

Mr S Hearse
Chief Executive
Torrige District Council
Riverbank House
Bideford
Devon
EX39 2QG



Tel : Bideford (01237) 428700

Date: 9 June 2023

FULL COUNCIL MEETING

On:	Monday 19 June 2023	At:	6.30 pm
Venue:	Caddsdwn Business Support Centre - Caddsdwn Bideford EX39 3BE		

The meeting will be able to watch through the Councils YouTube Channel

<https://tinyurl.com/TorrigeYouTube>

NOTICE OF MEETING

You are hereby summoned to the Meeting of the District Council at the aforementioned date and time

A handwritten signature in black ink, appearing to be "S. Hearse", written over a horizontal line.

Chief Executive

To:	Councillor D Bushby (Chair) Councillor P Christie (Vice-Chair) Councillors: S Andrews, L Bach, A Brenton, D Brenton, C Bright, L Bright, C Cottle-Hunkin, J Craigie, A Dart, T Elliott, L Ford, S Gibson, J Gubb, P Hackett, P Hames, S Harding, C Hawkins, K Hepple, R Hicks, C Hodson, S Inch, K James, T Johns, C Leather, W Lo-Vel, R Lock, S Newton, P Pennington, L Piper, P Shepherd, D Smith, H Thomas, C Wheatley and J Whittaker
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Members are requested to turn off their mobile phones for the duration of the meeting

AGENDA

PART I - (OPEN SESSION)

1.	Apologies For Absence To receive apologies for absence from the meeting
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2.	<p>Council Minutes (Pages 5 - 23)</p> <p>Confirmation of the Minutes of the Meeting of the Council held on 20 February and the AGM held on 22 May 2023.</p>
3.	<p>Public Contributions</p> <p>15 minute period for public contributions. The deadline for registering to speak is by 2pm Thursday 15 June 2023. To register please email dem.services@torridge.gov.uk</p>
4.	<p>Declarations of interest</p> <p>Members with interests to declare should refer to the Agenda item and describe the nature of their interest when the item is being discussed.</p>
5.	<p>Agreement of Agenda Items Part I and II</p>
6.	<p>To consider correspondence or other business especially brought forward by the direction of the Chair</p>
7.	<p>Update from the Police</p> <p>To receive a update from Supt. Toby Davies</p>
8.	<p>Lead Members (Pages 24 - 28)</p> <p>To receive the report of the Chief Executive.</p>
9.	<p>Appointment of Members to Active Torridge Board (Pages 29 - 30)</p> <p>To receive the report of the Chief Executive.</p>
10.	<p>Appointment of Members to Working Groups (Pages 31 - 38)</p> <p>To receive the report of the Chief Executive.</p>
11.	<p>Call in from Internal Overview & Scrutiny re The Plough (Pages 39 - 47)</p> <p>To receive the report of the Head of Communities & Place</p>
12.	<p>Purchasing Energy via Framework Agreement (Pages 48 - 57)</p> <p>To receive the report of the Finance Manager</p>
13.	<p>Financial Procedures - approval of recommendations from Audit & Governance (Pages 58 - 61)</p> <p>To receive the report of the Finance Manager</p>
14.	<p>Housing Benefit & Council Tax Support - War Pension & Armed Forces Compensation Schemes (Pages 62 - 69)</p> <p>To receive the report of the Finance Manager (S151 Officer)</p>

15.	To answer questions submitted under Procedural Rule A9
16.	Petitions To receive petitions (if any)
17.	Notices of Motion
(a)	<p>Written Notice of Motion from Councillor Brenton</p> <p>That TDC set up a Working Group to evaluate and monitor the pollution and water quality of the river Torridge plus tributaries and coastal waters.</p> <p>The Group will have the remit to invite outside bodies who have an interest in the water environment to contribute.</p> <p>Each TDC political group would have a representative and report findings to Overview & Scrutiny External for further action.</p> <p>Cllr D Brenton 7th June 2023</p>
(b)	<p>Written Notice of Motion from Councillor Wheatley</p> <p>We are proposing a notice of motion regarding the potential mobile library service closure to be replaced with a voluntary scheme with no detail from Devon County Council. During our election campaign both Cllr Cottle-Hunkin and myself were approached by many people in the local community who were concerned about mobile library closures and what is to replace it? Mobile libraries have not been promoted well in recent years and many elderly and infirm people, as well as young families, rely on the service often in locations with limited access to transport. Certainly, more detailed information about the voluntary scheme needs to be forthcoming and we propose the council writes a letter to Devon County Council highlighting these concerns and asks for more details on the potential closures and future services that would replace it.</p> <p>Cllr Wheatley 9th June 2023</p>
18.	<p>Exclusion of Public</p> <p>The Chair to move:</p> <p>“That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Schedule 12A of the Local Government Act 1972”</p>
19.	<p>PART II - (CLOSED SESSION)</p> <p>Items which may be taken in the absence of the public and press on the grounds that exempt information may be disclosed.</p>
	Meeting Organiser: Democratic Services

Agenda Item 2

1

TORRIDGE DISTRICT COUNCIL

FULL COUNCIL MEETING

Caddsdow Business Support Centre - Bideford

Monday, 20 February 2023 - 6.30 pm

PRESENT

Councillor D Bushby (Chair)
Councillor P Christie (Vice-Chair)
Councillors R Boughton, D Brenton, C Bright, M Brown, C Cottle-Hunkin, R Craigie, A Dart, J Gubb, P Hackett, P Hames, S Harding, C Hawkins, K Hepple, C Hodson, D Hurley, T Inch, K James, D Jones, S Langford, N Laws, C Leather, R Lock, J Manley, J McKenzie, P Pennington and R Wiseman

ALSO PRESENT

S Hearse	- Chief Executive
S Dorey	- Head of Legal & Governance (Monitoring Officer)
S Kearney	- Head of Communities & Place
D Heyes	- Finance Manager (Section 151 Officer)
P Hudson	- Senior Capital Accountant
G Batten	- Senior Accountant
T Vanstone	- Senior Electoral & Democratic Services Officer
S Cawsey	- Democratic Services Officer

117. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: R Clarke, P Watson, C Woodhouse, L Ford, S Newton, R Hicks and D McGeough.

118. PUBLIC CONTRIBUTIONS

Mrs Penny Oldham, Treasurer of the Parkham Allardice Hall, addressed the meeting to appeal against the Council's decision to remove the 20% discretionary grant from Business Rates.

Mrs Oldham highlighted the impact removal of the 20% would have on their budget.

The Hall, she said, is extensively used by Parkham Primary School, Clubs and Societies and for private functions and celebrations. The running of the Hall requires commitment and hard work. There are fifteen Trustees who give their time without payment and who bring different areas of skill and expertise.

Details of maintenance and improvements made to the building to ensure it is fit for purpose was given.

Mrs Oldham concluded by stating that the Hall is an important and integral part of the village.

The Chair informed the meeting that three statements had been received all relating to the removal of the 20% rate relief for Parish and village halls and detailing their objections. These would not be read out to the meeting.

119. DECLARATIONS OF INTEREST

Members were reminded that declarations of interest should be made as and when the specific agenda item to which they related was under discussion.

120. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

121. TO CONSIDER CORRESPONDENCE OR OTHER BUSINESS ESPECIALLY BROUGHT FORWARD BY THE DIRECTION OF THE CHAIR

Councillor Dart referred to her notice of motion, Agenda item 12(b), and queried the process should the budget be approved prior to the presentation of her notice of motion. The Chair advised, if the notice of motion was to be approved, it would then be taken to Community & Resources Committee who would decide if the budget was to be changed and would make a recommendation to Full Council.

122. BUDGET 2023 - 24, MEDIUM TERM FINANCIAL STRATEGY 2023/24 - 2027/28

The purpose of the report, presented by the Finance Manager & S151 Officer, was for Members to consider the recommendations from Community & Resources Committee on the 30th January 2023 as scrutinised by Internal Overview and Scrutiny on the 7th February 2023, in relation to the draft budget 2022/23 and to approve a budget and level of Council Tax for 2023/24.

The Medium Term Financial Strategy (MTFS) indicates the possible extent of the budget and funding shortfall that the Council will face in the future. It is an aid in identifying the extent of service changes that the Council will need to make to achieve a balanced budget in each financial year up to 2027/28.

The slide presentation highlighted the salient points in the report and the challenges faced by Torridge Council. Members were also provided with reasons and rationale to support the recommendations in the report.

Councillor Christie referred to the significant increase in the police precept and asked that the Police Commissioner be invited to attend a meeting of Torridge to answer questions on this.

It was proposed by Councillor Hodson, seconded by Councillor Manley and -

RESOLVED:

- a) That Torridge's Band D Council Tax for 2023/24 is increased by (2.99%) from £178.66 to £184.00 per year
- b) That Torridge's Net Revenue Budget 2023/24 is £11.155m
- c) That the contributions to the Council's reserves as outlined in paragraph 11.4 of the report be approved.
- d) That in light of the risks to the Council's finances identified within the report, that the Member Working Group continue its work to bring the Council's budgets back into balance.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
BOUGHTON, R	X		
BRENTON, D G	X		
BRIGHT, C	X		
BROWN, M	X		
BUSHBY, D	X		
CHRISTIE, PS	X		
CLARKE, R			
COTTLE-HUNKIN C	X		
CRAIGIE, R	X		
DART, A L		X	
FORD, L			
GUBB, J	X		
HACKETT, P J W	X		
HAMES, P	X		
HARDING, S	X		
HAWKINS, C	X		
HEPPLE, K	X		
HICKS, R H			
HODSON, C	X		
HURLEY, D	X		
INCH, A T		X	
JAMES, K J	X		
JONES, D	X		
LANGFORD, S	X		

LAWS, N	X		
LEATHER, C	X		
LOCK, R A	X		
McGEOUGH, D A D			
McKENZIE, J	X		
MANLEY, J	X		
NEWTON, S			
PENNINGTON, P W	X		
WATSON, P			
WISEMAN, R	X		
WOODHOUSE, C			
TOTAL - 35			

(Vote: For 26, Against 2)

In addition to the above, Members noted the following:

- The Chief Finance Officer (s151 Officer) assurance of the robustness of the budget 2023/24 set out in section 13 of the report.
- The assumptions and forecast applied to develop the MTFs outlined in section 9 of the report.
- The risks associated with the Budget 2023/24 and MTFs outlined in section 10 of the report.

123. CAPITAL PROGRAMME 2023/24 TO 2027/28

The Deputy Section 151 Officer presented the report, the purpose of which was for Members to update the Capital Programme 2023/24.

The Capital Programme includes authorised projects which require updating due to inflationary pressures, along with new PIDs (Project Initiation Documents) which require authorisation from Members before inclusion.

A slide presentation highlighting the salient points in the report was given.

Following a brief discussion it was proposed by Councillor Hodson, seconded by Councillor Manley and –

Resolved:

That the Capital Programme be updated to include:

- Sully House

- Sully House Modular Units
- Hubbastone Conversion

(Vote: For 27, Abstentions 1)

124. TREASURY MANAGEMENT & CAPITAL STRATEGY

This item was introduced by the Deputy S151 Officer who explained that the purpose of the report was for Members to consider the Treasury Management Strategy, Prudential Indicators and Minimum Revenue Provision Policy for 2023/24.

It was proposed by Councillor Manley, seconded by Councillor Inch and –

Resolved:

- That the Treasury Management and Investment Strategy and Counterparty List, Prudential Indicators and Minimum Revenue Provision Policy be approved.
- That the Capital Strategy be approved.
- That the following changes to banking limits as set out in appendix 6 of the report be approved:
 - Maintain counterparty limit of £18m (for our bankers Lloyds)
 - Reduce treasury deposit limit to £5m for our bankers Lloyds only.
 - Increase our bank account limit to £13m

(Vote: For – Unanimous)

125. COUNCIL TAX RESOLUTION

The purpose of the report, presented by the Finance Manager & S151 Officer, was to enable Members to calculate and approve the Council Tax requirement for 2023/24.

It was proposed by Councillor Hackett, seconded by Councillor Manley and –

Resolved:

That the formal Council Tax Resolution for 2023/24 as set out in Appendix 1 attached to the report be approved.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
BOUGHTON, R	X		
BRENTON, D G	X		

BRIGHT, C	X		
BROWN, M	X		
BUSHBY, D	X		
CHRISTIE, PS	X		
CLARKE, R			
COTTLE-HUNKIN C	X		
CRAIGIE, R	X		
DART, A L		X	
FORD, L			
GUBB, J	X		
HACKETT, P J W	X		
HAMES, P	X		
HARDING, S	X		
HAWKINS, C	X		
HEPPLE, K	X		
HICKS, R H			
HODSON, C	X		
HURLEY, D	X		
INCH, A T		X	
JAMES, K J	X		
JONES, D	X		
LANGFORD, S	X		
LAWS, N	X		
LEATHER, C	X		
LOCK, R A	X		
McGEOUGH, D A D			
McKENZIE, J	X		
MANLEY, J	X		
NEWTON, S			
PENNINGTON, P W	X		
WATSON, P			
WISEMAN, R	X		
WOODHOUSE, C			
TOTAL - 35			

(Vote: For 26, Against 2)

126. REVISION TO FINANCIAL PROCEDURES

The Finance Manager & S151 Officer presented the report, the purpose of which was to update Members on changes to the Council's Financial and Contract Procedure rules.

It was proposed by Councillor Hackett, seconded by Councillor McKenzie that the recommendations set out in the report be approved.

During the discussion, the following amendment was proposed by Councillor Hames and seconded by Councillor Cottle-Hunkin –

“ ... with full consideration given to the environmental impact involved when deciding which quotation to accept”.

A vote was taken on the amendment.

(Vote: For 19, Against 9)

It was proposed by Councillor Hackett, seconded by Councillor McKenzie and –

Resolved:

That the amendments to the Financial Procedures rules as detailed in the report be approved, subject to the amendment as stated above.

(Vote: For – Unanimous)

127. PETITIONS

There were no petitions.

128. NOTICES OF MOTION

(a) Written Notice of Motion from Councillor Cottle-Hunkin

Torrige District Council expresses its deep concern over the loss of the right to wild camp on Dartmoor.

In particular, this council is concerned over the impact this will have on the young people of Torrige District who wish to take part in Ten Tors and Duke of Edinburgh training and events in future years. We recognise the life-changing importance of these types of expeditions in teaching life skills to our young people.

This council supports Dartmoor National Park in its rightful defence of the right to wild camp, which is based on the principle of 'leave no trace'. It is an historic right enjoyed by generations of local people and visitors, and we recognise the mental and physical health benefits that it brings.

We are concerned for future generations and do not believe that the current “permissive agreement” is a sustainable long-term solution. We call on the Leader and Chief Executive of Torridge District Council to write in the strongest terms to our MP, the relevant Secretaries of State, and the Prime Minister, urging them to enact legislation to reinstate wild camping and protect the rights of people to fully enjoy Dartmoor.

Councillor Cottle-Hunkin presented her Notice of Motion.

A brief discussion followed.

It was proposed by Councillor Cottle-Hunkin, seconded by Councillor Brenton.

(Vote: For 23, Against 3, Abstentions 2)

The motion was carried.

(b) Written Notice of Motion from Councillor Dart

I would like us to revisit, and, ultimately revoke, the decision to remove the 20% rate relief for Parish and village halls.

The argument put forward at the full council in September, was utterly ludicrous!

The COVID grants were given to the halls because they had to cease income generation owing to the government stipulations with regard to COVID. This money was vital to keep these halls afloat.

This is most certainly a decision which adversely penalises the rural communities more than those with higher populations supporting and surrounding them.

Most of the parishes I represent run their halls on a knife edge financially, their viability is constantly a challenge for devoted volunteers to overcome, and yet their benefit to the surrounding sparse and quite isolated communities is absolutely unquestionable.

Young and old use these halls, social integration, warm spaces, clubs and fund raising all take place within they aren't just buildings, they are community hubs, quite often the only space that parishes have that communities can come together in.

I implore you to revisit this debate and overturn this unequivocally wrong decision.

The benefit to Torridge finances will be minimal.....the impact on our communities will be severe!!

Councillor Dart presented her Notice of Motion, strongly imploring the Council to change its decision, to find the money from elsewhere and to consider the mental and social impact on rural areas.

Councillor Hodson corrected a figure quoted by the public speaker. The correct increase will be £143 and not £500 per year as alluded to. A suggestion was put forward that a letter setting out the correct figures be circulated to all Village Halls. The Finance Manager indicated that the bills would be going out shortly.

The Finance Manager clarified the support and rate relief the Council gives to Village Halls.

It was presented by Councillor Dart, seconded by Councillor Harding

(Vote: For 18, Against 7, Abstentions 3)

The motion was carried.

129. PART II - (CLOSED SESSION)

There were no Part II items.

The meeting commenced at 6.30pm and closed at 8.05pm

TORRIDGE DISTRICT COUNCILANNUAL GENERAL MEETING MEETINGCaddsdow Business Support Centre - Caddsdow Bideford EX39 3BEMonday, 22 May 2023 - 6.30 pm

PRESENT Councillors D Brenton, C Bright, D Bushby, P Christie, C Cottle-Hunkin, A Dart, L Ford, J Gubb, P Hackett, P Hames, S Harding, C Hawkins, K Hepple, R Hicks, C Hodson, K James, C Leather, R Lock, S Newton, P Pennington, S Andrews, L Bach, A Brenton, L Bright, J Craigie, T Elliott, S Gibson, S Inch, T Johns, W Lo-Vel, L Piper, P Shepherd, D Smith, C Wheatley and J Whittaker

ALSO PRESENT	S Hearse	- Chief Executive
	S Dorey	- Head of Legal & Governance (Monitoring Officer)
	D Heyes	- Finance Manager (Section 151 Officer)
	S Ayres	- HR & Comms Manager
	A Redwood	- Property & Major Projects Manager
	J Wynne	- Estates Manager
	T Vanstone	- Senior Electoral & Democratic Services Officer
	K Brown	- Democratic Services Officer
	S Cawsey	- Democratic Services Officer

Two members of the public

39. APOLOGIES

The Chief Executive welcomed everyone to the meeting.

Apologies for absence were received from Councillor H Thomas.

40. ELECTION OF CHAIR OF THE COUNCIL

The Chief Executive invited nominations for Chair of the Council.

It was proposed by Councillor K James, seconded by Councillor P Christie and –

Resolved:

That Councillor D Bushby be elected as Chair of the Council.

(Vote: For 33, Against 0, Abstentions 2)

Councillor D Bushby read out the declaration of acceptance of office, signed the book and took the Chair.

41. ELECTION OF VICE CHAIR OF THE COUNCIL

Nominations were invited for Vice Chair of the Council.

It was proposed by Councillor D Bushby, seconded by Councillor P Hames and –

Resolved:

That Councillor P Christie be elected as Vice Chair of the Council.

(Vote: For - unanimous)

Councillor P Christie read out the declaration of acceptance of office and signed the book.

42. PUBLIC CONTRIBUTIONS

There were no public contributions.

43. TO CONSIDER CORRESPONDENCE OR OTHER BUSINESS ESPECIALLY BROUGHT FORWARD BY THE DIRECTION OF THE CHAIR

There was no other business brought forward.

44. ELECTION OF THE LEADER OF THE COUNCIL

Nominations were invited for Leader of the Council.

It was proposed by Councillor C Cottle-Hunkin, seconded by Councillor S Newton and –

Resolved:

That Councillor K James be elected as Leader of the Council.

(Vote: For 33, Against 0, Abstention 2)

45. ELECTION OF DEPUTY LEADER OF THE COUNCIL

Nominations were invited for Deputy Leader of the Council.

It was proposed by Councillor K James, seconded by Councillor P Christie and –

Resolved:

That Councillor C Hodson be elected as Deputy Leader of the Council.

(Vote: For 34, Against 0, Abstention 1)

46. SIZE OF COMMITTEES AND TERMS OF REFERENCE

The Head of Legal & Governance (Monitoring Officer) presented the report, the purpose of the report was to confirm the size of Committees and their Terms of Reference.

It was proposed by Councillor K James, seconded by Councillor S Newton and –

Resolved:

That the size of Committees as stated in the report and the Terms of Reference as set out in Appendix 1 attached to the report be approved.

(Vote: For - unanimous)

47. ALLOCATION OF SEATS TO POLITICAL GROUPS

The Head of Legal & Governance (Monitoring Officer) presented the report, the purpose of which was to agree the number of seats on the Committee allocated to each of the Political Groups.

It was proposed by Councillor L Ford, seconded by Councillor R Lock and –

Resolved:

That the number of seats on the Committees allocated to each of the Political Groups as detailed in the report be approved.

(Vote: For - unanimous)

48. MEMBERSHIP OF COMMITTEES

The purpose of this report, presented by the Head of Legal & Governance (Monitoring Officer) was for the membership of Committees to be agreed.

It was proposed by Councillor C Hodson, seconded by Councillor S Newton and –

Resolved:

That the size of Committees as stated in the report and the Terms of Reference as set out in Appendix 1 attached to be delegated to Group Leaders.

(Vote: For - unanimous)

49. ELECTION OF CHAIRS AND VICE CHAIRS

Community & Resources Committee

Nominations were invited for the position of the Chair of the Community & Resources Committee.

It was proposed by Councillor K James, seconded by Councillor D Brenton that Councillor R Hicks be elected as Chair of the Community & Resources Committee.

Resolved:

That Councillor R Hicks be elected as Chair of Community & Resources Committee.

(Vote: For 34, Against 0, Abstentions 1)

Nominations were invited for the position of the Vice Chair of the Community & Resources Committee.

It was proposed by Councillor R Hicks, seconded by Councillor L Ford that Councillor A Dart be elected as Vice Chair of the Community & Resources Committee and -

Resolved:

That Councillor A Dart be elected as the Vice Chair of Community & Resources Committee.

(Vote: For 31, Against 0, Abstentions 4)

Audit & Governance Committee

Nominations were invited for the position of the Chair of the Audit & Governance Committee.

It was proposed by Councillor C Cottle-Hunkin, seconded by Councillor D Brenton that Councillor P Hackett be elected as Chair of the Audit & Governance Committee.

Resolved:

That Councillor P Hackett be elected as the Chair of Audit & Governance Committee.

(Vote: For 34, Against 0, Abstentions 1)

Nominations were invited for the position of the Vice Chair of the Audit & Governance Committee.

It was proposed by Councillor S Newton, seconded by Councillor P Hackett that Councillor J Gubb be elected as Vice Chair of the Audit & Governance Committee and -

Resolved:

That Councillor J Gubb be elected as the Vice Chair of Audit & Governance Committee.

(Vote: For - unanimous)

Plans Committee

Nominations were invited for the position of the Chair of the Plans Committee.

It was proposed by Councillor K James, seconded by Councillor L Ford that Councillor R Lock be elected as Chair of the Plans Committee.

Resolved:

That Councillor R Lock be elected as the Chair of the Plans Committee.

(Vote: For 34, Against 0, Abstentions 1)

Nominations were invited for the position of the Vice Chair of the Plans Committee.

It was proposed by Councillor R Lock, seconded by Councillor L Ford that Councillor P Hames be elected as Vice Chair of the Plans Committee and -

Resolved:

That Councillor P Hames be elected as the Vice Chair of the Plans Committee.

(Vote: For – unanimous)

Licensing Committee

Nominations were invited for the position of the Chair of the Licensing Committee.

It was proposed by Councillor C Cottle-Hunkin, seconded by Councillor C Hodson that Councillor C Bright be elected as the Chair of the Licensing Committee.

Resolved:

That Councillor C Bright be elected as Chair of Licensing Committee.

(Vote: For - unanimous)

Nominations were invited for the position of the Vice Chair of the Licensing Committee.

It was proposed by Councillor C Bright, seconded by Councillor R Lock that Councillor S Inch be elected as Vice Chair of the Licensing Committee –

Resolved:

That Councillor S Inch be elected as the Vice Chair of the Licensing Committee.

(Vote: For – unanimous)

Internal Overview & Scrutiny Committee

Nominations were invited for the position of the Chair of the Internal Overview & Scrutiny Committee.

It was proposed by Councillor R Lock, seconded by Councillor S Harding that Councillor S Newton be elected as Chair of the Internal Overview & Scrutiny Committee.

(Vote: For - 21)

It was proposed by Councillor C Hodson, seconded by Councillor K James that Councillor C Leather be elected as Chair of the Internal Overview & Scrutiny Committee.

(Vote: For - 14)

Resolved:

That Councillor S Newton be elected as the Chair of the Internal Overview & Scrutiny Committee.

Nominations were invited for the position of the Vice Chair of the Internal Overview & Scrutiny Committee.

It was proposed by Councillor K James, seconded by Councillor P Pennington that Councillor J Craigie be elected as Vice Chair of the Internal Overview & Scrutiny Committee and -

Resolved:

That Councillor J Craigie be elected as the Vice Chair of the Internal Overview & Scrutiny Committee.

(Vote: For – unanimous)

External Overview & Scrutiny Committee

Nominations were invited for the position of the Chair of the External Overview & Scrutiny Committee.

It was proposed by Councillor K James, seconded by Councillor S Newton that Councillor C Cottle-Hunkin be elected as Chair of the External Overview & Scrutiny Committee and -

Resolved:

That Councillor C Cottle-Hunkin be elected as the Chair of the External Overview & Scrutiny Committee.

(Vote: For 33, Against 0, Abstentions 2)

Nominations were invited for the position of the Vice Chair of the External Overview & Scrutiny Committee.

It was proposed by Councillor C Cottle-Hunkin, seconded by Councillor D Brenton that Councillor A Brenton be elected as Vice Chair of the External Overview & Scrutiny Committee.

(Vote: For 25)

It was proposed by Councillor R Lock, seconded by Councillor J Whittaker that Councillor S Harding be elected as Vice Chair of the External Overview & Scrutiny Committee.

(Vote: For 8, Against 0, Abstentions 2)

Resolved:

That Councillor A Brenton be elected as the Vice Chair of the External Overview & Scrutiny Committee.

Standards Committee

Nominations were invited for the position of the Chair of the Standards Committee.

It was proposed by Councillor D Brenton, seconded by Councillor C Hodson that Councillor L Bach be elected as Chair of the Standards Committee and -

Resolved:

That Councillor L Bach be elected as the Chair of the Standards Committee.

(Vote: For 34, Against 0, Abstention 1)

Nominations were invited for the position of the Vice Chair of the Standards Committee.

It was proposed by Councillor C Hodson, seconded by Councillor L Ford that Councillor C Hawkins be elected as Vice Chair of the Standards Committee.

Resolved:

That Councillor C Hawkins be elected as the Vice Chair of the Standards Committee.

(Vote: For - unanimous)

50. SCHEME OF DELEGATION

The Head of Legal & Governance (Monitoring Officer) presented the report, the purpose of which was for Members to approve the Council's Scheme of Delegation.

It was proposed and seconded and –

Resolved:

That the Scheme of Delegation as set out in Appendix 1 attached to the report be approved.

(Vote: For – unanimous)

Councillor L Ford had left the room and did not take part in the vote.

51. SUBSTITUTION SCHEME

The purpose of the report, presented by the Head of Legal & Governance (Monitoring Officer), was for Member approval to the Council's Substitution Scheme.

It was proposed by Councillor D Bushby, seconded by Councillor K James and –

Resolved:

That the Substitution Scheme as set out in Appendix 1 attached to the report be approved.

(Vote: For – unanimous)

52. MEMBERSHIP OF OUTSIDE BODIES

The Head of Legal & Governance (Monitoring Officer) presented the report, the purpose of which was to agree the Membership of Outside Bodies.

Councillor P Christie requested that if any Councillors knew of any changes to Outside Bodies, please let TDC officers know.

It was proposed by Councillor C Hodson, seconded by Councillor R Lock that the Membership of Outside Bodies be delegated to Group Leaders.

Resolved:

That the Membership of Outside Bodies be delegated to Group Leaders.

(Vote: For - unanimous)

53. APPOINTMENT OF MEMBERS TO ACTIVE TORRIDGE BOARD

The Chief Executive presented the report and gave a brief background to Active Torridge.

The purpose of the report was to approve the appointment of Members to Active Torridge Board.

It was proposed by Councillor K James, seconded by Councillor C Hodson that the appointment of Members to Active Torridge Board be deferred, delegated to Group Leaders and brought back to the next Full Council meeting.

Resolved:

That the appointment of Members to Active Torridge Board be deferred, delegated to Group Leaders and brought back to the next Full Council meeting.

(Vote: For – unanimous)

54. LEAD MEMBERS

The purpose of the report was to approve Lead Members.

It was proposed by Councillor K James, seconded by Councillor R Lock that the approval of Lead Members be deferred, delegated to Group Leaders and brought back to the next Full Council meeting.

It was confirmed that the next Full Council meeting would be held on 19th June 2023.

Resolved:

That the Lead Members be deferred, delegated to Group Leaders and brought back to the next Full Council meeting.

(Vote: For - unanimous)

55. APPOINTMENT OF S151 OFFICER

The purpose of the report, presented by the Chief Executive, was for Members to approve the appointment of a Statutory Finance Officer (S151 Officer).

It was proposed by Councillor D Bushby, seconded by Councillor K James and -

Resolved:

That the Finance Manager, Gordon Bryant be appointed as Statutory Finance Officer with effect from 31 July 2023.

(Vote: For – unanimous)

The Leader expressed his gratitude to David Heyes, Finance Manager (S151 Officer) for all his great work over the years and that had been a pleasure working with him and he will be missed.

The meeting commenced at 6.30 pm and closed at 7.15 pm

Chair:

Date:

REPORT OF **The Chief Executive**

To: **Full Council**

Subject: **Lead Members**

Date: **19 June 2023**

Reference:

PURPOSE OF REPORT:

To approve the appointment of Lead Members, which was deferred at the Annual General Meeting

1. INTRODUCTION

The Council has in place a Lead Member protocol (attached Appendix 1), which requires that Lead Members are approved annually at the Council's AGM. However, at the 22 May 2023 the item was deferred to be brought back to this Full Council meeting for the appointments to be approved.

2. REPORT

The Lead Member structure is set out in the protocol, however, there are several changes recommended to that structure including one additional Lead Member:

- Lead Member for Economy
 - to be amended to Lead Member for Economy & Estates
- The Lead Member for Community, Culture & Leisure to be split into
 - Lead Member for Culture & Community Engagement
 - Lead Member for Leisure
- Rename Lead Member for Environment, Health, Wellbeing & Community Safety
 - Lead Member for Public Health & Community Safety

Following discussions between the Leader and Group Leaders the Lead Member structure and Member recommended for appointment is shown in the table below:



Lead Member For	Councillor
Economy & Estates	Cllr Hicks
Culture & Community Engagement	Cllr Cottle-Hunkin
Leisure	Cllr Piper
Public Health & Community Safety	Cllr Hackett
Planning & Development	Cllr Lock
Customer Services & Internal Resources	Cllr James
Finance & Audit	Cllr Bushby
Legal & Democratic Support	Cllr Newton
Homelessness and Housing Need	Cllr Hodson
Operational Services	Cllr Leather
Climate Change	Cllr Hames

3. IMPLICATIONS

Legal Implications

It is a requirement that Full Council approve Lead Members

Financial Implications

None



Human Resources Implications

None

Sustainability/Biodiversity Implications

n/a

Equality/Diversity

n/a

Risk Management

n/a

Compliance with Policies and Strategies

It is a requirement that Full Council approve Lead Members.

Data Protection (GDPR) Implications

n/a

Climate Change

n/a

Ward Member and Lead Member Views

Group Leaders have agreed these Lead Members with the Leader of the Council

4. CONCLUSIONS

It is a requirement of the Council's Protocol that Full Council approve Lead Members each year at the Annual General Meeting. However, at the AGM on 22 May 2023 the matter was deferred to be considered at the next Full Council meeting.

5. RECOMMENDATIONS

Members are recommended to:

5.1 The amendments to the Lead Member titles as included in section 2.

5.2 The inclusion of one further Lead Member role.

5.3 The Members appointed to each of the Lead Member roles as shown in the table above.



Introduction

Lead Members are elected members who act as an advocate or spokesperson for a Key Theme of the Council's business. The main responsibility of each Lead Member is to encourage communication and positive action over the area they represent.

Appointment of Lead Members

Lead Members will be agreed annually at the Annual General Meeting

There will be 10 Lead Members and the following Lead Member roles have been identified:

- Economy
- Community, Culture & Leisure
- Climate Change
- Environment, Health & Wellbeing/Community Safety
- Planning & Development
- Customer Services & Internal Resources
- Finance & Audit
- Legal & Democratic Support
- Homelessness and Housing Need
- Waste & Recycling

Normally, Lead Members will be appointed following the whole local government elections that take place every four years and will normally be expected to serve for the period of his/her term of office to ensure some stability in the role. However, an appointment may be made during the four-year period to any new position that is established or to a position where there is a vacancy.

Lead Member vacancies will be advertised to all councillors by the Leader asking for expressions of interest. The expressions of interest must include a proposer and seconder and a statement of why the councillor should be considered for the role. The Leader will discuss the applicants with Group Leaders before recommending an appointment to Full Council.

A Lead Member may be replaced from office at any time by Full Council following a recommendation by the Leader (in consultation with the group leaders) who will give written notice to the Chief Executive.

Any Lead Member may resign from office by giving written notice to the Leader and Chief Executive.

Role of Lead Members

A Role Description for Lead Members is provided at 'Annexe A'. This document has been produced to assist Lead Members in their role. Lead Members are asked to refer to this document when performing their duties as a Lead Member.

The Parameters of Lead Members

All Lead Members must act reasonably in their role and recognise and work effectively within the political management and working arrangements adopted by the Council.

A Lead Member cannot make decisions and must not commit the Council in any way or in a manner that could be interpreted as being contrary to established policy and practice. They may, however, confirm a position as stated in a published policy.

A Lead Member may be a recognised media contact with the prior approval of the Leader. Where such approval has not been obtained, the Lead Member must make it clear when communicating with the media that he/she is speaking on behalf of a political group (if affiliated to a group) or in a personal capacity and not as the Council's Lead Member.

Lead Members will sit on the Council's Leadership Team.

Lead Members may appoint other Members as Project Champions to assist them on specific projects within their areas of their Key Theme as they deem necessary.

Councillors on outside bodies will relate directly to an appropriate Lead Member.

Each Service of the Council will have a direct link to an appropriate Lead Member or Committee Chair (as shown in Annexe B – Lead Member Structure)

Officer Support to Lead Members

Lead Members play an important role in promoting their Key Theme on behalf of the Council. In recognition of the importance of the respective roles of Lead Members, officer support will be provided at a senior level.

Lead Members will liaise with the officers from within their Key Theme as shown in Annexe B – Lead Member Structure. The officers will meet with the relevant Lead Member on a regular basis to discuss action plans, current activities, national developments or any other matters relating to the interest being championed.

The officers concerned will give reasonable support to the Lead Member, including the provision of Council information, government communications and national publications within their remit.

In the event that a dispute arises in relation to the operation of this protocol and it cannot be settled informally, then the Chief Executive, having met the person(s) concerned, will arrange and attend a meeting with the Leader and appropriate group leader(s) to resolve the situation.

Agenda Item 9

REPORT OF The Chief Executive
To: Full Council
Subject: Appointment of Members to Active Torridge Board
Date: 19 June 2023

PURPOSE OF REPORT:

To approve the appointment of Members to Active Torridge Board.

1. INTRODUCTION

It is the responsibility of Full Council to formally appoint Councillors to external Bodies and Boards.

2. REPORT

At the Full Council meeting held 2 August 2021, Councillors approved the establishment and make-up of the Active Torridge Board as follows:

- 4 x Councillors (Leader, Lead Member for Community, Culture and Leisure, Chair of Community and Resources Committee plus one other member to be nominated by Full Council.)
- 2 x Senior Officers (Chief Executive, Head of Communities and Place)
- 1x Non Executive Director

At the AGM on 22 May 2023 Cllr K James was appointed Leader of the Council and Cllr B Hicks appointed as Chair of Community & Resources who both take up their seats on the Active Torridge Board.

The Full Council agenda for 19 June 2023 includes a report for the appointment of Lead Members, which would ordinarily appoint the Lead member for Community, Culture and Leisure an appointment which then also automatically leads to the appointment to the Active Torridge Board.

However, that report recommends splitting the Lead Member for Community, Culture and Leisure into two separate Lead Member roles:

- Lead Member for Culture & Community Engagement
- Lead Member for Leisure

It is recommended that the Lead Member for Leisure is the role that would then serve as the appointment to the Active Torridge Board.

Full Council would then need to appoint a fourth Member to serve on the Active Torridge Board.



3. IMPLICATIONS

Legal Implications

Full Council must approve the appointment of Councillors to external bodies and boards.

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

n/a

Equality/Diversity

n/a

Risk Management

n/a

Compliance with Policies and Strategies

This complies with the Council's Constitution.

Data Protection (GDPR) Implications

n/a

Climate Change

n/a

Ward Member and Lead Member Views

N/A.

4. CONCLUSIONS

Should the Lead Member report elsewhere on the Full Council agenda approve the changes recommended for the Lead Member for Community, Culture and Leisure Full Council needs to consider whether to appoint the Lead Member for Leisure to the Active Torridge Board and then also appoint the fourth Member to the Board.

5. RECOMMENDATIONS

It is recommended that Council appoint:

- 5.1 Amend the make-up of the Active Torridge Board to replace the Lead Member for Community, Culture and Leisure with the Lead Member for Leisure.
- 5.2 Appoint a Fourth Member to the Active Torridge Board.



Agenda Item 10

REPORT OF The Chief Executive
To: Full Council
Subject: Appointment of Members to Working Groups
Date: 19 June 2023

PURPOSE OF REPORT:

To approve the appointment of Members to Working Groups for.

- Property & Major Projects
- Climate Change
- Harbour Board

1. INTRODUCTION

It is the responsibility of Full Council to formally appoint Members to those working groups contained with the Council's Constitution.

2. REPORT

The Council operates several working groups, which are ordinarily implemented to undertake more detailed work, studies, knowledge gathering, etc. on significant subject matters, which would otherwise clog up the work and throughput of Committees.

Working groups do not have decision making responsibilities and in the main would report and or make any recommendations to the Council's Community and Resources Committee for consideration.

There are three working groups that due to the nature of the work involved will have long standing agendas and as such are contained with the Council's Constitution:

- The Climate Change Working Group
- Property and Major Projects Working Group
- The Harbour Board

The details relating to each respectively are attached as appendices 1, 2 and 3.

2.1 Climate Change Working Group

The requirement for the group to currently operate is limited to just have four Members to make the meeting quorate with no other details contained in the Constitution.

The recommendation is for Full Council to amend this to:



Full Council at its Annual General Meeting will appoint four Members to make up the Working Group one of which will be the Lead Member for Climate and the quorum shall be two. The working Group will appoint a Chair from one of the four appointed Members.

2.2 Property and Major Projects Working Group

The working group currently consists of four Members comprising:

- The Leader of the Council (Chair)
- The Deputy Leader of the Council (Vice Chair)
- The Chair of Community & Resources Committee
- Another Member appointed annually by Full Council

The Leader and Deputy Leader of the Council and Chair of C&R were appointed at the Council's AGM on 22 May 2023 and were all different Members therefore it leaves Full Council to appoint the fourth Member to the working group.

2.3 Harbour Board

The working group currently consists of 5 Members of Torridge District Council one of which will be the Chair of Community and Resources who will also be the Chair of the Harbour Board.

The Chair of Community and Resources was appointed at the Council's AGM on 22 May 2023, which leaves Full Council to appoint the other four Members. The Vice Chair will be appointed by the working group at its first meeting.

3. IMPLICATIONS

Legal Implications

Full Council must approve the appointment of Councillors to working groups contained in the Council's Constitution..

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

n/a

Equality/Diversity

n/a

Risk Management

n/a



Compliance with Policies and Strategies
This complies with the Council's Constitution.

Data Protection (GDPR) Implications
n/a

Climate Change
n/a

Ward Member and Lead Member Views
N/A.

4. CONCLUSIONS

Following the Council's AGM on 22 May 2023 there were several appointments still to be made to the Council's three Constituted Working Groups, which are captured in the main body of the report. For the working groups to start operating Full Council need to appoint the additional Members not covered by the appointments made to specific roles.

5. RECOMMENDATIONS

It is recommended that Council appoint:

- 5.1 Amend the terms of reference for the Climate Change Working Group as highlighted in section 2.1.
- 5.2 Subject to 5.1 appoint the additional 3 Members to the Working Group
- 5.3 Appoint the fourth Member to the Property and Major Projects Working Group as highlighted in section 2.2.
- 5.4 Appoint the four Members to the Harbour Board as highlighted in section 2.3.



COUNCILLOR CLIMATE CHANGE WORKING GROUP

Terms of Reference and Function

The Torridge Climate Emergency Working Group will provide strong strategic direction and oversight in order to achieve Torridge District Council's target of carbon neutrality by 2030.

2. Responsibilities

The Working Group will:

- Enable and establish collaborative working across the Council and engagement with individuals, community groups, parish and town councils, businesses and other partners in the district.
- Investigate steps that may be taken by the Council and by Torridge residents and businesses to work towards the Council's commitment to achieving net-zero carbon status by 2030 and towards protecting and enhancing biodiversity.
- Oversee the Carbon and Biodiversity Plan for TDC, ensuring that actions are realistic, measurable and deliverable. Provide input into the development of the plan and strategic direction and oversight of its delivery, once adopted, making recommendations to Full Council, Community & Resources Committee and other strategic and governance committees and groups, as necessary.
- Identify support needed from Central Government in terms of funding, additional powers and policy changes which are needed to achieve the Council's climate and ecological objectives.
- Monitor funding opportunities making recommendations through governance structures where necessary or support Officers to undertake bids/projects.
- To identify, support and champion climate and ecological progress across the Council whilst providing an appropriate level of critical challenge for the organisation.
- To identify, promote and participate in partnership opportunities that will progress TDC's stated Carbon and biodiversity goals.
- To promote and champion the actions, progress and achievements of the Council in meeting its carbon neutrality, environmental and economic development aims.
- Through governance structures to report on activities, outcomes, risks and resource demands, and action direction out of these governance arrangements.
- To provide support and oversight of actions, initiatives and opportunities coming out of Devon County Council's declaration of climate emergency made in February 2019.
- To support and champion Torridge's high-quality environment, air, land, water, food products and renewable energy resources.
- To identify appropriate income generating opportunities which will tie in with the council's climate objectives.

3. Quoracy

The quorum level shall be 4.

Membership can be expanded on agreement of the group. External representatives can also be invited to join the group subject to approval of the Chair, to offer specialist advice or support. Officers will attend to support the Working Group, as necessary. Members can nominate substitutions at meetings if necessary.

The Climate Change Working Group shall have no decision-making powers other than the power to make recommendations to the Council's Community and Resources Committee

PROPERTY AND MAJOR PROJECTS WORKING GROUP

Terms of Reference and Function

The Property and Major Projects Working Group was established by Community and Resources Committee as a forum for discussing the Council's current and proposed major projects, and for resolving day-to-day issues arising from those projects (within the parameters of the approved project) so as not to impede progress.

The Property and Major Projects Working Group shall:-

1. Monitor and receive updates in relation to current major projects;
2. Provide guidance in relation to matters arising from current projects which may impede progress, such guidance to be exercised within the parameters of the formal approval for the project.
3. Consider proposals for new major projects while in the formative stages to assist officers in determining the approach to be taken in relation to those proposals.

Composition

1. The number of seats shall be four (4) Members comprising:
 - a. The Leader of the Council (Chair);
 - b. The Deputy Leader of the Council (Vice Chair);
 - c. The Chair of Community & Resources Committee;
 - d. Another Member appointed annually by Full Council

In the event that the Leader or Deputy Leader of the Council is also the Chair of the Community & Resources Committee, the Chair of the Audit & Governance Committee shall take their place on the Property and Major Projects Working Group.

2. The quorum shall be two (2).

HARBOUR BOARD

Terms of Reference for Bideford Harbour Board Working Group

Purposes

To receive reports from the Operational Services Manager on issues affecting the management of Bideford Harbour and to consider such issues and make recommendations as appropriate to the Community and Resources Committee.

To establish and maintain strong links with Harbour users, the community and other stakeholders.

To uphold the principles of governance set out in the Department for Transport's "Modern Ports – a UK Policy" and "Opportunities for Ports in Local Authority Ownership" and comply with the local and national Harbour Acts and other relevant legislation.

To participate in reviews of Council policy so far as it affects Bideford Harbour.

Membership

The working group shall consist of:-

5 Members of Torridge District Council including the Chair of the Community and Resources Committee

3 Members who shall not be Members of Torridge District Council but whom, because of particular expertise or interest, the Council considers should be members of the Working Group.

Initial appointments of independent members shall be for a period of 6 months and may be extended to four years, subject to review. Subsequent appointment of independent members shall be for a period of 4 years.

Chairman

The Chair of the Working Group shall be the Chair of the Community and Resources Committee. The Working Group shall appoint a Vice Chair as part of the business of the first meeting and from time to time thereafter. If the Chair and Vice-Chairman are not present at a meeting, the Working Group shall appoint a Chair to act at that meeting from amongst those present.

3. Quoracy

The quorum level shall be 4.

Membership can be expanded on agreement of the group. External representatives can also be invited to join the group subject to approval of the Chair, to offer specialist advice or support. Officers will attend to support the Working Group, as necessary. Members can nominate substitutions at meetings if necessary.

The Climate Change Working Group shall have no decision-making powers other than the power to make recommendations to the Council's Community and Resources Committee

Agenda Item 11

Agenda Item

REPORT OF **Head of Communities and Place**

To: **Full Council**

Subject: **The Plough Arts Centre**

Date: **19/06/23**

Reference:

PURPOSE OF REPORT:

To resolve whether to support the decision of Community and Resources Committee, in January 2023, to agree to an unbudgeted contribution of £10,000 per year for three years towards the running costs of the Plough Arts Centre and if so how that commitment is funded.

1. INTRODUCTION

The decision of Community and Resources Committee (C&R) to approve a contribution of £10,000 per year for three years to the Plough Arts Centre was made subsequent to the approval of the Council's 2023/24 budget and was therefore not included within. Full Council should consider whether it supports the C&R resolution and how that commitment might be funded.

2. REPORT

The Plough Arts Centre report and supporting documentation that was presented to Community and Resources Committee is attached as Appendix 1.

The minutes of the Community and Resources Committee meeting record the following in relation to the debate on the item:

The purpose of the report, presented by the Head of Communities & Place, was to update Members on the Plough Arts Centre and to consider whether it is possible to provide the organisation with revenue support.

Following an enquiry from Councillor Christie, the Head of Communities & Place clarified the position regarding the bid submitted by the Plough to become a National Portfolio Organisation (NPO) and to receive core support of £120,000 per year for three years. The bid set out that the organisation would receive Local Authority Grants, but it did not state which Local Authority.

It became apparent during the discussion that Members were wanting to provide core funding to support the organisation but were also mindful of the Council's financial position.

The following proposals were put forward;

It was proposed by Councillor Bright, seconded by Councillor Laws that the Council provide a contribution of £10k per year for three years.



Councillor Christie proposed to support the Plough and for each Councillor to give £250 from their Councillor Grants for three years and that would give a total of £9k. There was no seconder for this motion.

Councillor Hodson proposed an amendment to Councillor Brights motion –

“To contribute £10k this year and to review the position this time next year.”

This motion was seconded by Councillor Hurley.

Councillor Newton proposed a minimum of £10k for three years and this to be reviewed on an annual basis. There was no seconder to this motion.

Following further discussion, a vote was taken on the amendment proposed by Councillor Hodson and seconded by Councillor Hurley.

(Vote: For 4, Against 7) The motion was lost.

A vote was then taken on the proposal by Councillor Bright, seconded by Councillor Laws and -

Resolved:

That a contribution of £10k per year for a period of three years be approved.

(Vote: For 9, Abstentions 2) The motion was carried.

Subsequently the decision of Community and Resources Committee to approve a contribution of £10,000 per year for three years to the Plough Arts Centre was the subject of call in by the Chair of Internal Overview and Scrutiny Committee.

At a meeting of Overview and Scrutiny Committee (Internal) on the 16th March 2023 the decision of Community and Resources Committee was considered and debated.

The minutes of that meeting record the following:

Councillor Watson clarified the reason for his call-in which was to scrutinise the figure of £10k and not to agree to £25k which was not affordable to the Authority.

Councillor Cottle-Hunkin referred to conversations she had had with Senior Officers in relation to the call-in procedure and confirmed she had been advised that an alternative recommendation increasing the funding for the Plough could be proposed. She spoke passionately giving reasons as to why the Authority should be supporting the Plough.

The Head of Legal clarified the call-in process - if an alternative recommendation was made at this meeting it would need to go back to Community & Resources Committee to ascertain whether they agree with the alternative recommendation. If they did not agree it would then go to Full Council for resolution.

The Financial Manager addressed questions and concerns and reported on the impact this would have on the Council's financial position. In February the Council approved the budget, this did not include financial support for the Plough, therefore it will be for Members to determine how the support will be funded.



During the debate it became evident that although Members supported the Plough, they were also mindful of the Council's financial position.

The Head of Communities & Place responded to comments made regarding monies given to the Burton Art Gallery which he advised was not funding but is by way of a Service Agreement.

Councillor Watson emphasised strongly the affordability aspect for the Council, should funding support be given.

Following the debate, it was proposed by Councillor Langford, seconded by Councillor Harding that the decision of Community & Resources Committee stands.

It was proposed by Councillor Inch, seconded by Councillor Watson that funding support is not given to the Plough.

Councillor Cottle-Hunkin proposed that a contribution of £25k is given to the Plough. There was no seconder for this Motion.

Following further discussion Councillor Inch withdrew his motion.

A vote was taken on the proposal by Councillor Langford, seconded by Councillor Harding and –

Resolved

That the decision made by Community & Resources Committee for a contribution of £10k per year for a period of three years stands.

(Vote: For 6, Against 2, Abstentions 1)

3. IMPLICATIONS

Legal Implications

As set out in C&R report

Financial Implications

As set out in the C&R report

Human Resources Implications

As set out in C&R report

Sustainability Implications

As set out in C&R report

Equality/Diversity

As set out in C&R report

Risk Management

As set out in C&R Report

Compliance with Policies and Strategies



As set out in the C&R report

Lead Member Views

As set out in the C&R report

3. CONCLUSIONS

Community and Resources Committee resolved:

That a contribution of £10k per year for a period of three years be approved.

It is now for Full Council to resolve upon whether that unbudgeted resolution should be supported and, if so, how the Council should fund the commitment.

5. RECOMMENDATIONS

That Members consider whether to support the Community and Resources Committee resolution that a contribution of £10k per year for a period of three years be approved.

If members are minded to support the Community and Resources resolution then it is possible to ring-fence and set aside £30k from the draft 2022-23 budget surplus, which will be reported to the next Community & Resources Committee.

SUPPORTING INFORMATION

Consultations:	Chief Executive, Head of Legal and Governance, Finance Manager and S151 Officer
Contact Officer:	Sean Kearney
Background Papers:	



Agenda Item

REPORT OF Head of Communities and Place

To: Community and Resources Committee

Subject: The Plough Arts Centre

Date: 30th January 2023

Reference:

PURPOSE OF REPORT:

To bring an update on the Plough Arts Centre and to consider whether it is possible to provide the organisation with revenue support.

1. INTRODUCTION

In September 2020, the Finance Manager & Interim S151 Officer presented the report, the purpose of which was to update Members on the latest financial position of the Plough Arts Centre following the decision made by Community & Resources Committee on the 16 March 2020 to support the Plough with a one off grant contribution of £25,000 in light of the subsequent changes that have occurred at the Plough due to the Covid-19 lockdown.

Committee resolved that the funding of £25,000 be released and that this matter be included on the Forward Plan for September 2021 for Members to consider whether to release a further £25,000.

In October 2021 a further report was presented to committee (as requested above).

The Finance Manager (S151 Officer) presented this item and updated Members on the latest financial position of The Plough Arts Centre, Torrington, following on from the decision made by Community & Resources Committee on 7 September 2020 to support them with a one off grant contribution of £25,000.

At that meeting it was resolved that Torridge Officers continue to work with the Management of The Plough over the coming months in relation to the Business Plan, to ascertain the ongoing viability of The Plough in a post Covid-19 restriction world, with a view to bringing an updated report Community & Resources Committee for consideration.

This report provides the current position following the discussions that have been held between the organisations and concludes with a request from the Plough that the Council provides core funding to support the organisation.

2. REPORT

Subsequent to initial discussions held with the Plough, that followed the decision to provide a one-off funding contribution of £25K the Council has received three documents from the Plough, both attached.

- Plough Business Plan 2022-2025 (Appendix 1)
- Plough Budget report as at September 2022
- FA Monitoring finances – 23/24

With regards to the Business Plan the document attached doesn't provide a costed budget for the period 2022-2025. The most recent budget provided was for 2023-24 shows:

- a) The Plough is forecasting a breakeven position for the financial year 2023 (April 2023 – March 2024). Largely due to receiving £120k from Arts Council for NPO/ISPO.
- b) There isn't a breakdown of the anticipated local authority contributions @ £50k included within the budget.
- c) As at the close of March 2024 they are projecting to have cash balances of circa £159k, assuming they receive £50k in total from local authorities.
- d) The Business Plan refers to substantial designated reserves, it doesn't provide a breakdown but in total they are £283k.

The Business Plan, in the finance section, makes reference to:

- a) An increasing box office income by 6% per annum over the next three years
- b) Stronger fundraising as a means of generating income
- c) Increasing ancillary sales
- d) the anticipation of a range of support from local authorities in the area to support activities.

The Plough budget report as at September 2022 shows the organisation receiving £25k in Local Authority Grants, it is assumed this refers to funding from Great Torrington Town Council £10k and Barnstaple Town Council £15k.

National Portfolio Organisation Status

From April 2023 the Plough will become a National Portfolio Organisation (NPO) and as in November 2022 they received a conditional offer of core support of £120,000 per year for three years. The specific conditions are unclear at the time of writing this report.

At that time Chair of the Trustees, Hugh Wormington, added "This excellent news will enable us to play a full and equal part in the arts & community infrastructure of Northern Devon as we rebuild our audience base and initiate new community projects, so that we can work towards celebrating the 50th anniversary of the venue in three years' time. It is also dependent on garnering fresh support from funders (including TDC) and ongoing support from businesses and supporters that have assisted us to date. This historic funding announcement is testament to the commitment and endeavours of all our staff and

volunteers, over many years, alongside everyone who currently values and supports the venue.” Source <https://www.theploughartscentre.org.uk/press/plough-welcomes-historic-funding-news>

In discussions with the Plough about future funding the following was reported to have been included in the NPO application.

There is an anticipated £33K specific increase from local authorities (as annual grants) with particular reference to funding outreach expansion. We are aiming to be a lead body in achieving the geographical aspirations of the new Northern Devon Cultural Strategy (and more generally, Levelling Up).

And this is an excerpt from the Arts Council assessment of the NPO bid:

FINANCE The request is for £360K over three years at 17% of turnover representing reasonable value for money for the scope and scale of work, with good LA support (£58K). The balance sheet evidences current financial stability with £266,113 net assets and a current ratio of 2.8, the budget is projecting break even over three years although there is a risk in relation to the depletion of reserves over that period. Should an award be made we would need to agree SMART objectives with regards to how that risk will be managed and mitigated.

The Plough have informed the Council that they did add qualifications in bid the text around LA support (they already get 10k from Great Torrington Town Council, £15k from Barnstaple town - and that they didn't say the target of £25k from TDC was confirmed). Source -Peter Stiles, The Plough.

3. IMPLICATIONS

Legal Implications

The Council has no legal obligation to provide support for discretionary activity.

Financial Implications

The Council in setting its budget 2023/24 and Medium Term Financial Strategy (MTFS) has not included recurrent funding to the Plough of £25k per annum. The MTFS report to Community & Resources of the 30th January shows a cumulative deficit over the period of £1.2m.

Should members want to commit the Council to fund the Plough annually to the tune of £25k per annum, then the cumulative deficit will rise by £125k to £1.325m.

Human Resources Implications

None

Sustainability Implications

None

Equality/Diversity

None

Risk Management

Any decision will need to balance public finance, compliance with legislation and reputation.

Compliance with Policies and Strategies

All regulatory activity will be carried out in accordance with current policy and procedures.

The Plough are an important delivery partner for the Northern Devon Cultural Strategy.

Data Protection (GDPR) Implications

None

Lead Member Views

Councillor Cottle-Hunkin – Consulted 23/01/23

”As we all know, The Plough Arts Centre is such a fantastic asset to us here in Torrington and beyond. Its offer is wide-ranging, from youth theatre, art masterclasses and exhibitions, workshops for adults with additional needs, social prescribing, community events (such as the recent free Christmas dinner for people on their own over Christmas), as well as their productions, shows, music and cinema. We can clearly see that the Plough benefits people from all walks of life, all ages and all backgrounds, attracting people from across the region. This has now been recognised nationally by the Arts Council England who has awarded them National Portfolio Organisation status, and as the local District Council we should be showing our commitment to the great work that they do through regular core funding. This continued support will also help The Plough when applying for future external grants. Let’s not forget the value for money this will offer and will also help us to meet our key strategic aims towards arts and culture, health and well-being, the economy and vibrant town centres, as well as raising aspirations for our young people in Torrington.”

4. CONCLUSIONS

The Plough is a much-valued cultural resource for the residents of Torrington and those further afield. In addition, it is a valuable asset for Great Torrington that adds vibrancy and vitality to the town centre.

The organisation has achieved NPO status and has ambitious plans to deliver a high-quality service, develop their audience and ensure good management and governance.

The Plough have not yet provided the 3-year costed business plan. The attached documents infer that this document remains under development and will be completed with the organisation better understand the financial support that might, or might not, be available to them.

The Council has not budgeted to provide the anticipated £25K support that is anticipated by the Plough. The Council has not in fact budgeted to provide any ongoing financial support to the organisation beyond the £25K already granted.

The latest budget figures provided show that even if Torridge were not to make a financial contribution the organisation would still have cash balances significant enough to continue its operation in 23/24.

It is understood that funding from the Council is not an essential prerequisite for the organisation to be able to draw down NPO funding. It has though been suggested that a contribution from the Council would demonstrate local support and commitment to the organisation and make future NPO applications more robust.

In November the Council approved a £50k ring-fenced capital pot for culture in the Rural England Prosperity Fund. When launched (23/24) it is anticipated that the Plough could apply for capital support from that fund.

5. RECOMMENDATIONS

That, in the knowledge that the Council's Medium Term Financial Strategy report shows a cumulative deficit of £1.2m, members should resolve upon whether or not to provide a contribution towards the core running costs of the Plough and if so, over what period.

SUPPORTING INFORMATION

Consultations: SMT, EDO, Lead Member. Peter Stiles

Contact Officer: Sean Kearney

Background Papers:

REPORT OF Section 151 Officer
To: Full Council
Subject: Joint purchasing of utilities
Date: 19th June 2023

Reference:

PURPOSE OF REPORT: For members to approve Torridge membership of the Devon Energy Purchasing Consortium.

1. Introduction and background

- 1.1. Since 2016, the Council contracts with Laser Energy Group (Kent County Council) to procure, manage and supply its gas and electricity (both metered and unmetered). Torridge is a member of a purchasing “consortium” called the Devon Energy Group with Devon County Council acting as lead authority. Other members include Devon District Councils, Devon County Council, Torbay Council, Dartmoor National Park and Devon & Somerset Fire and Rescue.
- 1.2. Laser are a specialist trading arm of Kent County Council dedicated to delivering gas, electricity and other utility value added services for the public sector. They are an established **PBO** (Public Buying Organisation) set up for this very purpose.
- 1.3. There are a number of elements which make up the billable rates for both gas and electricity. In general, commodity costs account for around 50% of electric charges and 60% of gas charges. With recent market volatility the percentage of billable charges arising from commodity costs has fluctuated between 45 and 80%. Laser’s purchasing strategy helps manage such volatility.
- 1.4. There are a number of key elements that make up the billable rate. For gas a high percentage is still made up of the wholesale price, but electricity has seen other cost factors increase, such as network costs (distribution and transmission) and green levy. This has reduced the impact of wholesale electricity changes on the billable rate. Electricity transmission distribution charges within the South West are higher than the national average, this is due to electricity being transported over longer distances, using more of the transmission system.
- 1.5. Laser purchase the energy requirements for members of the Devon Energy Group a year in advance, from 1st October to 30th September, for the following supply year. This is known as PIA (Purchase in Advance model). This provides budget certainty, although weather can have a significant impact on consumption within a year. Other models such as PWP (Purchases Within a Period) allow for in year purchase of energy, at the cost of budget certainty. The past years volatility in energy prices has shown how the cautious but more predictable model has been better suited to Torridge’s budgetary environment,
- 1.6. Torridge Council’s expenditure in 2022/23 on gas and electricity was £664k.

2. Next Steps

2.1 The current arrangement with Laser expires on the 30th September 2023, the options available to the Devon Energy Group are:

- Continue with existing procurement model via a PBO
- Carry out a full procurement including utility brokers
- Procure using a PBO framework

The advantages and disadvantages of each approach are detailed below:

	Advantages	Disadvantages
Continue the existing model of procuring energy (gas & electricity) requirements through a Public Buying Organisation (PBO)	Aggregated volumes will give more purchasing flexibility	Loss of control with public body buying our gas and electricity.
	Continued improved monitoring of markets will better inform purchasing decisions.	Issues in pricing transparency of PBO charges.
	Governance board in place with third party specialist organisation auditing and challenging.	Delegated authority would need to be given to the PBO to purchase energy on our behalf (although a still within Public Sector). This is already taking place with TDC energy contracts.
	Direct award can be made to a PBO, subject to authorities being satisfied it meets their own financial regulations and value for money	Cost of change unless incumbent.
	Central Government are encouraging authorities to join PBO energy consortiums.	
	PBO's undertake UK compliant competitive procurement exercises with regulated energy providers.	
	PBO competitive procurement exercise to open market tests the market and demonstrates value for money.	
	Using aggregated volumes to drive cost savings and innovation.	
	Any profits reinvested into public services.	

	Advantages	Disadvantages
Carrying out a full OJEU procurement including utility brokers	Allows all organisations both public and private to bid providing greater competition and opportunities in delivering savings and innovation.	Last time DCC (Energy Group Lead) and others went out to a full OJEU procurement five bids were received, two from 'the big six power companies' three from PBOs and one utility broker company. Only one of the bid responses was compliant to our tendered requirements.
		Delegated authority may need to be given for the private company (if successful) to purchase energy on TDC's behalf. TDC needs to be comfortable with providing this.
		Limited governance on utility brokers compared to PBOs & the regulated energy companies.
		Brokers would apply a profit administration margin and would need to transact with one of the regulated energy companies who in turn would apply a management fee.
		Appointing a broker can involve extended times in resolution of account management queries.
		Pricing transparency with multiple suppliers in the chain is often difficult to obtain and monitor.
		Time and resource required to undertake the procurement and cost of change.
		Public authorities tend to have few HH sites but a high number of NHH which are less attractive to the market being low usage but still requires maintenance and support. Whereas a HH site is high volume and value which is more appealing to the market.

	Advantages	Disadvantages
Procure using a PBO framework	Using a PBO framework would be OJEU compliant without TDC having to run a further procurement process.	The time and resource required to research, identify if the frameworks provide value for money. Potential cost of change with changing meters over to new suppliers/providers.
	Preferential to TDC bespoke terms and conditions	
	To establish a framework, the PBO would have been through an OJEU compliant competitive process to demonstrate value for money.	
	Mutual public sector interest in supporting public bodies.	
	Profits are reinvested within the Public Sector.	
	Energy volumes aggregated to give better purchasing volumes.	

The preferred procurement model of the Devon Energy Group is the procurement using a Public Buying Organisation (PBO).

There are four PBO frameworks available for the procurement of Electricity and Gas

- Crown Commercial Services
- Eastern Shire Purchasing Organisation
- Yorkshire Purchasing Organisation
- Laser

All of the above are UK procurement regulations compliant framework allowing for direct call off; **however all except Laser** would require the following.

- Change of Gas supplier requiring changes to contractual terms
- Changes of supplier for electricity means costs of change plus additional administration and contract management. Removing the advantage of having a single point of contact for gas and electricity queries
- There would be switching costs, time and resources and there is a potential for disruption to service.

Benchmarking Energy Costs

It is very difficult to benchmark energy costs especially for electricity. There are many variable factors that make up a meter point bill. To do an accurate benchmark an exact like for like comparison would need to be made at the same point in time against that same meter.

However, there are elements of the billable rate we are able to compare and contrast as detailed below:

Organisation	Call off method	Outcome of investigation	Recommendations
Crown Commercial Services (CCS)	Framework	<p>Costs not made available. Must go with price offered.</p> <p>Deal direct with energy supplier no direct account management support from CCS. Different approach to energy baskets.</p>	<p>Not able to benchmark price. CCS do charge a flat supplier spend rebate fee assumed to be their standard 1% . In addition, there will also be a cost to serve fee applied by CCS or the contracted supplier. Laser charge around £9055 management fee in the standing charge. This is based on current volumes.</p>
The Yorkshire Purchasing Organisation (YPO)	Framework	<p>Costs not made available. Must go with price offered.</p> <p>Deal direct with energy supplier no direct account management support from YPO. Different approach to energy baskets.</p>	<p>Not able to benchmark price. YPO do charge a flat supplier spend rebate fee assumed to be their standard 1% . In addition, there will also be a cost to serve fee applied by YPO or the contracted supplier. Laser charge around £9055 management fee in the standing charge. This is based on current volumes.</p>
Eastern Shires Purchasing Organisation (ESPO)	Framework	<p>Costs not made available. Must go with price offered.</p> <p>Deal direct with energy supplier no direct account management</p>	<p>Not able to benchmark price. ESPO do charge a flat supplier rebate fee but not clear what this is. In addition, there will be a cost to serve fee for managing the</p>

		support from YPO. Different approach to energy baskets.	contract. Laser charge around £9055 management fee in the standing charge. This is based on current volumes.
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Laser Energy – cost to serve breakdown charges per annum, (this information is based on 2022/2023 estimated volumes)

Cost of Change

If TDC moved suppliers, there would be switching costs which would require time and resources to manage. This would mainly be in procurement but could impact other areas such as Finance, Estates dealing with the changes and administration that would arise from such a switch.

Supply transfers for gas and electricity from one provider to another require approximately 28-days notice providing there are no objections.

The problems that often occur and make transfer of sites very administratively intensive are:

- Supplies not being transferred due to outstanding debts on the accounts;
- Supplies leaving Laser but not transferred to new provider, thus leaving the supply 'shipperless';
- Issues relating closing reads (from current provider) and opening reads (from new provider);
- Setting up the correct billing details.

If an issue does arise relating to a supply, it can often take months and in extreme cases years to resolve.

As a rough estimate for procurement alone we would anticipate a Procurement Officer time being 0.5 FTE for 6 months, then 0.25 FTE for 6 months.

Renewable Energy

TDC have declared a climate emergency and have a number of targets to reduce its carbon output.

Purchase of renewable electricity can play a part in reducing our carbon output but only if our funds are used to generate additional renewable electricity, rather than coming from the existing UK national fuel mix. There is considerable evidence to show purchase of renewable electricity, even when backed by REGOs (Renewable Energy Guarantees of Origin) are simply 'greenwashing'.

The PBOs offer up various initiatives to assist Councils in meeting their aims. Laser offers a comprehensive set of initiatives that can be used by Public bodies to help them meet their targets. In the new Laser framework, there is a second Lot with a significant focus on green initiatives, with suppliers available assist TDC in their requirements.

Laser is working closely with TDC in offering advice and guidance on power purchase agreements and how these could enable TDC to purchase renewable energy in line with our policy target.

3. Summary

Central Government actively encourage the use of PBOs by public bodies as the best way to aggregate spend and achieve best value by using specialist energy management buying organisations such as Laser Energy Group (part of Kent County Council).

Torridge Council has compared the different PBO frameworks and their costs.

This report identifies no clear advantage in undertaking a full UK above threshold procurement exercise. The primary reason is the limited response when we last procured from the open market. There are 3 – 4 PBOs that are more closely aligned to public sector requirements and provide a competitive comparison. TDC can also choose directly from a PBO framework once best value has been identified. This negates the need for a lengthy procurement process.

It is recommended that Torridge should continue its existing contractual arrangement with Laser Energy Group who are part of Kent County Council for the reasons listed below:

- TDC have been part of the Laser energy contract since 1st April 2016. During this time TDC experienced some initial start-up issues but the contract is now stable with very few issues.
- The purchasing model is risk adverse by buying the gas and electricity a year in advance. This means the final billable rate will never be at the highest or lowest point in the market. Laser achieves near to or below average wholesale prices.
- Laser provides additional value-added services such as bill validation, full account management and billing support, various green energy initiatives and ongoing market updates with price predictions.
- TDC and other the Devon Energy Group Councils that use the contract are satisfied with the service from Laser.
- There is a governance board in Laser to ensure appropriate decisions are being made and use of public sector money.
- Laser's cost to serve and management fee is around £9,055 per year which when compared with the overall contract value is a very low percentage. Therefore, the focus is on the added value they provide.

In total, Laser's flexible frameworks have reduced the TDC energy spend by £113.3k per annum (see appendix 1 for breakdown) The new frameworks retain all the features and benefits of the existing frameworks in addition to several key enhancements:

- Enhanced social value requirements with a pot of up to £130k per annum to spend across initiatives nominated by Laser customers.
- A suite of options to help organisations achieve your net zero ambitions including:
 - Purchasing energy from Power Purchase Agreements
 - Sleeving in electricity from a customer's own Power Purchase Agreement
 - Selling electricity and gas from customer owned generation
 - Implementation of Demand Side Response and Energy Efficiency projects
 - Supply and install of on-site renewables or heat decarbonisation projects
- There is further support Laser can offer to assist organisations to reach net zero, which can be found out [Zero Carbon \(laserenergy.org.uk\)](https://www.laserenergy.org.uk)
- Additional protections against supplier failure – the option to switch between suppliers on the framework in the event of a supplier failing to deliver their contract commitments or going out of business.
- Enhanced trading strategies – the ability for Laser to amend and introduce new trading strategies to meet bespoke customer requirements and changing market conditions.
- Additional management information requirements – increased requirements on suppliers to provide meaningful management information to customers.
- Additional supplier Service Level Agreement requirements including enhanced KPIs and Poor Performance Remedies

4. Implications

Legal Implications

Procurement regulations allow contract awards from purchasing framework.

Financial Implications

These are contained in the report.

Human Resources Implications

Torrige's membership of the Devon Council's Energy Group and proposed renewal of the procurement of electricity and gas via Laser procurement framework relieves us of Torrige staff resources. The Council has one full time procurement officer.

Sustainability Implications

Are detailed within the report.

Equality/Diversity

None directly applicable to this report.

Risk Management

The proposed policy does not add an additional financial burden on to the Council.

Compliance with Policies and Strategies

In compliant with the Council's procurement policies.

5. Recommendations:

That Members

- Approve the Torrige Council joining with other members of the Devon Council Energy Group in contracting with Laser Energy Group (part of Kent County Council) to procure gas and electricity for the period 1st October 2024 – 30th September 2028.

Appendix A

Description	Avoided Cost contract life
LASER's purchasing performance - the prices achieved by Laser since the commencement of the framework are lower than the average market prices over this period.	£101.3k
Lower Supplier Management Fees - reduced fees from your gas and electricity suppliers compared to buying as a stand-alone customer.	£9.1k
Shaping Benefits - aggregating the volumes of multiple customers flattens the overall usage profile, allowing our traders to purchase at a lower price.	£0.8k
Entire Market Pricing - when Laser submits a bid to buy a block of energy, our suppliers are compelled to put this bid into the open market. This means we receive the lowest price anyone in the entire market is prepared to offer.	£0.4k
Flexibility of Trading - our large energy purchase volumes mean we can buy larger blocks of energy over the market, which come at a discount to buying smaller blocks of energy.	£0.1k
Volume Tolerance - Laser's volume tolerances apply at the aggregated customer level (rather than individual customer level) minimising the risk of load variance penalties. As an example, no penalties were incurred for reduced usage during Covid.	£0.1k
Transparency of pricing – Laser validates supplier's flexible prices and corrects any errors prior to opening bills being issued for each pricing period.	£1.7k

In total, Laser's flexible frameworks have reduced the TDC energy spend by £113.3k per annum. The new frameworks retain all the features and benefits of the existing frameworks in addition to a number of key enhancements with the new framework:

REPORT OF Finance Manager and Section 151 Officer

To: Full Council

Subject: Revision to Financial Procedures

Date: 19th June 2023

Reference:

PURPOSE OF REPORT:

To report on proposed changes to the Council's Financial and Contract Procedure rules.

1. INTRODUCTION

The Council's Financial and Contract Procedure rules were last amended and approved by Full Council on the 1st February 2021. The Council aims to update its Financial and Contract Procedure rules at least every two/three years. A report was presented to Audit & Governance on the 17th January 2023 with proposals for amending the Council's Financial Procedures. Audit & Governance recommended unanimously to Full Council that the proposed amendments to the Financial Procedures be adopted.

The report below details the proposed changes to the Financial Procedures first presented to Audit & Governance.

2. REPORT

The proposed revisions reflect amendments to consider the impact of inflation, there being no adjustment to financial limits since 2016. Other amendments reflects changes to posts, and procurement changes arising from the UK leaving the European Union. The aim in proposing these amendments is to strike a balance between oversight and control against operational efficiency.

The following are suggested changes for consideration by members.

Section 3 - Page 8

Current Wording

Total Value ex VAT	Quotations / Tendering for Goods and Services	Short listing
Up to £7,500	A minimum of one quotation, but good practice to seek most favourable prices and terms	Operational Manager or Designated Officer
£7,500 - £50,000	A minimum of three written quotations Where practical the Council's E-Procurement portal (Pro Contract) should be used to solicit quotations	Operational Manager or Designated Officer



Suggested Wording

Total Value ex VAT	Quotations / Tendering for Goods and Services	Short listing
Up to £10,000	A minimum of one quotation, but good practice to seek most favourable prices and terms	Operational Manager or Designated Officer
£10,001 - £50,000	A minimum of three written quotations Where practical the Council's E-Procurement portal (Pro Contract) should be used to solicit quotations	Operational Manager or Designated Officer

Rationale

With inflation at historic highs and the current financial limits not being updated since 2016, it would be sensible to increase the threshold at which managers needs to formally seek three tenders.

4.2.13 - Page 15

Current wording

Postal franking machines must be securely held and officers responsible will keep proper records of usage and certify the balance held in the machine at the 31st March each year.

Suggested Wording

Postal franking machines must be securely held

Rationale

There is no need for officers to record the balance held on the franking machines as at the 31st March as the potential balances are below the threshold level (£5,000) at which the Council posts year end accrual journals.

Current wording

6.1.7 - Page 39

Current wording

Shall provide each operational manager/member of SMT with a monthly budget report showing receipts and payments against budget.

Suggested Wording

Shall provide each operational manager/member of SMT with a quarterly budget report showing receipts and payments against budget.

Rationale

This aligns with the current quarterly QBR reporting to Internal Overview and Scrutiny, managers in practice can request an update on their budget position at any time.



6.7.7 - Page 48

Current wording

Assets valued at over £10,000 must be entered onto the Council Asset Register.

Suggested Wording

Assets valued at over £15,000 must be entered onto the Council Asset Register

Rationale

For accounting purposes Capital is currently defined as expenditure over £10,000 on an item with a life of over one year. Bulk purchases of similar assets can be combined to be treated as capital, e.g. purchase the bulk purchase of ICT equipment with individual values of less than £10k could be classed as capital.

Full Council approval is required in order for all additions to the Council's approved capital program. The capital limits having not been raised for several years, consequently relatively minor equipment purchases now fall with Capital limits. Capital expenditure is accounted for differently from day to day revenue expenditure, requiring

- Creation of an entry on the Council's asset register
- Depreciation of asset over the life of the asset
- Identification of funding for all capital items

3. IMPLICATIONS

Legal Implications

n/a

Financial Implications

The financial implications are detailed within the report.

Human Resources Implications

None

Sustainability/Biodiversity Implications

None

Equality/Diversity

None

Risk Management

None

Compliance with Policies and Strategies

The report is written with reference to the Council's requirement to update its procedure rules on a regular basis.

Data Protection (GDPR) Implications

None



4. CONCLUSIONS

The Financial and Contract procedures as amended are a measured update reflecting the changing environment in which the Council operates.

5. RECOMMENDATIONS

It is recommended that:

- a) Members approve the revised revisions to the Financial and Contract Procedure rules detailed in the report as recommended by Audit & Governance.

SUPPORTING INFORMATION

Consultations: Date of Consultation – 06/06/2023
 Officers Consulted – Chief Executive, Senior Solicitor and
 Monitoring Officer, Economy & Planning Manager

Contact Officer: David Heyes

Background Papers:



REPORT OF Section 151 Officer
To: Full Council
Subject: Housing Benefit & Council Tax Support – War Pension and Armed Forces
Compensation Scheme
Date: 17th June 2023 Reference:

PURPOSE OF REPORT: For members to approve the adoption of Housing Benefit and Council Tax Support Policy for war widows/widowers of members of the armed forces and those receiving a disability related pension arising from their service within the armed forces.

1. Introduction and background

1.1. A recent external housing benefit audit recommended a formal adoption of a policy pertaining to the awarding Housing Benefit and Council Tax Support for those in receipt of a war widows/widower pension or in receipt of a disability related pension arising from their service within the armed Forces. This report and the attached policy address this recommendation.

2. Current Practice

The Housing Benefit Regulations 2006 make provision for the first £10 per week of income from War Widows (Widowers) pensions and armed forces related disability pensions to be ignored when calculating entitlement to Housing Benefit. The cost of this being reimbursed to the Council via the Housing Benefit Subsidy.

The Council has discretion to disregard further amounts when assessing entitlement to Housing Benefit, however this disregard of income comes at a cost to the Council, with the Council bearing the cost for 25% of the additional disregarded income.

The current practice of disregarding these income source comes at a cost to the Council of circa £7k per annum in terms of unrecoverable Housing Benefit Subsidy.

The Council also fully disregards these income sources when making assessment for Local Council Tax Support. The cost to the Council of disregarding this income for Local Council Tax Support is minimal as Torridge's share of Council Tax income is only circa 8%.

3. Conclusion

Given that the Council has adopted the Armed Forces Covenant it would appear inconsistent for the Council to not to formalise its current practices into a formal policy. The costs to Torridge Council of adopting this policy are minimal, and are currently within approved budgets

Implications

Legal Implications

The Council is required to set a balanced annual budget.

Financial Implications

These are contained in the report.

Human Resources Implications

n/a

Sustainability Implications

None directly applicable to this report.

Equality/Diversity

None directly applicable to this report.

Risk Management

The Council's exposure to expenditure is modest, and likely to decline over time as the caseload reduces.

Compliance with Policies and Strategies

Forms part of the strategy process.

6. Recommendations:

That Members

- Approve the attached policy for full disregards for War Widows/(Widowers) and disability related pensions arising from service with the armed forces.



**Housing Benefit and Council Tax Support
War Pension and Armed Forces Compensation
Scheme Income Disregard Policy (Modified
Scheme)**

Contents

Introduction	3
The Council's policy (Modified Scheme)	3
Administration of the Scheme	3
Legislation	4
Fraud	5
Review	5
Appendix A	6

Introduction

The Housing Benefit Regulations 2006 make provision for the first £10.00 per week of income from War Widows (Widowers)/War Disablement Scheme and the Armed Forces Compensation Scheme to be disregarded in the assessment of any Housing Benefit entitlement. The cost of this disregard is fully reimbursed to the Council through Housing Benefit Subsidy.

The Social Security Administration Act 1992 at sections 134 and 139 give the Council discretion to disregard any further amount it chooses in addition to the statutory provision in accordance with its approved Modified Scheme.

The Council's Policy (Modified Scheme)

For the purposes of the calculation of Housing Benefit and Council Tax Support entitlement and as ongoing support to armed forces personnel, the Council will disregard 100% of all income from War Widows (Widowers)/War Disablement Scheme and Armed Forces Compensation Scheme payments/awards prescribed at Annex A.

Monies from these schemes are intended to:

- Ensure that members of the armed forces who have been disabled during service or the widows, widowers or surviving civil partner of those who have died in the service of their country, should not be disadvantaged by having their pensions or payments made in relation to their service taken into account in the calculation of their Housing Benefit entitlement;
- Ensure continued alignment between the treatment of these incomes under the Housing Benefit scheme set by the Department for Works and Pensions and the Local Council Tax Support Scheme;
- Promote a clear and transparent assessment methodology;
- Provide staff with guidance for making reasonable, fair and consistent decisions;
- Provide clarity to reporting accountants on the Council's operation of a Modified Scheme

Administration of the scheme

Documentary evidence of entitlement to any of the pensions/awards as prescribed at Annex A must be supplied in support of any Housing Benefit and/or Council Tax Support application.

The claimant is required to notify the Benefits Team of any change to the war pension income.

Where failure to notify any change in any of the war pension incomes listed in Annex A results in an overpayment of Housing Benefit and/or Council Tax Support this will be recoverable from the claimant.

Legislation

The Regulations providing for this are:

- Housing Benefit Regulations 2006 paragraphs 2(1), 31(1), 40(1), (2) and Schedule 5 paras 8, 9 15, 53-55
- Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006 paragraphs 2(1), 29(1)(e)-(h),(l),(m), 30(1)(a) 33(9) and Schedule 5 paras 1-6
- Sections 134 (8)(a) and 139 (6)(a) of the Social Security Administration Act 1992
- Housing Benefit and Council Tax Benefit (War Pension Disregards) Regulations 2007 (as amended)
- Local Council Tax Support Scheme

Fraud

The Council is committed to the fight against fraud in all its forms. A person who tries to fraudulently apply for Housing Benefit and/or Council Tax Support by falsely declaring their circumstances or providing a false statement or evidence in support of their application, may have committed an offence under the Theft Act 1968. Where we suspect that such a fraud may have occurred, the matter will be investigated in line with the Council's Anti-Fraud Strategy. This may lead to criminal proceedings being instigated.

Review

The policy will be reviewed periodically, taking into account Council policies, priorities and any changes in legislation.

Appendix A

The Schedule

War disablement and war widow's pensions

PART 1

War disablement pensions

1. The war disablement pensions prescribed are -

(a) any retirement pay, pension or allowance granted in respect of disablement under powers conferred by or under -

- (i) the Air Force (Constitution) Act 1917;
- (ii) the Personal Injuries (Emergency Provisions) Act 1939;
- (iii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939;
- (iv) the Polish Resettlement Act 1947;
- (v) Part VII or section 151 of the Reserve Forces Act 1980;

(b) the following pay, pension or allowances, but only the part attributable to disablement or disability -

- (i) a wounds pension granted to a member of the armed forces of the Crown;
- (ii) retired pay of a disabled officer granted on account of medical unfitness attributable to or aggravated by service in the armed forces of the Crown;
- (iii) a disablement or disability pension granted to a member of the armed forces of the Crown, other than a commissioned officer, on account of medical unfitness attributable to or aggravated by service in the armed forces of the Crown;
- (iv) a disablement pension granted to a person who has been employed in the nursing services of any of the armed forces of the Crown on account of medical unfitness attributable to or aggravated by service in the armed forces of the Crown; and

(c) a payment made under article 14(1)(b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.

PART 2

War widow's pensions

2. The war widow's pensions prescribed are -

(a) pensions or allowances granted in respect of death due to service or war injury and payable to widows, widowers or surviving civil partners by virtue of -

- (i) the Air Force (Constitution) Act 1917;
- (ii) the Personal Injuries (Emergency Provisions) Act 1939;
- (iii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939;
- (iv) the Polish Resettlement Act 1947;
- (v) Part VII or section 151 of the Reserve Forces Act 1980;

(b) the whole or any part of a pension payable to a widow, widower or surviving civil partner -

- (i) under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006 insofar as that Order is made under the Naval and Marine Pay and Pensions Act 1865; or
- (ii) only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977;

and under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the Armed Forces of the Crown;

(c) a payment made under article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.