

# Annual Governance Statement

**2023/2024**

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## Version control

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Date	Details	Updated by

# Executive Summary

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

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

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

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

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

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

Anne-Marie Bond  
Chief Executive

Councillor David Thomas  
Leader of the Council

# Scope of responsibility

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

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

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

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

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

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

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

# Key governance arrangements

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## The purpose of the governance framework

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

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

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

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

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

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

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

- A Member Development Programme is in place with the aim of providing a structured approach to member development and supporting them in their roles. This includes more detailed

training for Councillors with areas of special responsibility e.g. Leader of the Council, Cabinet Members, Overview and Scrutiny and Chairs of Committees.

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

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

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

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

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

- To provide clarity, the following are included within the Council's Constitution:
  - Schedules of Local Choice Functions and Council Functions
  - Scheme of Delegation of Executive Functions to the Cabinet, Cabinet Committees and Officers
  - Article 5 – Overview and Scrutiny
  - Terms of reference of the Overview and Scrutiny Board
  - Job Descriptions

- Roles and responsibilities of Members and officers (and how they inter-relate) are also made clear during induction programmes. The Council Leadership Group (made up of the Leaders and Deputy Leaders of each Group) meets regularly.

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

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

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

- To provide clarity, the following are included in the Council's Constitution:
    - Local Protocol on Member and Officer Relations
    - Members Allowances Scheme and Job Descriptions
  - In accordance with our commitment to provide transparency, on our website we publish:
    - Our Organisational Chart covering each member of staff in the top three levels of the organisation.
    - Details of the number of employees whose remuneration was at least £50,000, including their responsibilities.
    - Our Annual Pay Policy Statement and Gender Pay Gap Report
  - An Independent Remuneration Panel is in place to keep the Members' Allowances Scheme under review and make recommendations regarding the Scheme.
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- There are a range of partnerships in place:
  - An Annual Memorandum of Understanding in place with the NHS for the delivery of adult social care by the Integrated Care Organisation.
  - Torbay and Devon Safeguarding Adults Partnership
  - Torbay Safeguarding Children Partnership which operates in line with the requirements of the statutory guidance Working Together to Safeguard Children 2018
  - The Community Safety Partnership (known as Safer Torbay)
  - Family Hub Board identifies local needs or gaps and suggests how community strengths may address them
  - Health and Wellbeing Board
  - Torbay Voluntary Sector Network
  - Torbay Place Leadership Board
- Our Corporate Safeguarding Policy sets out that the responsibility for safeguarding applies to every employee, volunteer, contractor, partner, agency worker and elected Member of the Council.

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

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

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

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

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



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

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

- The Council's Constitution sets out the Council's formal governance framework with decisions made in accordance with Access to Information requirements. The Constitution also includes Financial Regulations and Contract Procedures.
- The Council has documented its internal governance structure and framework and has contract management arrangements in place.
- Draft Local Operating Policy for Governance of Council Wholly Owned Companies in place.
- The Forward Plan is published monthly setting out the Key Decisions which are due to be taken.
- Overview and scrutiny arrangements are in place within the Council's governance arrangements, with the Constitution including the terms of reference of the Overview and Scrutiny Board (and its sub-boards) and the Standing Orders in relation to Overview and Scrutiny.
- The Council has standard formats for reports to decision makers and Records of Decision.
- The Code of Conduct for Members and Employees includes details around conflicts of interest.
- Audit Committee in place as part of the Council's governance arrangements.
- The Council has a Complaints Procedure in place.

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

- The Council's standard format for reports to decision makers includes the legal and financial implications of the recommendations. Guidance and advice available for completion of Equality Impact Assessments within those reports.
- Quarterly budget monitoring and performance reports are presented to Directors, Cabinet Members and Overview and Scrutiny Board
- There is an approved Community Engagement and Empowerment Strategy.

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

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

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

- The Council's Head of Legal Services is the designated Monitoring Officer.

- Standard format reports for decision makers which requires legal implications of decisions to be set out so they can be considered by the decision maker. There is proactive engagement between Legal Services and directorates on high profile/sensitive matters.
- Advice and guidance is available to all directorates to ensure procurement is legally compliant.
- Standard Terms and Conditions ensure providers are legally compliant and held to account.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We are committed to continually improve effective service delivery arrangements.

- The Council has in place a Performance Management Framework which includes setting annual targets for performance indicators.
- The Council Business Plan sets out milestones towards delivery of priority projects and Service Plans prepared for services across all Directorates.
- A quarterly performance report is published and considered, with performance celebrated and challenged.

- The Statement of Accounts provides a Narrative Report which explains the Council's achievements against the Community and Corporate Plan over the past year alongside the Council's financial performance.
- Customer Service Standards in place.
- Improvement Plans put in place to respond to external inspections:
  - Children's Services Continuous Improvement Plan.
  - Special Educational Needs and/or Disabilities Written Statement of Action
  - Safety Value.
- Six monthly reports are considered at Directors' Overview Meeting on those areas of the Council subject to external inspection.
- Asset Management Strategy in place to ensure the effective use of the Council's assets
- Council Re-design Programme in progress to move towards agreed Target Operating Model.

# Review of effectiveness

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

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

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

Following the Local Elections in May 2023, the Council's Chief Executive and Directors worked with all Members of the Council to develop the draft Community and Corporate Plan. The draft Plan was developed, considering data contained within the Torbay Profile, feedback from the Residents Satisfaction Survey and the political priorities of the Council. The draft Plan was then subject to consultation during September and October 2023 – this included consideration by the Overview and Scrutiny Board.

The Council Business Plan was then developed which set out the actions to be undertaken against each priority within the Community and Corporate Plan. These actions contained milestones against which progress can be measured. A set of performance indicators are included within the Plan which supplement the longer-term performance indicators within the Community and Corporate Plan.

The Performance Management Framework is currently under review so that, from Quarter 1 of 2024/2025, the corporate performance report can provide assurance that progress against both the Community and Corporate Plan and the Council Business Plan is on track.

The Resource and Waste Management Strategy within the Policy Framework was amended in year to take account of changed political priorities. The changes were subject to public consultation. Now that the Community and Corporate Plan and Council Business Plan have been approved, a review of the strategies, plans and policies which make up the Policy Framework will be undertaken during 2024/2025.

The framework for completing Service Plans was reviewed in year, with the aim of making sure they are an effective tool to support the Council's continuous improvement. The Service Plans are currently being reviewed to ensure consistency and to identify inter-relationships.

The Member Development Programme was reviewed ahead of the Local Elections in May 2023, of which further details are included under Principle 5.

The Statement of Accounts 2023/24 has been prepared and was audited by Grant Thornton. The Council's accounts and the Auditor's annual report are publicly available on our website.

Directorate performance against our Customer Service Standards is monitored against targets on a weekly basis. Monthly escalation meetings are held with the Chief Executive and Director of Corporate Services to ensure satisfactory performance. This includes outstanding enquiries made by Councillors and Members of Parliament.

The Council operates a single stage complaints process which means there are improved timescales for escalation to the Local Government and Social Care Ombudsman. Information on the Council's performance against our Customer Service Standards are included in quarterly performance reports which are considered by Directors, Cabinet members and the Overview and Scrutiny Board.

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

- For adult social care:
  - Section 75 Executive Group
  - Adult Social Care Improvement Board; and
  - Adult Social Care and Health Overview and Scrutiny Sub-Board
- For children's social care:
  - Children's Continuous Improvement Board
  - Children and Young People's Overview and Scrutiny Sub-Board
  - Corporate Parenting Board
- For services for children and young people with Special Educational Needs and/or Disabilities:
  - SEND Strategic Improvement Board
  - Independent Check and Challenge Group
  - Children and Young People's Overview and Scrutiny Sub-Board

In April 2024, Torbay Council published its first Adult Social Care Self-Assessment Report which was prepared following consultation over the summer of 2023 with local stakeholders and in conjunction with HealthWatch.

Children's Services publish an annual self-assessment which for this financial year was published in December 2023 – this was used as a basis for the Annual Conversation with Ofsted which took place in May 2024. We continue to work with the Department for Education and Care Quality Commission in relation to the Written Statement of Action for our children and families who

experience SEND. The Children's Leadership Team attended a 'Area SEND Engagement Meeting' in February 2024.

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

Our Medium-Term Resource Plan was formally revised as part of setting the Council's budget in February 2024. The Council's budget was kept under review throughout the year by Directors and Members of the Cabinet with quarterly budget monitoring reports being considered by the Overview and Scrutiny Board.

The Treasury Management Strategy was reviewed by Audit Committee and its recommendations were considered by Council ahead of its approval in March 2024. Audit Committee received two progress reports which demonstrated our compliance with the strategy.

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

In October 2023, a partnership of Wilmot Dixon and Milligan was appointed, by the Cabinet, as the Council's Regeneration Partners. A Board of Council officers and representatives of the partners will report to the Council to provide oversight and six-monthly updates on progress will be reported to Overview and Scrutiny Board.

Quarterly meetings of the Management of Investment Assets Group were held to oversee management of our investment properties. Work is underway to develop a framework to standardise the measurement of holding or releasing assets.

Regular updates on the Council's counter fraud and anti-corruption arrangements are presented to Audit Committee. Devon Audit Partnership undertook periodic proactive fraud awareness sessions for both officers and members. The Council's anti-fraud arrangements are assessed by the external auditors alongside the Statement of Accounts.

A Local Operating Policy for Governance of Council Wholly Owned Companies is in development. Company boards monitor performance at least quarterly, with the Divisional Director for Economy, Environment and Infrastructure monitoring performance of SWISCo on a day-to-day basis. The Overview and Scrutiny Board review the performance of Wholly Owned Companies annually.

Following a recommendation made by Cabinet, the decision was made at a meeting of the Council in September 2023 to dissolve the Torbay Economic Development Company (trading as TDA) and bring its services back into the Council from 1 April 2024. The need to deliver more for Torbay at a time of significant change in the regional and national economic development environment meant that a review of the fundamental purpose of the company was needed. The Chief Executive, in consultation with the Leader of the Council, was given delegated authority to determine the arrangements of a safe transfer.

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

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

- Article 11 – Decision Making
- Article 11 – Review and Revision of the Constitution
- Standing Orders in relation to Council Meetings
- Local Protocol on Leader of the Council and Political Groups
- Local Protocol on Civic and Ceremonial
- A New Local Protocol on Indemnity and Insurance for Members and Officers
- Contract Procedures
- Local Protocol Consultation Arrangements with Town/Parish Councils and Neighbourhood Forums

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

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

Issues were identified in the October 2023 Devon Audit Partnership report on Tor Bay Harbour Authority income. This was in relation to the governance of rent reviews and charging arrangements which were managed by TDA on behalf of the department. Recommendations were made that discussions should be held to ensure the Harbour Master is fully updated on why rent reviews are not taking place, any rent review decisions and if charging issues are resolved. Now that the TDA are back in house it is anticipated that this will aid closer working.

In their July 2023 report on Section 106 and Community Infrastructure Levy (CIL), Devon Audit Partnership identified the need to:

- Enforce CIL and Section 106 project ownership thereby maximising potential for planning obligation income to be allocated and spent in line with agreements.
- Ensure monies are collected and allocated to projects, and to make any related accounting adjustments if required.



- Establish a CIL and Section 106 operational governance framework linked to the Council's strategic objectives.

The Council's Section 151 Officer will engage with the CIL Neighbourhood Portion Spend Panel and an application process with forms and guidance is now in place. Refunds of monies and decisions regarding virements are to be routed through the Finance Team for review and the relevant systems updated. The Council has implemented a new reporting system to easily identify monies that should have been spent or refunded. This is known as the Exacom system.

During 2023/2024 the Monitoring Officer has held monthly 'open sessions' with Members whereby any concerns could be raised and member behaviour generally discussed. In addition, the Monitoring Officer continues to meet as needed with the Independent Persons (appointed to assist the Standards Committee in the Member Complaint Process) to hear their views and opinions on any relevant matters relating to members' conduct. The Monitoring Officer has received complaints which were dealt with in accordance with the Assessment and Determination of Allegations of Breaches of the Member's Code of Conduct complaints.

As described under Principle 1, the Member Development Programme was reviewed ahead of the Local Elections in May 2023.

The Independent Remuneration Panel (IRP) met in 2023/24 to undertake a fundamental review of Members' Allowances. The Panel recommended that a Basic Allowance of £9,794 (based on the National Joint Council allowance increase of 3.88%) should be set with all Special Responsibility Allowances (SRAs) being a multiplier of the Basic Allowance, with travel and subsistence allowances being the same as those for council officers. It felt that the decision to extend the list of approved duties was outside their remit and was a political decision. The IRP report was considered by the Council at its meeting on 22 February 2024 – the proposed increase in Basic Allowance was not accepted, instead agreeing the principle to increase the allowances by the same percentage as the average of staff pay (as previously adopted) at 5.28% and that this be the basis for future annual increase calculated by the Director of Finance. They accepted the application of the multiplier to calculate the SRAs and increased the number of meetings listed as approved duties.

The Council Leadership Group has met on a regular basis to discuss emerging council business and key topics, Member behaviour and standards, and Constitution amendments.

The Council considered the Annual Pay Policy and Gender Pay Gap report on 22 February 2024.

In relation to adult social care, a new agreement was agreed under Section 75 of the NHS Act 2006, by the Council, Devon Integrated Care Board and Torbay and South Devon NHS Foundation Trust on 20 March 2024. As part of this a Section 75 Executive Group was established to oversee delivery of the adult social care transformation programme. The delivery of delegated services is outlined in the annual Memorandum of Understanding between the Council and Torbay and South Devon NHS Foundation Trust

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

Torbay Safeguarding Children Partnership has been established under Working Together to Safeguarding Children 2018 (now superseded by Working Together 2023) arrangements since September 2020, stepping away from the previous joint Plymouth Council arrangements that were initiated in 2019 after the dissolution of the Torbay Safeguarding Children Board.

A new Corporate Safeguarding Policy was developed in December 2023. It was an action from the Torbay Safeguarding Children Partnership audit and has been developed to provide guidance for all Torbay Council staff, Elected Members, volunteers and individuals, consultants and agencies contracted (and sub-contracted) by the Council who may come across concerns regarding the safeguarding and protection of children, young people and adults within the context of their work. It was approved by senior leaders and was also consulted on with Trade Unions via the Joint Consultative Committee in December 2023. It was launched more widely with staff via our Staff News and Staff Forums and is hosted on the Council's staff intranet pages as well as the Council's external web-pages.

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

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

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

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

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

Devon Audit Partnership operates in line with the Public Sector Internal Audit Standards. The Internal Audit Plan is agreed annually by the Director of Finance, Senior Leadership Team and the

Council's Audit Committee. The Council also receives assurance from the NHS Internal Audit Consortium over the controls in operation at Torbay and South Devon NHS Foundation Trust. Achievement against the Audit Plan was reported to the Audit Committee on 26 July 2023.

The Council's Directors agreed a set of Commitments following their consideration of the Staff Check-in Survey in October 2023. This includes implementation of Directorate Newsletters and creating more opportunities for staff to feedback to Directors.

The Council's Constitution includes the Code of Corporate Governance with the statutory governance officers meeting on a regular basis to review governance arrangements. Over the course of the year, the Council's Assurance Framework has been documented and will be agreed in 2024/2025.

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

The Internal Engagement Strategy has continued to be implemented over the course of the year with weekly Staff Newsletters, fortnightly Managers Briefings and monthly Senior Managers and Managers Forums. Regular Ask Us Anything and All Colleagues Briefings are held. Regular staff check-in surveys are also held to gain formal feedback from across the Council. An action plan has been developed and agreed following the last check-in survey.

Staff are asked to demonstrate how they meet the Council's Core Values at their annual appraisal.

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

As explained in Principle 2, the Council's Constitution has been kept under review throughout the year. The Constitution allows for any five members of the Council to "call-in" executive decisions to the Overview and Scrutiny Board for further debate. During 2023/24, three decisions were called in.

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

A review of the operation of overview and scrutiny was carried out and a report was presented and approved at the Overview and Scrutiny Board on 5 July 2023. The report contained ten recommendations to improve the operation of overview and scrutiny including the creation of a Cabinet and Overview and Scrutiny Protocol, ongoing training for Members and officers, ensuring their work is channelled through the right method e.g. councillor call for action, task and finish groups, spotlight reviews etc., improving communications and the Director of Corporate Services being identified as the main Senior Leadership Team support for overview and scrutiny.

The standard format for reports to decision makers was amended in year to take account of the new Community and Corporate Plan. The Equality Impact Assessment and “Protecting our naturally inspiring Bay and tackling climate change” sections of the report template were updated and new guidance prepared. A session was held during a Senior Managers Forum on the need for Equality Impact Assessments and each Directorate Management Team is being briefed.

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

The Council’s policies and procedures in relation to the Regulation of Investigatory Powers Act (RIPA) were subject to inspection in November 2023 by the Investigatory Powers Commissioner’s Office. This inspection found that there was an acceptable level of compliance given the Council does not rely on RIPA when carrying out investigations.

In their October 2023 report on the Subject Access Request (SAR) process, Devon Audit Partnership identified significant reputation and financial risks posed to the Council on non-compliance with SAR legislation in relation to meeting statutory response times. Response times by departments have been impacting the Information Governance Team’s ability to respond within timescales. Performance since the audit has continued to improve with 100% of SARs responded to on time in quarter 4 of 2023/24. Performance is closely monitored, and resources reviewed at year end in line with performance.

The Procurement Act 2023, which comes into effect on 28 October 2024 will fundamentally change how public procurement is carried out. Contracts put in place prior to the implementation of the Act will continue to be governed by the requirements of the Public Contracts Regulations 2015. The Health Care Services (Provider Selection Regime) Regulations 2023, which encompasses some of the public health services commissioned by the Council. This means the Council will be managing its procurements and resultant contracts under three different sets of legislation. To facilitate this new Council Contract Procedures, setting out the framework for how procurement and contract management will be undertaken, were introduced on 1 April 2024. Work is underway to develop and implement new policies, guidance and training materials to support the implementation of the Procurement Act 2023 and revised Contract Procedures.

Devon Audit Partnership’s March 2024 report on the SWISCo Client Role acknowledged there is a commissioning agreement in place but they were unable to evidence, and therefore confirm, compliance by departments in relation to ensuring value for money and service standards where additional services were commissioned outside of the core agreement. Where the Council commissions work outside of the commissioning agreement, it is the responsibility of the commissioning department to ensure value for money is considered.

The Council undertook its first Residents Satisfaction Survey in July 2023 based on the Local Government Association (LGA) survey of the same name. This Survey will be undertaken every two years to test how well the Council is improving its service delivery. The way the Council carries out its engagement and consultations with its residents is continually evolving. The

Engagement and Communications Team ensure the right audience is targeted and approached, inviting them to take part. Consultations are available online, but also paper copies are made available in local Libraries or taken to places residents who may be interested are. The Team will also consider running face-to-face events on live consultations to ensure the Council speak to those that it impacts or are interested. Bi-monthly face-to-face engagement sessions now also take place. These are often in places where there is a high foot fall, like high streets or at local events like the Airshow.

The Council's new risk framework, policy and registers formally went live from 1 April 2023. Extensive risk training and risk workshops have been held with Directors, managers and key officers to identify and embed our risk management culture into the organisation. All strategic, corporate and service risks are held on our risk management software SPAR.net which has built in features to ensure senior managers review their risks regularly and take accountability for the information held on the system. Regular risk reports are produced to embed risk into our governance meetings including Directors Overview Meetings and Audit Committee. The Risk and Performance Manager liaises with the Directors to ensure the registers align to the performance of the Council. The arrangements were audited by Devon Audit Partnership in November 2023 and were given a rating of 'reasonable assurance'. A Phase 2 improvement plan is in place that will continue the good work to embed our processes over the coming year.

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

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

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

The Member Development Programme was reviewed taking account of feedback from Members, the Monitoring Officer, Chief Executive, Head of Governance Support and Democratic Services Team Leader. The aim was to provide a comprehensive Induction Programme for 2023/2024 following the Local Government Elections in May 2023 with an outline Programme for the following three years. The Programme consists of internal and external development opportunities and is supplemented by all Member Briefings on key issues and one to one support as required from the Democratic Services Team Leader. Members are also encouraged to sign up to updates from the Centre for Governance and Scrutiny and the Local Government Association (LGA) who provide a lot of free events. The Chairman of the Audit Committee, Senior Scrutiny Members and Cabinet

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Members also took part in the LGA Leadership sessions, with all Members being encouraged to attend the LGA free online events to enhance their knowledge. Scrutiny Members also take part in regional networks to share good practice.

The Council's approach to onboarding and inducting new Members of staff was reviewed over the year. The way in which the Council recruits and welcomes new members to the organisation was redesigned following feedback from new starters. We wanted to make sure our new colleagues felt welcomed and part of our organisation from the moment they accept their job offer to the day they step into our building, be that virtually or in person. Our recruiting managers now set their new colleague up on our onboarding system where they can manage many of the administration tasks required to start their first day, before they start. This saves time on administration processes in the first week and helps us keep in contact throughout the transition. We have also enhanced our induction process and making it consistent across the organisation. By standardising our approach, making sure everyone has a similar experience, we have made sure that everyone has their warm welcome and is made to feel part of our team from day one. This was part of our wider project to improve our recruitment and retention of our colleagues.

Leadership and management training continues to be provided that covers a wide range of core management skills development such as managing performance, leading and developing teams, leading change and managing equality, diversity and inclusion. For staff we have run Equality, Diversity and Inclusion, Customer Services and Personal Safety and Conflict Management training, as well as courses that support employee wellbeing such as Emotional Resilience and Safetalk.

Over the year, employment policies such as the Annual Pay Policy, Flexible Working Requests Policy, Carers Support Policy, Paternity Policy and Re-organisation and Redundancy Policy have been updated in response to operational and legislative changes.

Workforce planning continues to be rolled out across the whole Council, as it is a core business process to align changing organisation needs with its people strategy. If applied effectively, organisations reduce costs and build an agile workforce. It redefines workforces, workplaces, and talent. The purpose of delivering the LGA model of workforce planning across the whole Council is to use the same workforce planning methodology, enabling the Council to have the right people with the right skills in the place to deliver Council objectives.

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

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

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

The Council has reviewed its methodology and approach to project management and a new methodology based on PRINCE2 has been designed with a toolkit and associated templates to support officers in delivering projects in a structured and consistent way. This new methodology will be launched in the summer of 2024.

Our People Strategy sets out the key actions we will take to help us to build a workforce for the future supporting Torbay Council's ambition and vision for the community as set out in its Community and Corporate Plan. The key themes focus on recruitment and retention, employee wellbeing, ways of working, learning and development, equality and diversity and organisational culture. There is an accompanying action plan that sets out the timescales and deliverables over the next five years, until 2029. A set of success criteria are also included that we will measure ourselves against, these include recruitment statistics via our applicant tracking system, including number of applicants and key diversity information, workforce engagement activities and feedback, Strategic Risk Register and Key Performance Indicators and Customer complaints and compliments

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

The Annual Report of the Overview and Scrutiny Board was considered by the Council on 25 May 2023 and is also published on the Council's website on the Overview and Scrutiny section. We have used social media and the press to encourage people to engage in the work of overview and scrutiny, particularly relating to spotlight reviews on South West Water, dentistry, homelessness and Children and Adolescent Mental Health Services.

Following each engagement event and consultation a comprehensive report is covered with the results, including how those who need to know about it are reached. This is all then reported back to the relevant team to inform their decision making. The Engagement and Communications Team also review how these have run to see what has worked well and where improvements can be made. From the lessons learnt, this year teams are being encouraged to carry out face to face engagement events, alongside the online consultation, if appropriate and to focus on who the target audience is and how they would like to receive the information. The Engagement and Communications Team are also working on ensuring the results of the consultations and engagements are fed back to those who took part. This is so they can see the results and the outcome of any decision that was made, closing the feedback loop.

The Engagement and Communications Team have also been consistent with promoting the live streaming of the meetings of the Council, Cabinet and Planning Committee. This is done on the Council's corporate social media channels and in its weekly One Torbay e-Newsletter. The impact of this is that the number of followers of the Council's YouTube account have doubled along with an increase in the number of views of these meetings.

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

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

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

A new performance report is being prepared based on the new Community and Corporate Plan and the Council Business Plan. In the interim, the performance report included the performance indicators within the previous and emerging Community and Corporate Plans.

Target setting for 2024/25 and future years was discussed between the Chief Executive and her Directors with the Overview and Scrutiny Board due to provide a view on the agreed targets as part of the performance report for Quarter 1 of 2024/25.

Over the course of the year, the Council Business Plan has been developed by the Cabinet, with cross party input through the Council Leadership Group and Overview and Scrutiny Board. This is a three-year delivery plan for the longer-term Community and Corporate Plan. A refreshed Service Planning Framework was also put in place so that delivery against both the Community and Corporate Plan and the Council Business Plan can be tracked by directorate.

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

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

The effective delivery of the Council Redesign Programme is monitored on a monthly basis via a programme board involving senior officers of the Council. At this board meeting, progress is gauged via monthly highlight reports which give an overview of the health of the projects that make up the programme. Risks and issues related to the programme and its projects are reviewed at the board meeting and are managed accordingly. The Business Improvement and Change Team who manage the Council Redesign Programme is also subject to oversight from the Council internal audit team who give assurance on the projects and programmes they deliver. In their recent Audit Statement for 2023/24 our internal auditor stated that 'there is a generally sound



system of governance, risk management and control in place' for projects and programmes and this included the council redesign programme.

The Devon Audit Partnership report on Climate Change (finalised in February 2023) highlighted the need to comply with the National Audit Office good practice guide – Climate Change Risk; a good practice guide for Audit and Risk Assurance Committees. Audit identified areas where the governance control framework could be strengthened, notably opportunities to improve management and officer awareness through training and inclusion of climate change aspects within service plans, allocation of Council wide responsibilities for climate change and associated actions and assessment and incorporation of relevant risks and actions rising from the Devon Adaptation Strategy when finalised. In response climate change considerations will be embedded within project management templates. Roles and responsibilities for the 'three lines of defence' for climate change are being explicitly added to the Place Directorate. A comprehensive climate adaptation risk assessment for Torbay Council will commence in September 2024.

## Conclusion

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

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

## Appendix 1: Action Plan

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Agreed Action	Responsible Officer	Deadline
Undertake review of the Policy Framework	Head of Policy, Performance and Community Engagement	December 2024
Develop a framework to standardise the measurement of holding or releasing assets	Strategic Head of Asset Management	December 2024
Agree Council's Assurance Framework	Head of Policy, Performance and Community Engagement	Autumn 2024
Launch of revised methodology for project management	Head of Business Change and Improvement	August 2024

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For more information please contact [engagement@torbay.gov.uk](mailto:engagement@torbay.gov.uk)

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