (CAMHS) role after many years of an inability to recruit so that we can provide mental health support directly to children open to the service.

Internal and partnership audits of our work show the quality of our provision and have also indicated the areas we need to improve upon, and these are highlighted in the Service Development plan and priorities for the year ahead. Specifically, the Strategic Board will focus on: -

- maintaining the recent reduction in the number of First Time Entrants so that the yearly rolling target reduces to below our statistical neighbours.
- securing a suitable location for face-to-face delivery work, which has been an unresolved issue since the services last HMIP inspection.
- The review of the Prevention service and options to help us secure funding for its continuation after the Turnaround funding ceases in March 2025.
- Ensuring children are accessing appropriate education or training provision suitable to their needs and abilities.
- Continue to develop, share and understand our data so that we can focus and target our attention at key priority areas.

Siobhan Grady

Senior Commissioning Manager Devon ICB and Chair of the Torbay Youth Justice Strategic Board

Legal Framework

The Crime and Disorder Act 1998 (Section 39) introduced the statutory requirement for local authorities to establish Youth Offending Teams (YOTs) in their area, requiring the involvement of the local authority, Police, Health and Probation – the statutory partners.

The responsible local authority is also required, under Section 40, after consultation with partner agencies, to publish a Youth Justice Plan each year outlining the composition of and funding for their YOT. This includes the steps taken to encourage children not to commit criminal offences. This document is the required Youth Justice Plan for Torbay.

The legislation refers to Youth 'Offending' Teams and youth 'offenders' this language has been replaced by updated guidance from the Youth Justice Board (YJB) as part of their Child First approach to stop labelling children as offenders and now refers to local services as youth justice services, although the primary legislation has not been changed. The Child First model is based on evidence and research that shows a positive, pro social approach focussing on the child's strengths and capabilities is the most likely to result in desistance from offending.

Vision

Torbay's Youth Justice Service vision is to: -

'Keep young people and their communities safe by working in collaboration with other services to help children recognise and repair the impact of harmful behaviour and develop a positive future'.

The Service will achieve this by delivering a '[Child First](#)' approach in all aspects of its work, as well as supporting the work of Torbay Council, UNICEF UK and other local partners towards international recognition as a [UNICEF Child Friendly Community](#).

The Youth Justice Service Vision supports the work of the Torbay local community Vision and Plan which is: -

'We want to see a healthy, happy and prosperous Torbay'

The Local Community Plan has three strategic themes: -

- ***Community and People***
- ***Pride in Place***
- ***Economic Growth***

The Youth Justice Service makes contributions to all three strategic themes but mainly sits within the 'Community and People' theme and the priority of: -

'Keeping children safe in their communities and providing safe environments for our young people to thrive in'

Local Context

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

Torbay has total population of 139,322 (2021 census mid-year estimate) of which 11,896 are aged 10-17 years. 96.1% of Torbay's population are white, 1.6% are Asian, 1.5% are mixed ethnicity, 0.3% black and 0.4% other. There are higher numbers of older people compared with the England average and far fewer people in their 20s and 30s.

Torbay has the highest number of residents living in deprived areas and the highest numbers of children living in income deprived areas when compared with all other councils in the South-West. 27% of Torbay's residents live in the 20% most deprived areas in England and 1 in 4 residents say they have a long-term illness or disability.

Approximately double the number of cared for children compared to other areas in England and the South-West. Over 1 in 3 children with Education, Health and Care Plans (EHCPs) have been excluded from school for a fixed period.

Average weekly earnings in Torbay are £467 (£123 less than the England average -2020) and 12.4% of households are in fuel poverty. Those born into deprived families are more likely to have worse educational and health outcomes. The life expectancy gap is 9 years males and 8 years females.

Torbay Children's Service was rated as 'Good' at its last Ofsted inspection (May 2022) and the Joint Target Area Inspection (JTAI) in early 2024 of the Torbay Safeguarding Children's Partnership (TSCP) stated: -

'a clearer focus on the children of Torbay has resulted in a more targeted and cohesive approach to both strategic oversight and the identification and delivery of services to children who may be in need or at risk of harm'.

The JTAI identified many strengths as well as areas for improvement but there was overall recognition of the improving face of services for children in Torbay.

2. Governance, Leadership, and Partnership arrangements

Torbay Youth Justice Service has a two-tier governance structure with a Strategic Management Board made up of senior officers from all statutory partners, as well as representatives of the wider partnership at the appropriate level as described by the YJB guidance. In September 2023 Siobhan Grady Senior Commissioning Manager for Devon ICB was elected as chair of the Strategic Board following the resignation of Police Superintendent Ed Wright as he moved role within the Police.

Siobhan Grady was the previous vice chair of the board and, subsequent to her election as chair, Louise Arscott, Head of Devon and Torbay Probation, was elected as vice chair.

In March 2022, a new Vision and set of priorities were agreed at the Board following consultation with the staff team and the Operational Board. This Board also agreed to change the name of the Service to Torbay Youth Justice Service to remove the word 'Offending' from the title in line with the Child First approach.

Torbay Youth Justice Service's second tier of governance is an Operational Management Board made up of officers and representatives from the organisations from the wider partnership. It has its own Terms of Reference, which in summary is to put into operation the vision and priorities of the Strategic Board. The Operational Board is chaired by Victoria McGeough the Partnership Lead for Safer Communities, Torbay Council. Following a 'Deep Dive' led by Anne-Marie Bond CEO of Torbay Local Authority it has been agreed that both boards Terms of Reference will be reviewed in early 2024-25 to ensure there is clarity of both boards' functions.

Attendance and participation at both boards is good and the chair of the Operational Board updates the Strategic Board at each meeting. All statutory partners are actively engaged in the boards and have allocated appropriate resources to the Youth Justice Service.

The Youth Justice Service Head of Service reports to both the Chair of the Strategic Board for service accountability matters and to the Director of Children's Services as the employing body for all non-seconded staff.

The staffing and accountability structures are provided in [Appendix 1](#) and [1a](#).

3. Progress on Previous Plan

The 2023-24 Improvement Plan contains one action which has remained unresolved since the HMIP inspection: - 'Secure access to suitable premises' which despite much work over the last 2 years remains unresolved despite several buildings having been identified but ruled out due to either cost or planning issues. At the time of writing this plan a building has been identified that is in council ownership, is in good condition but is in a high (adult) crime and anti-social behaviour area in Torquay. The service is currently working with children and parents to see if the site can be made safe, secure and welcoming for children.

Last year's Improvement Plan is shown below, this is reviewed at each Strategic Board meeting and was last updated for the Board meeting in March 2024. There were 13 areas identified for improvement (not including the 1 2022 Deep Dive recommendation which overlap) there were 7 improvement actions that were **Green**, meaning they have either been completed or ongoing, or are on track to be completed. 2 were **Amber** meaning they were in progress but are behind the planned timescale for completion and 2 are **Red** meaning they are delayed with unresolved issues preventing progress. 2 Uncompleted and ongoing actions will be carried forward into 2024-25 Improvement Plan.

TYJS Improvement Plan 2023-24 (March 2024 update)

RAG Key	Green = On Track / Completed	Amber = In progress	Red = Delayed / unresolved issues	Grey = Not Due/ not started
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	Area for Improvement / Outcome desired	Action	Timescale	Update	RAG
1.	Child First approach to all we do	<ul style="list-style-type: none"> a) Ensure that that TYJS adheres to the YJB Child First approach in all aspects of our delivery. b) All staff to be trained in Child First approach in youth justice services. c) Hear and respond to the voice of the child and carers not only in the delivery of their intervention but in the development of the service. d) Review our systems and methodology for ensuring feedback is used to improve services. 	<p>Ongoing</p> <p>Within 6 months</p> <p>July 23</p>	<ul style="list-style-type: none"> a) All internal audits and QA work will include assessment of our Child First approach & will be reported back YJS boards. b) All new staff have been trained. c) A short report went to the Sept Board, this is a 'work in progress' and will be improved as more data comes through from all service users. d) New approach is starting to be implemented and we re are getting a growing body of data. 	In progress
2	Secure access to suitable child friendly, safe, accessible premises for delivery of face-to-face work	Locate & agree terms with suitable delivery locations in Torquay and Paignton	Sept 23	The Zig Zag building 1 st floor has now been ruled out for YJS use, as well as a private office space on union street in Torquay. We are currently assessing the suitability of the Upton Vale building (behind Electric Hse & Town hall) however this is on Castle Circus where the highest rates of ASB& offending is for Torquay. The DCS has written to all partners asking	Delayed

				for them to review their buildings for suitable sites.	In place
2a	Outstanding Deep Dive April 2022 Recommendation Continue work to secure a range of local facilities that are fit for purpose to enable services to be delivered effectively to children.			See above	
3	Further development of Trauma Recovery Model (TRM) through an Enhanced Case Management (ECM) approach with Child and Adolescents Mental Health Service (CAMHS).	Scope and agree the options for accessing and funding of psychology input to meet ECM best practice guidelines	Nov 23	FCAMHS are providing clinical supervision and case formulation guidance for YJS staff on a limited basis. A CAMHS worker has started in post.	In place
4	Review the role and provision of CAMHS to the Youth Justice Service	Ensure that children at TYJS have access to suitable accessible mental health services either through CAMHS staff or another provider.	Nov 23	We are seeking to agree a date to review the contract with CFHD for the provision of MH services to YJS.	Delayed
5	Review the success of the Targeted Prevention Service for children coming to the attention of the youth justice systems.	<ul style="list-style-type: none"> a) Audit offending rates following intervention. b) Ensure Turnaround funding requirements are met. c) Prevention Review & Action Plan to be established based on recommendations of the review. 	<ul style="list-style-type: none"> July 23 March 25 	<ul style="list-style-type: none"> a) New Performance report will have a live tracker of reoffending. b) Turnaround cases will be tracked in the new Performance report. c) Review of Prevention service took place in Dec 23. All key partners attended report & improvement action plan is in place. 	Completed
6	Ensuring children in contact with the Youth Justice Service are in appropriate education, training, or employment	Complete the Action Plan from the ETE Thematic Review.	Sept 23	<ul style="list-style-type: none"> a) Update Report was brought to May 23 Board, remaining actions in progress report was brought to the Sept 23 board and was signed off as completed. b) ETE report was brought to Nov 23 Board re what YJS is doing to ensure cohort are in education following letter from head of YJB. 	Completed
7	Swifter Justice - reduce delays across whole youth justice system	<ul style="list-style-type: none"> a) Create a system to track all youth cases from arrest to disposal. b) Devise an approach to influence all organisations awareness and reduce delays 	<ul style="list-style-type: none"> May 23 Sept 23 	<ul style="list-style-type: none"> a) System being devised but not yet in place. b) Once system has been devised this will be shared with partners and an escalation process agreed regarding delays will be agreed. 	In Progress
8	More positive activities and opportunities for children.	Support the development of the new Torbay Youth Offer.	July 23	Torbay Council contracted a range of providers to enhance youth work provision in the bay (started in Nov 23) and has brought other services	Completed

				back in house to increase the coordination. This is now well established.	
9	Improve the visibility and understanding of Youth Justice Service work – telling the good stories of children & the work of the YJS	Liaise with Torbay Council communications dept to develop better communications to inform the public & community about TYJS (website, leaflets, news articles?)	Sept 23	Website development as part of the Family Hubs website is planned but this has not yet started due to priority for other aspects to be delivered due to funding requirements.	Not started
10	Review the Quality of Youth Justice provision in Torbay.	<ol style="list-style-type: none"> 1. Complete an audit against the YJB National Standards for Youth Justice Services. 2. Complete the YJB National Standards Action Plan devised following the audit 	<p>October 23</p> <p>July 24</p>	<ol style="list-style-type: none"> 1. Audited completed sent to YJB by the deadline and Report to Nov 23 Board. 2. 14 of 17 action have been completed 	In progress
11	Improve systems and processes to reduce Child Criminal Exploitation.	Implement Multi Agency Case Audit (MACA) re Criminal Exploitation Action Plan	July 24	4 of the 5 areas for improvement identified in the audit are either completed or on track to complete. One area is rated as amber which is to attendance in education for children at risk of CCE	In progress
12	After Action Review (AAR) re Swift Youth Justice C103	Implement the recommendations of the AAR		The AAR has been completed, YJS has a copy of the report & its recommendation but are currently waiting for sign off from the TSCP exec before it can be released.	Not implemented
13	CEO Deep Dive 2023	<ol style="list-style-type: none"> 1. Develop and action plan on the recommendations of the Deep Dive report. 2. Implement the Action plan devised from the recommendations. 	Jan 24	<ol style="list-style-type: none"> 1. The CEO Deep Dive report was accepted at the Jan 23 Strategic Board 2. An Improvement Plan has been devised and will be presented to the March Strategic Board for approval. 	In progress

4. Performance over the Previous Year

The YJS has continued to increase the breadth and quality of data made available both operationally to managers, and strategically to the two management boards. This includes caseload data, demographics, links to wider services, exploitation, education, attendance, free school meals, SEND, timeliness of decision making, outcome types, offence types, court decisions, first time entrants, reoffending, custody, breaches, and victim data. More detailed analysis is often requested by the board and this year they have received supplementary reports regarding First Time Entrants, Disproportionality, and Education.

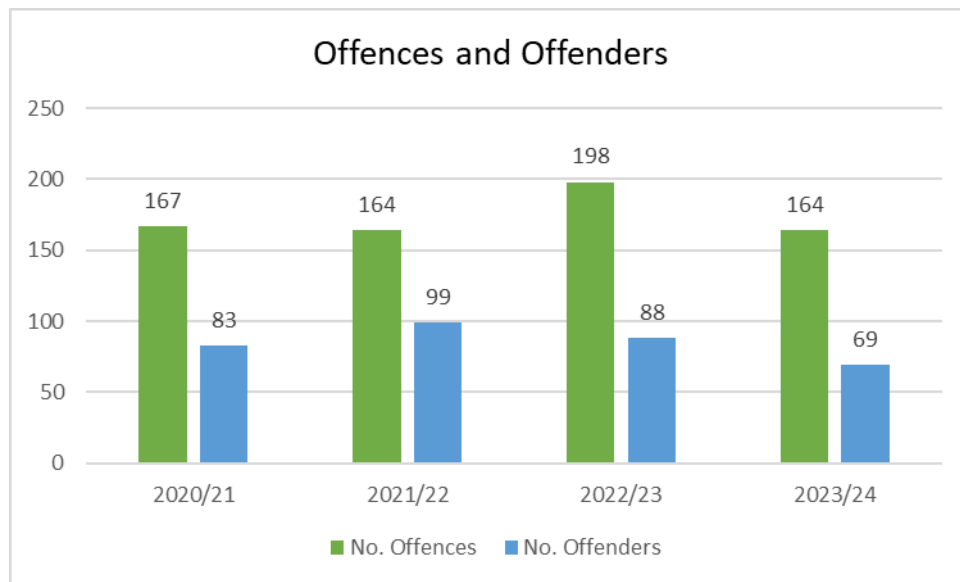
The data within this plan is taken from both the Torbay Youth Justice Service's case management system - ChildView, and the YJS data summary published on a quarterly basis by the Youth Justice Board.

There remains a caveat to this data as Devon and Cornwall Police are still in transition to their new record management system (Niche), which will provide enhanced functionality and analytical capability. The change will deliver a significant uplift in the force's ability to record and report crime and incident data. Whilst this new system is now fully implemented, the information usually supplied to the YJS is still not readily available. Specifically for Community Resolutions, Stop and

Search, and police custody data however some data is accessible via Police colleagues who work closely with the YJS.

Offences and Offenders

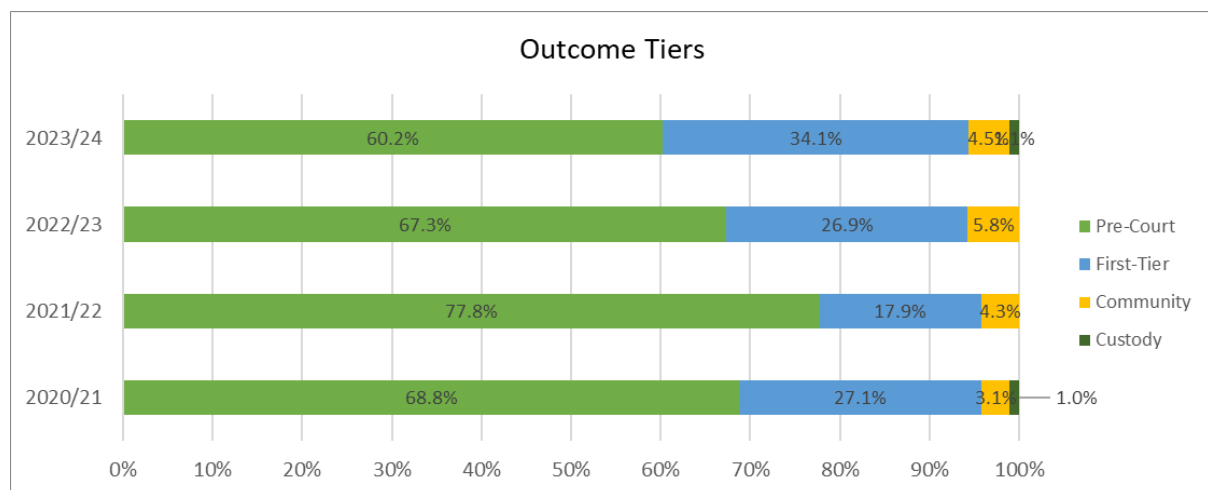
The number of children who received an outcome for an offence fell again in 2023/24, as did the overall number offences. This will have been impacted by the Youth Justice Service not receiving all notifications of Police issued Community Resolutions for the whole of the year, but the numbers are similar to 2020/21 and 2023/24.



Despite the decrease in the number of offences and offenders, the ratio of offences per offender increased for the second consecutive year:

- 1.66 offences per offender (2021/22)
- 2.25 offences per offender (2022/23)
- 2.38 offences per offender (2023/24)

Outcome Tiers



60% of outcomes given to Torbay children in 2023/24 were in the pre-court tier. This proportion will increase when data flows are re-established as it is information regarding Police facilitated

Community Resolutions that are not currently being received. Despite this caveat there was still an increase in the number of outcomes administered through the courts as shown by the table below.

A custodial sentence was given to a Torbay child for the first time since 2020/21 - a four month Detention and Training Order.

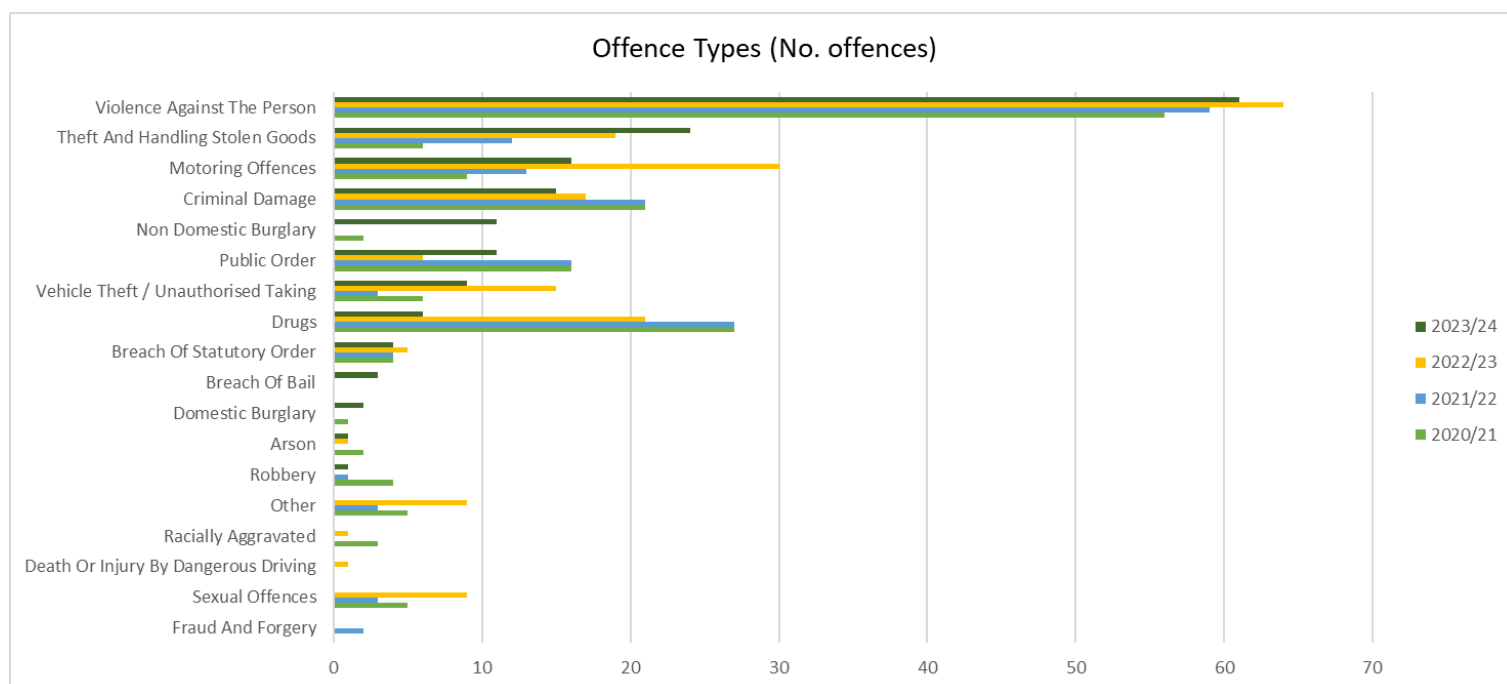
Year	Pre-Court	First-Tier	Community	Custody	Total
2020/21	66	26	3	1	96
2021/22	91	21	5		117
2022/23	70	28	6		104
2023/24	53	30	4	1	88

Offending Behaviour

As in previous years, **violent** offences were the most common during 2023/24, and accounted for a bigger proportion of offences than in any of the three previous years at 37%.

Theft and Handling Stolen Goods offences increased for the third consecutive year and are now the second most prevalent. There were eleven **Non-Domestic Burglary** offences that received an outcome in 2023/24 despite their being none in 2023/22 or 2021/22.

Drugs offences significantly reduced from 21 to six, and also **Sexual** offences from nine to none.

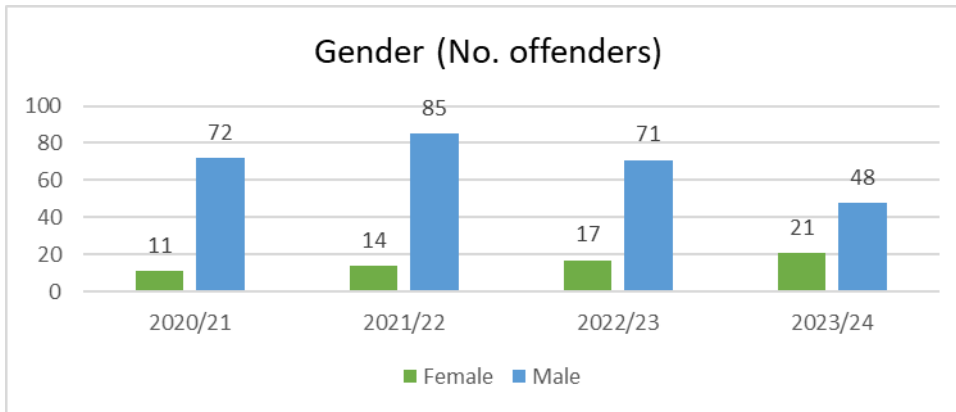


Offending Profile

The children receiving an outcome for an offence in 2023/24 are predominately male (69%). The number of females committing an offence in Torbay continues to increase and is reflected in our First Time Entrants (see later section). The overall trend can be seen here:

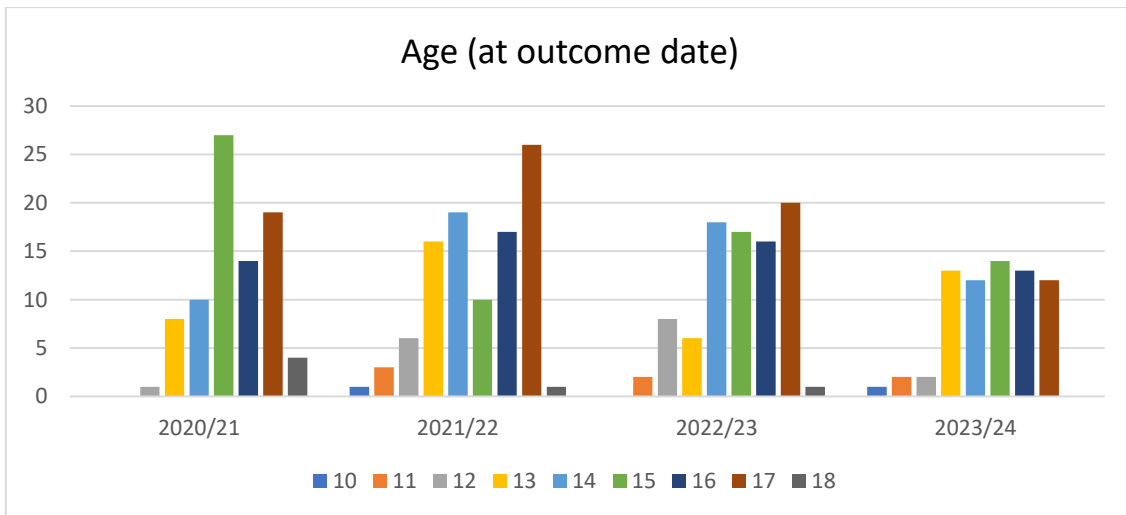
- 2020/21 – Female 13.3% Male 86.7%
- 2021/22 – Female 14.1% Male 85.9%

- 2022/23 – Female 19.3% Male 80.7%
- 2023/24 – Female 30.4% Male 69.6%



Age (at Outcome date)

Most (74%) Torbay children receiving an outcome are aged 14+, with 15 being the most frequent age (20%). The distribution of children across the different ages is more equal than in previous years with a similar number of children receiving an outcome from 13 upwards.



Age	Outcome Date			
	2020/21	2021/22	2022/23	2023/24
10	0%	1%	0%	1%
11	0%	3%	2%	3%
12	1%	6%	9%	3%
13	10%	16%	7%	19%
14	12%	19%	20%	17%
15	33%	10%	19%	20%
16	17%	17%	18%	19%
17	23%	26%	23%	17%
18	5%	1%	1%	0%

YJS Children and Interventions

The demand on the YJS was greater than in previous years as the number of interventions delivered increased by 41% from 134 (2022/23) to 189 (2023/24).

133 children were supported over the last year, an increase of 30% from the 102 in the previous year.

- 64 interventions were preventative (Prevention or Turnaround Programme)
- 28 diversionary interventions (YJS Community Resolution or Outcome 22)
- 22 pre-court substantive outcomes (Youth Caution or Youth Conditional Caution)
- 43 court ordered interventions (Referral Order or Youth Rehabilitation Orders)
- 27 voluntary support programmes (these can be pre or post an intervention linked to an offence)
- 4 bail support or remand programmes
- 1 custodial sentence - DTO

The full breakdown is shown below:

	2022/23		2023/24	
	No.	%	No.	%
Prevention Programme	21	16%	22	12%
Turnaround	3	2%	42	22%
Voluntary Support Programme	22	16%	27	14%
Community Resolution with YOT Intervention	9	7%	20	11%
Outcome 22 (Diversionary, Educational or Intervention Activity)	26	19%	8	4%
Youth Caution	2	1%	4	2%
Youth Conditional Caution	16	12%	18	10%
Bail Support Programme	4	3%	3	2%
Criminal Behaviour Order			1	1%
Referral Order	20	15%	34	18%
Youth Rehabilitation Order	9	7%	8	4%
Remand in Custody (YDA) YOI / LAA	2	1%	1	1%
DTO/Custody Programme			1	1%
Total	134		189	

The biggest increases were within the preventative area of work as the Turnaround Programme became more embedded in the YJS. 64 preventative interventions were open during the year, compared to 24 at the time of the last Youth Justice Plan.

There was also a significant increase (70%) in the number of Referral Orders.

Links to wider services

Over three quarters of the children supported by the Youth Justice Service were open to wider support with Children’s Services (80%). There is a more coordinated response across services to consider how we engage and consider joint plans to support these children.

- 15% Early Help.
- 46% Children in Need.
- 6% Child Protection.
- 13% Cared for / Care experienced.
- 21% No additional support

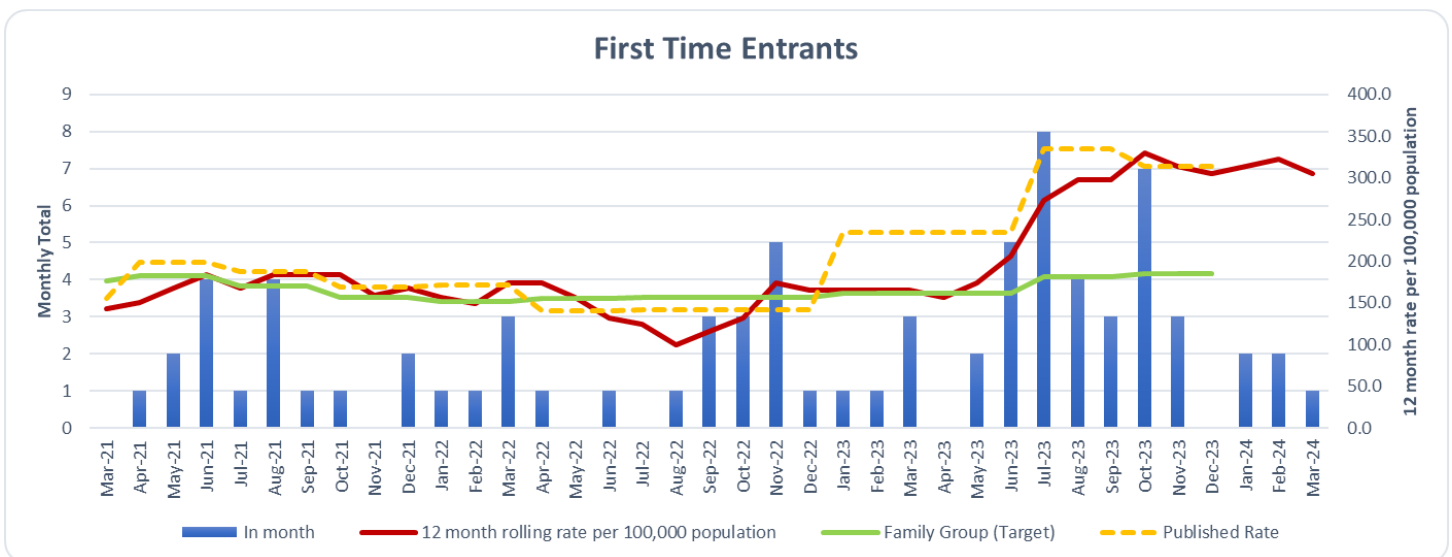
5. National Key Performance Indicators

First Time Entrants

The data for this indicator comes from both the local case management system (red line below) and the Police National Computer. The latter is published by the MoJ (published rate and comparators). The data is shown in rolling full years for the 12 months to March, July, September, and December of each year. First Time Entrants are children who receive a youth caution or court conviction for the first time within the period.

Historically this has been an area of poor performance for Torbay YJS, with the rate consistently above the family group and national. However, progress was made throughout 2021 and 2022 when the rate of FTEs fell to its lowest in August 2022.

The downward trend from 2021 into 2022 has not continued over the previous year, with Torbay’s rate now significantly above the target (to be below the family group) at the end of the year. This is largely due to the 6-month period between 1 June and 30 November 2023 when thirty children entered the Youth Justice System for the first time. Encouragingly though, the final quarter of the year saw fewer FTEs and the rate begin to fall.



In response to this increase the YJS Board have undertaken a review of the First Time Entrants, some of the data that has informed this is included below.

In 2023 the largest proportion of FTEs lived in the TQ3 (Paignton) postcode area of Torbay – 41%.

Home Postcode						
	2018	2019	2020	2021	2022	2023
OOA	1	3				
TQ1	3	7	5	7	4	7
TQ2	11	10	4	7	4	9
TQ3	8	5	6	2	8	15
TQ4	2	6	3	4	4	6
TQ5	9	6	3			
Grand Total	34	37	21	20	20	37

There has been a significant increase in the number of girls becoming FTEs in 2023 when compared with previous years. 35% of FTEs in 2023 were female, for comparison this was 10% in 2022, and 25% in 2021. There has been an increase in girls committing violent crimes often with use of social media and group assaults as aggravating factors.

The age of children becoming an FTE is also noticeably younger than in previous years and more similar to 2018. This is particularly apparent for girls.

Age/Gender of FTEs						
	2018	2019	2020	2021	2022	2023
Female	5	10	2	5	2	13
12		1				
13	2					5
14	1	1		1		3
15		3		1	1	1
16	1	4	1	2	1	1
17	1	1	1	1		3
Male	29	27	19	15	18	24
11	2	1				1
12	3				1	1
13	2	3		1		2
14	5	4	1	4	3	7
15	9	1	6	1	3	6
16	5	9	3	3	7	5
17	3	9	9	6	4	2
Grand Total	34	37	21	20	20	37

FTE Offence Types

The table below shows the category of the main offence committed by children that led to them becoming an FTE since April 2018.

In 2023, as in other years, violent offences are the most common offence type but this year there were more than in any of the previous five years.

The data also highlights the impact of moped/vehicle thefts on FTEs as a recent trend.

Main Offence Type (FTEs)	2018	2019	2020	2021	2022	2023	Grand Total
Violence Against The Person	7	18	11	15	12	21	84
Vehicle Theft / Unauthorised Taking	4				1	6	11
Motoring Offences	1	2	3		3	2	11
Domestic Burglary				1		2	3
Drugs	8	5	3	3		2	21
Non Domestic Burglary						2	2
Sexual Offences	1	1	1		1	1	5
Breach of Bail						1	1
Death Or Injury By Dangerous Driving					1		1
Theft And Handling Stolen Goods	3	1	1				5
Racially Aggravated	2						2
Robbery	2		1				3
Criminal Damage	4	2					6
Public Order	2	8	1	1	2		14
Grand Total	34	37	21	20	20	37	169

Education data highlighted that:

- 84% of FTEs had experienced one or more fixed term exclusion prior to their offence.
- The average number of days lost to fixed exclusions in the 12 month prior to offence is 11 days.
- 19% of FTEs had been permanently excluded before their offence.
- Almost all the FTEs in the period (where data is available) were persistently absent from school during the term of their offence. Only one child had attendance above 90%.

Torbay YJS is using the findings from this data to help target children at risk of becoming FTEs in the weekly intervention clinics that take place between Police and the YJS. Children who have come to the attention of the Police during the previous few days are discussed and live data is available to help inform decisions around whether they would benefit from additional support to prevent them from becoming FTEs. The intention is that the right children are supported and more quickly.

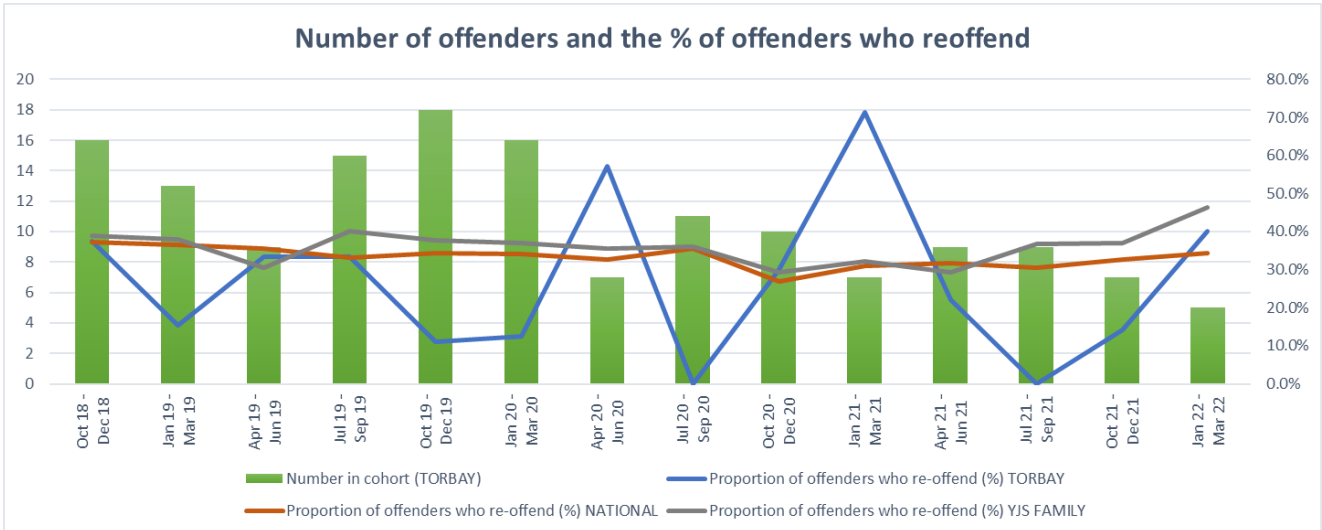
The aspiration remains for Torbay's rate of FTEs to be below the family group average and support the wider community ambition 'to see a healthy, happy and prosperous Torbay' and 'create a safe place for children to thrive in'.

Binary reoffending rate (national data)

The data for this indicator comes from the Police National Computer and is published by the Ministry of Justice (MoJ). The cohort consists of all children who received a substantive outcome or were released from custody in that date range. The most recent cohort available is those children who received a substantive outcome between January and March 2022, tracked for 12 months.

The chart below shows the number of children in each three-month cohort for Torbay and the proportion of those children who reoffended compared against both the family group and national benchmarks.

The target is to remain below the family group, and this was achieved.



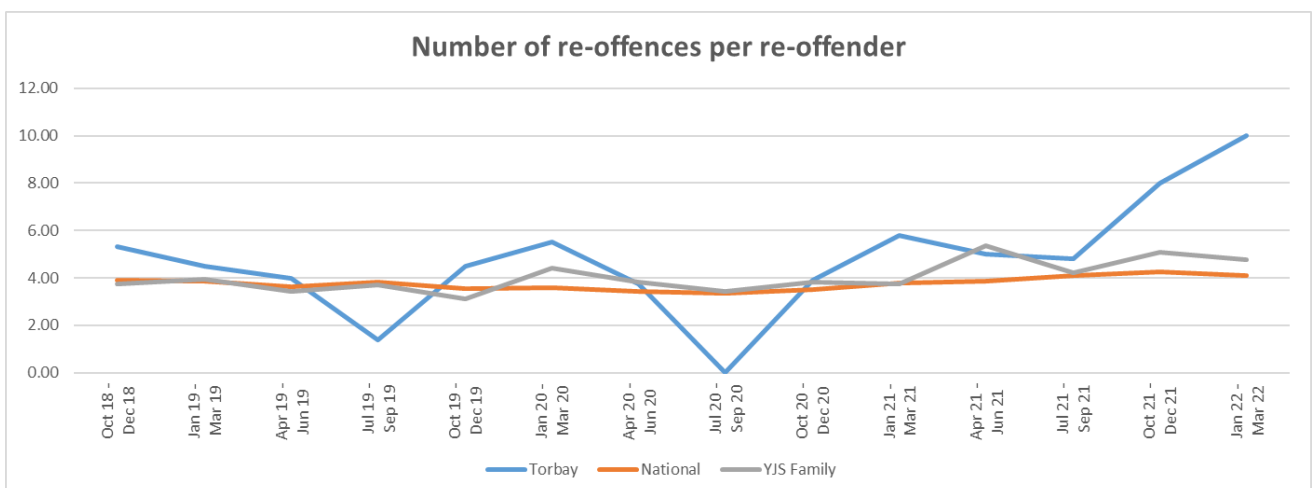
Torbay’s rate of reoffending has been below the family group target for all the four most recently published cohorts. The rate was also below the national rate for 3 of the last 4 cohorts only going above in the most recent cohort (Jan – Mar 22). This most recent cohort was the smallest Torbay has ever had (5 children) and the 40% reoffending rate represents two children who reoffended.

Frequency of reoffending

This data also comes from the Police National Computer and is published by the MoJ. The frequency rate of reoffending calculates how many re-offences are committed by each reoffender.

Due to Torbay’s small cohort size this rate is susceptible to large variances as one or two prolific offenders can have a large impact on the overall rate, as shown the blue line on the chart below. This can be seen by the most recent quarter as the number of reoffenders was only two and yet the number of reoffences per reoffender was ten.

The target is to remain below the family group, and this was not achieved.



Binary reoffending rate (local data)

The YJS utilises the Reoffending Live Tracker Tool to monitor reoffending rates for current cohorts. As a large proportion of our children now receive diversionary pre-court outcomes the use of this tool allows us to understand reoffending rates amongst these interventions too as we have decided to track these as well.

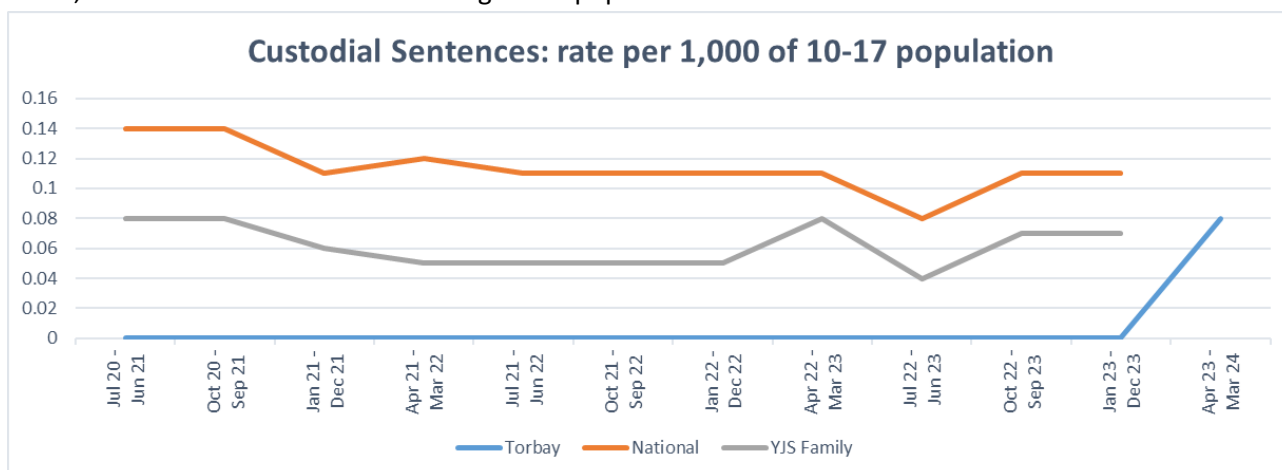
The table below shows the reoffending rates for each intervention category, the number in brackets is the total number of children in that cohort.

Outcome	Jan - Mar 2022	Apr - Jun 2022	Jul - Sep 2022	Oct - Dec 2022	Jan - Mar 2023
CR (Police)	20% (10)	14% (7)	0% (10)	25% (4)	0% (1)
CR (YJS)	n/a	100% (1)	n/a	17% (6)	67% (3)
Outcome 22	20% (5)	0% (3)	25% (12)	33% (3)	0% (4)
Pre-court	0% (3)	0% (2)	25% (4)	0% (4)	33.3% (3)
First-Tier	40% (5)	33% (6)	50% (2)	0% (7)	0% (8)
Community	n/a	n/a	100% (2)	0% (1)	100% (1)
Custody	n/a	n/a	n/a	n/a	n/a
Total	22% (23)	21% (19)	23% (30)	12% (25)	20% (20)

Overall reoffending rates were consistently strong and below 25% for each quarter. First Tier interventions (commonly Referral Orders) had particularly good outcomes for the most recent two cohorts with none of the fifteen children reoffending.

Use of custody

This indicator uses case level data from the YJ Application Framework (historic data - YJMIS) and is the number of custodial sentences in the period given to children with a local residence aged under 18 years on the date of their first hearing related to the outcome. This data is presented as a rate per 1,000 children in the 10 to 17 local general population.



A Torbay child received a custodial sentence in the period Jan – Mar 2024. This was the first since 2019. At the time of this report this has not been included in the published statistics, so comparator data is not yet available. However, if the comparators rates stayed the same Torbay would be higher than the family group and below the national. As the target is to remain below the family group, this would not be achieved.

New key performance indicators (from April 2023)

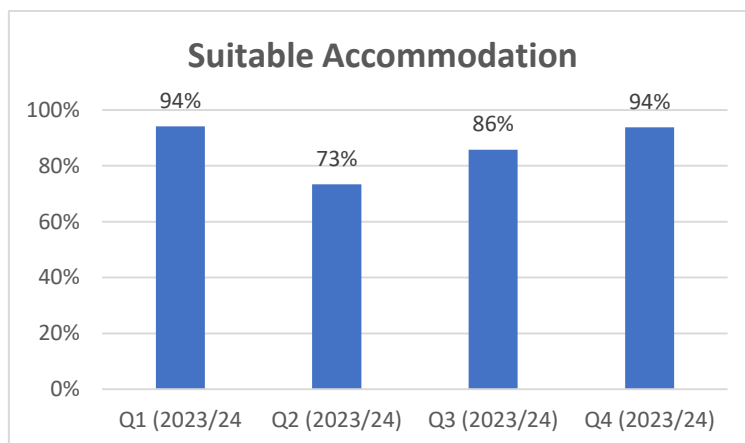
The youth justice system has developed significantly since the original set of KPIs were introduced. Whilst the number of children entering the system with a statutory disposal has fallen significantly, it is clear youth justice services are working with increasingly complex caseloads.

In view of this The Ministry of Justice has developed new KPIs to reflect areas that are strategically important in delivering effective services for children and will provide an understanding of how YJS partnerships are responding to this different context.

Torbay YJS was required to record KPI data from 1st April 2023 and has been submitting data to the YJB via electronic transfer. There are still some discrepancies between the data shown within our system and what is being displayed in the YJB dashboard and we are exploring this together – as are other Youth Justice Services. As such the data included within this Youth Justice Plan is local data direct from the case management system.

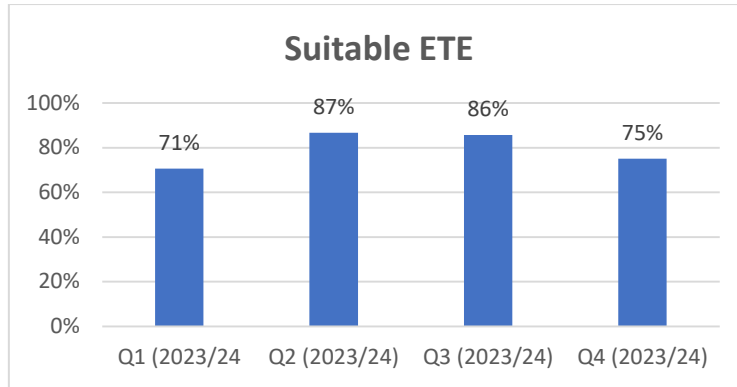
Accommodation Suitability –

Proportion of children in suitable accommodation at the end of their order.



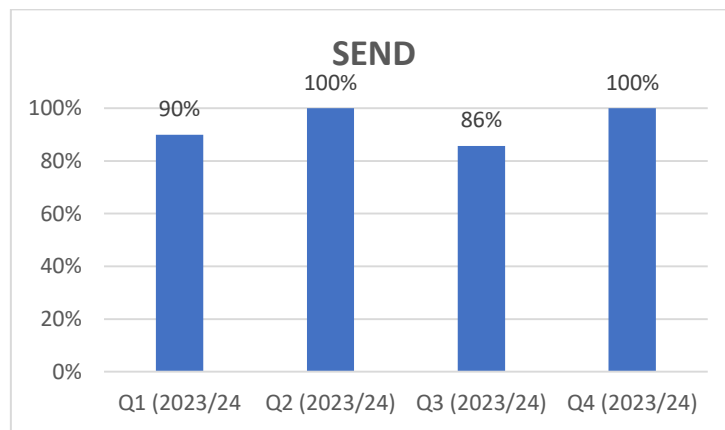
Education, Training and Employment

Proportion of children in suitable ETE at the end of their order.



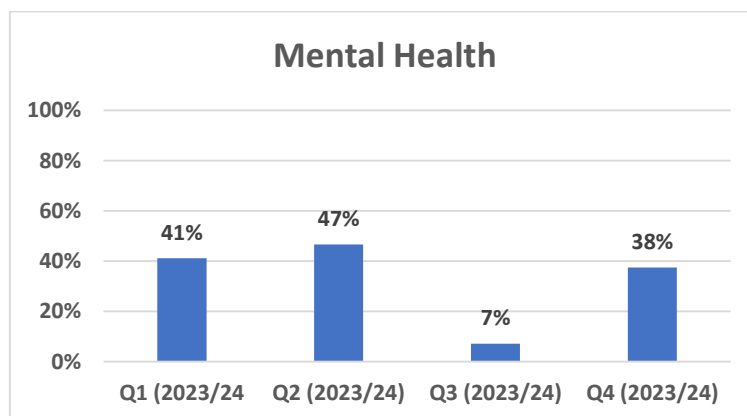
Special Educational Needs and Disabilities

Number of children with a formal plan in place as a proportion of children with identified SEND/ALN.



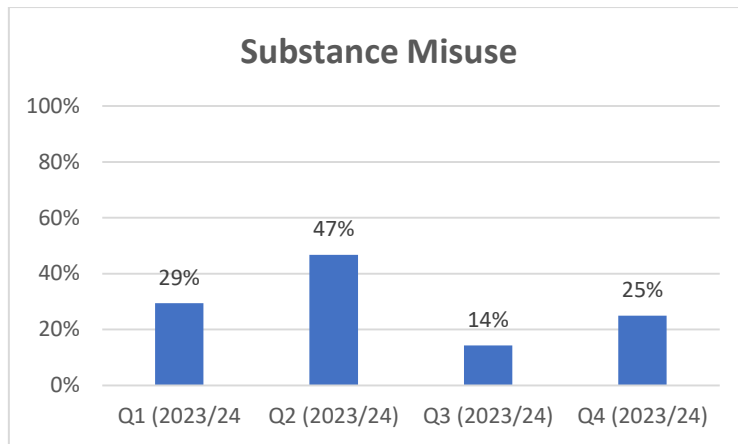
Mental Health and Emotional Wellbeing

Number of children with a screened or identified need for a MH or EW intervention at the end of their order as a proportion of number of children with an order ending in the period.



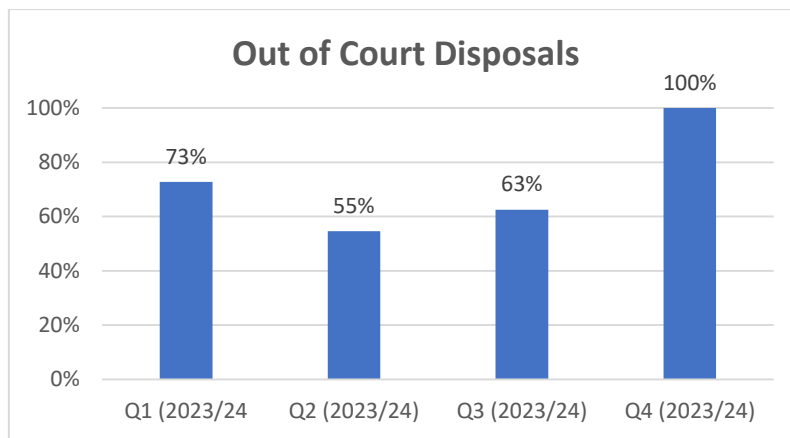
Substance Misuse

Number of children with a screened or identified need for intervention or treatment to address substance misuse at the end of their order as a proportion of number of children with an order ending in the period.



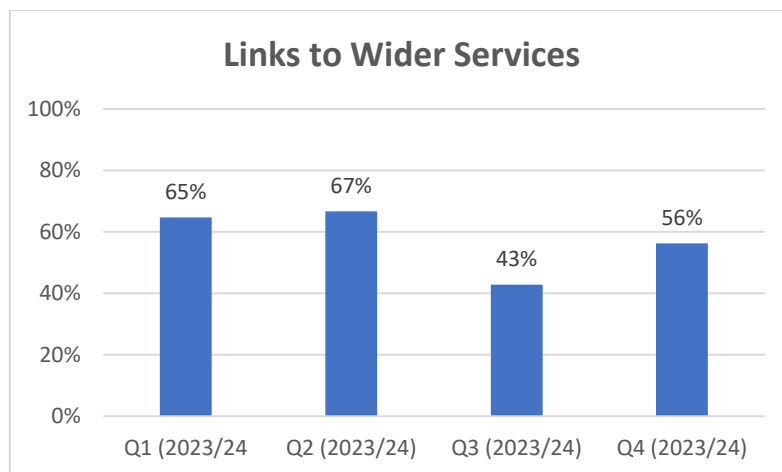
Out of Court Disposals

Number of children who completed OOC intervention programmes in the period as a proportion of the number of children with an OOC intervention or programme ending in the period.



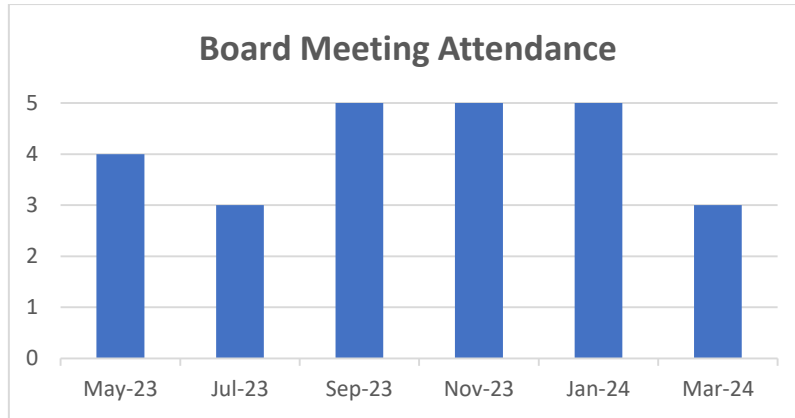
Links to Wider Services

Proportion of children connected to or supported by wider care and support services at end of order.



Management Board Attendance

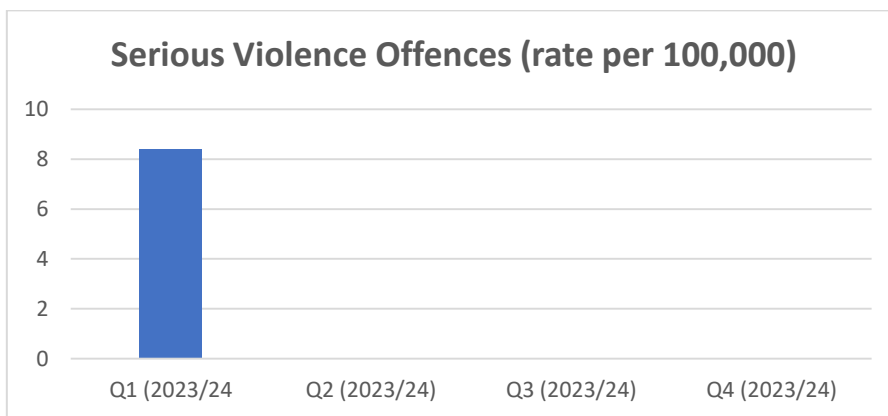
Number of senior partners attending Management board meetings



Management Boards are required to meet every quarter, but the Strategic Board at Torbay have made the decision to meet bi-monthly. In 2023-24 the board met 6 times with a full representation of statutory partners on 3 occasions.

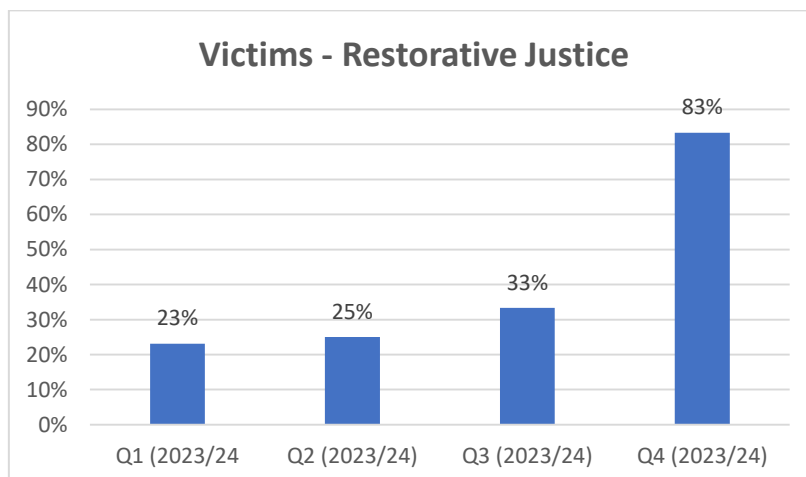
Serious Violence

Number of proven serious violence offences as a rate per 100,000 of the 10-17 population (2021). (The rate in Q1 is equivalent to one offence)



Victims

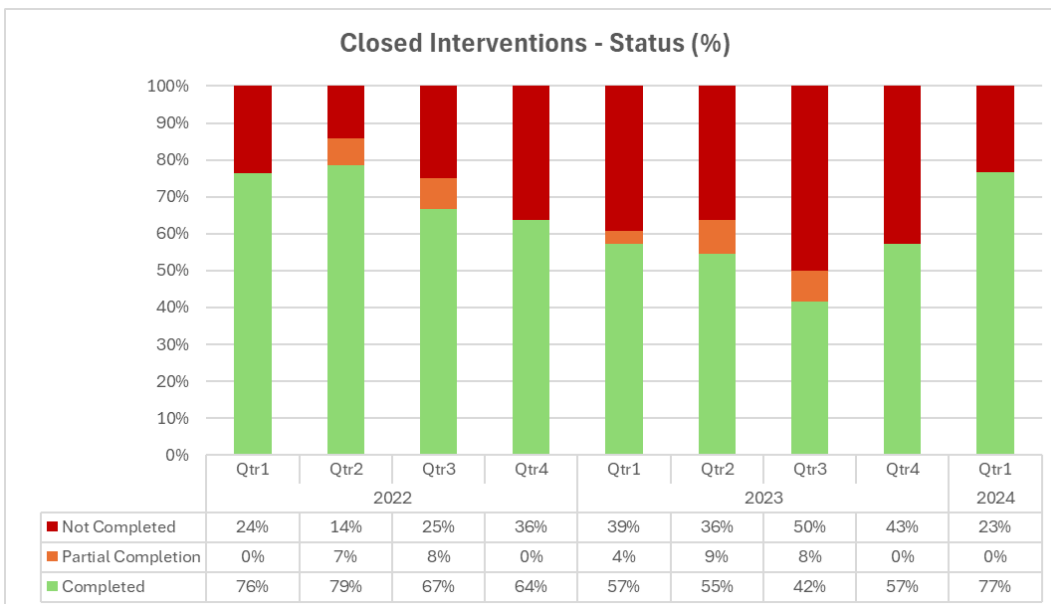
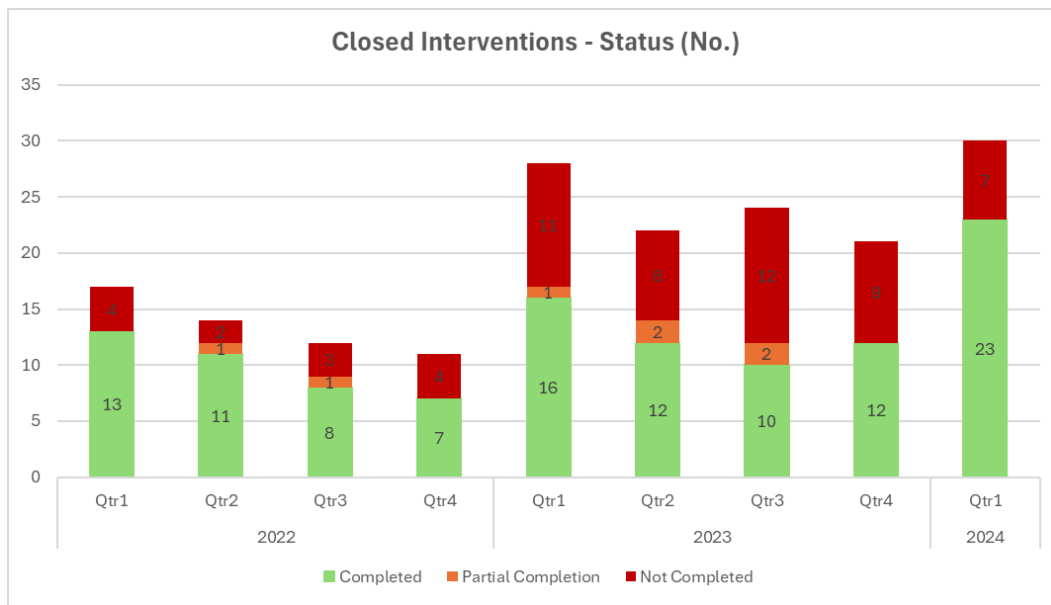
Number of victims engaged with on restorative justice opportunities as a proportion of victims who consent to be contacted.



Intervention Outcomes

The national KPI monitors the percentage of OOC's completed in a period and Torbay YJS management board also receives updates around the successful completion of all interventions delivered by the service. This includes prevention, pre-court, and statutory.

The chart below shows the number of interventions that closed in the period and the proportion of these that were successfully completed. It highlights the significant increase in workload from 2023 onwards.



Performance has improved in recent quarters. The period January to March 2024 not only saw the highest number of closed intervention (30) but also the highest successful completion rate (77%) since 2022.

5. Challenges, Risks and Issues

The service has identified the following challenges that it needs to take action to ensure they don't impact on service delivery to children. A risk register has been created with actions and mitigations identified to address these circumstances.

- i) **Face to face delivery locations** – the service has been without a suitable dedicated space in the bay to deliver face to face work with children for a number of years this was recognised in the last HMIP inspection in 2021 as a cause for concern. The service is using a range of community facilities and buildings. However, many of these locations do not meet the expectations of a Trauma Informed service in terms of consistency, confidentiality, safety and with the ability to provide the range of facilities that is expected for a modern youth justice service. The service has looked at a number of buildings over the last year but they have been ruled out due to cost or planning issues. At the time of writing this report we have identified a building in council ownership, which is in good condition and would only need minor adaption however it is a high crime area, we are considering how this could be made safe and welcoming for the children we would want to see there.
- ii) **Police charging decision and First Time Entrants** – The service has seen a significant increase in First Time Entrants (FTE) over the last year. Whilst there has clearly been a rise in youth crime specifically violent crime and vehicle crime the rates are significantly above the regional and national averages. Analysis shows that there are a number of factors influencing this rise, specifically delays in the police investigation processes, the lack of a deferred prosecution scheme for children, and a lack of clarity youth justice options and disposals, this has led to a higher-than-average charge to court decision ratio.
- iii) **Inability to fill Probation secondee role** – The service has been unable to fill this role for over 6 months meaning we are short staffed at a time when we have record high caseload levels. We also lose the close working relationship with the Probation service particularly working with older children who may transfer to Probation when they reach 18 years of age. We have been working with Probation to promote the role and at time of writing we have 2 Probation members of staff interested in the role.
- iv) **Continuation of the Prevention / Turnaround Service** - The Prevention / Turnaround service has been very successful in stopping the children it works with from committing offences (Dec 2023 Review 81% had not committed and offences after their intervention began) and this work now accounts for one third of the YJS caseload. Currently there are 3 full time roles primarily delivery Prevention work. 1.5fte funded by MoJ / Turnaround, 1.0fte funded by Serious Youth Violence (SYV) funding and 0.5fte through YJS underspend. The MoJ has confirmed that currently there is no plans to continue the Turnaround funding beyond March 2025, the SYV funding is only annual and the YJS has used all of its underspend. Therefore, without further funding the Prevention service will close in March 2025.
- v) **Suitable available Childcare Placements and provision** – a small number of the children the service works with are in the care of the local authority and placed in children's homes or care provision. In the last year we are aware that children, often the most vulnerable and high risk of our children, are being placed in unregistered or unsuitable placement due to the lack of available provision both locally and nationally. This has led to multiple care placement moves, requiring multiple caretaking arrangements with external youth justice services and inadequate provision that does not meet the need of children.

The Youth Justice Plan for the year ahead:

6. Child First

Torbay Youth Justice Service (TYJS) supports the Youth Justice Board's (YJB) vision of a 'Child First' youth justice system, which they define as a system where all services: -

- Prioritise the best interests of children and recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.
- Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
- Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.
- Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

The Child First approach is a priority in this plan as evidence supports this as the best approach to achieve better child outcomes. Much of this is explored in the research by Loughborough University alongside UKRI, Child First Justice – the research evidence base. The summary report is [here](#)

7. Voice of the Child

Torbay Youth Justice Service gathers feedback from children in a variety of different ways including: -

- Informal Feedback recorded by workers and collated.
- Self-Assessment Questionnaires (SAQ) are completed by the child and separately by their parent or carer at the start, review and the end of orders. These are used to gather data to help inform assessment, and the development of co-created intervention plan.
- User Feedback Surveys – these are more general feedback forms to gather data about the child's (as well as the parent or carer and the victim) overall perception of the quality of the service they received including things such as timeliness, location of delivery and did it make a difference.
- Complaints

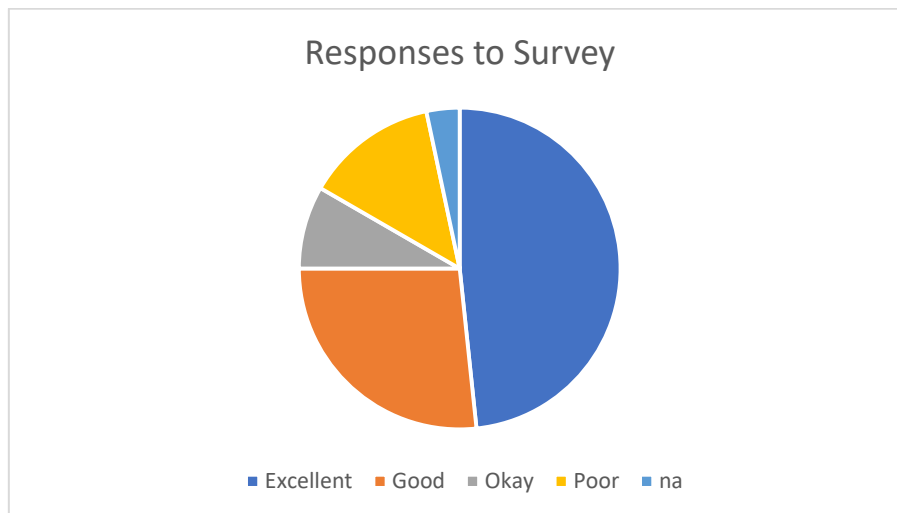
Feedback

In 2023 a small working group led on improvements to the service feedback structures and processes and the reallocation of staff time to lead on Feedback and Participation for children, parents, and victims. All of our feedback forms are now available electronically which has increased accessibility, confidentiality and increased the ease of data analysis from the current paper only format. We now are developing a statistically reliable range of data which is being analysed by the service management team, feedback to staff team and reported to the Service Boards alongside any improvement or change activity that is required.

Feedback is reviewed quarterly and information from feedback is used to develop practice in the service. A participation group has been established to have an opportunity for young people to review any changes in practice in the team and to provide support and insight in terms of any wider changes to the service. This group are also tasked to represent the wider community in respect of highlighting the impact of youth crime and what might help to reduce it.

Closing Feedback Survey

Young people are asked 20 questions about their experience of working with YJS, and the responses are broadly positive. These are collated anonymously.



Young people responded most positively to questions about being treated with respect. Lower scoring questions were in relation to specific support “Did your Youth Justice Worker improve your relationship with your family” or “Did your youth justice worker help you to speak to the police”. There poor results were also across the board by one or two respondents rather than across the whole group surveyed. Details on this feedback will improve with increased feedback volume.

Complaints

The Youth Justice Service has received only 1 complaint in the last year which resolved informally through discussion with a parent. The complaint related to the parent suggesting that there were errors in a report provided to Court. The initial discussions identified that this parent had seen the report ahead of Court, but that they would have benefitted from more time to read the report and feedback to the author. As a result of this discussion the service have reminded the team about report timescales and ensure that at report allocation there is sufficient time allowed for parent feedback.

Summary and next steps

There is significant positive feedback about the experience of young people in the youth justice service. This is triangulated between the feedback mechanisms and informal feedback received by family. It may be that the more feedback that the Youth Justice Service receive that this feedback leads to more change as the range and depth of information increases. Currently the capacity to meet all young people at the end of their orders to collect feedback is reduced due to staff sickness, but this is anticipated to increase. The Youth Justice Service aims to receive feedback from all young people completing their Court Orders. The uptake is limited by a lack of staffing currently- this will improve.

Victim feedback is also positive. The YJ Victim worker has highlighted that victims may benefit from an opportunity to work as a group to identify what else the Youth Justice Service and partners can provide. A victim’s feedback group is currently being planned with a view to be able to reflect on the issues raised by the group by the end of 2024, and use this to develop the offer to victims.

8. Resources and Services

Torbay Youth Justice Service Budget is a 'pooled' budget held by Torbay Council on behalf of the Board and the Strategic Partners and funding bodies. The annual budget is approved by the Strategic Board for the year ahead and expenditure against the budget is reviewed six times a year at each Board meeting. Operational day to day expenditure is approved by the Head of Service under the financial regulations of Torbay Council and in line with any criteria for which the funding is given. All funding is used for the primary roles of the Youth Justice Service i.e., prevent offending and re-offending, the delivery of our Improvement Plan and achieving the [Key Performance Indicators](#) laid out in this plan.

The two largest funders are Torbay Council and the Youth Justice Board (YJB) each giving approximately one third of the overall budget with the final third made up of other partnership contributions and funding bodies for specific pieces of work. Over 95% of the budget is spent on staffing who are our key resource for delivery to children, with the remaining 5% spent on resources, facilities and consumables. Additional to the funding from statutory partners the service receives 'contributions in kind' from organisations who 'second' staff to the service these include: - Children and Family Health Devon, Devon and Cornwall Police, and the Probation Service. See [Appendix 2](#) for a more detailed breakdown of the budget.

9. Board Development

An induction programme for board members is delivered to all new members. Additionally, there are planned inputs at Strategic Management Board to update members on significant changes in local or national practice as well as inputs from external examples of best practice and development. In the last year Board members have received briefings following four audits on the quality of the work of the service. This year both the Strategic and Operational Boards will be reviewing their terms of reference to ensure there is clear oversight and coordination of both boards roles and functions.

a) YJB National Standards Audit for Court based work (YJB NS). Four Board members, 3 managers of Torbay YJS and case holders were involved in auditing 21 cases and the organisational and strategic aspects of the audit. An action plan for improvement was produced and progress is being monitored by the boards.

b) Child Criminal Exploitation Multi Agency Case Audit (CCE MACA). Led by Torbay Safeguarding Children Partnership (TSCP) 10 cases were audited, 9 of which were known to the Youth Justice. YJS produced its own Action Plan following the findings which is monitored by the Strategic Board.

c) CEO Deep Dive Audit (CEO DD) – This audit was completed following previous audits that commenced after the last HMIP inspection of the service. Good progress in many areas was noted from previous audits and outstanding areas for improvements were noted and have been prioritised in the new action plan produced.

d) After Action Review C103 (AAR C103) – This audit has been completed of a specific case that took nearly 3 years of investigation before it was resolved just short of the child's 18th birthday. The final report has not been released although YJS have seen the report it is currently waiting to be signed off by the TSCP executive board.

At each board meeting a variety of different staff from the services attends to present either case studies of the work they do directly with children, parents, or victims so the boards or provide updates on aspects of operational level work.

10. Workforce Development

The service has a stable staff team with limited turnover which has enabled the development of an experienced and well-trained team. Each year the service has an 'Away Day' for all staff and volunteers to evaluate work over the last year and recommend priorities for the year ahead to the management boards for inclusion in this Youth Justice Plan. Staff also attend Board meetings regularly to either present case work examples or report on aspects of the work they are leading on.

- Four more staff we trained in the Trauma Recovery Model (TRM) so that all staff have been trained.
- All staff working with children are trained in Restorative Justice 3-day course provided through Torbay Council.
- All case workers are trained in AIM3 (Assessment and Intervention of Harmful Sexual Behaviour).
- The service's Trauma Champion was also the Trauma Lead for the Southwest and has brought considerable knowledge and training to the staff team.
- Both Team Managers have been trained by [NOTA](#) re: Autistic Children & People Displaying Problematic or Harmful Sexual Behaviour
- A further member of the team has signed up for the Domestic Abuse Risk Assessment for children tool training who will champion this in the team and complete train the trainer.
- 2 staff members have completed the Youth Justice Effective Practice Certificate (YJEP) and another has been supported to start a Degree in Youth Justice in 2024.
- 3 staff have attended training on Child to Parent Violence.
- 4 staff have attended training on Pre-Sentence Report (PSR) writing.
- Staff access mandatory training through Torbay Council's 'iLearn' online training provision which tracks inductions, mandatory training and required refreshers for all staff directly employed, seconded staff can also have accounts added or access training in their home organisation.
- [Appendix 3](#) is the timetable of training that took place last year and into 2023-24

11. Evidence-based practice and innovation

The service has well established practice in using the Trauma Recovery Model (TRM) as a tool to help understand children's level of functioning and plan interventions based on this. All staff have been trained in the TRM approach. The service has a member of staff who is a 'Trauma Champion' to support the development of the nationally recognised (within youth justice services) Enhanced Case Management (ECM) approach. The Torbay Trauma Champion also shared a role leading the Trauma Champions across the Southwest indicating her high level of expertise. The ECM approach is a further development of a psychological model of understanding of the child's development through case formulation. We are also very pleased to have filled the CAMHS worker post after nearly 3 years of carrying the vacant role and this will add a much-needed service to the children the service works with.

The service developed a 'Prevention' offer based on the indicators of the likelihood of children entering the formal justice system prior to the announcement from the Ministry of Justice of funding for Turnaround. The criteria for Turnaround are very similar to the established local Prevention offer criteria therefore Turnaround was merged into the Prevention programme. This has resulted in more children than just those that meet the Turnaround criteria being seen and at an earlier stage. We have been particularly successful getting referrals for children on CIN plans and are working with Police to increase their referral rates for children identified at the new Police led 'Intervention Clinic'. In Dec 2023 the service with its partners completed an Evaluation of the Prevention offer and

will be making changes to the referral criteria and processes in light of this as well as planning for the ending of the Turnaround funding in March 2025.

12. Evaluation and Standards for Children

The service has carried out a high number of audits and quality assurance measures in the last these include: -

a) YJB National Standards Audit for Court based work (YJB NS). Four Board members, 3 managers of Torbay YJS and case holders were involved in auditing 21 cases and the organisational and strategic aspects of the audit. An action plan for improvement was produced and progress is being monitored by the boards.

b) Child Criminal Exploitation Multi Agency Case Audit (CCE MACA). Led by Torbay Safeguarding Children Partnership (TSCP) 10 cases were audited, 9 of which were known to the Youth Justice. YJS produced its own Action Plan following the findings which is monitored by the Strategic Board.

c) CEO Deep Dive Audit (CEO DD) – This audit was completed following previous audits that commenced after the last HMIP inspection of the service. Good progress in many areas was noted from previous audits and outstanding areas for improvements were noted and have been prioritised in the new action plan produced.

d) After Action Review C103 (AAR C103) – This audit has been completed of a specific case that took nearly 3 years of investigation before it was resolved just short of the child’s 18th birthday. The final report has not been released although YJS have seen the report it is currently waiting to be signed off by the TSCP executive board.

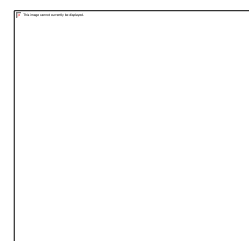
e) Prevention Service Review – In December 2023 the service completed a multi-agency review of the work and performance of the Prevention / Turnaround and made recommendations on improvement activity which will be put into place in early 2024.

f) Case File Audits We have increased the number and reporting of full case file audits and will be reporting to this to both boards in early 2024 / 25.



The service has achieved the prestigious Microlink Special Education Needs and Disability (SEND) Quality Mark for youth justice services with a Commendation for Child First practice, this required the service to audit current practice and address any gaps identified. Good practice within the service was recognised as part of the SEND inspection of Torbay.

Torbay Children’s Services of which Torbay Youth Justice Service is a part, have been awarded Registered Restorative Status by the [Restorative Justice Council](#), the first Children Services in the UK. The Youth Justice Service was part of the audit of training, working practices and policies to achieve this status helped by our experience of working in Restorative Justice over a long period of time.



13. Priorities for the coming year

The full list of priorities are laid out in the [Service Development Plan](#)

- maintaining the recent reduction in the number of First Time Entrants so that the yearly rolling target reduces to below our statistical neighbours.

- That we secure a suitable location for face-to-face delivery work, which has been an unresolved since the services last HMIP inspection.
- Seek funding to continue the Prevention service after the Turnaround funding ceases in March 2025
- Ensuring children are accessing appropriate education or training provision suitable to their needs and abilities.

14. Service Development

The service has a comprehensive training plan for staff see [Appendix 3](#) to keep staff updated and refreshed re best practice in Youth Justice. Staff are also involved in audit work for the service last year we completed audits against the HMIP ETE Theme Inspection findings and against the Victim Code of Practice. We have also a very competent staff champions for both Restorative Practice and Trauma.

National Priority Areas

15. Children from groups which are over-represented.

Ethnic Disproportionality

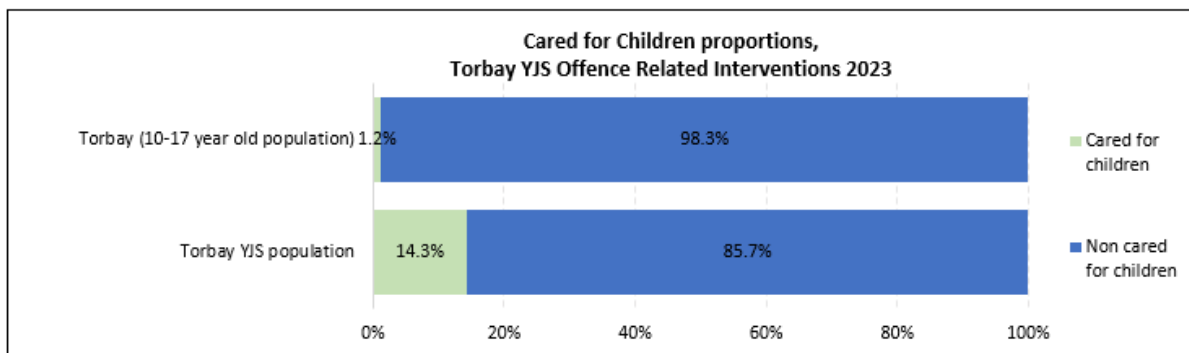
The table below shows the children who received an outcome by ethnic group over the last four years. Due to small numbers, it has been decided to aggregate data for children from the Asian, Black, Mixed and Other ethnic groups into the BAME (Black and Minority Ethnic) group, as per the YJB guidance in their ethnic disproportionality tools.

Groups with fewer than 5 children have been redacted (~).

Ethnic Group	2020/21	2021/22	2022/23	2023/24
Black, Asian or Minority Ethnic (BAME)	~	~	7%	10%
Information Unavailable	~	~	0%	0%
White	98%	96%	93%	90%

There has been an increase in the proportion of BAME children receiving an outcome in 2023/24. The 2021 census data estimates that BAME children make up 6% of the local 10–17-year-old population so this figure would represent a slight over representation.

Cared for Children



Cared for children were overrepresented within the YJS during 2023. 14.3% of the children supported by the YJS for an intervention relating to an offence were cared for, this compares to 1.2% of the local under 18 population.

Deprivation

The Index of Multiple Deprivation (IMD) is the official measure of relative deprivation in England and is part of a suite of outputs that form the Indices of Deprivation (IoD). It follows an established methodological framework in broadly defining deprivation to encompass a wide range of an individual’s living conditions. People may be living in poverty if they lack the financial resources to meet their needs, whereas people can be regarded as deprived if they lack any kind of resources, not just income. (Ministry of Housing, Communities & Local Government 2019). Areas are then ranked depending on their level of deprivation and grouped into deciles.

The table below shows the number of children living in each decile. Decile one being the most deprived and decile ten the least deprived.

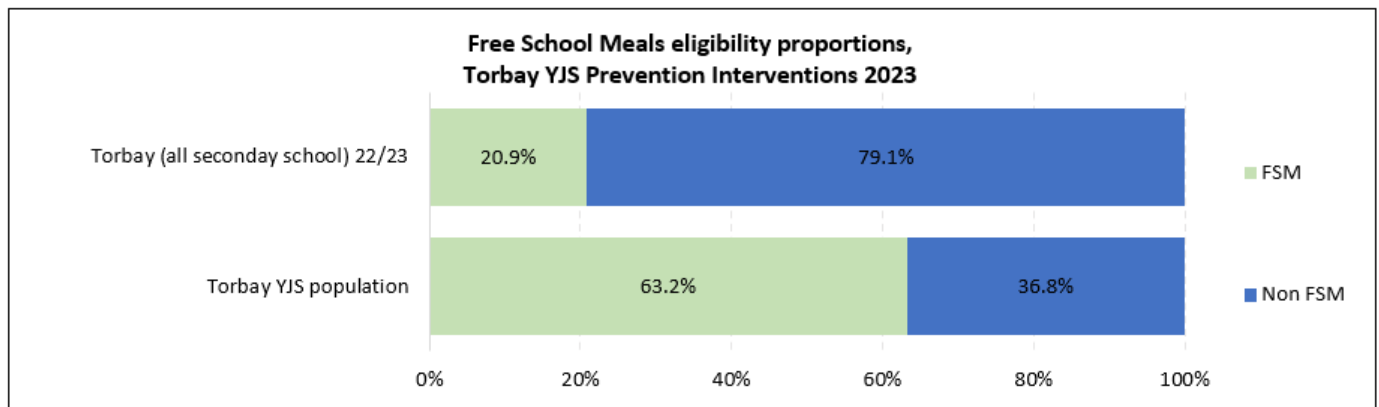
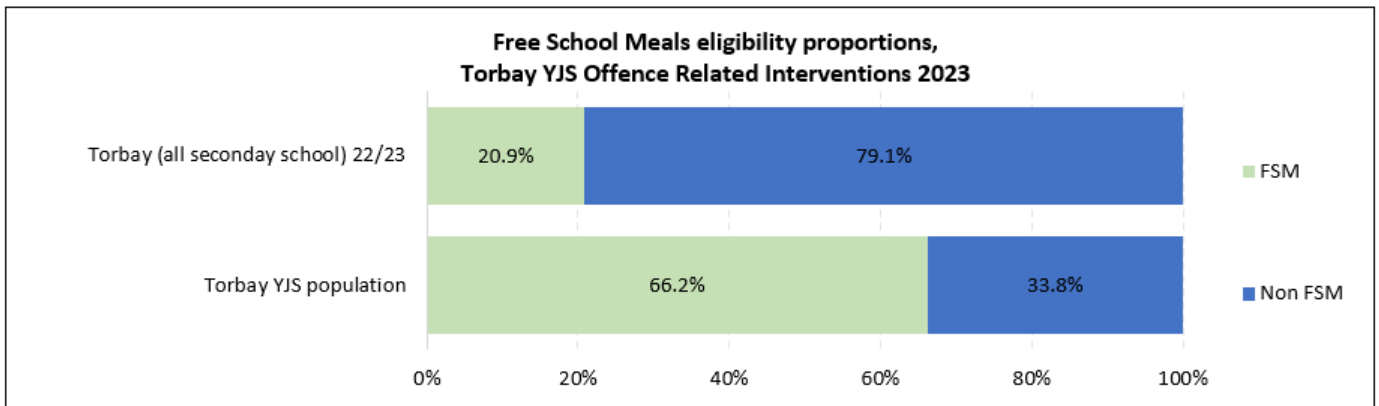
Index of Multiple Deprivation Decile	Offending		Prevention		All YJS	
	No. children	% Children	No. children	% Children	No. children	% Children
1 (The most deprived 10%)	25	34.7%	3	15.8%	28	30.8%
2	12	16.7%	3	15.8%	15	16.5%
3	17	23.6%	5	26.3%	22	24.2%
4	6	8.3%	1	5.3%	7	7.7%
5	4	5.6%	1	5.3%	5	5.5%
6	2	2.8%	4	21.1%	6	6.6%
7	3	4.2%	2	10.5%	5	5.5%
8	2	2.8%			2	2.2%
9	1	1.4%			1	1.1%
10 (The least deprived 10%)					0	0.0%

31% of Torbay children known to the YJS live in areas that fall into the 10% most deprived in England.

71% of Torbay children known to the YJS live in areas that fall into the top 30% most deprived in England.

Free School Meals

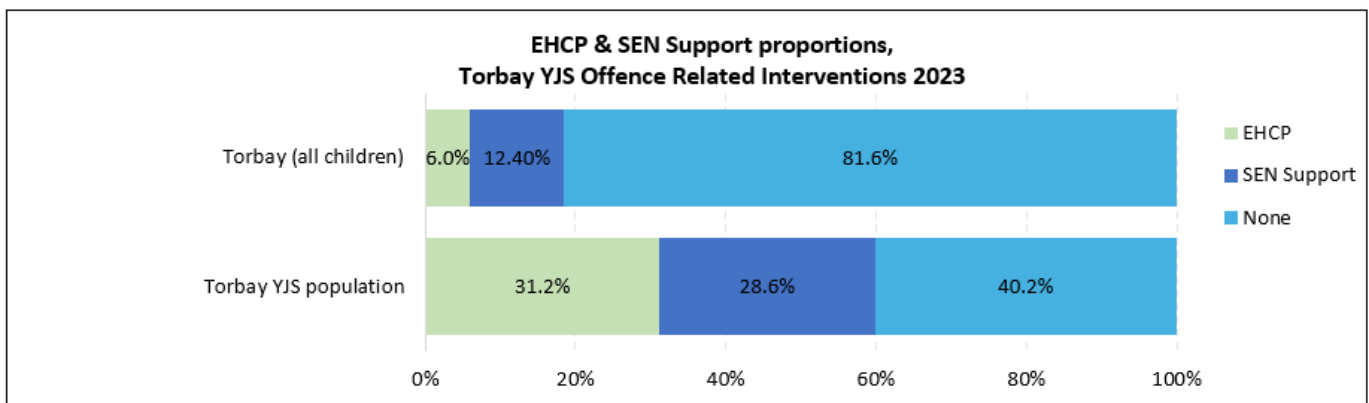
Comparison of proportion of free school meals eligibility between YJS population and local secondary school population.

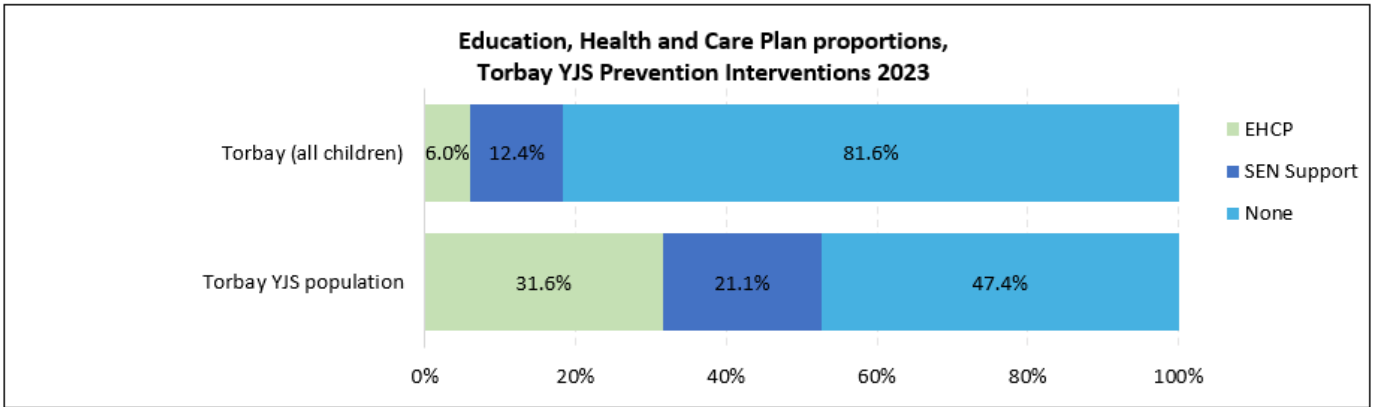


The proportion of children in the YJS who are eligible for free school meals is much higher than in the wider population.

Special educational needs and disability (SEND)

Comparison of proportion of children with Education, Health and Care Plans (EHCP) and Special Educational Needs (SEN) Support between YJS population and local population.





The proportion of children within the YJS who have an EHCP, and also those that have SEN Support is significantly higher than that for all children living in Torbay.

16. Policing

Torbay Youth Justice Service has developed strong links with Devon and Cornwall Police, the Police and Crime Commissioner and the Local Criminal Justice Board (LCJB). Torbay Youth Justice Head of Service is the lead for the LCJB Swift Youth Justice Priority and convenes the multi-agency task group looking to reduce the length of time it takes for investigation, charging and disposals decision for children across the force area.

Torbay has also been an integral part of the work being led by the Police to improve the consistency and clarity of the local and national policies re how children are diverted from formal justice outcomes via the Out of Court Disposal Improvement group. This work is nearing completion and is waiting for final signoff of the new policies and practice before it will be implemented in 2024-5.

At a local level Torbay has a good working relationship with the local area Partnership Inspector and the Community Safety Sargeant and have instigated the new Intervention Clinic to oversee intelligence on all youths over the last week with a view to reduce the number of children most likely to enter the formal justice system.

Devon and Cornwall Police are aware that they have a high number of new and relatively inexperienced staff across the force area. Torbay YJS has provided briefing about the youth justice system for officers and there has also been training for new ‘Gatekeepers’ within the Police and there is a proposal within the revised policy to have specialist Youth Gatekeepers for all youth matter charging decisions.

17. Prevention

The Youth Justice Board (YJB) defines Prevention as support and intervention with children (and their parents / carers) who may be displaying behaviours which may indicate underlying needs or vulnerability. In practice this involves a tiered approach of early and targeted prevention. The aim being to address unmet needs, safeguard, promote positive outcomes and stop children entering the formal youth justice system.

In July 2022 Torbay Youth Justice Service expanded its prevention offer in recognition of the numbers of children known to other services who were entering the formal Youth Justice System after being arrested or charged with offences. The service agreed with the statutory partners a set of criteria for referrals for children who were exhibiting a range behaviours or circumstances that research

indicated correlate to an increased risk of offending. In December 2022 the Ministry of Justice (MoJ) and the Youth Justice Board (YJB) announced additional funding, called Turnaround, for just over 2 years with a very similar set of criteria. We have combined the Turnaround criteria and our local criteria under the Prevention programme to expand the offer. Between August 2022 and November 2023 there were 81 Prevention and Turnaround Referrals to the Youth Justice Service. Referrals have mainly come from social workers for children who have a Child in Need (CIN) Plan, which is reflective of the enhanced model of joint working between Children's and Youth Justice Services. In December 2023 the service completed a multi-agency review of the Prevention / Turnaround programme which identified a number of areas of improvement which have been developed into an action plan which the Strategic Board oversees.

Devon and Cornwall Police in conjunction with the Youth Justice Service have launched an 'Intervention Clinic' in Torbay, which is an adapted version of an approach used in Devon. The clinic meets twice a week to review all the instances of intelligence reports for children to identify which children may need additional intervention to prevent offending. If interventions are required these are primarily delivered by the Police Youth Intervention Officers (YIOs) and a smaller number are referred for YJS Prevention Service. This addresses one of the recommendations from the Prevention Review completed in December 2023 to offer interventions earlier.

Torbay Youth Justice Service continues to offer voluntary support to children, parents and victims after any formal intervention or Court Order has ended.

18. Diversion

The Youth Justice Board (YJB) defines Diversion as children receiving an alternative outcome that does not result in a criminal record but has an element of support and intervention. The intent is to stop further offending and avoid escalation into the formal youth justice system and potentially becoming a 'First Time Entrant' (FTE) which is one of the national measures for diversion and youth justice services.

Diversionary disposals allow Police to refer children who have committed low-level offences who would have previously been charged and potentially sentenced at court (and becoming both an FTE and get a criminal record) to be offered a voluntary intervention and support that potentially does not mean they become an FTE or get a criminal record.

Reducing the number of First Time Entrants has been a key priority and prior to 2023 Torbay had seen a significant drop which was largely been due to the creation and development of the Out of Court Disposal (OoCD) process. However, over the last year there has been a steady rise in the number of FTE's to above national averages. Analysis shows that there have been a number of factors that have contributed to this: - (see FTEs in the data report section) i) Rise in number of violent crimes, ii) rise in number of vehicle crimes (which have to be dealt with at court) iii) and increasing pressure to charge children to court for crimes that could be diverted.

Torbay Youth Justice Service is working with Devon and Cornwall Police and the three other Youth Justice Services in the southwest to improve the consistency and clarity of local guidance on the use of Out of Court Disposals as the national guidance and legislation is unclear leading to different interpretations locally and nationally. There is also a review of the National Police College guidance for Out of Court Disposals, links have been made to the YJB regional representative to our regional review. Positive progress has been made locally and it is hoped that this revised guidance will be agreed by the Devon and Cornwall Police and implemented in 2024.

19. Education, Training and Employment

All children who are supported by the YJS have their educational needs assessed as part of their intervention. This is then reviewed periodically at meetings between the YJS Education Worker and colleagues from Torbay Council's Education Services, including SEN, and the CSW group.

At the start of their interventions 91% of the children are in Education, Training or Employment. 9% were NEET.

A disproportionate number of children are receiving their education outside of mainstream schools, with 33% registered with an alternative provision. The table below shows the breakdown by establishment type:

Establishment Type	No. children	%
School / Mainstream Education	70	53%
Alternative Provision	31	33%
NEET	12	9%
Employed	7	6%

There is also an over representation of children who have an **Education, Health, and Care Plan** (EHCP). 31% of children worked with have an EHCP whilst the comparative figure for Torbay secondary school age children is 6%.

A further indicator of vulnerability is children who are (or have been) eligible for **free school meals**. 66% of YJS children are or were eligible for free school meals and the comparative figure for all secondary school aged children in Torbay is 20.9% (2022/23).

84% of Torbay's FTEs in 2023 had experienced one or more fixed exclusion prior to their offence. The average number of days these children lost to fixed exclusions in the 12 months prior to their offence is 11.

19% of FTEs had been permanently excluded before their offence.

Almost all the FTEs in 2023 were persistently absent from school during the term of their offence. Only one child had attendance above 90%.

20. Restorative approaches and victims

Torbay Youth Justice Service has a stated priority to be 'victim focussed in all we do'. This approach seeks to repair the harm caused by any offence through a range of restorative approaches and actions. The service also supports public safety and ensures that the public is confident that justice has been served.

Torbay YJS has a single full time Victim, Restorative Justice and Reparation Worker who offers support to the victims of crime, and restorative processes to put right the harm they have experienced. Due to the increase of the overall caseload the number of victims has also increased significantly. To respond to the increase, we have been able to access some temporary funding to

make the Victim worker element full time, which has been well received. We are looking to develop a victim support group to help further in managing the caseload.

The service has implemented the data collection requirements for the new Key Performance Indicators (KPI's) for victim work within Youth Justice Services. We were one of the first services ready to report against (all) the new KPIs from 1st April 2023 when they came into place. It is unfortunate that the national comparisons and data returns from the YJB are not yet available after a full year of the requirement to report on all the new KPIs.

The service has developed and has launched a victim satisfaction survey so that victim's views can be used to inform and shape the service. We have redesigned and tested our survey which is now live and will be providing insight for future improvement activity when a robust level of data has been gathered. This survey is now be completed in paper format and online.

21. Serious Violence and Exploitation

The Youth Justice Board's operational definition of Serious Violence is any drug, robbery or violence against the person offence that has a gravity score of five or more. Robbery offences all carry a gravity score of 6 and gravity scores range from 1 (least serious) to 8 (most serious). The YJB Serious Violence Tool shows that for Torbay children there were two Serious Violence offences that received an outcome during the calendar year 2023. This equates to a rate of 1.7 per 10,000 of the general 10–17 year old population and is below both the YJS family group rate (4.9) and the national (5.5). Serious Violence is now included in the YJB's key performance indicators that were introduced in April 2023 and there has been one offence since this introduction (see page 22).

The responsibility for the development and delivery of the local response to the Serious Violence Duty in Torbay is held by the Community Safety Partnership (CSP). As a member of the CSP and as a specified authority under the Duty, Torbay Youth Justice Service will work with other the other specified authorities and key partners to develop Torbay's response under the Duty.

A key aspect of the Service's role has been to contribute to the development of the local strategic needs assessment through provision and analysis of data. The strategic needs assessment is key to developing understanding of the local profile in relation to serious violence and the delivery of a local strategy and response.

In 2023-24 the Service has piloted a role of a Serious Youth Violence and Healthy Relationships worker to work directly with children who have witnessed or been subjected to Domestic Violence, or who have committed violent offences and provide interventions to support the children to form positive healthy relationships. This post is being funded by the CSP using funding provided by the Office of the Police and Crime Commissioner's (OPCC) Serious Violence Prevention Programme.

The Head of Service for Torbay Youth Justice is a core member of the Torbay Channel Panel and offers support through discussion at Panel as well as intervention and support to children where appropriate. The Torbay Channel Panel links directly to the Torbay and Devon Prevent Partnership Board where themes, risks and approaches are shared to improve the wider operational and strategic approach to Prevent across the two local authorities.

The Service has good working relationships with the local Exploitation Team based within Children's Services as well as the multi-agency partnership meetings of Child Exploitation and Missing Operational Group (CEMOG) which the Service's Team Manager and Police Officer attend and the strategic Child Young Person Exploitation Group (CYPEG) which the Head of Service attends. A red Exploitation Toolkit is one of the criteria for referral to the Prevention Service.

22. Detention in police custody

The service currently does not have access to data on children held in police custody for the Torbay area. Historically we have not had this information or Stop and Search data, we are currently working with Police colleagues to obtain this, but this has been delayed due to the implementation of the new Police system NICHE within Devon and Cornwall. We have established links with the senior data analyst within the Police and as soon as the issues with the new system are resolved we should be able to have access to this information.

23. Remands

In 2023-24 the service has had no cases remanded into custody or into Local Authority Accommodation. This is very positive for children as they have not been subjected to disruption of their lives unless they are very likely to receive a custodial sentence. Torbay Youth Justice Service has good relationship with the local Youth Magistrates and the Chair, and the Vice Chair of the Youth Panel sit on the Strategic and Operational Boards. Magistrates have been briefed on the changes to Remand thresholds as part of the briefings for the Boards, and in June 2024 the Youth Justice Head of Service will be briefing the Magistrates Youth Panel on youth justice matters at a training event.

The Service has made significant steps to improve the relationship and understanding of our differing roles with Children's Services social care and Education over the last year and this had led to closer working to ensure better coordination of services for all children we are working with and specifically those at risk of remand. However there remains a national and local challenge in finding suitable and available placements for children at all levels of the care system and particularly when a child is subject to criminal proceedings. The Strategic and Operational Boards are well sighted on this matter as is national government who have recently published a consultation '[Children's social care: stable homes, built on love](#)' which the service is working with Children's Services to provide a joint response. The service will also be part of the review of the local authority 'Sufficiency Strategy' (placement sufficiency) in May / June 2024.

24. Use of Custody and Constructive Resettlement

Torbay historically has low levels of custodial sentences for children. Only one child has been made subject of a custodial sentence in Torbay in 2023-4. They were sentenced to a 4 month (Detention and Training Order (DTO)), and placed in a secure children home, under the Statutory Minimum Sentencing provisions for a second possession of a knife offence over the age of 16 years. The child was released in April 2024 and returned to the family home; unfortunately, they were recalled to custody for new offences. This the first Torbay child who has received a custodial sentence in nearly 3 years.

25. Working with Families

Case workers are experienced and practiced in working with the parents and families of children open to the service and will provide levels of support and communication with care givers so that the child has the most chance of successfully completing their order or programme. If more support is required, the service has a full time Parenting Worker who completes assessments with all parents or carers of children on the statutory caseload. Support is offered through both individual work directly with parents in their homes and through group work parenting programmes. Currently there is not capacity to offer this to parents of children open on Prevention / Turnaround programmes.

All aspects of the Service have close links with Early Help as well as services for children open on CIN / CP or CLA and will work to ensure plans and interventions are coordinated to avoid duplication as

well as not overwhelming parents and children with multiple professionals entering their lives and stressful and difficult times.

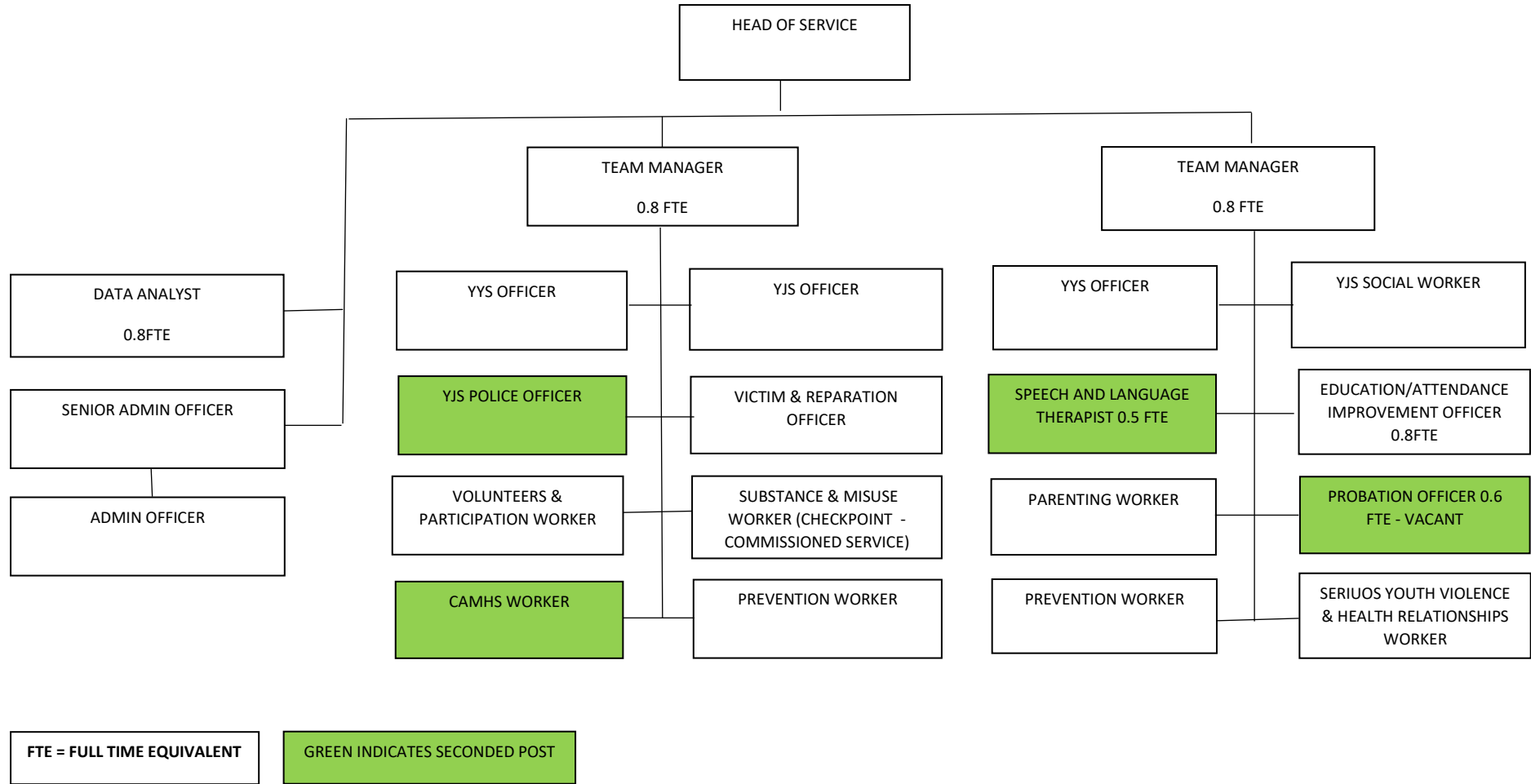
26. Service Development Plan 2024-25

	Area for Improvement / Outcome desired	Action	Timescale
1.	Child First approach to all we do	a) Hear and respond to the voice of the child and carers not only in the delivery of their intervention but in the development of the service. b) Review our systems and methodology for ensuring feedback is used to improve services.	Ongoing
2.	Secure access to suitable child friendly, safe, accessible premises for delivery of face-to-face work	Locate, agree terms and adaptations for suitable delivery locations for face to face work in the Bay.	July 24
3.	Outstanding Deep Dive April 2022 Recommendation Continue work to secure a range of local facilities that are fit for purpose to enable services to be delivered effectively to children.	As above	
4.	Deliver an Enhanced Case Management (ECM) approach in Torbay Youth Justice Service	Scope and agree the options for accessing psychology input to meet ECM best practice guidelines.	
5.	Reduce the number of children who become First Time Entrants (FTEs) in Torbay.	a) Ensure the Prevention service is stopping children offending by monitor in the performance report. b) Work with Police and Partners to increase Diversion outcomes at the OOC/D/R panel. c) Increases the Police awareness of the work of the YJS	Every 2 months
6.	Review the success of the Targeted Prevention Service for children coming to the attention of the youth justice systems.	a) Ensure Turnaround funding & performance criteria requirements are met. b) Look for alternative funding to continue Prevention service or decommission. c) Prevention Review Action Plan to be completed.	March 25 March 25
7.	Ensuring children in contact with the Youth Justice Service are in appropriate education, training, or employment.	a) Work with partners to reduce the number of children suspended & excluded from school and improve their attendance. Review in Performance report	Every 2 months
8.	Swifter Justice - reduce delays across whole youth justice system	a) Create a system to track all youth cases from arrest to disposal. (Niche -CliQ?) b) Devise an approach to influence all organisations awareness and reduce delays	Sept 24
9.	Improve the visibility and understanding of Youth Justice Service work – telling the good stories of children & the work of the YJS	Liaise with Torbay Council communications dept to develop better communications to inform the public & community about TYJS (website, leaflets, news articles?)	July 2024
10.	Review the Quality of Youth Justice provision in Torbay.	Complete the YJB National Standards Action Plan devised following the 2023 audit.	July 24
11.	Improve systems and processes to reduce Child Criminal Exploitation.	Implement Multi Agency Case Audit (MACA) re Criminal Exploitation Action Plan	July 24
12.	After Action Review (AAR) re Swift Youth Justice C103	Implement the recommendations for the YJS of the AAR	Waiting for TSCP Exec
13.	CEO Deep Dive 2023	Implement the Action plan devised from the recommendations.	Sept 24

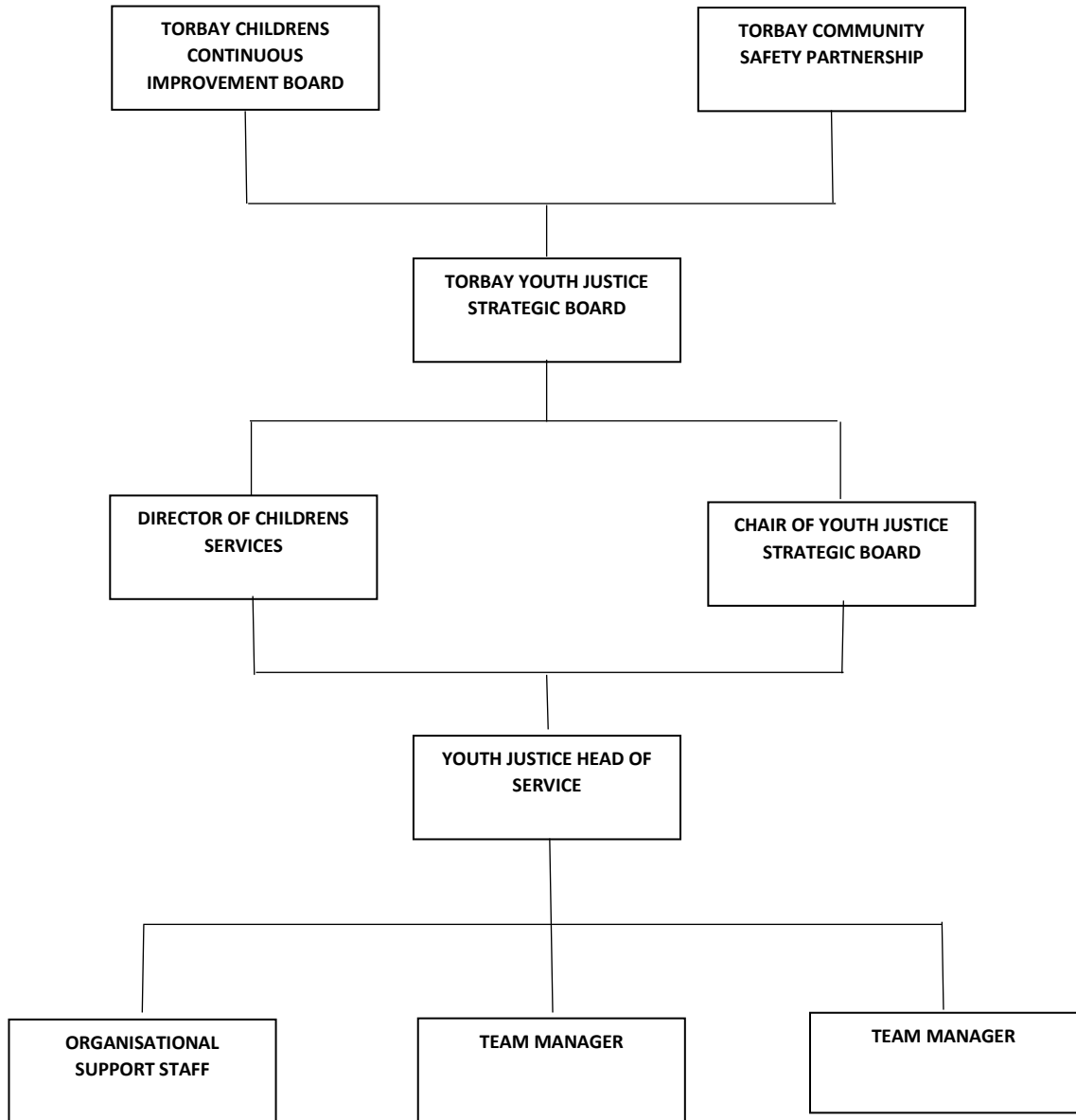
27. Sign Off, Submission and Approval

Chair of Torbay Youth Justice Service Board	Siobhan Grady Senior Commissioning Manager Devon ICB
Signature	
Date	

Appendix 1 Torbay Youth Justice Service Staff Structure



Appendix 1a – Service Reporting Structure Chart



Appendix 2 DRAFT Budget Costs and Contributions 2024-25

Expenditure	
Staffing	£841,000
Training	£2,000
Rent	£10,000
Service Provision	£24,128
Travel	£5,500
Other expenses	£5,100
Support to families	£1,000
TOTAL	£888,728

Income	
Torbay Local Authority	£343,600
YJB Grant	£252,579
Remand Grant	£12,621
PCC	£65,091
Community Safety – YP Violence & HR worker, Data Analyst contribution and Preventative Work	£75,500
NHS	£38,204
Probation Service	£14,955
Turnaround Programme Grant	£57,949
Carry Forward underspend 23-24	£28,229
TOTAL	£888,728

In Kind contributions

The service is in receipt of non-cash resources in the form of seconded staff from the statutory partner organisations which support the multi-agency approach of the service.

Organisation	Contribution	In Kind cost
Probation Service	Probation Officer 0.5 FTE	22,793
Devon and Cornwall Police	Police Officer	41,130

NHS Devon	CAMHS* and SALT workers	64,073
TOTAL	FTE 3	127,996

Appendix 3 YJS Training Programme 2023-24

This training is service specific and additional to the required training all staff complete as part of the corporate training requirements eg safeguarding, data protection health and safety etc.

Date	Topic	For whom	By whom
Jan 2023	Trauma informed assessment	YJS Team	Sue Clarke – Trauma Lead
Feb 2023	HSB through a trauma informed lens – Aim3	YJS Team	Marcella – Aim 3
March 2023	Developmental Mapping/attachment informed ways of working	YJS Team	Sue Clarke- Trama Lead
April 2023	Shame Sensitive Practice	YJS Team	Dr Doezai – Exeter University
May 2023	Trauma informed Pathways and Planning	YJS	Sue Clarke – Trauma Lead
June 2023	Trauma informed interventions/PACE	YJS	Sue Clarke – Trama Lead
July 2023	SALT /Trauma informed language	YJS	TBC – Val Brooks Clare Tamplin
June 2023 30 weeks	Youth Justice Effective Practice Award	2 staff	UNITAS
June 2023	The Day Programme	2 staff	Day
June & November 2023	TRM - 3 day	4 staff	Jonny Matthews TRM academy
Nov 2023	Autistic Children & People Displaying Problematic or Harmful Sexual Behaviour	Team Managers	NOTA
March 2024	Youth Justice Degree	Prevention Worker	UNITAS

Common youth justice terms

ACE	Adverse childhood experience. Events in the child's life that can have negative, long-lasting impact on the child's health, and life choices
AIM 2 and 3	Assessment, intervention and moving on, an assessment tool and framework for children who have instigated harmful sexual behaviour
ASB	Anti-social behaviour
AssetPlus	Assessment tool used for children who have been involved in offending behaviour
CAMHS	Child and Adolescent Mental Health Services
CCE	Child Criminal Exploitation, where a child is forced, through threats of violence, or manipulated to take part in criminal activity
Children	We define a child as anyone who has not yet reached their 18th birthday. This is in line with the United Nations Convention on the Rights of the Child and civil legislation in England and Wales. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change their status or entitlements to services or protection.
Child First	A system wide approach to working with children in the youth justice system. There are four tenants to this approach, it should be: developmentally informed, strength based, promote participation, and encourage diversion
Child Looked-After	Child Looked After, where a child is placed in the care of the local council.
CME	Child Missing Education (ie child not on any school roll)
Constructive resettlement	The principle of encouraging and supporting a child's positive identity development from pro-offending to pro-social
Contextual safeguarding	An approach to safeguarding children (mainly teenagers) which considers the wider community and peer influences on a child's safety
Community Resolution	Community Resolution or CR, is an informal disposal, administered by the police, for low level offending where there has been an admission of guilt
ECM	Enhanced Case Management – a psychology-based approach for youth justice services to work with children.
EHCP	Education and Health Care Plan, a plan outlining the education, health, and social care needs of a child with additional needs
ETE	Education, Training, or Employment
EHE	Electively Home Educated, children who are formally recorded as being educated at home and do not attend school
EOTAS	Education Other than at School, children who receive their education away from a mainstream school setting

FTE	First Time Entrant. A child who receives a statutory criminal justice outcome for the first time (youth caution, youth conditional caution, or court disposal)
HMIP	Her Majesty Inspectorate of Probation. An independent arms-length body who inspect youth justice services and probation services
HSB	Harmful Sexual Behaviour, developmentally inappropriate sexual behaviour by children, which is harmful to another child or adult, or themselves
JAC	Junior Attendance Centre
MAPPA	Multi Agency Public Protection Arrangements
MFH	Missing from Home
NRM	National Referral Mechanism. The national framework for identifying and referring potential victims of modern slavery in order to gain help to support and protect them
OOCD	Out-of-Court Disposal. A recorded disposal for a crime when an outcome is delivered but the matter is not sent to court
OOCR	Out-of-Court-Resolution. The new terminology for OOCD (see above).
Outcome 22/21	An informal disposal, when the child agrees to undertake an intervention to build strengths to minimise the possibility of further offending.
Over-represented children	Appearing in higher numbers than the local or national average within the population
RHI	Return Home Interviews. These are interviews completed after a child has been reported to the police as missing.
RJ	Restorative Justice – a variety of approaches seeking to repair the harm for victims and who caused the harm.
SLCN	Speech, Language and Communication Needs
STC	Secure Training Centre (Custodial establishment for 14–16-year-old children)
SCH	Secure Children’s Home (Custodial establishment for under 16-year-old children)
TIP	Trauma Informed Practice – children who have suffered Trauma in their past are more likely to have impaired emotional and cognitive skills
TRM	Trauma Recovery Model – A psychological approach to help workers build working relationships and affect change for those who have suffered trauma.
Young adult	We define a young adult as someone who is 18 or over. For example, when a young adult is transferring to the adult probation service.
YJS	Youth Justice Service. This is now the preferred title for services working with children in the youth justice system. This reflects the move to a child first approach
YOI	Young Offender Institution (Custodial establishment for 16-18 year old children)

Meeting: [Cabinet](#) **Date:** 11 July 2024

Wards affected: [All](#)

Report Title: [Gambling Act 2005 – Draft Licensing 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, [Cabinet Member for Adult and Community Services, Public Health and Inequalities](#)

Director Contact Details: Joanna Willams, Director of Adults and Community 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 changes in the near future to the Gambling Act, 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 also been removed, following the reallocation of the unused small casino licence by the Department for Culture, Media and Sport in September 2023.

2. Reason for Proposal and its benefits

- 2.1 The Gambling Act Statement of Principles is a framework policy and as such Cabinet Member approval is required prior to the commencement of public consultation.
- 2.2 The proposal is made in order to meet the statutory requirement, as prescribed under Section 349 Gambling Act 2005, which requires that 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 has prepared a draft 'Statement of Principles 2025-28' which will be formally published on the 12 July 2024 inviting public consultation and comment for a period of six weeks. This is attached as **Appendix 1** to this report.
- 2.3 The Statement ensures clarity as to how the Council will fulfil its role as the Licensing Authority and provides guidance to businesses and the public. Gambling premises are part of the UK culture, particularly in seaside locations, providing they are undertaken 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 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 approves the draft Gambling Statement of Principles 2025 to 2028 (as set out at Appendix 1 to this report), for public consultation.

Appendices

Appendix 1: Draft Gambling Statement of Principles 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 \(gamblingcommission.gov.uk\)](#)

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). 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 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, 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.

The information regarding Small Casinos has also been removed, following the reallocation of the unused small casino licence by the Department for Culture, Media and Sport in September 2023. As the permission to issue a small casino premises had not been used since it was granted in 2008, the Secretary of State reallocated the licence to another area.

The updates can be seen in the tracked changes within the report. The report will be published with and without tracked changes as the Gambling Commission recommend the tracked changes are included so that any alterations are clear for the public consultation.

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

5. Engagement and Consultation

- 5.1 It is intended that the public consultation on the policy will be open for six weeks. It is planned that the consultation process will provide all stakeholders, interested parties and the public in general the opportunity to have their say on the content of the draft. Persons to be consulted will include:

- 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 final version of the draft Statement of Principles will then go before Full Council for approval on the 5 December 2024.

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 There are no risks with agreeing the consultation process which is necessary to comply with the legislative requirements.

9. Equality Impact Assessment

The Statement of 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
Age Age 178	<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.	<p>There is no requirement for the applicant to pass on any details of medical capacity.</p> <p>There are no equality restrictions of who can enter licensed premises. The council hold no information of any applicants from this group.</p> <p>The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of disability.</p>	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.	<p>There are no gender restrictions of who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group.</p> <p>The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of gender reassignment.</p>	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	There are no equality restrictions of who can be a collector providing that the	Routine assessment of applications and	Licensing Officers and

	<p>of 2021 Census, 44.2% of people were married or in a registered civil partnership.</p>	<p>promoter has a valid permit/licence in 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.</p>	<p>monitoring to ensure compliance with regulations.</p>	<p>other authorised officers.</p>
<p>Pregnancy and maternity</p>	<p>Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.</p>	<p>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>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>
<p>Race</p>	<p>In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst</p>	<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. The council hold no information of any applicants from this group. The policy will grant a premise licence to any</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>

	the 20% most deprived areas in England.	applicant that conforms to the 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 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

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Gambling Act 2005 Statement of Licensing Principles

Effective from 31 January 2025 – 30 January 2028

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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.

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 Interested Parties

- 5.1 '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.
- 5.2 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'.
- 5.3 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).
- 5.4 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.
- 5.5 '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.

~~5.6 In respect of any application for the grant of a small casino premises licence the Act provides that at Stage 1 of the consideration procedure, each competing applicant is an 'Interested Party' in relation to each of the other competing applications.~~

5.6 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.

5.7 The Licensing Authority will not apply a rigid rule to its decision making.

5.8 The Licensing Authority will have regard to any guidance issued by the Gambling Commission with regard to the status and interpretation of 'Interested Parties'.

5.9 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.

5.10 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.

6 Exchange of Information

6.1 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.

~~6.2 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.~~

~~6.3 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.~~

7 Enforcement

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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 \(www.gov.uk\)](http://www.gov.uk)
 - Departmental and Partner Agency intelligence.
- 7.5 The Council will undertake routine inspections using the premises assessment templates available at Premises assessments toolkit and Primary Authority agreements (gamblingcommission.gov.uk)
- 7.6 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.

7.7 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.

7.8 The Commission also has a duty to advise the Secretary of State on gambling and its regulation.

8 Licensing Authority Functions

8.1 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.

9 Gambling Prevalence and Social Responsibility

9.1 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 'Tacking Gambling Related Harm: A Whole Council Approach').

9.2 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 (Tacking Gambling Related Harm: A Whole Council Approach).

9.3 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.

9.4 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.

9.5 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.

10 Test Purchasing

10.1 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

11 General Principles

11.1 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.

11.2 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.

12 Guiding Principles

12.1 The Licensing Authority will treat each Licensing Objective with equal importance.

12.2 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.

12.3 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.

12.4 The Licensing Authority will have regard to its responsibilities under the Equalities Act 2010.

12.5 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.

12.6 The Chair of Torbay Council's Licensing Committee will be elected at the annual meeting of the Council.

12.7 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.

12.8 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.

- 12.9 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.
- 12.10 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.
- 12.11 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'.
- 12.12 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.
- 12.13 The Licensing Committee will receive reports, compiled six-monthly, on decisions made by Officers under the provisions of the scheme of delegation.
- 12.14 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.
- 12.15 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](#).

13 Decision Making Process

- 13.1 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).
- 13.2 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.

14 Definition of Premises

- 14.1 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.
- 14.2 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.
- 14.3 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.
- 14.4 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.
- 14.5 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.

15 Provisional Statements – Premises not yet ready for Gambling

- 15.1 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'.
- 15.2 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'.
- 15.3 '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.
- 15.4 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.

16 Applications

16.1 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.

16.2 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)

17 Premises Location

17.1 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.

17.2 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

17.3 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.

18 Plans

18.1 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.

18.2 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.

18.3 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.

19 Duplication with other Regulatory Regimes

19.1 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.

19.2 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).

19.3 The above matters will be addressed by other regulatory regimes.

20 Licensing Objectives

20.1 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.

20.2 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.

- 20.3 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.

- 20.4 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.
- 20.5 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.
- 20.6 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.

- 20.7 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.
- 20.8 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.
- 20.9 The Licensing Authority also recognises that, despite the above, anyone can be at risk of abuse or exploitation.
- 20.10 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.
- 20.11 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.
- 20.12 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.
- 20.13 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.

20.14 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.

21 Local Area Risk Assessments

- 21.1 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.
- 21.2 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.
- 21.3 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.
- 21.4 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.
- 21.5 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.
- 21.6 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.

21.7 Matters relating to vulnerable adults, including:

- Information held by the licence holder regarding self-exclusions
- Gambling trends that may mirror days for financial payments such as pay days or benefit payments
- 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.

21.8 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.

21.9 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.

21.10 The Authority will expect applicants to have regard to the Local Area Profile (LAP) which will assist in identification of local gambling risks.

22 Local Area Profile

22.1 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.

22.2 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.

22.3 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.

23 Licence Conditions

23.1 Any additional conditions attached to licences will only be imposed where there is evidence of a risk to the Licensing Objectives and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility.
- Directly related to the premises (including the locality and any identified local risks) and the type of licence applied for.
- Fair and proportionate, related to the scale and type of premises.
- Reasonable in all other respects.

23.2 Decisions upon individual conditions will be made on a case-by-case basis, although 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.

- 23.3 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.
- 23.4 The Licensing Authority will have regard to any guidance issued by the Gambling Commission in determining any such additional measures.
- 23.5 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.
- 23.6 The Licensing Authority will ensure that, where category A to C 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.
- 23.7 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.
- 23.8 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.

24 Buildings divided into more than one premises

- 24.1 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.

24.2 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.

24.3 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.

25 Access to Premises

25.1 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.

25.2 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.”*

25.3 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.

25.4 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.

25.5 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

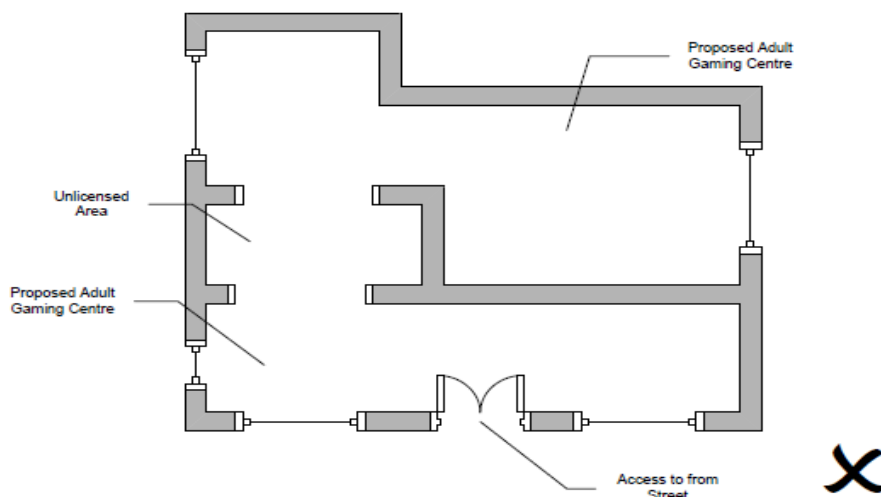
this context it should be possible to access the premises without going through another licensed premises or premises with a permit.

- 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.

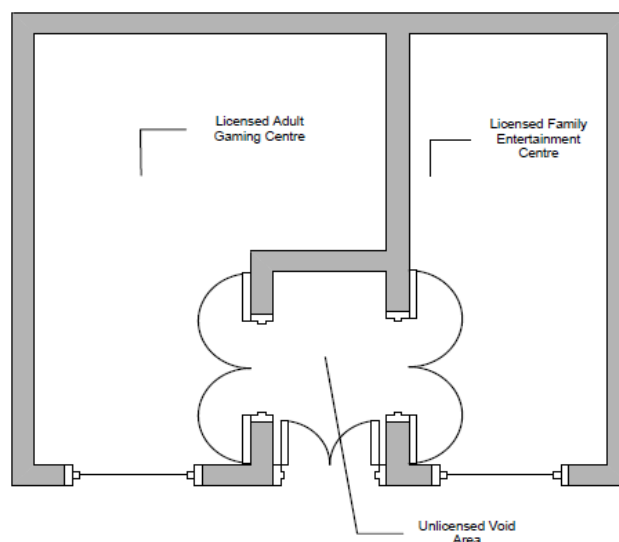
25.6 Applications to place two licensed premises in one premises with an unlicensed area separating them, (see figure 1) will not meet this Policy because of the artificial nature of the premises, access, and likely use issues which will arise.

Figure 1



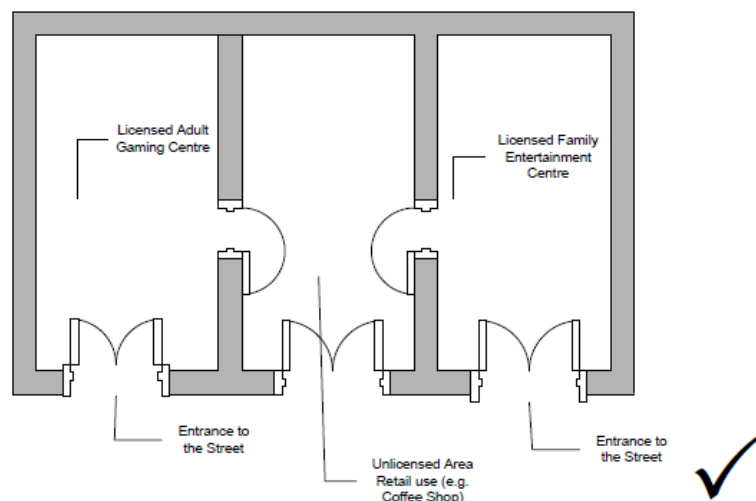
25.7 It is possible to have an unlicensed foyer area which separates one licensed premises from another if the foyer is accessed from the street, see Figure 2. The Licensing Authority would expect as a minimum that the area should be used for non-gaming purposes such as an information point, a coffee 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



25.8 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



25.9 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.

26 Material amendments to the premises

- 26.1 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 careful scrutinised to ensure the Licensing Objectives are not undermined.
- 26.2 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.

27 Adult Gaming Centres (AGC)

27.1 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>.

- 27.2 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.
- 27.3 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.

28 (Licensed) Family Entertainment Centres (FEC)

- 28.1 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>
- 28.2 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.
- 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.
- 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.

28.4 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.

29 ~~Small Casino Premises Licence Overview~~

~~29.1 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.~~

29.1 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.~~

~~29.2 At the time a counter resolution is passed, the principles set out in Appendix 2 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.~~

29.3 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.

30 Bingo Premises Licence

30.1 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>.

- 30.2 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.
- 30.3 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.
- 30.4 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.”*
- 30.5 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).

31 Betting Premises Licence

31.1 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>

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:

- 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.

31.3 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.

31.4 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.

31.5 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.

32 Track Premises Licence

General

- 32.1 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.
- 32.2 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.
- 32.3 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.
- 32.4 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.
- 32.5 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.
- 32.6 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.
- 32.7 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.
- 32.8 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

32.9 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

32.10 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.

32.11 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.

32.12 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

32.13 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

32.14 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

32.16 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.

33 Vessels and Vehicles

33.1 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.

33.2 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.

33.3 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.

33.4 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.

34 Travelling Fairs

34.1 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.

34.2 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.

34.3 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.

34.4 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.

35 Reviews

35.1 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.

35.2 The list of Responsible Authorities can be viewed at www.torbay.gov.uk/business/licensing/gambling/gambling-premises-licence/list-of-responsible-authorities/

35.3 Interested Parties are defined at Section 5 of this 'Statement of Principles'.

35.4 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'.

35.5 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.

35.6 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.

35.7 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'.

35.8 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.

35.9 The Council must carry out the review as soon as is reasonably practicable after the 28 day period for —making representations has passed.

35.10 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.

35.11 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

36 Unlicensed Family Entertainment Centre (UFEC)

36.1 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.

36.2 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.

36.3 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.

36.4 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'.

36.5 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.

36.6 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.

36.7 Such measures may include:

- Enhanced criminal record checks for staff.
- 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.

36.8 The Licensing Authority can grant or refuse an application for an unlicensed family entertainment centre permit; however, it cannot attach conditions to a permit.

36.9 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.

36.10 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.

36.11 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.

36.12 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.

36.13 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.

36.14 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.

36.15 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.

37 Alcohol Licensed Premises – Gaming Machine Permits

Automatic Entitlement: Two Machines

37.1 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.

- 37.2 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.
- 37.3 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>.
- 37.4 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.
- 37.5 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.
- 37.6 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.
- 37.7 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.
- 37.8 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.
- 37.9 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

37.10 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'.

37.11 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.

37.12 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)

37.13 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.

37.14 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.

37.15 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.

37.16 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 no longer automatically qualify for two machines.

37.17 Any gaming machines must be obtained from a licensed supplier.

38 Prize Gaming Permits – Statement of Principles on Permits

38.1 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'.

- 38.2 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.
- 38.3 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.

39 Club Gaming Permits and Club Machine Permits

- 39.1 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.
- 39.2 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.
- 39.3 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.
- 39.4 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.
- 39.5 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.

39.6 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.

39.7 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.

39.8 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.

39.9 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.

39.10 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.

39.11 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 Commission website - Permits - Guidance to licensing authorities - Permits \(gamblingcommission.gov.uk\)](#)

40 Temporary Use Notices

40.1 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.

40.2 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.

40.3 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'.

40.4 '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.

40.5 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).

41 Small Society Lotteries

41.1 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)

41.2 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.

41.3 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.

41.4 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

41.5 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.

41.6 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.

41.7 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.

41.8 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.

41.9 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.

41.10 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.

41.11 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.

42 Occasional Use Notices

42.1 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.

33 Appendix 2 – Small Casino Licence

~~33.1 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.~~

~~33.2 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.~~

~~33.3 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.~~

~~33.4 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.~~

~~33.5 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.~~

~~33.6 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).”~~

~~33.7 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.~~

~~33.8 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.~~

~~33.9 In accordance with the above Regulations, Torbay Council's Licensing Authority will publish an invitation calling for applications for the 'small casino premises licence'.~~

~~33.10 — 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'.~~

~~33.11 — 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.~~

~~33.12 — 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.~~

~~33.13 — 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'.~~

~~33.14 — 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

~~33.15 — 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.~~

~~33.16 — 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.~~

~~33.17 — 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.~~

~~33.18 — 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.~~

~~33.19 — The Licensing Authority cannot consider unmet demand when considering applications for a small casino premises licence.~~

~~33.20 — 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.~~

~~33.21 — Where more than one ‘Provisional Decision to Grant’ is issued, the Licensing Authority will implement Stage 2 of the ‘small casino premises licence process’.~~

~~33.22 — 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~~

~~33.23 — 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.~~

~~33.24 — 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.~~

~~33.25 — 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.~~

~~33.26 — 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.~~

~~33.27 — 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’.~~

~~33.28 — 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.~~

~~33.29 — 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.~~

~~33.30 — 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.~~

~~33.31 — It is unlikely that the Authority will wish to extend the duration of the provisional statement.~~

~~33.32 — 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.~~

~~33.33 — 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~~

~~33.34 — 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.~~

~~33.35 — 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.~~

~~33.36 — 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.~~

~~33.37 — 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’.~~

~~33.38 — 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.~~

~~33.39 — 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.~~

~~33.40 — 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.~~

~~33.41 — 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.~~

~~33.42 — 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.~~

~~33.43 — 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).~~

~~33.44 — 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.~~

~~33.45 — 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.~~

~~33.46 — 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.~~

~~33.47 — 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’.~~

~~33.48 — 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.~~

~~33.49 — 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.~~

~~33.50 — 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.~~

~~33.51 — 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’~~

~~33.52 — 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).~~

~~33.53 — 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.~~

~~33.54 — 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.~~

~~33.55 — The unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable~~

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Meeting: Cabinet **Date:** 11 July 2024

Wards affected: [All wards](#)

Report Title: [Draft Homelessness and Rough Sleeping Strategy \(public consultation\)](#)

When does the decision need to be implemented? [11 July 2024](#)

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

Director Contact Details: [Joanna Williams, Director of Adults and Communities, Jo.williams@torbay.gov.uk](#)

1. Purpose of Report

1.1 To launch the draft Homelessness and Rough Sleeping Strategy for public consultation. A 6-week public consultation will be launched, whereby views will be sought and considered prior to the final strategy being presented to Cabinet for recommendation to Council in December 2024.

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 The associated action plan, which will be developed following the public consultation on the Strategy, will give stakeholders and members a clear annual delivery plan on which performance can be monitored on a quarterly basis.
- 2.5 The proposals in this report help us to 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 function.

3. Recommendation(s) / Proposed Decision

1. That the public consultation of the draft Torbay Homelessness and Rough Sleeping Strategy 2024-2029, as set out in Appendix 1 be launched.

Appendices

Appendix 1: Draft Homelessness and Rough Sleeping Strategy

Background Documents

[Homelessness and Rough Sleeping Strategy Evidence Base 2024](#)

Supporting Information

1. Introduction

- 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 There was no other option considered, the Homeless and Rough Sleeping Strategy is a policy framework document and therefore public consultation is a required.

3. Financial Opportunities and Implications

- 3.1 There are no significant financial implications. Any financial commitments would be subject to further approval.

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 though 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 Following the sessions a proposed list of priorities and values were consulted upon to obtain further feedback.
- 5.4 Elected members were invited to all workshops and a dedicated session undertaken addressing all forms of homeless, to seek input into the development of the strategy.
- 5.5 With the production of the draft strategy wider public consultation will be undertaken between the 11 July to 30 August 2024.
- 5.6 The draft strategy will also be presented to the Adult Social Care and Health Overview and Scrutiny Board on the 10 or 11 July.

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

- 8.1 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 The proposed timeframe for consultation between 11 July to 30 August 2024, enables the final document to be presented to Full Council in December 2024. This will enable the review to be concluded within the 5 year timeframe.

9. Equality Impact Assessment (DRAFT)

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p> <p>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	<p>In the 2021 Census, 23.8% of Torbay residents answered</p>	<p>The Homelessness and Rough Sleeping Strategy recognises that people with</p>	<p>Equality implications will be continuously</p>	<p>To be confirmed in</p>

	that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	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.	reviewed through the delivery of the strategy. Accessibility temporary accommodation for those with mobility issues will be included with the strategy.	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 with a child. A small proportion will be pregnant.	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.

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	Veterans are recognised specifically within the Housing Act.	Services will work in a person centred and trauma informed manner	To be confirmed in the

	UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.		to ensure that individual needs are met and meet the requirements within the concordat.	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.
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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.

DRAFT Homelessness & Rough Sleeping Strategy

2024-2030

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Section 1: Key Facts

Infographic to be produced with 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 approximately 30 rough sleepers in Torbay at any one time.

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 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 reduces 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 partnership** commitment to joint working on homelessness prevention.

- **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 (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 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** 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, understands and addresses complex needs, and which applies a psychologically and trauma informed environment so that we can support people 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 emergency** by ensuring there is sufficient accommodation for this age group.

- **Never place a family in B&B except in an emergency.** 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 structural and 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 collocated 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** opportunities to help with integration into the community.

- **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.**
- **Raise the profile of homelessness** ensuring that it is visible within the Council and embedded in other strategies.
- **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

DRAFT

Meeting: [Cabinet](#) **Date:** [11 July 2024](#)

Wards affected: [Preston](#)

Report Title: [Disposal of development site at Preston Down Road, Paignton](#)

When does the decision need to be implemented? [19 July 2024](#)

Cabinet Member Contact Details: [Alan Tyerman, Cabinet Member for Housing & Finance](#)

Director Contact Details: [Alan Denby, Director of Pride in Place](#)

1. Purpose of Report

- 1.1. To bring the future disposal of the site known as Preston Down Road, Paignton into line with the Council's established Asset Management Strategy, in respect of maximising any benefit to secure wider investment in Torbay, for the people of Torbay, to meet local established priorities.
- 1.2. To rescind the current Decision of Cabinet, dated 21 March 2023, in respect of the sale of the Preston Down Road site with an obligation to dispose only where 50% affordable housing is delivered.
- 1.3. The Council has an ambitious community and corporate plan, including a significant capital programme that requires further investment, including from capital receipts from asset sales such as Preston Down Road, to bring about the full range of benefits for the communities of Torbay.

2. Reason for Proposal and its benefits

- 2.1. The proposals in this report will help the Council unlock the delivery of this key site, whilst generating a maximised capital receipt to support wider development ambitions in Torbay, including the Council's innovative Regeneration Programme.
- 2.2. The revised proposal will secure timely delivery of much needed homes providing housing options for local people that are looking to buy or rent a home in the Paignton area. The revised proposal is expected to meet the Council's policy in respect of affordable housing delivery.
- 2.3. Agreement to this proposal will also provide benefits to the local economy, through investment in local contractors, sub-contractors, suppliers and support agencies, generating growth in the local sector.

- 2.4. The proposal will also help to support key elements of our mission to make more of our assets, as well as becoming an efficient, enabling council.

3. Recommendation(s) / Proposed Decision

- 3.1. That Recommendations 3.1 and 3.2 of the decision made by Cabinet on the 21 March 2023 (Minute 458/03/23 refers) be rescinded and that the following be approved in replacement:
- 3.1.1. That the Chief Executive be given delegated Authority to consider the most appropriate disposal strategy to enable the effective sale of the Preston Down Road; with an objective to maximise the sales receipt in a timely manner.
- 3.2. Additionally:
- 3.2.1. No later than 12 months prior to the expiration of the planning consent for the site, the Director of Pride in Place to bring forward a capital proposal to undertake the minimum works necessary to discharge relevant planning conditions, make a technical start on site and make the planning consent extant, in consultation with the Section 151 Officer, and Cabinet Member for Housing & Finance.

Appendices

None

Background Documents

- Appointment of preferred bidder for the future development of homes at land located at Preston Down Road, Paignton – Cabinet report dated 23 March 2023 (available here: <https://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=741&MId=18620&Ver=4>)

Supporting Information

4. Introduction

- 4.1. At its meeting of 21 March 2023, Cabinet endorsed a proposal to appoint a preferred bidder for the future development of homes on Council-owned land at Preston Down Road, Paignton.
- 4.2. The preferred bidder was a Registered Provider, in conjunction with a private sector development partner who proposed development of the site under a Joint Venture arrangement. A delegation was provided to the Chief Executive to agree relevant terms and enter into a Development and Sale Agreement with the preferred bidder to facilitate the site's redevelopment based on a policy-compliant tenure split of 30% affordable housing.
- 4.3. During the Cabinet meeting, at the request of the administration (at that time), the recommendation was amended such that the Chief Executive became obligated to dispose of the site only where the purchaser committed to providing 50% affordable housing. To

prevent conflict with planning policy (which only requires 30% in this location), this was to be achieved through 'additionality' – meaning the conversion of an additional 20% open market homes to affordable tenures, through the use of Homes England subsidy.

- 4.4. Officers have attempted to enact this delegation since March 2023.
- 4.5. In detailed negotiation with the preferred bidder, several issues have been raised, which have an impact on the scheme's viability, triggering the need for them to issue an updated reduced financial offer for the site. The issues raised include: current housing market volatility and uncertain sales values; elevated construction costs; the higher than anticipated section 106 contributions required through the planning process; and the fact that a greater level of site abnormalities have now been identified, following some technical due diligence.
- 4.6. The cumulative impact of these issues is that they reduce the viability of the project, even for a planning policy compliant 30% affordable housing mix. Subsequently, the preferred bidder has informally indicated that financial impact of a 50% obligation would be considerable and would necessitate a further reduction in value and receipt, accordingly.
- 4.7. After careful consideration, the current administration has concluded that the impact of the reduced sales receipt is too great to continue to require 50% affordable housing to be provided on-site. The issue being that any reduced value generated has a considerable knock-on impact on the Council's ability to invest in other delivery schemes elsewhere (including, for example, the Crossways regeneration scheme in Paignton, Torbay Road and Station Square public realm).
- 4.8. As such, the Cabinet have requested that an updated report be brought to them to formally rescind the existing obligation to sell the site only where 50% affordable housing can be secured, and to outline a new strategy for the site's release. This should seek to secure the maximum receipt that the site can reasonably be expected to generate.
- 4.9. The remainder of this report considers and outlines the necessary changes required to facilitate delivery of the scheme and identify an alternative route to market.

5. Options under consideration

- 5.1. This paper seeks to rationalise the current position, which is to rescind the former Cabinet decision of 21 March 2023.
- 5.2. The rationale to dispose of this site remains in accordance with the original paper. As a result in order to maximise the receipt in a timely manner there is a need to dispose of the site the open market with the benefit of the current planning permission which commits to delivering 30% affordable housing.
- 5.3. The Council is resolute that delivery of this site remains a key priority for the administration, both in terms of generation of a significant capital receipt (that is essential for reinvestment into other key projects for Torbay), but also in respect of stimulating the market to provide much-needed open market and affordable homes, therefore addressing the needs of the Council's housing strategy.

- 5.4. The alternative option would be to proceed in line with the former Cabinet decision however this would result in a lower capital receipt which would undermine the Council's capital programme delivery ambitions.

6. Financial Opportunities and Implications

- 6.1. Whilst the ambition to deliver 50% affordable housing would undoubtedly have helped ease the local housing need situation, the reality is that in so doing, it created a wider issue for the Council; both in relation to our partners' ability to deliver the scheme, and our capacity to deliver other strategic objectives elsewhere in Torbay. To balance its capital and growth programme, the Council relies on a blend of prudential borrowing and capital receipts; when the value of any receipts generated is not maximised, it leads to the difficult conclusion that not all of the wider strategic priorities can be achieved.
- 6.2. In this instance, the receipt from the Preston Down Road site is essential for support of the Council's wider capital programme which is integral to the successful delivery of the Community Plan. Without a full receipt from the sale of Preston Down Road, the only alternative would be enhanced prudential borrowing. However, due to currently elevated interest rates, this option remains costly and could jeopardise the Council's ability to deliver the essential regeneration and growth Torbay needs.
- 6.3. Whilst it is unfortunate to be reducing the previously agreed affordable housing commitment, the council's decision in this regard has to be balanced with the other, equally important wider needs for economic growth, regeneration and investment elsewhere in Torbay. Furthermore, it should also be remembered that the site will still be delivering a policy-compliant tenure split in accordance with the local plan; it's just that the additionality is not viable for us to secure, without impact upon our ability to facilitate growth elsewhere.
- 6.4. As such, the recommendation is to rescind the previous decision and enable the site to be sold to deliver the policy-compliant 30% affordable housing obligation for such sites.

7. Legal Implications

- 7.1. As the development and sale contract had not been completed with the preferred bidder, there are no adverse legal implications that need to be considered in this instance.

8. Engagement and Consultation

- 8.1. There has not been any engagement with the community in respect of this report. There has been ongoing engagement with the preferred parties from the procurement to explore the potential for an improved deal in light of the strategic need to maximise the receipt from the land sale to enable wider growth opportunities in Torbay.
- 8.2. Additionally, the report author has sought input from the Council's Strategic Head of Asset Management, who has confirmed support for the revised proposal, as follows:
- 8.3. "The Strategic Asset Management Plan outlines the key strategic objectives for our land and buildings over the five years since it was approved up to 2027. The Council's land and

buildings should be used and focused on the places where people live and work, maximising opportunities for inward investment and infrastructure that delivers high quality design in our buildings and public realm that increases resilience. It should also allow for flexibility and growth in the local economy, ensuring any new development contributes positively to community amenities and infrastructure.

- 8.4. “Furthermore, the Strategy clearly states unless there is specific approval at Full Council to the contrary, we will always seek to maximise revenue streams and the full market receipt whether by way of freehold disposal or leasehold interest from assets we have classified as investments, surplus, leased estate and other land and buildings. I would consider the land at [Preston Down Road] to fall into these categories. By adjusting the 50% affordable housing requirement down to the Planning Policy compliant 30% will clearly result in the maximisation of the Market Value of the site”.

9. Procurement Implications

- 9.1. Rescinding the current decision does not generate any procurement implications.
- 9.2. If additional procurement is necessary as part of the disposal full engagement would be undertaken with the Council’s procurement specialists to identify the most appropriate route to ensure a compliant process is undertaken.

10. Protecting our naturally inspiring Bay and tackling Climate Change

- 10.1. The implications of the recommendations in this report to not materially have any greater or lesser impact on the environment, than those of the original decision.
- 10.2. The scheme will result in the loss of green fields to build new homes. The principle of this has already been established; both through the granting of planning consent, which has to meet strict tests in terms of a site’s impact on the environment and climate change, and also through the original decision to sell for housing purposes.
- 10.3. All homes – regardless of whether the scheme provides 50% affordable housing, or the policy-compliant 30%, have to meet very high Building Regulations’ standards in respect of energy and water use, and their carbon impact.

11. Associated Risks

- 11.1. There are reputational risks arising from the report in that the currently preferred partner may see limited or little value in engaging in Torbay in the near future. This is thought to be unlikely based on the likely housing opportunities to be created from the capital programme.

12. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age Page 272	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	Homes will still be available for local people, regardless of the tenure profile employed through the scheme's delivery. No age-restrictions were to be emplaced on any of the properties on this site, so no adverse impact expected.	Not applicable	Not applicable
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	Homes will still be available for local people, regardless of the tenure profile employed through the scheme's delivery. No care-specific restrictions were to be emplaced on any of the properties on this site, so no adverse impact expected.	Not applicable	Not applicable
Disability	In the 2021 Census, 23.8% of Torbay residents answered	The scheme will still provide the same number of homes built to	Not applicable	Not applicable

	that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	M(4)(2) standards at 30% affordable housing, as it did with 50% (as the M(4)(2) units are all within the s106 mix). No adverse impact expected.		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	No adverse impact expected.	Not applicable	Not applicable
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	No adverse impact expected.	Not applicable	Not applicable
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of	Homes would still be available for families; although it is recognised that a reduction from 50% affordable to 30% affordable may reduce the chances of local families with new babies or babies on the way being able to secure an affordable home as quickly.	Securing the higher receipt will mean the Council can invest in other strategic housing priorities elsewhere, including at Crossways and Torre Marine. This is significant as the sites are aimed at providing Extra Care Housing for older people; a key component of this is attracting downsizing households to move from their under-occupied family houses to purpose-built older person's	Housing Options / Strategic Housing – ongoing.

	the last decade across all geographical areas.		housing, freeing up those vacated units for other families in need.	
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	No adverse impact expected.	Not applicable	Not applicable
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	No adverse impact expected.	Not applicable	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	No adverse impact expected.	Not applicable	Not applicable
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	No adverse impact expected.	Not applicable	Not applicable
Veterans	In 2021, 3.8% of residents in England reported that they	Theoretically, affordable housing is more likely to be available to	Securing the higher receipt will mean the Council can invest in other strategic	Housing Options /

	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.	former service personnel and their families, as there is a degree of preference awarded to such households when they join the housing register. With fewer on-site affordable homes, there is therefore an argument that the chances of former service families securing a home is slightly reduced.	housing priorities elsewhere, including at Crossways and Torre Marine. This is significant as the sites are aimed at providing Extra Care Housing for older people; a key component of this is attracting downsizing households to move from their under-occupied family houses to purpose-built older person's housing, freeing up those vacated units for other families (including former service families) in need.	Strategic Housing – ongoing
Additional considerations				
Socio-economic impacts (including impacts on child poverty and deprivation)		Homes will still be provided for families, albeit it is recognised that fewer of these homes will be for affordable housing. Affordable housing priority groups include households on low incomes, and so there is an adverse impact to this group	Securing the higher receipt will mean the Council can invest in other strategic housing priorities elsewhere, including at Crossways and Torre Marine. This is significant as the sites are aimed at providing Extra Care Housing for older people; a key component of this is attracting downsizing households to move from their under-occupied family houses to purpose-built older person's housing, freeing up those vacated units for other families in need.	Housing Options / Strategic Housing – ongoing
Public Health impacts (Including impacts on the general health)		No adverse impact expected.	Not applicable	Not applicable

of the population of Torbay)				
Human Rights impacts		No adverse impact expected.	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.	Theoretically, a higher proportion of cared for and care experienced households are likely to be eligible for affordable housing, than secure homes for private rent and sale etc. A reduction in on-site affordable housing on this site could therefore reduce housing options for this cohort.	Securing the higher receipt will mean the Council can invest in other strategic housing priorities elsewhere, including at Crossways and Torre Marine. This is significant as the sites are aimed at providing Extra Care Housing for older people; a key component of this is attracting downsizing households to move from their under-occupied family houses to purpose-built older person's housing, freeing up those vacated units for other families in need.	Children's Services / Housing Options / Strategic Housing – ongoing

13. Cumulative Council Impact

13.1. None

14. Cumulative Community Impacts

14.1. None

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Meeting: [Cabinet](#) **Date:** [11 July 2024](#)

Wards affected: [All](#)

Report Title: [Torbay Community Wellbeing Contract](#)

When does the decision need to be implemented? [25th September 2024](#)

Cabinet Member Contact Details: [Councillor Hayley Tranter, Cabinet Member for Adult & Community Services, Public Health and Inequalities, Hayley.tranter@torbay.gov.uk](#)

Director Contact Details: [Jo Williams, Director of Adults & Community Services, Joanna.Williams@torbay.gov.uk](#)

1. Purpose of Report.

- 1.1 Demand for Adult Social care is continuing to increase. To address our critical need to meet the needs of local people in a community focused way and reduce the demand of individuals for statutory support to maintain their independence, health and wellbeing in the community we need to ensure there are robust mechanisms and support services in place to enable people to connect and engage with community-based support within their own neighbourhoods.
- 1.2 This paper outlines the proposal to undertake a procurement for a community based integrated Community Wellbeing Service for the provision of:
 - A Community Helpline;
 - A Community Hub;
 - A Community Co-ordination Function; and
 - Management of a Community Fund
- 1.3 The contract is proposed to be structured as a three-year contract to ensure we have stability of provision that will run alongside wider transformation programmes within Adult Social Care in Torbay. The successful provider(s) of this contract will be required to work closely with both the Council and Torbay & South Devon NHS Foundation Trust to ensure it forms part of our wider integrated care arrangements in Torbay.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report help us to deliver our vision of a healthy, happy and prosperous Torbay by ensuring that people will have access to support, information and guidance so they can meet their aspirations and needs – it will enable people to live more independently in their own neighbourhoods for a longer period of time without requiring statutory support. The provision of the Community Wellbeing contract will also support and encourage community action and help improve wellbeing and reduce social isolation for residents. It will support delivery of the Adult Social Care Strategy and support the effective targeted implementation of early help and support. Reducing demand on Adult Social Care will support the financial management of our system.
- 2.2 The reasons for the proposal and need for the decision are that an integrated service contract would incorporate an alternative ‘front door’ for adult social care in Torbay by ensuring where appropriate people’s support needs are met by community based and led organisations within Torbay – this is particularly beneficial to ensuring ‘flow’ is as streamlined within adult social care as possible – ensuring that those with eligible levels of need (as defined under the Care Act 2014) are seen within the shortest timeframe and those whose needs can be met within the community are supported and guided to appropriate provisions within their local communities.

3. Recommendation(s) / Proposed Decision

1. That authority be delegated to the Director of Adult & Community Services in consultation with the Director of Finance and Cabinet Member for Adult & Community Services to award contracts to successful bidders on the Community Wellbeing Contract procurement.

Appendices

None

Background Documents

None

1. Introduction

1.1 The Care Act (2014) highlights prevention as one of the seven key responsibilities for Local Authorities, with an inextricable link to the fundamental principle of promoting wellbeing. When considering the role of prevention in relation to Adult Social Care (and wider Council functions, including Public Health) it includes:

- Services which prevent or delay the need for care in higher-cost, more intensive settings; and
- Strategies and approaches that promote the quality of life of older people and their engagement with the community.

1.2 Demand for Adult Social Care continues to increase year on year in Torbay (this is similar picture nationally).

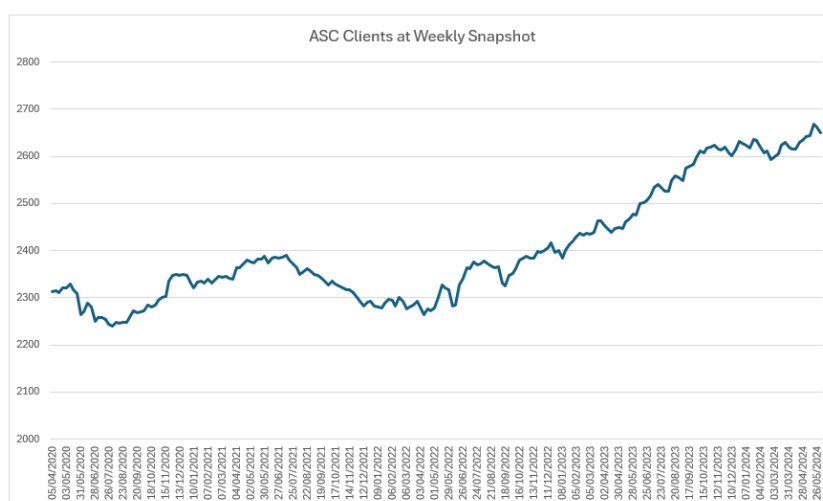


Fig 1: Snapshot of weekly ASC numbers April 2020 – May 2024)

1.3 The Torbay Community Helpline was developed by a group of Voluntary, Community and Social Enterprise (VCSE) organisations in the Bay (Torbay Community Development Trust, Brixham Does Care, Age UK Torbay, Healthwatch Torbay, Imagine.....This!, YES! Brixham, Citizens Advice Torbay, Torbay Advice Network, Homemaker Southwest and What's Your Problem) at the outset of the pandemic. Over the past four to five years it has developed into a 'front door' for local residents to access help, and to offer help, from and to the community via the VCSE sector.

1.4 The Helpline works in close partnership with local statutory organisations to ensure residents are appropriately referred into statutory services where appropriate. All Helpline activities have a strength-based approach. The Helpline can offer simultaneous support to individuals and families on several challenges they are facing. The Helpline offer currently

includes support in the areas of food, isolation, mental health and wellbeing, information and advice, financial advice, housing, domestic abuse, families' children and young people, digital, bereavement and minor DIY.

- 1.5 There are over 100 VCSE organisations who are part of the Helpline system. The current community Helpline is overseen by the steering group of the Torbay Health and Wellbeing VCSE Network and is hosted by the Torbay Community Development Trust.
- 1.6 As the existing community helpline has developed and become more established as an asset in Torbay, work has been undertaken to 'trial' the use of such a service as a 'Front Door' for Adult Social Care (using Adult Social Care Precept monies to test and evaluate the effectiveness of this as a model of service delivery). This has included the community helpline receiving referrals directly from Adult Social Care services to support and signpost people to community-based offers of support that will meet their needs, improve their wellbeing and promote their independence without the requirement for statutory services.
- 1.7 Over an 18-month period the Community helpline received 978 calls in relation to Adult Social Care – of these 85% were calls into the community helpline from ASC to refer individuals to support and services provided by our VCSE community in Torbay. 15% were referrals into ASC where the level of need for an individual could not be met by community services and needed an intervention from statutory services. The range of support needs met by referring into community resources included information & Advice, Finance, Mental health, Housing, Food Bank, Wellbeing support, Shopping, Handy man and telephone befriending services.
- 1.8 As part of the development work for this proposed contract we have also trialled the concept of a Community Hub with Healthwatch Torbay based at Paignton Library. The Hub provides an alternative to the Helpline in providing a space where people can make face to face enquiries and contact for support and advice and also access a range of VCSE and community-based services for appointments.
- 1.9 Current funding that has supported the development of the existing Torbay Community Helpline and the 'Hub' has been temporary and in response to emergency scenarios such as the Covid pandemic and other 'test' or 'pilot' programmes and has been funded through COMF funds, public health funds and ASC precept monies. The temporary nature of funding has been appropriate and beneficial as a development phase, however in order to maximise efficiencies and prioritise outcomes for the Council there is the need to procure these services on a more secure basis that prioritise the activities that support the Local Authority.
- 1.10 The proposal is to undertake a procurement for a community based integrated Community Wellbeing Service for the provision of:
 - A Community Helpline;

- A Community Hub;
- A Community Co-ordination Function; and
- Management of a Community Fund

1.11 The overarching purpose of this contract will focus on delivering the preventative aspects of Adult Social Care:

- Preventing or delaying the need for care in higher-cost, more intensive settings; and
- Promote the quality of life of people and their engagement with the community.

Whilst the scope is narrower than the existing community helpline service currently led by Torbay Community Trust (the contract is not a like for like of existing service provision from either the Community Hub, Helpline or Community Co-ordination)) the proposed commissioned service specification has been designed to work effectively either alongside existing community based services **or** as an integrated part of existing local infrastructure (the flexibility is required to ensure there is opportunity for all suitable market providers to consider this opportunity).

1.12 The proposed contract offer will comprise of three aspects which are central to integrated delivery:

- A helpline that offers a point of contact for the resolution of queries, onward referral, or time limited, structured support for a maximum of three sessions either over the phone or online.
- A physical hub that hosts partners and the direct delivery of interventions that support Adult Social Care and Public Health agendas.
- A community co-ordination provision that receives referrals and links people with community assets as appropriate to the persons needs and requirements.
- Additionally the Provider will be required to oversee and administer a Community Fund to distribute to community and voluntary sector organisations (micro grants that support Council priorities).

1.12 Combining all these services into a single integrated service offer not only ensures there is a more integrated offer to the community but also improves efficiencies in the oversight and management of the contract.

1.12 Due to the value of the proposed contract (£350,000 per annum for three years) it was deemed that under Public Contract Regulations the offer for the contract needs to go out to open market (due to reaching the threshold for a full tender process) and whilst a limited market exists for the provision of the proposed service there are a range of potential suitable providers within the market (speaking at the VCSE sector in Torbay) and

a procurement process would help ensure best value requirements were met by the Local Authority by undertaking this procurement process.

2. Options under consideration

- 2.1 One option considered was to carry on with individual separate contracts/ temporary funding grants for each of the functions within scope of this procurement. This option has not been included as it:
- i. Reduces the positive impact an integrated service offer would have;
 - ii. Increases the demand for contract management resources from within the Council
 - iii. Reduces the efficiencies a potential provider can achieve through having a larger more integrated offer.
 - iv. Reduces the ability of organisations to retain staff and effectively manage an effective service that supports the preventative purpose of this work.
- 2.2 A further option was to cease the provision of a community-based support offer in Torbay. This offer was not considered a suitable option due to:
- i. The need to find ways to effectively support and prevent escalation of need for our citizens. With growing demand for ASC services there is a requirement to ensure we are meeting our prevention duties under the Care Act (2014) and maximise efficiencies within our system whilst maintaining quality levels of care.
 - ii. Pilot work has demonstrated the ability of our VCSE partners in Torbay to effectively provide support to individuals within their own communities in Torbay and improve independence and wellbeing. This effectiveness not only reduces immediate costs but also supports future cost avoidance.
- 2.3 As part of the options appraisals work undertaken for this contract consideration was given to having a shorter duration of contract – for example a 12month only contract. This was deemed to be an unsuitable option for a number of reasons including:
- i. The need for a secure preventative and ‘front door’ offer for ASC – this forms part of wider transformation work within Adult Social Care – a longer term more secure provision will ensure that this contract can be embedded and worked into wider system transformation work.
 - ii. The market have strongly indicated that shorter term contracts are less attractive and also substantially impact on the ability to efficiently deliver quality services that support the overall objectives. Shorter term contracts increase the risk of a failed

procurement – this will have substantial impact on the wider ASC transformation work programme.

3. Financial Opportunities and Implications

- 3.1 The funding for this contract is approved within the current Adult Social Care budget planning and is funded through the Adult Social Care precept monies.
- 3.2 The maximum budget available for delivery of the contract will be £350,000 per annum over a three-year contract.
- 3.3 Within the allocated maximum budget it is proposed that no more than:
- £220,00 is allocated to the helpline;
 - £80,000 is allocated to the community Hub; and
 - £50,000 is allocated to community co-ordination.
- 3.4 It is anticipated that the delivery of this service will contribute to both cost savings and cost avoidance through the diversion of people to support services within the community that will help them maintain (or regain) independence and positive wellbeing – therefore reducing costs associated with delivery of adult social care services.

4. Legal Implications

- 4.1 The Care Act 2014 highlights prevention as one of the seven key responsibilities for Local Authorities, with an inextricable link to the fundamental principle of promoting wellbeing.
- 4.2 The core foundation of the Community Wellbeing contract is about having a local care and support system that actively promotes independence and wellbeing. This means intervening early to support individuals, helping people retain their skills and confidence, and preventing need or deterioration wherever possible. Taking a strength-based approach the proposed service model ensures there will be a mechanism (integrated with Adult Social Care Services) to ensure citizens are supported to connect to the wide range of community-based assets we have within Torbay.

5. Engagement and Consultation

- 5.1 The proposals in this report have been developed in consultation and partnership with:
- Adult Social Care Commissioning Team

- Torbay & South Devon NHS Foundation Trust
- Torbay Council Public Health Team
- Procurement Team
- Finance Team

5.2 The development of the Community Wellbeing contract has involved the engagement and consultation with a broad range of VCSE sector partners over a number of years – initially through the response to the pandemic and then subsequently through piloting of the use of a community helpline as an adult social care ‘front door’.

6. Procurement Implications

- 6.1 As the total value of the proposed contract is £1,050,000 under the Public Contract Regulations it must be treated as an above threshold tender. In full consultation with the Procurement Team we have determined that whilst limited there is a limited market of community-based organisations who would potentially be able to fulfil the requirements of the specification it would help uphold the principles of transparency and best value requirements to put this opportunity out to the open market.
- 6.2 Due to the community focused nature inherent within this opportunity we would be looking for potential providers from the Voluntary, Community and Social Enterprise sector. It will be an essential feature of the successful provider that they will be able to adequately evidence and demonstrate the ability to integrate with our local VCSE community effectively to benefit local citizens.
- 6.3 The structure of the proposed specification for the Community Wellbeing Contract has been designed to allow bids from both individual organisations and partnerships. Integrating a number of elements within a single contract (Helpline, Hub, Community Connectors & Community Grant administration) allows potential providers to explore options for maximising resources and also drawing in additional funding from outside of the Council to support community sector development and growth. The singular contract will also allow for more efficient contract management and oversight of this contract.

6.4 The current proposed timetable for this procurement is:

Procurement Stage	Dates
Sent Call for Competition and Tender Documents Published	Tuesday 16 July 2024
Clarification Question Submission Deadline	Wednesday 07 August 2024
Clarification Responses Deadline	Wednesday 14 August 2024
Tender Submission Date & Time	Wednesday 28 August 2024
Evaluation Period	Thursday 29 August to Wednesday 02 October 2024
Contract Award Notification	Friday 04 October 2024
Standstill Period	Monday 07 to Thursday 17 October 2024
Contract Start	Wednesday 01 January 2025

6.5 In consultation with the procurement team we have reviewed the opportunity for delivering additional Social Value from this contract. Due to the whole focus of this contract being on delivering and developing wider community based social value that will benefit statutory services it has been determined that additional requirements for Social Value under our Council policy would not be reasonable or achievable within the value and function of the contract – therefore the Social Value Policy requirements will not be applied to this contract.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 The proposed community wellbeing contract poses minimal risk to our naturally inspiring environment.
- 7.2 Requirements as a service provider to support our local net Zero and Climate Action targets will be written into the service contract asking them to contribute to these as far as is reasonably possible within the scope of the specification.

8. Associated Risks

- 8.1 If the helpline and hub were not able to be procured on a more sustainable footing this is likely to impact negatively on our community and a range of services including:
- The simplicity of accessing a range of support for needs-based support will drastically reduce without a 'one-stop shop' helpline and triaging process – it will place additional

pressure and demand on front end adult social care services who are already having to respond to an ever-increasing number of referrals and requests for support.

- Not having a telephone access point and face to face access point to the range of community-based support services available in Torbay would negatively impact on citizens.
- Provision of both telephone/online based (helpline) and face to face access routes (Community Hub) into community-based support helps meet some of our statutory duties in relation to accessibility are met.

8.2 Withdrawal of this function is likely to have a significant impact on our local VCSE community and detrimentally impact their ability to continue to offer community based support to citizens in Torbay.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>This service is only available to Adults aged over the age of 18 in Torbay. There are no other age restrictions on access for Adults.</p>	<p>Children are able to access a range of Community based support systems through the early help system and graduated response system in Torbay.</p>	<p>ASC Commissioning Team</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>This service will be actively promoted to Carers to enable them to access community-based support and activities that support them in their Caring roles.</p>	<p>Contact with carers will be one of the delivery metrics implemented as part of the contract oversight to ensure their needs are met through this service offer.</p>	<p>ASC Commissioning Team</p>
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>Ensuring there are a range of contact options will support people with accessing the service – telephone, face to face and online. The overarching purpose of this contract is to support</p>	<p>Need to ensure that the service specification includes a responsibility for the provider to understand and respond appropriately to engage</p>	<p>ASC Commissioning Team</p>

		individuals with both their independence and mental wellbeing.	those with protected characteristics.	
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.	Need to ensure that the provider is aware of prevalence and include within the service specification, so people are able to be responded to by their gender (and not one assigned by us). Need to ensure provider is able to signpost to appropriate support organisations in relation to gender if this is an identified support need of an individual.	Need to ensure that the service specification includes a responsibility for the provider to understand and respond appropriately to engage those with protected characteristics.	ASC Commissioning Team
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 immediate impact identified.	Need to ensure that the service specification includes a responsibility for the provider to understand and respond appropriately to engage those with protected characteristics.	ASC Commissioning Team
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	No immediate impact identified.	Need to ensure that the service specification includes a responsibility for the provider to understand and respond appropriately to engage those with protected characteristics.	ASC Commissioning Team

Race	<p>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.</p>	<p>There is a need to ensure that the proposed service is meeting the needs of all race groups in Torbay – this may require the provider to ensure that different communication channels are utilised to ensure appropriate ‘reach’ across the community. The provider will need to understand how Race and other protected characteristics may impact on people’s engagement with the service and adapt delivery plans to account for this.</p>	<p>Race will be one of the delivery metrics implemented as part of the contract oversight to ensure people’s needs are met through this service offer – if reporting shows an unexpected lack of engagement from certain community groups an action plan should be implemented to address.</p>	<p>ASC Commissioning Team</p>
<p>Religion and belief</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 291</p>	<p>64.8% of Torbay residents who stated that they have a religion in the 2021 census.</p>	<p>No immediate impact identified – service should be provided to all – need to ensure awareness of service is appropriately advertised to all cultural and religious groups in Torbay. Need to ensure the provider is able to signpost individuals to religious and cultural groups in Torbay that will have a positive impact on their wellbeing.</p>	<p>Need to ensure that the service specification includes a responsibility for the provider to understand and respond appropriately to engage those with protected characteristics.</p>	<p>ASC Commissioning Team</p>
Sex	<p>51.3% of Torbay’s population are female and 48.7% are male</p>	<p>Gender was not a reported metric within the trial ‘Front door’ for ASC project. It was included within the Mental health helpline work undertaken by Public Health showing a slightly higher proportion of women and men accessing the service. The provider will need to capture data on sex and gender to ensure the service is able to meet the needs of differing groups.</p>	<p>Sex & Gender will be one of the delivery metrics implemented as part of the contract oversight to ensure people’s needs are met through this service offer – if reporting shows an unexpected lack of engagement from certain community groups an action plan</p>	<p>ASC Commissioning Team</p>

			should be implemented to address.	
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 will be a need of the provider to ensure that: 1 - the service is publicised through appropriate channels to make sure all community groups are aware of their access to this service and 2 – to be aware of community-based support groups that people may need to access to improve their wellbeing and independence.	Need to ensure that the service specification includes a responsibility for the provider to understand and respond appropriately to engage those with protected characteristics	ASC Commissioning Team
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.	There will be a need for the provider to have an understanding of the wider support system and services available to veterans in the UK and to be able to effectively link Veterans in with these services.		ASC Commissioning Team
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		One of the overarching purpose of this contract is aimed at reducing negative socio-economic impacts by ensuring citizens in Torbay are able to access community-based support when needed.		
Public Health impacts (Including impacts on the general health of the population of Torbay)		One of the overarching purposes of this contract is to take a preventative approach to improving and maintaining peoples independent living skills and mental wellbeing. This contract will have		

		a positive impact on the Public Health of Torbay residents.		
Human Rights impacts				
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.			

10. Cumulative Council Impact

- 10.1 The proposed Community Wellbeing Contract supports the work of both Adult Social Care and Public Health Team in Torbay Council. If this contract is not implemented then this will have a negative impact on the Public Health Teams access to community based services from which it can deliver wider Public Health interventions.

11. Cumulative Community Impacts

- 11.1 If not approved the lack of this provision within Torbay is likely to have a significant negative impact on the VCSE community in Torbay.

Meeting: [Cabinet](#) **Date:** [11 July 2024](#)

Wards affected: [All](#)

Report Title: [0-19 services procurement](#)

When does the decision need to be implemented? [The procurement process will need to commence in the summer period, August 2024 onwards.](#)

Cabinet Member Contact Details:

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1. Purpose of Report

- 1.1. Torbay Council, specifically Public Health and Children's Social Care, are responsible for commissioning most of the services that sit within the Healthy Child Programme, also known as 0-19 provision. The full list of the 'services' that are currently within the 0-19 provision can be found in Appendix 1
- 1.2. The current 0-19 Service contract, held by Torbay and South Devon NHS Foundation Trust (TSDFT) with Action for Children and The Children's Society - Checkpoint (TCS) as sub-contracted providers, expired in March 2024 and a further one-year extension has been agreed with the contract holder until 31 March 2025.
- 1.3. Procurement planning for a new service has commenced: decisions for which are governed by the 0-19 Procurement Board, with membership including the Directors of Children's Social Care, Finance and Public Health.
- 1.4. The 0-19 Procurement Board have concluded that the Local Authority should undertake a 'hybrid' commissioning model for a new set of services by 31 March 2025.

- 1.5. Specifically, this hybrid model includes the enactment of three separate procurement processes:
1. To direct award to TSDFT the 0-5 services (Health Visitors and Family Hubs) alongside school nurses by following the Health Care Services Provider Selection Regime (('PSR for Health') which is a UK Government set of regulations for procuring health care services).
 2. To bring young people's substance misuse and return home conversation provisions 'in-house' so those delivering services are under direct control of the Local Authority (through a HR process of TUPE staff into the Local Authority).
 3. To re-procure Advocacy and Independent Visitors Services via an open market tender opportunity.
- 1.6. The paper also requests for delegated authority to award the contracts be given to the Directors of Childrens Services and Public Health upon the satisfactory completion of the above procurement processes (see 3.2 below).

2. Reason for Proposal and its benefits

- 2.1 By undertaking the proposed direct award process, it allows the Authority to maintain services that are in broad terms, currently delivering against their contractual aims and objectives and are delivering services effectively to Torbay's residents.
- 2.2 By undertaking the process, it will save Authority officers time and capacity by not needing to undertake a full market procurement, thus using our resources to best effect. This will also reduce the burden on our provider partners from having to undertake the procurement as a delivery partner, thus allowing them to focus on the new contract and the service iteration required for that.
- 2.3 It allows for the Authority to build on the developing youth provision locally to give more coherence and resilience to this emerging offer. This in turn will support the development of an offer for a potential future procurement.
- 2.4 It allows for greater connectivity and integration of certain provisions by bringing provisions in house into the emerging youth offer to provide more joined up services, with greater resilience, improving the offer for vulnerable young people.
- 2.5 It also allows the Authority to test of the market by undertaking an open market procurement where it is felt to be in the best interests of residents and the local authority to test the market for efficiencies, new models of delivery and innovative practice.
- 2.6 It meets legislative requirements which stipulate that the Authority undertakes a relevant procurement process to award contracts.

- 2.7 It maintains effective relationships with our strategic partners to deliver integrated, connected services to our residents.
- 2.8 This is underpinned by the 0-19 business case which can be found in the background document section.

3. Recommendation(s) / Proposed Decision

1. That the Director of Public Health be given delegated authority to direct award to TSDFT the 0-5 services (Health Visitors and Family Hubs) alongside school nurses by following the Health Care Services Provider Selection Regime (('PSR for Health') which is a UK Government set of regulations for procuring health care services).
2. That the Director of Children's Services be given delegated authority:
 - i) to bring young people's substance misuse and return home conversation provisions 'in-house' so those delivering services are under direct control of the Local Authority (through a HR process of TUPE staff into the Local Authority).
 - ii) To re-procure Advocacy and Independent Visitors Services via an open market tender opportunity.

Appendices

Appendix 1: List of Service currently within the 0-19 provision.

Background Documents

0-19_PSR Decision Making.docx

Emerging Issues 0-19 Procurement April DOM.docx

Business Case 0-19 Services Procurement v4.docx

Tackling Climate Change Impact Assessment Tool 0-19.docx

1. Introduction

- 1.1 Torbay Local Authority, specifically Public Health and Childrens Social Care, are responsible for commissioning most of the services that sit within the Healthy Child Programme, also known as 0-19 provision, and additional preventative and protective services for children and young people in Torbay.
- 1.2 The current 0-19 Service contract expired on March 2024 and a further one-year extension (as per the contract) has been agreed with the contract holder, Torbay and South Devon NHS Foundation Trust (TSDFT) with Action for Children and The Children's Society - Checkpoint (TCS) as sub-contracted providers.
- 1.3 There is the option of extending the contract for up to a further three years. Regardless of further annual contract extensions, a new contract will need to be developed and put in place utilising the necessary processes as bound by current procurement legislation.
- 1.4 The core 0-19 Services currently delivered by the three providers in Torbay that were included in the 2018 specification and those that have been added since the contract was signed can be found in Appendix one.
- 1.5 Scoping of services that will form part of a future contract have been agreed by the 0-19 Procurement Board with membership including the Directors of Children's Social Care, Finance and Public Health. The recommended course of action is to adopt a hybrid commissioning model, with some incumbent provisions procured via a direct award as one service to via the Health Care Services Provider Selection Regime (PSR) process (see section below) and others adopting a separate process. The services to be procured via the PSR process contain predominantly the incumbent provisions for children aged 0-5 with school nursing, as set out below:
 - Health Visiting (Public Health Nursing).
 - School Nursing (Public Health Nursing).
 - National Child Measurement Programme.
 - Parenting Aspirations, Self Esteem, Skills, and Family Support (Early Help and Family Support).
 - Child Development and School Readiness.
 - Children's Centres/Community Hubs (Now Family Hubs)
- 1.6 This Direct award would be made to Torbay and South Devon NHS Foundation Trust (TSDFT) with a corresponding sub-contract being awarded to Action for Children.

1.7 The Health Care Services Provider Selection Regime (PSR) is a set of regulations for procuring health care services, as directed by Central Government.

The regime makes it possible to continue with existing arrangements for service provision where those arrangements are working well and there is no value for people who use the service in seeking an alternative provider. Where there is a need to consider changing arrangements for service provision, it provides a fair, transparent, and proportionate process for decision-making, which includes the option of using competitive tendering. The Provider Selection Regime: statutory guidance.

1.8 A process led by Procurement and involving Children's Social Care and Public Health resulted in a recommended outcome of direct award (direct award process C) to the incumbent provider (Torbay and South Devon NHS Foundation Trust) and to not follow a competitive tender process. The outcome resulting from the process was based on the existing provider satisfying and likely to satisfy the proposed contract to a sufficient standard considering, but not limited to, the following factors:

- Overall performance.
- Quality assurance.
- Service impact.
- Service user feedback.
- Contract specific requirements i.e., exit management plans, business continuity plans, disputed invoices, open book accounting etc.

1.9 This decision to directly award was approved by the 0-19 Procurement Board. Under the PSR, Authorities are required to record and publish their decision making for each process, details of which can be found in the link titled '0-19_PSR Decision Making' in the Background Documents Section above.

1.10 Services currently provided by The Childrens Society (TCS) as a sub-contractor of TSDFT would then follow two separate routes.

1.11 Firstly, the young person's drug and alcohol service (approx. 1.8 WTE) would be brought in house and would sit in the Youth Service within the Authority. Children and young people inform professionals that they want to attend one service - Bringing this provision into the wider youth offer (a youth hub) supports the 'tell it only once' model of support. It also supports the building and developing of a wider youth offer; it is a timely opportunity to consolidate this provision into that offer and is expected to bring about improved connectivity, capacity and oversight of the provision.

1.12 Also the Missing and Return Home Conversation provision (approx. 1.0 WTE) would be brought in house and would be sat within the Exploitation team. This allows the Local Authority to develop current children's exploitation provisions and bring into the wider context of the wider youth offer (youth hub), where children and young people can access multiple provision within one service. It also supports improving support for children and

young people who regularly access more than one support service, more specifically those at risk of exploitation and those regularly reported as missing from home.

- 1.13 This wider youth offer may, in the future once consolidated, be re-tendered on the market, an opportunity which TCS Checkpoint would be able to bid for if they choose.
- 1.14 Advocacy and Independent Visitor's Services (1.9 WTE) follows an open market procurement process for a new contract start date of April 2025. There is an opportunity to re-design an advocacy service, incorporating up-to-date national guidance and realistic contractual arrangements that can meet demand and offer advocacy interventions to all children and young people open to support. This opportunity would be open for TCS Checkpoint to bid for, should they choose.

2. Options under consideration

- 2.1 There were four options that were under consideration and will be dealt with in sequence below.
- 2.2 Option one was to 'do nothing' and continue with the contract 'as is' with no material change to the core contract or the delivery partners until the contract reaches its natural end point in March 2028. Whilst this maintains systems and pathways, it does not give additional scope or capability to reconfigure the services as required.
- 2.3 Option two was to in-house the whole of the current provision. This would give the Authority total control of the services, but some are required under guidance or legislation to be arm's length from the Authority (e.g. advocacy) and equally would place significant burdens on the Authority to oversee a workforce whereby the capacity, skills and competence to do so does not currently exist (such as the NHS nursing workforce in 0-19).
- 2.4 Option three was to undertake an open market procurement for the services. This option would enable a full-service redesign to occur but wouldn't enable those service that could form part of the emerging youth offer to integrate into this offer. Additionally this would create a significant operational burden on officers (and provider services) to undertake a complex wholesale procurement whereby the drivers for such a process across all services involved are not present.
- 2.5 Option four was to undertake the hybrid model of procurement whereby some services are procured on the market, some are procured via direct award and some are in-housed. This option best addresses the weak spots in the model currently and allows for the integration of appropriate services into a youth model, whilst maintaining provisions where there are no significant material deficits. This route also avoids significant system destabilisation and increased officer and partner organisation workload to procure services unnecessarily. It does however allow services where an open market procurement is in the organisations and young people's best interests, to occur.

- 2.6 It is option four that the 0-19 procurement board have agreed to take forward.

3. Financial Opportunities and Implications

- 3.1 The procurement model being undertaken has been considered feasible on the basis that all services and costs are currently part of existing base budgets and other than inflationary increases of 2.5%, there is no additional resource requirements as part of this proposal.
- 3.2 The total contract amount for the services under the direct award through the PSR for Health for the period 25/26 to 29/30 will be circa £19.35m.
- 3.3 This model has been developed alongside the Public Health Finance lead, the Children's Services Principal Accountant and Finance Director as one of the Senior Reporting Officers of the 0-19 Procurement Board.
- 3.4 The approximate total cost of the Young Person's Drug and Alcohol, Missing and Return Home Conversations, Advocacy and Independent Visitor's Services for the period 25/26 to 29/30 will be circa £1.46m.

4. Legal Implications

- 4.1 There are no anticipated legal implications other than those routinely present when undertaking a procurement process.

5. Engagement and Consultation

- 5.1 Community engagement has included working alongside service users to hear their experiences when accessing 0-19 provision. Insights have been gathered with support from the community and voluntary sector, the Children's Social Care participation team and through the 0-19 service-user feedback exercises. All of which have been taken into account and considered when developing the model.

6. Procurement Implications

- 6.1 All three options have been fully scoped with Commercial Services colleagues and are deemed to be the best and most appropriate procurement option to meet the requirements of the Authority.
- 6.2 All proposals have been tested and agreed through the 0-19 Procurement Board.

- 6.3 Specific detail of the procurement routes to be undertaken can be found in 'Section 1: Introduction' above.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 By continuing to enable services to support digital and place-based access, it is anticipated that this will have a positive impact in terms of reducing the need to travel as far within Torbay to receive services, where this is in the best interests of the service users.
- 7.2 A Protecting our naturally inspiring Bay and tackling Climate Change Impact Assessment Tool has been completed and can be found in background documents.
- 7.3 Social Value (including Climate change) will be assessed as part of any procurement activity that takes place.

8. Associated Risks

- 8.1 The key risks are associated with the inability to deliver all three the procurement strands in time for the current contract end date of 31 March 2025.
- 8.2 Failure to make a decision could result in this risk becoming a reality which will potentially require current contracts to be extended which is not in the perceived best interests of the Local Authority or our residents.
- 8.3 There is a risk that the voluntary sector provider objects to the proposal to reconfigure the provisions currently delivered by TCS Checkpoint. Whilst it is recognised that this will impact the provider, the contract will have a natural end point on 31 March 2025, and the decision being taken is not one of terminating a contract early, simply not enacting the option to offer an extension for these provisions.
- 8.4 For context the staff base that will be brought in house procured is equates to roughly 2.75 WTE staff and approximately £160,000 per annum (less than 5% of the current overall 0-19 contract value). The staff base that will be externally procured equates to roughly 1.9 WTE staff and approximately £112,400 per annum. The need to support the voluntary sector should not mean that services do not change where it is in the best interests of the Authority and its residents.
- 8.5 For wider context Torbay Local Authority continue to support the voluntary sector in delivering services that support children and young people - Sound Communities and Eat That Frog have recently been awarded a contract to deliver the Finding Various Skills Programme.

- 8.6 There are risks of challenge from the market where we directly awarded contracts via the PSR where there is insufficient evidence that they pass the tests within the regulations, although we are currently satisfied that these tests have been sufficiently passed.
- 8.7 There is also the risk that TSDFT either do not agree with the proposal put forward and no agreement can be reached to allow for the direct award of the services via the PSR, or agreement is reached later than required so that other timescales for the conclusion of this or the other procurement processes are impacted.
- 8.8 There is a risk that the Family Hubs grant (due to expire March 2025) does not get extended in any form. The Local Authority currently commissions some additional services from the 0-19 service from this grant, which it may determine need to be continued. In this eventuality there will be two which will need consideration by the 0-19 Procurement Board:
- 8.1.1 Firstly a reconfiguration of existing services whereby current provisions are scaled back or stopped so that these additional provisions can be mainstreamed, but remaining within the existing financial envelope.
- 8.1.2 Secondly, a request for additional revenue Grant funding will be developed and brought through the appropriate governance routes to mainstream these additional provisions, without materially impacting on the current service model being proposed.

9. Equality Impact Assessment

For the purposes of this decision, there is not anticipated to be any specific positive or negative impact based on the characteristics below. This EIA will be updated as the procurement process continues and will be signed off by the 0-19 Board as the specification is finalised.

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 305	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>The overarching ambitions of the service are to give every child the best start in life, by focussing on the first 1001 days of life. Families who are vulnerable as first time parents or due to their socio-economic situation receive targeted support depending on their identified needs.</p> <p>The service aims to support access for all 0-5 to receive their mandated checks in an accessible and timely manner. It also looks to positively support young people and their families / carers by providing positive support, advice and signposting to specialist services. School nursing services support young people and their families with additional needs to access support and onward referrals as required.</p>		

		<p>The service will positively impact adults with families where they interact with the service.</p> <p>The service has limited impact on older age adults, unless they are in a caring capacity for young people.</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>The service aims to positively support carers of children and young people by providing advice, support and signposting.</p> <p>In terms of a positive benefit, ongoing focus on improving access and engagement will improve services and outcomes for residents.</p>		
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>The service will have a positive impact on children with SEND as the service forms a core part of the SEND pathway, identifying needs, supporting families and referring into specialist services for those who need specific support.</p> <p>Specifically, the service will develop the Speech, Language and Communication Needs (SLCN) offer, identifying needs at the earliest opportunity and working collaboratively across health, education and social care to ensure the offer is robust and accessible.</p> <p>Parents with SEND will be supported through targeted help across the service</p>		

		including through Public Health Nursing, Early Help and Family Support.		
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.	It is not anticipated that the service will have a specific positive or negative impact based on this characteristic.		
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.	It is not anticipated that the service will have a specific positive or negative impact based on this characteristic.		
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>The service aims to have a positive impact for those in the perinatal phase, from antenatal through the first year of life, by ensuring pathways between maternity and 0-19 is visible and proactive. The 0-19 service also works to ensure all new parents receive a home visit with 18 days of birth to ensure positive attachment relationships are developed. It also assesses for developmental needs with the child as well as safeguarding risks within the home environment including domestic abuse risks.</p> <p>First time parents will be offered targeted support around transition to parenthood, infant feeding and mental health.</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>It is not anticipated that the service will have a specific positive or negative impact based on this characteristic.</p> <p>The service will support families who are from ethnic minority backgrounds and will individualise support depending on identified need.</p> <p>For those where English is not the first language, specific support will be offered including translation of resources and offering translation services for clinical and support consultations.</p>		
<p>Religion and belief</p> <p>Page 308</p>	<p>64.8% of Torbay residents who stated that they have a religion in the 2021 census.</p>	<p>The service will not discriminate due to an individual's or family's religion or belief and will offer targeted support where a need is identified.</p> <p>It is not anticipated that the service will have a specific positive or negative impact based on this characteristic.</p>		
Sex	<p>51.3% of Torbay's population are female and 48.7% are male</p>	<p>Although the service will primarily offer support to the pregnant and new mother, the service will offer a coordinated support offer for fathers to ensure they are included and empowered as parents of infants and very young children.</p>		
Sexual orientation	<p>In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to</p>	<p>The service is not anticipated there will be any discrimination based on an individual's sexual orientation.</p>		

	describe their sexual orientation.	Although the service will primarily offer support to the pregnant and new mother, the service will offer a coordinated support offer for same sex and co-parents to ensure they are included and empowered as parents of infants and very young children.		
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.	It is not anticipated that the service will have a specific positive or negative impact based on this characteristic.		
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		<p>The service is expected to have positive impact in this area as the service takes a proportionate universalism approach meaning all children and families have access to the service, but those where need or risk is greater are receive a targeted support offer.</p> <p>This will inherently mean that those where poverty or deprivation are higher are in receipt of more focussed support and interventions including for SLCN where it is known there is an increased support need for families who live in areas of deprivation.</p>		

Public Health impacts (Including impacts on the general health of the population of Torbay)		The service aims to improve the physical, mental and emotional wellbeing of children, their siblings and their families / carers by providing evidence-based interventions, support, signposting and referral to specialist services. The services work to deliver public health practice and is underpinned by the Healthy Child Programme.		
Human Rights impacts		0-19 services are cognisant of a robust human rights framework, including the right to life, to be free from torture, the right to health, right to privacy, education, and prohibition of discrimination.		
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 service will be developed alongside a Child Friendly Torbay framework, ensuring all children who are cared for or with care experience receive a targeted and holistic support offer.		

10. Cumulative Council Impact

10.1. None.

11. Cumulative Community Impacts

- 11.1 This is likely to have positive impacts on our partner organisations in Torbay and South Devon NHS Foundation Trust (and therefore Action for Children) as there is considerable reduction of risk of losing the contract and maintaining positive, stable relationships build both with the local authority, and with the community, through the contract to date.
- 11.2 There is the possibility of an erosion of relationships with the voluntary sector, particularly TCS Checkpoint, by choosing to remove services from the TSDFT contract. Whilst this is possible, the benefits gained from integrating these services with wider youth provisions in the Authority, or putting these out to the market are considered to off-set against these impacts.

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Agenda Item 14

Appendix 1

Current 0-19 Services	Service Provider	Lead Department	Source of Grant/ Funding Arrangement	Funding End Date (if applicable)
Services Procured in 2018				
Health Visiting (Public Health Nursing)	TSDFT	Public Health	Public Health ring-fenced grant	N/A
School Nursing (Public Health Nursing)	TSDFT	Public Health	Public Health ring-fenced grant	N/A
National Child Measurement Programme	TSDFT	Public Health	Public Health ring-fenced grant	N/A
Parenting Aspirations, Self Esteem, Skills, and Family Support (Early Help and Family Support)	Action for Children	Children's Social Care	Children's Services	N/A
Child Development and School Readiness (including speech, language, and communication support)	TSDFT/ Action for Children	Children's Social Care	Children's Services	N/A
Children's Centres/Community Hubs (Now Family Hubs)	Action for Children	Public Health and Children's Social Care	Children's Services/ Public Health ring-fenced grant	N/A
Young People's Substance Misuse Service.	TCS- Checkpoint	Public Health and Children's Social Care	Children's Services/ Public Health ring-fenced grant	N/A
Advocacy and Independent Visitors Service.	TCS- Checkpoint	Children's Social Care	Children's Services	N/A
Missing and Return Home Interview Service.	TCS- Checkpoint	Children's Social Care	Children's Services	N/A
Additional Services since the Procurement				
Family Hubs Start for Life Programmes	TSDFT/ Action for Children	Children's Social Care	Department for Education to Children's Services	March 2025
SSMTR capacity for substance misuse.	TCS- Checkpoint	Office for Health Improvement and Disparities (OHID) via	Supplementary Substance Misuse Treatment and Recovery Grant	March 2024

		grant to Public Health		
Youth Homeless Advocacy	TCS-Checkpoint	Children's Social Care	Children's Services	April 2024
Trauma focussed emotional wellbeing service for CYP living in domestic abuse safe accommodation.	TCS-Checkpoint	Safer Communities	Department for Levelling Up and Communities (DLUP)	September 2024
HENRY family weight management coordination and creche pilot provision.	TSDFT	Public Health	Public Health ring-fenced grant	September 2024

Meeting: Cabinet **Date:** 11th July 2024

Wards affected: All Wards

Report Title: Re-Procurement of Asset Maintenance “Service Level Agreements” 2024

When does the decision need to be implemented? 25th July 2024

Cabinet Member Contact Details: Councillor Chris Lewis, Cabinet Member for Place Development and Economic Growth chris.lewis@torbay.gov.uk

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

1. Purpose of Report

- 1.1 To outline the planned re-procurement of contractors for Service Level Agreements (SLAs) to provide a range of planned and reactive asset maintenance and minor capital works services for Torbay Council and for Torbay Council external clients.
- 1.2 To seek delegated authority to award the contracts for this service at the end of the procurement process. The report provides a brief background on how the services are currently delivered and identifies the need for re-procurement of these services.
- 1.3 The procurement will secure a range of services from local contractors to ensure that Torbay Council fulfils its property related statutory duties and maintains its assets to a reasonable standard.
- 1.4 We currently have ten SLA lots contracts to be re-procured and we propose to procure a further four SLA agreements. There will be a total of fourteen lots.

2. Reason for Proposal and its benefits

- 2.1 The re-procurement of these SLAs will support our asset maintenance and our role as an efficient and enabling council. It will also help the Council to keep a grip on finance and contribute towards the Council commitment to addressing the climate change emergency. The proposals in this report help us to deliver these ambitions by ensuring the assets which Torbay Council own are maintained by suitably reliable, authorised contractors to a reasonable standard and the Council manages its assets safely and in accordance with its statutory and regulatory obligations. It also supports the Council ambition to reduce carbon emissions and meet its carbon reduction targets.
- 2.2 The reasons for this re-procurement proposal is because the existing service level agreements that provide these wide ranging services expire on the 31st March 2025. These SLAs play an essential role in ensuring that the Council fulfils its property related statutory duties and maintains its assets to a reasonable industry standard.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Director of Pride in Place in consultation with the Director of Finance be given delegated authority to grant “Service Level Agreement” contracts to successful bidders on the Service Level Agreements Framework Procurement.

Appendices

Appendix 1: Schedule of Lots

Background Documents

None

Supporting Information

1. Introduction

- 1.1 Torbay Council typically employs contractors to maintain its assets under service level agreements. This report seeks delegated approval to award multiple contracts over a period of four years. The majority of contracts will be a re-procurement of existing services (total of ten lots), as well as an additional five service lots which were identified as a service need following customer consultations.

EXISTING LOTS (10)	ADDITIONAL LOTS (4)
Servicing of Mechanical Plant & Equipment	PAT testing
Fixed wiring Inspections & Electrical (Including Nurse call alarms)	Gates, barriers and roller shutters
Fixed Wiring Inspections for Torbay Harbours	Solar panel maintenance and installations
Asbestos Management & Surveys	Gutter clearance services
Lift Maintenance & Inspections	
Automatic Powered Doors	
Building Access Control, CCTV & Intruder Alarms	
Lightning Protection	
Water Hygiene Risk Assessments & Monitoring	
Fire Alarm & Emergency Lighting	

- 1.2 The contracts are proposed to commence on 1st April 2025 and conclude on 31st March 2029. The total value of this entire procurement exercise inclusive of VAT is expected to be in the region of £1,293,167 per annum, commuted over four years gives a total value of £5,172,667. The aim is to procure specialist, competent and appropriately accredited contractors to deliver services within their field of expertise over a sustained period enabling good working practices to become embedded and good relationships to be developed during the life of the contract. We expect this approach will make the individual lots more attractive to local providers and deliver value for money and maximise public benefits.
- 1.3 These service contracts include regular planned maintenance, reactive repairs and minor capital works. This approach ensures that for the most part, the equipment is installed inspected and maintained by the same contractor, thus ensuring that accountability rests with a single contractor avoiding the potential for any disputes over any faults.
- 1.4 The intended outcomes from service delivery are that buildings are safe, secure and well maintained; compliance with legislation/regulations and good industry practice and also

compliance with reasonable reporting timeframes for uploading inspection documents to enable accurate and up to date records to be maintained and readily available on the Council's CIVICA system. The contractors are expected to have direct interface with the CIVICA system to make the flow of information as efficient as possible. Property Services Team representatives provide regular training to SLA contractor staff to ensure the system runs smoothly.

- 1.5 The selection and award criteria for contracts are designed to ensure that appointments are good for the Torbay community and factors such as social value and environment are properly considered.
- 1.6 The Council will use the Devon County Council, Devon Maintenance Panel Agreement for minor building works. We have also contacted Devon CC procurement team to find out more about their procurement plans for Service Term Contracts because they are advertising procurement of Service Term Contracts in the next 6 months as one of their future pipeline projects on the Southwest.org.uk portal.

2. Options under consideration

Option 1 – Do nothing: The option of doing nothing is not a viable option because the Council has a statutory duty to undertake planned maintenance, minor repairs and compliance checks to its properties.

Option 2 – Extend the current contracts: The existing contracts cannot be extended due to them already receiving one extension and reaching the end of its extended term on 31st March 2025.

Option 3 – Utilise a framework: The option to utilise a framework(s) has specific benefits these are contractors on the framework have already been through a rigorous procurement process. The option is to use traditional frameworks set up via a tender process or open frameworks (which do not allow for direct award)

Option 4 – Open market procurement: This option could be run as an open or closed tendering activity, and this is how the SLA contracts have been procured in the past.

- 2.1 Advice from the Council's procurement team informed the options for these SLAs and whilst options 3 and 4 above were both considered as suitable available options, it is concluded that through the use of the traditional framework option the Council has the ability to appoint a contractor under the framework agreement through one of two procedures: direct award or mini-competition. It is the intention that direct award will be used predominantly for all servicing requirements and the majority of minor repairs with low value and low risk will be undertaken by the preferred contractor, however we will also have the option for mini-competition to be used, at the discretion of the Council, for all other service requirements. In these circumstances where the preferred contractor undertaking planned maintenance

services is unable or considered unsuitable to deliver certain services we could use mini-competition or a replacement contractor.

- 2.2 A framework can deliver many benefits when procuring over a period of four years, these include reduced transaction costs, continuous improvement, better value and greater community wealth.
- 2.3 Framework agreements usually establish clear terms and conditions, ensuring compliance and providing contract stability for suppliers. These standardised agreements minimise disputes and ensure fair treatment for all parties involved. However, they can have some drawbacks, such as limiting competition, flexibility, and innovation.
- 2.4 It is the intention for the Council to have the ability to use these SLAs for provision of resources for ad hoc work, although it should be noted that no volume or value of work will be guaranteed through the framework agreement.

3. Financial Opportunities and Implications

- 3.1 A four-year term is considered an appropriate period to help achieve best value. The annual cost of the SLAs has been incorporated into the 2025-26 budget.
- 3.2 The SLA contracts will seek a fixed price maintenance schedule for Years 1 & 2, with provision for a maximum inflationary increase in rates capped using BCIS indices from the RICS, any increases proposed must be submitted by contractors by the 10th March in the year of the proposed increase.

4. Legal Implications

- 4.1 Service Level Agreements for contractors will use JCT Measured Term contract. These contracts are designed for employers who have a regular flow of maintenance and minor repair works, including improvements, to be carried out by a single contractor over a specified period, in this case four years, under a single contract. NEC contracts were considered however after review with the property services team and local contractors it was determined that the JCT Measured Term contract is preferable.
- 4.2 Service Level Agreements for consultants, asbestos, will use the following contracts:
 - Asbestos Consultant - RICS Standard form of Consultant's Agreement 2022.
- 4.3 Beyond the planned maintenance regime, there are no guarantees or representations of future work within the contracts for repairs and maintenance or minor capital works.

5. Engagement and Consultation

- 5.1 We regularly undertake customer satisfaction surveys for the services provided by Property Services and our SLA providers to help monitor our performance and the performance of our service providers to help us identify areas for improvement. The overall feedback from the last two years has been positive and details are available upon request.
- 5.2 We have consulted with existing suppliers about the way we manage existing contracts and also our service managers have undertaken some soft market testing with potential service providers about the re-procurement of the SLAs. We have also engaged with existing clients to understand whether there are likely to be any changes to their future service requirements which we need to take into consideration for this process. Whilst this consultation has been undertaken, the impact on the proposals for the procurement process has been minimal.

6. Procurement Implications

- 6.1 The Procurement team advised on the procurement process and the options available and after due discussions and consideration we decided that the framework route was most suitable for our service requirements.

7. Protecting our naturally inspiring Bay and tackling Climate Change

- 7.1 It is vital that there is a planned maintenance regime in place for maintaining Council assets. Effective, regular planned maintenance will help to preserve and extend the life of assets and also ensure that the assets are fit for purpose and working efficiently. Procurement of these service level agreements therefore helps the Council to minimise waste and reduce its carbon emissions.
- 7.2 Part of the procurement process and award criteria will entail finding out how and ensuring that contractors are actively addressing climate change and identifying opportunities for reducing carbon emissions and waste. We will include in all relevant specifications a requirement that all contractors provide low carbon, sustainable alternatives options for consideration where available and we will also ask for evidence from contractors to demonstrate overall sustainability credentials including policies on low carbon and sustainable use of materials and waste.
- 7.3 One of the new lots to be included in the procurement exercise is solar panel maintenance and installation. This has the potential to have a positive impact on the environment and our carbon emissions (subject to funding to deliver schemes). In addition to carbon emission savings this could help to deliver longer term financial savings on Council energy bills.

8. Associated Risks

- 8.1 It is essential that Torbay Council has a full suite of Maintenance Service Contracts (Service Level Agreements) in place to help ensure that the Council has reliable contractors to help fulfil its statutory obligations in relation to the management of its built environment. These agreements help to ensure that all Council owned assets, (where maintenance responsibility lies with the Council), are regularly serviced and maintained by appropriately qualified staff in accordance with good industry practices.
- 8.2 If these SLA contracts are not renewed there is a risk that parts of Torbay Council Estate or certain component assets may not be maintained at the appropriate levels. A consequence of this potential lack of maintenance could be that these component assets start deteriorating or the Council does not fulfil its legal obligations to inspect that assets are functional, working correctly and as intended, a fundamental requirement for the Estate is to remain safe from fire, water damage, decay and dilapidation. These contracts help to ensure Council assets are regularly inspected and remain safe.

9. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>There is no differential impact, equal treatment and non-discrimination remain key principles for the procurement process.</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 differential impact</p>		
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>There is no differential impact</p>		
Gender reassignment	<p>In the 2021 Census, 0.4% of Torbay's community</p>	<p>There is no differential impact</p>		

	<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		
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.	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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Meeting: Overview & Scrutiny Board/Cabinet/Council

Date: 9 July /11 July/18 July 2024

Wards affected: All Wards

Report Title: Budget Monitoring – Outturn 2023/24

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 2023/24. This report is based on the final outturn position for the year ended 31st March 2024.
- 1.2. The Council has delivered an end-of-year surplus of £0.678m. This is an improved position on the forecast at Quarter 3, which projected an overspend. It is proposed that this surplus is used as follows:
 - 1.2.1 £400k transferred to an earmarked capital reserve to assist with delivery of the Capital Investment Programme.
 - 1.2.2 The balance transferred to Comprehensive Spending Review (CSR) reserve and used to fund one off activities to accelerate the delivery of Operation Brighter Bay.
- 1.3 The Council A revised 4-year Capital Investment Programme was approved as part of setting the 2024/25 budget, which showed a revised Outturn forecast of £58.5m against an initial budget of £90m for 2023/24. Total expenditure of £46.8m has been spent in this financial year in relation to this programme, funded from capital receipts, grants and contributions, reserves and revenue budget contributions, and long-term borrowing.

2. Recommendation(s) / Proposed Decision

Recommendations for Overview & Scrutiny Board

- 2.1 That the Overview & Scrutiny Board notes the Council's revenue outturn position and makes any comments and/or recommendations to the Cabinet.
- 2.2 That the Overview & Scrutiny Board notes the Council's Capital outturn position and makes any comments and/or recommendations to the Cabinet.

Recommendation for Cabinet/Council

- 2.3 That Cabinet recommends to Council:
 - 2.3.1 That Council notes the revenue outturn position and approves the transfer of the £0.678m end of year surplus as follows:
 - £400k transferred to an earmarked capital reserve to assist with delivery of the Capital Investment Programme.
 - The balance transferred to the Comprehensive Spending Review (CSR) reserve and used to fund one off activities to accelerate the delivery of Operation Brighter Bay
 - 2.3.2 That Council approve the addition of the Paignton and Preston coastal defence project, into the Capital Investment Plan at a value of £17.515m, subject to:
 - a) securing the required funding from the Environmental Agency (£9.441m), and
 - b) production of a compliant Full Business Case being discussed and supported at Capital Growth Board and approval from Cabinet (Outline Business Case attached as Appendix 4).
 - 2.3.3 That delegated authority be given to the Divisional Director of Economy, Environment and Infrastructure in consultation with the Section 151 officer and Portfolio Holder for Finance and Housing to award the contract of works for the delivery of the Paignton and Preston coastal defence project.
 - 2.3.4 Following receipt of £20m grant funding from the round 3 of Levelling Up Funds (LUF3) approval is given for feasibility funding to progress the following projects to the next stage:
 - 2.3.4.1 Brixham port infrastructure project. Initial allocation of £75k to be drawn down for feasibility works.
 - 2.3.4.2 Paignton tec park project - Initial allocation of £85k to be drawn down for feasibility works.

3. 2023/24 Revenue Budget Summary Position

- 3.1 The Council has had to manage national “cost of living” issues throughout 2023/24, arising from inflationary pressures, including utility and fuel increases and escalating housing rent costs.
- 3.2 The financial pressures on services and providers have been the highest they've been for many years. Between September 2022 and March 2023, when the 2023/24 budget was set, CPI inflation rates were over 10%. Prices have remained high throughout 2023/24, but inflation rates have steadily reduced with the annual CPI rate at March 2024 being only 3.2%. These reduced figures have been reflected within the Council’s Medium Term Resource Plan.
- 3.3 The approved budget set by the Council for 2023/24 effectively reallocated resources to meet the demands from these additional cost pressures, and through robust challenge and monitoring, Officers have managed to deliver a balanced budget with a relatively small overall underspend.
- 3.4 The table below provides a summary of the Outturn position across Council Services, along with the movement from the figures reported in Quarter 3.

Service	Budget £m	Final Outturn £m	Variance £m	Forecast at Q3 £m	Movement since Q3 £m
Adult Services	51.559	52.129	0.570	1.030	-0.460
Children’s Services	50.338	51.210	0.872	0.991	-0.119
Corporate and Executive Services	12.676	12.853	0.177	0.363	-0.186
Finance Services	-12.859	-16.228	-3.369	-2.100	-1.204
Investment Portfolio	-4.134	-4.134	0.000	0.000	0.000
Pride in Place Services	22.940	24.054	1.114	0.513	0.601
Public Health Services	10.430	10.420	-0.010	0.000	-0.010
Revenue sub-total	130.950	130.304	-0.646	0.797	-1.378
Sources of Finance	-130.950	-130.982	-0.032	0.000	-0.032
Revenue Over/Under spend	0.000	-0.678	-0.678	0.797	-1.410

- 3.5 The underspend against Finance Services, mainly from Treasury Management and higher interest rates, has offset several overspends during the year. Many of these pressures have been addressed through 2024/25 budget setting and will continue to be managed and monitored to reduce the risk of these overspends arising again.

- 3.6 The outturn for the council in 2023/24 has improved compared with the last forecast made at Quarter 3. Variances across services will be reviewed with the aim of identifying lessons to learn for the future and which budgets require further review and more robust monitoring throughout 2024/25. The improved position is primarily down to income received on cash balances being greater than the levels forecast and income from the Devon-wide business rates retention pool being higher than budgeted.
- 3.7 Funds carried forward in previous years and held in specific reserves have been deployed effectively to support the reduction of long-term costs, as well as providing a pathway to deliver on the approved 2023/24 budget.
- 3.8 Appendix 1 provides a summary of the agreed budget savings for 2023/24, showing whether these saving proposals have been achieved. Further details of the savings can be found within the published budget papers - [proposals-for-efficiencies-income-generation-and-service-change.pdf \(torbay.gov.uk\)](https://www.torbay.gov.uk/sites/default/files/2024-03/proposals-for-efficiencies-income-generation-and-service-change.pdf). Almost 70% of the total savings have been delivered.
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4. Collection Fund

- 4.1. The Collection Fund reserve is set to meet the impact of shortfalls within collection rates for both Council Tax and Business Rates. No drawdown against this reserve was required in 2023/24.
- 4.2 In-year income collected from Council Tax in 2023/24 was slightly ahead of forecasts at 96.13%, a return to pre Covid-19 levels. However, collection levels for business rates income were slightly below forecast, at 94.77%. It is thought that the impact of rising inflation and general costs increases is the main reason for this reduction. We will continue to explore opportunities to increase our overall collection rates moving forwards.
- 4.3 Local authorities received additional funding in 2023/24 relating to compensation for their share of income loss following implementation of the green plant and machinery exemption in 2022 to 2023. Torbay Council received £0.051m, which was not budgeted for. This contributes to the underspend of £0.032m against 'Sources of Funding', shown in para 3.4 above.

5. Wholly Owned Companies

- 5.1 SWISCo. continued to experience financial pressure in terms of operational delivery throughout 2023/24 - mainly due to higher material and fuel costs and a decrease in the value and therefore income from recyclable materials. These pressures were in addition to a £0.250m budget reduction relating to efficiency savings. The pay award again had a disproportionate percentage impact on SWISCo given the higher proportion of staff on below average salary rates. The Council has an agreement with SWISCo to fund any additional costs arising from pay awards and as a result provided an additional £0.391m of funding

specifically to meet the shortfall. Despite the additional pressures and savings targets included in the 23/24 budget, the company met its target to break even during the year.

- 5.2 Torbay Economic Development Company, (TEDC), Limited is forecasting a profit of £0.407m for 2023/24, which included a reported loss in the subsidiary company, TorVista Homes, of (£0.303m). TEDC returned into Council management in April 2024 and we are continuing to work through the company closedown and transfer of assets and contracts.
- 5.3 Torbay Education Limited, which is run with an objective to breakeven, returned a small surplus of £22,000 for the year which is retained in the company's books.
- 5.4 More detailed financial reporting about the Council's wholly owned Companies will form part of the final statement of accounts, when presented to Audit Committee.

6. Statement of Accounts – 2021/22, 2022/23 and 2023/24

- 6.1 The Council's 2021/22 Statement of Accounts are anticipated to be signed off at Audit Committee in July 2024. The accounts have not been signed in line with the Government's Statutory deadline, which is an issue that is common across many Councils. The audit of the 2021/22 accounts has taken a significant amount of time due to a number of challenges, particularly continuing issues in the local external audit market.
- 6.2 The government recently consulted on options to resolve the nationwide issue of the high volume of accounts that have not had an audit opinion issued. The consultation proposed a 'backstop' option which enable auditors to 'sign off' outstanding accounts by 30 September 2024 with minimal, if any, audit work being completed. Therefore, it is expected that the 2022/23 accounts for Torbay Council will not receive a full audit.
- 6.3 The ongoing audit of accounts has had an impact on preparation of the 2023/24 accounts and many Councils, including Torbay, were unable to publish their unaudited accounts for public inspection by 31 May 2024. We did however publish the 2023/24 Statement of Accounts in mid-June and these will receive a full audit from Grant Thornton later this year.

7. Service Budgets

Adults and Community Services

Service	Budget £m	Final Outturn £m	Variance £m	Forecast at Q3 £m	Movement since Q3 £m
Housing Options, incl. Temporary Accommodation	1.329	1.768	0.443	0.740	-0.297
Homelessness prevention	0.145	0.344	0.199	0.255	-0.056
Cemetery and Crematoriums	-0.897	-1.014	-0.117	0.000	-0.117
Other minor variances			0.045	0.035	0.010
Outturn position	51.559	52.129	0.570	1.030	-0.460

- 7.1 Overall Adults and Community Services overspent by £0.570m. The table above highlights the areas that contributed to the Outturn variance. This was mainly due to overspends against budgets relating to the provision of temporary accommodation to individuals/families and the prevention of homelessness.
- 7.2 Temporary Accommodation and homelessness remains a national issue, fuelled by the 'cost of living' crisis. There remains considerable demand pressure in the local housing market, with a lack of affordable 'move-on' accommodation and limited availability of temporary options for individuals and family groups in need of temporary accommodation (TA).
- 7.3 Activity on the prevention of homelessness has been effective and although spend in this area has exceeded budget it has limited the number requiring temporary accommodation and associated spend. The number of households in TA peaked at 165 in October 2023 but reduced to 121 in March 2024.
- 7.4 A decision was made in 2022/23 to spend £10m on procuring properties to improve the stability and cost of accommodation options available to the Housing Options team. All 32 homes have now been acquired, providing a more traditional 'home' setting for individuals currently in Temporary Accommodation and reducing the use of more expensive spot purchased accommodation.
- 7.5 Within Adult Social Care the majority of spend is against a fixed price financial arrangement (contract) for the delivery of services provided through the Integrated Care Organisation (ICO). Due to these financial arrangements with the ICO there is no financial impact on the Council budget, despite the increasing pressures within the sector. The 2023/24 spend is in line with the revenue budget set.
- 7.6 The Council signed a new, five year, extended contract with the ICO in March 2024 which will run from the 2025/26 financial year. This contract will enable the Council to plan with a degree of financial certainty over the coming years which will feed into our Medium-Term Resource Plan (MTRP). Collaborative work is underway between Council & NHS colleagues on the Adult Social Care Improvement Plan (ASCIP) to manage overall spend within the system as there remain significant cost pressures over and above the set budget.
- 7.7 There was an end of year underspend of £116,000 on the Cemetery and Crematorium budget, due to rental income received exceeding the budget.

Children's Services

Service	Budget £m	Final Outturn £m	Variance £m
Care Placements including Unaccompanied Asylum-Seeking	21.431	22.968	1.537
Home to School Transport	3.818	4.252	0.434
Section 17 - intervention & support.	0.480	0.592	0.112

Forecast at Q3 £m	Movement since Q3 £m
1.548	-0.011
0.312	0.122
0.070	0.042

Net staffing underspend across various CS teams/services.	19.573	18.681	-0.892		-0.829	-0.063
Recruitment and Retention	0.582	0.383	-0.199		-0.140	-0.059
Disabilities Service - Refund of unused Direct Payments	-0.090	-0.231	-0.141		0.000	-0.141
Other minor variances			0.021		0.030	0.229
Outturn Position	50.338	51.210	0.872		0.991	0.119

- 7.8 Overall Children's Services overspent by £0.872m. The table above highlights the areas that contributed to the Outturn variance.
- 7.9 The cost of placing children in care, including Unaccompanied Asylum-Seeking Children (UASC), continues to be the main reason for the overspend and totals £1.537m of the variance. Despite the overall numbers of cared for children being lower than previous years, significant shortages of suitable available placements are driving up costs within the market. Price increases since 2021/22 are in excess of 30% in residential and unregulated/unregistered placements. The legislation on unregulated placements changed in September 2022 and continues to result in further pressure on this budget into 2023/24.
- 7.10 The Home to School Transport budget overspent by £0.434m as a result of increasing costs relating to existing routes. A thorough review of provision is current being undertaken, including a review of single occupancy taxis and the promotion of independent travel.
- 7.11 Expenditure relating to support for children in need under Section 17 of the Children Act 1989, was over budget by £0.112m. This spend also covered areas such as housing support and ensured the Council met its duty to safeguard the children and promote their welfare.
- 7.12 Underspends in staffing budgets totalling (£0.892m) and in recruitment and retention budgets (£0.199m) have helped to offset these pressures across the Directorate.
- 7.13 Agency costs have been a significant financial pressure in recent years, but following successful recruitment and retention within the service, the total agency costs for 2023/24 totalled £2.3m compared with spend in 2021/22 of £4.9m. We are now 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 and it is therefore an area that needs continued focus moving forward.
- 7.14 There was an underspend on the Disabilities Service of (£0.141m), resulting from a refund of unused direct payments, which was greater than had been budgeted.
- 7.15 Outside of Local Authority funded activities, the schools' higher needs block in the Dedicated Schools Grant, (DSG), remains under financial pressure from high levels of referrals for assessment for higher needs support for children.
- 7.16 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 the historic DSG deficit will be written off, through additional funding by ESFA.

7.17 Torbay Council has already received £7.270m from the ESFA in response to its recovery plan, without which the DSG cumulative deficit was forecast to be £12.756m by the end of the financial year. For 2023/24 the DSG overspend was £1.024m, in line with the forecast deficit within the agreed safety valve plan. It is critical that the Council continues to deliver on its recovery plan.

Corporate and Executive Services

Service	Budget £'000	Final Outturn £'000	Variance £'000	Forecast at Q3 £m	Movement since Q3
Legal Services	1.336	1.698	0.362	0.416	-0.054
HR Services	0.974	0.853	-0.121	-0.034	-0.087
Policy, Performance and Comms	0.733	0.634	-0.099	-0.044	-0.055
Other Minor Variances			0.041	0.025	0.01
Outturn Position	12.677	12.853	0.177	0.363	-0.186

7.18 There is a total overspend for Corporate and Executive Services totalling £0.177m. The table above highlights the areas that contributed to the total Outturn variance.

7.19 The overspend is mainly due to spending pressures within Legal Services (£0.362m overspend), which is a national issue affecting Councils. This is a result of the difficulties the service continues to face in recruiting permanent staff to meet levels of demand. This has meant the service have had to use more expensive agency staff to continue delivering legal support to services across the Council.

7.20 The Council has struggled to compete with the salaries paid by other organisations – both within the private and public sector. The service is now applying additional market factors in the hope this will make a difference to their ability to recruit and reduce their requirements of agency workers. The Director for Corporate Services is working closely with the Head of Legal Services to mitigate the ongoing impact of these pressures in future years.

7.21 Within Corporate and Executive Services, there are some underspends forecast across other teams and service areas, which are partially offsetting the overspend within Legal Services, particularly within HR Services (£-0.121m) and Policy and Performance and Communications (£-0.099m).

Finance Services

Service	Budget £m	Final Outturn £m	Outturn Variance £m	Forecast at Q3 £m	Movement since Q3 £m
Treasury Management	19.275	16.307	-2.968	-2.000	-0.968
Business rates retention from Devon pool.	-0.900	-1.208	-0.308	0.000	-0.308
Other Minor Variances			-0.093	-0.100	0.007
Outturn position	-12.859	-16.163	-3.369	-2.100	-1.269

7.22 There is a total underspend for the Council's Finance Corporate Cost Centres, (including central Government grants), totalling (£3.304m). The table above highlights the areas that contributed to the Outturn variance.

7.23 The underspend is mainly a result of increased interest rates, being applied on investments. This means the Council has earned higher levels of interest on its current cash balances than was budgeted for 2023/24. Given the current low levels of spend on Capital projects, there has also been a saving on interest payable by the Council as lower levels of spend activity means lower amounts borrowed, therefore reduced interest paid by the Council.

7.24 Torbay Council also received (£0.308m) more income from the Devon-wide business rates retention pool than was budgeted, resulting from business rate income across the pool membership exceeding expectations in totality.

Investment Portfolio

Service	Budget £m	Final Outturn £m	Outturn Variance £m	Forecast at Q3 £m	Movement since Q3 £m
Outturn position	(4.6)	(4.6)	0	0	0

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

7.26 This means the Council's investment portfolio has contributed £4.6m towards Council activity and has maintained its Investment Fund Reserve which will help offset future pressures as and when they arise.

Pride in Place Services

Service	Budget £'000	Final Outturn £'000	Variance £'000	Forecast at Q3 £	Movement since Q3
Place Operations:					
- Torre Abbey	0.314	0.429	0.115	0.100	0.015
- Parks and green infrastructure	1.938	2.055	0.117	0.014	0.103
- Management fee to TCCT	0.348	0.491	0.176	0.170	0.006

- Leisure and sport	0.145	0.245	0.098	0.000	0.098
- Highways	3.243	3.038	-0.204	-0.050	-0.154
- Car Parking	-6.115	-6.341	-0.226	0.000	-0.226
- Waste services	12.958	12.993	0.035	-0.070	0.105
Planning and Transport:					
- Development Control	0.492	0.845	0.353	0.150	0.203
- Land charges	-0.258	-0.193	0.065	0.070	-0.005
- Concessionary fees	3.546	3.412	-0.134	0.000	-0.134
- Building Control	0.125	0.202	0.077	0.100	-0.023
-					
Place Commissioning:					
- TDA contract fee overspend	1.018	1.348	0.330	0.000	0.330
- Various TDA client budgets	3.130	3.384	0.254	0.009	0.245
Other Minor Variances			0.058	0.020	0.038
Outturn position	22.940	24.054	1.114	0.513	0.601

7.27 Within the Pride in Place directorate there was a total overspend of £1.114m. This was higher than forecast due to some transfers from reserves not being actioned and overspends being funded from within the overall General Fund budget. The table above highlights the areas that contributed to the total Outturn variance, with further detail below.

7.28 Place Operations:

- a. Within Torre Abbey income, there was a £0.115m shortfall, mainly due to income from weddings and the café returning lower income than budgeted.
- b. The overspend within Parks and Green infrastructure mainly relates to additional expenditure required on recreation and park services (£0.071m) as well as on public toilets (£0.031m).
- c. An overspend of £0.170m related to the management fee paid to the Torbay Coast and Countryside Trust for management of land leased to the Trust by the Council. This provides protection and enhancement of Torbay's natural heritage for the benefit of the community and visitors. The additional fee is to provide short term support, whilst the Trust implements a number of measures to improve its financial sustainability.
- d. An overspend of £0.098m occurred within the Leisure and Sport service, mainly because of additional energy costs, plus income being below budget.
- e. There was an underspend of (£0.204m) across Highways budgets, mainly due to savings on energy costs relating to streetlighting and traffic signals.
- f. Across Car Parking budgets there was a total underspend of (£0.226m). On-street car parking budgets ended up breaking even, with income from off-street parking being slightly lower than budgeted. This shortfall is offset by underspends within Parking Enforcement – mainly income above budget and vacancy savings (-£0.452m).
- g. The Waste Collection service was overspent by £0.684m, mainly due to the Garden waste service being short of the budgeted income target by £0.550m. The number of

subscribers in the first year of operation was lower than the levels anticipated. A contribution from the Waste reserve of £0.150m was planned but this has not been actioned due to underspends within the Waste Disposal budget, offsetting these overspends. Underspends of (£0.649m) arose due to waste disposal levels and associated costs being lower than forecast, plus additional profit share income from the Waste Partnership.

7.29 Planning and Transport:

- a. Development Control budgets overspent by £0.353m, mainly due to additional expenditure on professional fees and agency staff, plus income levels being lower than budgeted.
- b. Other Planning budgets were overspent by £0.065m, due to income from land charges being lower than budgeted, although slightly better than previous projections.
- c. There was an underspend on the Concessionary fares budget at year end totalling (£0.134m) as usage and associated costs were lower than budgeted, especially in the final quarter of the year.
- d. Building control fee income was lower than budgeted and was the main reason for the £0.077m overspend.

7.30 Place Commissioned:

- a. The TDA commissioning fee budget overspent by £0.330m due to an increase in commissioned work from the Council and additional cost pressures. This has not been funded from reserves as planned and accounts for a large proportion of the movement between Q3 forecast and the Outturn position.
- b. There was a net overspend across the TDA client budgets of £0.254m, despite savings in utility and NNDR budgets. The main overspends relate to costs exceeding budget on Paignton Library Hub (£0.122m), Oldway Mansion (£0.074m) and programmed/reactive repairs (£0.058m), plus a shortfall of income against the asset disposal budgets (£0.067m).

Public Health Services

Service	Budget £'000	Final Outturn £'000	Outturn Variance £'000	Forecast at Q3 £	Movement since Q3
Public Health	10.430	10.420	-0.010	0	0

- 7.31 Overall Public Health presents a balanced position, with only a small overall underspend of £0.010m. There was an underspend of £0.061m within the ring-fenced grant, which has been carried forward to 2024/25 for funding Public Health priorities in future years.

- 7.32 A significant amount of spend relates to the provision of 0-19 services, which is expected to see increased spending pressures in future years, plus increases in the Sexual and Reproductive Health contract. A project group has been set up exploring future options for re-procuring these services in future years within the resource envelope available.

8. One-off allocations and ring-fenced reserves

- 8.1 At year end the Chief Finance Officer transferred unspent “one off” budget allocations to reserves to be spent in future years. In addition, funds unspent from other earmarked or ring-fenced funding streams were also carried forward such as funds held for Adult Social Care and Public Health.
- 8.2 The net 2023/24 underspend across the council enables the £0.613m outturn surplus to be transferred to reserves. It is proposed that £0.4m is moved into a specific earmarked reserve which will assist the Council in the re-prioritisation, and ultimate delivery, of the Capital Investment Programme. Revenue costs will be required to continue with design and feasibility work for specific schemes alongside bolstering capacity, and skills, in project delivery, which will assist delivery in the future. It is proposed that £0.213m is moved into the CSR reserve to fund one off expenditure to accelerate delivery of Operation Brighter Bay.
- 8.3 The Section 151 Officer provided a report on Reserves to Council, in February 2024, as part of the 2024/25 budget setting papers. These Reserves will be reviewed in more detail over the coming months and ultimately feed into the budget setting process for 2025/26.

9. Capital Outturn 2023/24

- 9.1. In 2023/24 the Council spent £46.8m on capital projects, compared with an initial budget of £90m and a revised budget of £58.5m. This spend is part of a wider 4-year capital programme approved as part of the 2024/25 budget setting process.
- 9.2. The spend for each project compared to budgets is shown in Appendix 2 to this report, which also highlights estimated scheme costs and spend in previous years.
- 9.3 The level of cost inflation on construction contracts remains high and along with supply chain issues have impacted on the “pace” of spend and capital expenditure for the year being less than forecast. The balance on unspent capital budgets will be transferred into future years.
- 9.4 There were over 30 separate projects that incurred spend over £100k. This demonstrates the breadth and scale of projects a unitary council like Torbay is involved with, over a wide range of services including highways, schools, housing and regeneration. Eleven projects incurred spend greater than £1m, with the largest spend of £10.4m relating to the Harbour View Hotel development.
- 9.5 Appendix 2 shows that the funding of the capital spend on 2023/24 was broadly in line with forecasts - primarily funded from capital grants (£15.9m) and from unsupported borrowing

(£27.8m). These were supplemented by capital receipts, revenue and external contributions such as s106 payments and the use of reserves.

- 9.6 The Council, due to its cash flow did not borrow any additional funds during the year and remained within both its operational and authorised (borrowing) limits. Further detail will be included within a separate Treasury Management outturn report to Audit Committee.
- 9.7 The Council has received confirmation of a successful grant applications for the sum of £20m of capital funding from the Levelling Up Partnership (LUP). The grant funding is to be committed by March 2025 and the 2024/25 Q1 monitoring report will provide further details on the projects to be supported with this funding.
- 9.8 More urgent approval is required however on one of the projects to enable the procurement phase and further development of the business case. This relates to the Paignton and Preston coastal defence project which would receive £7m of this grant, to fund the estimated £17.515m costs. If costs were to increase and exceed estimates (including contingencies), then re-scoping of the public realm works would be required to scale the final works within budget. A recommendation is included above for approval to proceed with this project.
- 9.9 In addition to the LUP funds, Torbay Council have also been successful in our application for the third round of Levelling Up Funds (LUF3) to support the Brixham port infrastructure and Paignton technology park projects. Subsequently, Torbay was awarded £20m, which has been allocated between these projects for delivery by March 2026. The cost is estimated at £25.415m, with Torbay Council required to match fund a total of £5.4m through supported borrowing, subject to an approved business case.
- 9.10 Approval is required for feasibility funding to progress these projects to the stage where there is further transparency and understanding of full project costs, risks and revenue funding streams to fund the borrowing costs.

10. Risks & Sensitivity

10.1. 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 23/24 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

11. Appendices.

- 11.1. Appendix 1 – Monitoring of agreed 23/24 Savings
- 11.2 Appendix 2 - Capital Plan Summary – Outturn position for 2023/24
- 11.3 Appendix 3 – Write offs over £5,000 – EXEMPT
- 11.4 Appendix 4 – Outline Business case for Preston and Paignton sea defence scheme - EXEMPT

Monitoring of savings appearing on 23/24 published budget papers				
Description of saving/efficiency	Directorate	£m	Achieved?	Comments
Harbour Health and Safety post to be funded by Harbours	Adults & Community	-0.050	Partial	Part achieved for £40k salary cost
CCTV - contribution from Fleet Walk	Adults & Community	-0.050	Yes	Achieved - budget adjusted
Home to School Transport	Childrens	-0.067	No	Pressures remain in H2S Transport
Reduction in agency costs	Childrens	-0.030	Yes	Savings achieved
Removal of Transformation post	Corporate	-0.060	Yes	Achieved - budget adjusted
Digitalisation within electoral services	Corporate	-0.010	No	Not yet achieved
Use of MS365 - security	Corporate	-0.020	Yes	Savings from New E365 licences - from Jan 24
Town Hall - savings from reduced usage	Place/Corporate Services	-0.100	Partial	Behind target on achieving savings
Transport post funded from capital	Place	-0.050	No	Issues flagged and listed as budget pressure
SWISCO efficiencies	Place	-0.250	Yes	Achieved - budget adjusted
Climate change savings offsetting borrowing costs	Place	-0.060	No	Issues flagged and listed as budget pressure
Increased recycling reducing costs of waste disposal	Place	-0.055	Yes	Achieved - budget adjusted
Increased income from Section 38 highways works	Place	-0.010	Yes	Savings achieved
Marketing costs to picked up externally	Place	-0.006	Yes	Budget adjusted and no issues
Increased income from events	Place	-0.033	No	Pressures emerging at Q1
Reduce net costs of Torbay Airshow - sponsorship	Place	-0.027	N/A	Additional budget found to reverse saving
TDA to fund borrowing costs of regeneration schemes	Finance	-0.200	N/A	Additional budget found to reverse saving
Total published savings		-1.078		
Savings achieved		-0.481	45%	
Savings n/a		-0.227	21%	
Savings partially achieved		-0.150	14%	
Savings not achieved		-0.220	20%	
		-1.078	100%	

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CAPITAL PLAN - OUTTURN 2023/24 - EXPENDITURE

Appendix 2

Project Details				23/24 Spend vs budget		
Capital Programme Project	Estimated Scheme Cost £000	Spend in Prev Years £000	2023/24 Budget £000	2023/24 Total Revised Budget	2023/24 Outturn £000	Variance £000
Schools Capital Programme						
Capital Repairs and Maintenance	on-going	on-going	300	1,010	650	359
Education Review Projects	on-going	on-going	1,461	111	54	55
High Needs Capital Provision	on-going	on-going	2,650	890	299	591
Devolved Formula Capital	315			314	113	202
Paignton Academy STEPS Relocation	1,250	0	0	150	80	70
Foster Homes Adaptations	300	51	100	1	3	(2)
Acorn Centre (Youth Investment Fund)	528	0	264	80	6	74

Schools Closed Projects						
Mayfield Expansion	1,575	1,534	0	62	62	0
Paignton CS Academy Expansion	1,737	1,735	0	2	2	0
Roselands Primary - additional classroom	599	553	0	26	4	22
St Cuthbert Mayne Expansion	5,681	4,949		731	64	668
St Cuthbert Mayne Phase 2	1,000	34	750	966	791	175

Projects under Feasibility and Development						
Crossways, Paignton - Regeneration	36,983	2,264	5,000	1,968	2,218	(250)
Extra Care Housing (Torre Marine)	22,281	1,415	2,153	660	0	660
Edginswell Railway Station	24,400	613	5,000	2,297	2,035	262
Union Square Acquisition & Development (Town Deal)	70,000	3,957	7,043	846	791	55
Strand Land Assembly & (Debenhams) Demolition	13,600	161	2,500	50	69	(20)
Debenhams Redevelopment				253	253	0
Torquay Town Deal - Pavilion	13,000	57	1,300	423	7	416
Torquay Town Deal - Core Area Public Realm	850	60	598	60	35	25
Torbay Road Paignton (High Streets Funding)	1,500	77	426	100	(2)	102
Station Square (High Streets Funding)	2,540	202	2,027	211	48	163
Victoria Centre (Paignton) Phase 1 (FHSF)	652	25	602	351	456	(106)
Victoria Centre (Paignton) Phase 2 (FHSF)	3,862	55	3,312	1,360	13	1,347
Diversification (High Streets Funding)	0	0	1,300	0	0	0
Paignton Coastal Defence Scheme	17,515	238	150	211	201	11
Paignton Flood Defence (High Streets Funding)	571	0	485	37	44	(7)
Oldway Mansion - phase 1 of Master-Plan	0	0	0	0	72	(72)

Economic Development / Regeneration						
Edginswell Business Park Unit 1	6,927	2,200	5,724	4,384	4,079	305
Edginswell Enabling Works (LEP GBF)	5,281	2489	2,250	2,060	2,060	(0)
Harbour View Hotel Development	21,249	10,445	8,600	11,174	10,432	742
Torquay Strand Public Realm (Town Deal Funding)	4,485	587	1,814	800	1,202	(402)
Paignton Picture House (Future High Streets Funding)	1,285	918	367	367	367	0
Paignton Picture House (Community Dev Fund)	2,323	0	1,800	1,950	0	1,950

Lymington Rd Business Centre (LEP GBF/EGF)	5,925	1070	3,986	4,623	4,148	475
Small Projects - UK Shared Prosperity Fund	361	8	139	131	97	34

Housing Development / Investment

Temporary Accommodation	9,621	4,121	5,000	5,500	4,928	572
Disabled Facilities Grants	2,332	0	1,295	1,287	1,265	22
Enhancement of Development sites	329	137	65	132	4	128
Housing Rental Company - Loan	3,267	2,767	0	456	456	0
Community Led - Affordable Housing Loans	0	0	3,000	0	0	0
St Kilda's, Brixham - Affordable Housing Stage 1	434	0	338	434	232	203
St Kilda's, Brixham - Affordable Housing Stage 2	5,249	0	0	0	7	(7)

Environment / Climate Capital Investment

SWISCO Loan - Vehicle & Equipment Replacement	2,800	1,230	2,338	0	1,305	(1,305)
SWISCO Loan - Buildings	1,200	0	1,000	0	80	(80)
Car Park Investment	850	54	500	796	495	301
Climate Change Initiatives	1,000	0	250	392	166	226
Green Waste Bins	929	201	619	200	55	145
Local Electric Vehicle Infrastructure	958	0		0	0	0
Changing Places Toilets	180	0	180	40	69	(29)
Solar Farm, Brokenbury (EGF)	2,275	192	1,620	288	17	271
Solar Farm, Nightingale Park (EGF)	4,150	385	2,914	484	450	35

Transport Capital Investment

Transport Highways Structural Maintenance	4,361		2,038	2,877	2,600	277
Transport Integrated Transport Schemes	2,241		1,147	1,186	424	762
Transport - Torquay Gateway Road Improvements	3,485	3,450	20	21	(307)	326
Transport - Western Corridor	12,294	11,682	250	199	(2)	202
Shiphay Lane (Active Travel Fund)	227			0	4	(4)
Babbacombe Beach Road	469	439	31	15	11	4

Coastal Defence / Flood alleviation

Flood Alleviation - Cockington	328	301		27	23	4
Flood Alleviation - Monksbridge	412	86	295	326	36	290
Flood Alleviation - Monksbridge	50	4	20	46	5	42
Paignton Flood Alleviation	60	10	40	50	14	36
Brixham Flood Alleviation	45	10	25	35	29	6
Collaton St Mary Flood Alleviation				497	135	362

Sports, Leisure and Culture						
Clennon Valley Sport Improvements	70	32		22	18	4
Haldon & Princess Pier	95	7	50	88	9	79
Princess Pier - Structural repair	1,665	818	60	0	0	0
Torquay Town Dock - Infrastructure Improvements	1,200	741	211	460	360	99
Harbour Patrol Boat	72	0		75	75	(0)
Torre Valley North Sports Facilities	422			44	45	(0)
Park Tennis Renovation	504			504	504	0
Armada Park Refurbishment	91			30	30	(0)
Torre Abbey Gatehouse/SW Wing	1,290	54	707	813	632	182
Torre Abbey SE Wing/Courtyard/Tower	539	20	297	344	215	129
Torre Abbey Renovation - Phase 3	0	0	208	32	0	32
RICC Improvements - Backlog Repairs	1,250	935	0	280	283	(3)

Closed Projects						
Preston (North) - Development of former WCs		47	717	(47)	(47)	0
The Pines (TCCT)	75			75	0	75
Maidencombe Beach CP (TCCT)	45			45	0	45
EPIC Equipment (funded from LEP)	230			230	230	0
Claylands Redevelopment	11,150	10,748		20	9	11

Funding (to be moved to Projects Pending)						
Adult Social Care Grant	2,777	0	895	80	80	(0)
Affordable Housing	1,598	243	529	0	0	0
Torquay Towns Fund (General)	158	0	52	113	114	0
General Capital Contingency	342	0	632	336	16	320
Capital Contingency	0	0	600	0	0	0

Other						
Corporate IT Developments				430	430	0
Capital Expenditure from Revenue				47	47	(0)
Schools Capital Spend from Revenue				559	559	0
Contingency - Major repairs				83	83	(0)
South Devon Highway - Council contribution				76	76	(0)
Old Toll House, Tqy Seafront (Econ Growth Fund)				(191)	(191)	0

Full Capital Investment Plan Totals	351,695	74,411	90,044	58,495	46,829	11,666
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Review of Council Procurement Policies and Food and Music Festival – Report of the Overview and Scrutiny Board

Report to Cabinet on 11 July 2024

Background

1. The Review of Council Procurement Policies and Food and Music Festival Task and Finish Group met on 3 April 2024 to consider changes to the Council's Procurement Policies following the Devon Audit Partnership Review of the Food and Music Festival.
2. The Review Panel comprised Councillors Amil, Brook, Carter, Harvey, Long and Twelves (and was Chaired by Councillor Long).

(Note: Councillor Brook declared a non-pecuniary interest as a member of the English Riviera Business Improvement District (ERBID) Board and the person who submitted the tender for the Food Festival on their behalf.)

3. The background papers for the Review and the recording of the meeting can be found at <https://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=1956&MIId=26151&Ver=4>
4. Key evidence considered by the Panel included:
 - Report of Council Procurement Policies – Food and Music Festival
 - Revised Contract Procedures

5. Key Findings

- 5.1 Weakness in the due diligence and contract management were identified by the Devon Audit Partnership in relation to the contract award to Case Live Limited for the provision of a Food and Music Festival in May 2023. This came at a time when the Head of Commercial Services was already reviewing policies and processes to align with new Legislation which was expected to be in force for April 2024, but was now due to be in place in October 2024. Some of the changes were in respect of transparency around decision making and contracts and ensuring that small and medium enterprises (SMEs), including local businesses were not disadvantaged by the process.
- 5.2 Members heard evidence from Councillor Brook on his experience in submitting a bid for the original Food Festival and the complexities of the tender documents and errors made in the application process which resulted in the ERBID not being evaluated and thus not successful. The ERBID Board decided not to retender and then heard that Case Live Limited had been successfully awarded a revised contract with a different type of festival to that to that originally proposed with additional 2 years seed funding at £80,000 extra. The ERBID were unable to support Case Live Limited as the new date did not fit in with their events programme and extending season.
- 5.3 Many of the recommendations arising from the Review had been implemented and new Contracts Procedures were approved by the Council on 22 February 2024 and the changes were being rolled out as part of the transforming procurement programme. The further changes would be developed between now and October with fine tuning between October and December 2024. Secondary Legislation was being proposed and would be incorporated once it was introduced.
- 5.4 Due diligence around procurement waivers had been strengthened since June 2023 and they were now checked by the Commercial Services Team looking at risks to the Council in more detail as well as the reasons for the waiver, which were then considered weekly by the Section 151 Officer before they were sent to the budget holder for decision if they were going to award the contract. Having a central point of contact through the Section 151 Officer makes the decisions on waivers more consistent. The Section 151 Officer advised that high numbers of waivers had been received in the past and that he had refused a number of these, particularly when they were further waivers for contracts. The number of waivers was reducing as a result of the new process. Members were assured that the change from the original Food

Festival to the Food and Music Festival with a change in date and funding levels would have been challenged by this process and alternative options would have been proposed. Further work was required to ensure that the Contract Procedures aligned with this new waiver process. It was noted that Councillors were not involved in the waiver process as this related to how we award the contract and not the actual decision to award the contract.

5.5 It was proposed to implement a new financial checks process based on a toolkit from the Cabinet Office taking into account proportionality depending on the amount and the risk of the contract so as not to put small or new suppliers at a disadvantage. These checks include looking at both Dunn and Bradstreet and Companies House records for the preferred supplier and their Directors (as appropriate) in relation to the preferred supplier pre contract award and will be further developed in line with upcoming legislative changes. A new risk tool was also being developed, also based on a Cabinet Office contract risk tool. to use at pre-procurement stage to determine what checks need to be built into the process taking into account supplier market and ability to reprocur etc. This would then be reviewed again once a potential supplier had been identified to determine how the contract would be managed. Annual financial checks would be carried out on contracts with an additional flag for major contracts so that the Council was notified straight away of any issues.

5.6 There had been a restructure within the Commercial Services which had resulted in the creation of a number of new posts to improve procurement and contract management oversight:

- Deputy Head of Commercial Services – responsible for managing the procurement and contract management function to ensure team resources were allocated appropriately and providing advice and guidance across the team and wider Council in relation to the application of public contracts legislation and case law, would be in post June 2024.
- Policy and Compliance Manager – responsible for ensuring the appropriate policies, procedures, guidance and training tools were in place to support effective procurement and contract management, would be in post May 2024.
- Commercial Business Partner – responsible for working across directorates to ensure we were able to develop a robust procurement pipeline and that we understand and can respond to individual directorates training and support needs, would be in post April 2024.

- Data and Compliance – responsible for monitoring and reporting on compliance with Contract Procedures and contract compliance, in post from December 2023.

5.7 The Deputy Head of Commercial Services, Policy and Compliance Manager and Commercial Business Partner will work with the Head of Commercial Services to implement the new contract procedures and requirements of the Procurement Act 2023 and it was anticipated that all of the posts would be filled by June 2024 and that they would be up and running fully as soon as possible after June.

5.8 Members welcomed the following aspirations, that the revised Contract Procedures would provide a framework, underpinned by policy and guidance, which would deliver the following, but questioned how delivery against this would be monitored:

- Creating a simpler and more flexible commercial system that better meets the Council's needs and enables the Council to meet its obligations under the existing and future regulatory framework for public procurement;
- Providing a simpler, more transparent and flexible approach to spending money that is based on what we are buying, the associated risks and optimal route to achieving best value from our spend.
- Opening up public procurement to new entrants such as small businesses and social enterprises so that they can compete for and win more public contracts. Creating greater opportunities for local businesses, small and medium enterprises and the voluntary and community sector to do business with the Council. The range of procurement options within the proposed £25,001 to regulated threshold will allow us to direct opportunities for higher value contracts to pre-selected local suppliers, which under the current system would have to go to the open market.
- Improving levels of transparency on all aspects of decision making in relation to the award of contracts – not just the decision on who we award the contract to, but also around the decision to purchase externally and the route to market chosen. Enabling how we spend public money to be properly scrutinised and for the Council to be held to account.
- Improving our decision making, procurement and contract management practices to ensure we deliver best value and best outcomes for our residents;
- Delivering consistent (but not uniform) capability which promotes innovation and community partnership;

- Enabling tougher action to be taken on underperforming suppliers and exclusion of suppliers who pose unacceptable risks, through more effective contract management and the use of mechanisms being put in place by government for this purpose; and
- Revised spend thresholds will enable staff (once trained) to put lower value / lower risk contracts in place without the need for hands-on procurement officer support, this will allow the Commercial Services Team to focus resources on the higher value / more complex contracts.
- Making the way in which we spend money “everyone’s business”.

5.9 The Head of Commercial Services was working with the Section 151 Officer to include targets within the Business Plan to monitor spend, how much was spent locally and ensuring the Council received best value.

5.10 The Council was engaging with local small and medium enterprises (SMEs) as part of a Devon and Cornwall Procurement Partnership, which holds an annual supplier event to meet with local suppliers part of this covers the E-Tendering Portal and options for contracts. The Commercial Services Team was also part of a Community Wealth Building Sub-Group working with the voluntary and community sector and the Economic Regeneration Team. Part of implementing the new Legislation would be further engaging with potential suppliers on the development of new procurement documents. The Commercial Services Team has already worked with local suppliers through workshops on the new contract documents and was working with the Economic Development Team who have developed a tool for local businesses to complete and an online questionnaire.

5.11 The TDA transferred to Torbay Council on 1 April 2024 and contracts which were completed on behalf of the Council would remain unchanged, but a review was being undertaken to novate (transfer) the contracts awarded under TDA to the Council. This would mean that they were monitored in accordance with Torbay Council’s Contract Procedures.

6. Conclusion

6.1 The Panel reflected and debated the information provided to them, both verbal and written. Members were satisfied that the lessons learned from the Review of the Food and Music Festival and the implementation of the recommendations arising from that review, some of which had already been implemented and others that would be incorporate with the requirements of the new Legislation, would prevent the likelihood of a repeat of the issues

found. They welcomed the work with small local businesses and ensuring that the Council does all it can to support Community Wealth Building to ensure that as much spend as possible is kept within Torbay, as well as the risk based and flexible approach adopted.

- 6.2 The Panel formed the following recommendations to the Cabinet which were approved by the Overview and Scrutiny Board on 8 May 2024. On being put to the vote, the motion was declared carried unanimously.

7. Recommendations

Recommendations to Cabinet:

- 7.1 That the Cabinet be recommended:

- a. to clarify how the monitoring of the new Contract Procedures will be tracked in order to demonstrate how many local businesses have been awarded contracts as well as the overall implementation of the new arrangements (highlighted in paragraph 5.8 above); and
- b. to continue to support Community Wealth Building and work with small and medium local businesses to enable them to influence the Contract Procedures and to successfully apply for contracts.

Recommendations to Overview and Scrutiny Board:

- 7.2 that the revised Procurement Policies be presented to the main Overview and Scrutiny Board prior to their approval; and
- 7.3 that an update be given to all Councillors on the changes to Procurement once the new Legislation is in place.

TORBAY COUNCIL

Cabinet Response to the recommendations of the Overview and Scrutiny Board – Review of Council Procurement Policies and Food and Music Festival

Recommendation 1:

To clarify how the monitoring of the new Contract Procedures will be tracked in order to demonstrate how many local businesses have been awarded contracts as well as the overall implementation of the new arrangements (highlighted in paragraph 5.8 of the submitted report).

Response:

One of the performance indicators within the service plan for Commercial Services relates to the percentage of total spend with local suppliers. We will monitor the total spend across the Council and its wholly companies, with a further breakdown to directorate level. Where the Commercial Services Team are supporting a tender process we will capture details of market engagement activities and in respect of quote processes the number of local suppliers invited to quote. Over time it is expected that Commercial Services will not directly support all of the lower value / lower risk procurements, but will capture information on engagement with local suppliers through the requirement to publish all spend over £5,000 on a Contracts Register.

The Procurement Act 2023 introduces the concept of transparency by default. There will be requirement to publish a greater level of information in relation to all stages of the procurement lifecycle on a central digital platform. We will cross check the transparency information and Contracts Register data with spend data to establish how effectively the new arrangements have been implemented and to more easily identify areas of non-compliant spend.

The new transparency arrangements include reporting on contract performance, to facilitate this we will be increasing the level of oversight across the management of all contracts, enabling us to act more quickly in the case of poor performing suppliers and report on contract management activities.

We will be developing a mechanism for gathering client feedback on procurement and contract management activities, including the effectiveness of the contract that has been put in place and the degree to which it meets the identified needs.

Recommendation 2:

To continue to support Community Wealth Building and work with small and medium local businesses to enable them to influence the Contract Procedures and to successfully apply for contracts.

Response:

The work of the Community Wealth Building Procurement Sub-group includes identifying opportunities to engage with local businesses and the voluntary and community sector in order to build market capacity, capability to bid for contracts and raise awareness of procurement pipelines. The Council's Commercial Services Team are active participants on the sub-group, helping to progress and promote increased opportunities for local suppliers, such as involvement in Meet the Buyer Events and provision of advice on the development a Public Sector Supplier Capability Diagnostic Tool, to aid potential suppliers to better understand what bidding for public sector contracts can involve, enabling them to measure their capability against standard public sector suitability requirements. At the upcoming Meet the Buyer Event taking place on 25 June 2024, Commercial Services will be giving a presentation on what the Procurement Act 2023 will mean for suppliers and the differences they will see in the approach to procurement when it comes into force in October of this year. We will be working with the sub-group to engage with suppliers on the development of new tender documentation to aid in reducing barriers to participation for smaller suppliers. Over the next 6 months we will be reviewing our social value policy and will engage the Procurement Sub-group to ensure we are capturing appropriate community wealth building requirements within our social value measures and objectives.

Internships – Report of the Children and Young People’s Overview and Scrutiny Sub-Board

Report to Cabinet on 9 July 2024

Background

1. The Children and Young People’s Overview and Scrutiny Sub-Board met on 22 April 2024 to consider a report which provided an update on the progress being made against the Torbay Local Area Special Educational Needs and Disability (SEND) Joint Written Statement of Action. The Cabinet Member for Children’s Services requested his thanks to be placed on record to the Chairwoman of the Sub-Board for attending a meeting with Ofsted on his behalf to discuss the progress made. The Cabinet Member for Children’s Services acknowledged that there was a long way to go, and the Council and its partners needed to deliver all the things they promised to deliver but that we were more self-aware.
2. It was noted that there had been a change in regime with a new framework in place which the Area would be judged against in addition to the 8 areas identified for improvement at the previous inspection held in November 2021. This would focus on an audit of children and young persons who had an Education and Health Care Plan (EHCP) and were registered for SEND support. There was still a lot of challenge nationally as well as locally in respect of SEND, this had been incorporated into the new SEND Strategy which covered the next five to ten years and had been coproduced with young people, parents, health, education and social care with five key priority areas identified. It was highlighted that SEND was everyone’s business. A draft self-assessment had been developed and would be presented to a regional engagement meeting in June with Ofsted and the Care Quality Commission to learn with others how to make further improvements in SEND.
3. The Sub-Board asked a number of questions in relation to what progress had been made on waiting lists, particularly speech and language; what was being done to identify speech and language in early years; were the Family Hubs involved in helping families with SEND; what were the Not In Education, Employment or Training (NEETs) figures currently and where were they when we were inspected.
4. In response to questions, it was noted that waiting lists were still long but that alternative options were being explored looking at community recovery and additional investments. The importance of identifying speech and language difficulties at an early age was a key priority and work had been undertaken

with early years providers to train them how to recognise and signpost parents to support for SEND. Work and training was also undertaken with primary and secondary schools and Special Educational Needs Co-ordinators (SENCOs), with the Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS) was being delivered through the Family Hubs and a dedicated social care officer based within the Team responsible for the Family Hubs so they link across all services. A link between people with speech and language difficulties entering into the Youth Justice system was also highlighted.

5. The NEET figures were 45 when we were inspected with a target to reduce to 15 by April and by July 0 and as of April 2024 there were 8 people with SEND who were NEET. It was noted that Torbay has a transient population which fluctuated over the academic year. The Council was looking at a better way to forecast need and pathways for young people including internships and the creation of an Internship Forum looking at as many businesses as possible to sign up. It was noted that more care experienced young people were NEET and the overall numbers were 257 which was still too high. This linked to the Child Friendly Community work to inspire young people to want to be in education or employment and the voice of the young person was being heard and gathered in this work. Members also noted the work carried out by Play Torbay around training and apprenticeships.
6. Members acknowledged the multi-agency and maturity of the Local Area work being undertaken to address the recommendations from the Inspection but that there was still further work to be done.
7. The background papers can be found at [Torbay Local Area SEND Joint Inspection Written Statement of Action.pdf](#)
8. The Sub-Board reflected and debated the information provided to them, both verbal and written and formed the following recommendation to the Cabinet which was approved unanimously.
9. **Recommendation**
 - 9.1 That the Cabinet be requested to work with Council Directors to identify more opportunities for internships within Torbay Council and SWISCo for our young people, including those with SEND.

TORBAY COUNCIL

Cabinet Response to the recommendation of the Children and Young People's Overview and Scrutiny Sub-Board – Internships

Recommendation 1:

That the Cabinet be requested to work with Council Directors to identify more opportunities for internships within Torbay Council and SWISCo for our young people, including those with SEND.

Response:

The Head of SEND has met with HR to consider how as a Councils we embed a shared responsibility to improving the life chances for our children with SEND and support the opportunities within “the family firm” to enable them to have the prospect of employment within the Council.

Council Directors and the Chief Executive have subsequently met to consider a report detailing the proposals. The paper was presented by the Director of Corporate services and HR, who will lead on the implementation, in consultation with the Section 151 officer/Head of Finance to identify funding arrangements.

Several actions are being taken forward to enable the Council to support engaging with five cross Council apprenticeships/internships positions in the next year with a further five to be progressed for the subsequent year. It was acknowledged that a level of support would be required to ensure that we do not just offer a work opportunity but offer a model of support to maintain the employment. This will require financial support to deliver a support package. For every vacant post, and before we go to market we should ask ourselves, can this be an internship or apprenticeship and this needs to be specifically recorded in the councils establishment control (ECAN) process.

Opportunities within the Council are important, but we need to consider ways we may anchor organisations to develop people across several areas to help them into or to maintain employment

Furthermore, we will extend the opportunities to offer every care experienced young person a work experience placement within the Council alongside an offer to support via mentoring and peer support opportunities.

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